



Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: January 21, 2020

Item Number: 44

Item Description: Establishing an Emergency Outdoor Shelter

Submitted by: Councilmembers Harrison and Davila, Mayor Arreguin, and Councilmember Robinson

1. Correcting old references to 611 University being owned by the City to say that the City leases the property.
2. Clarifying that the cities of Los Angeles and San Jose were in 2018 granted permission to establish camps in the airspace beneath highways.

Attached is a track-changed copy with further edits since the Supplemental 1 packet highlighted and a clean copy for ease of reading.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
January 21, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember Robinson
Subject: Establishing an Outdoor Emergency Shelter

RECOMMENDATION

1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities ~~to be provided but not required~~:

- A. Climate-controlled, wind-resistant durable tents with wooden pallets for support.
- ~~B. Seeking an agency to manage and oversee the emergency shelter.~~
- ~~C.B.~~ Portable toilet service and handwashing service.
- ~~D.C.~~ Shower and sanitation services
- D. Garbage pickup and safe needle disposal.
- E. Enforcement of a good neighbor policy.
- F. An agency to manage and oversee the emergency shelter.

2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.

3. In light of the declared shelter emergency, temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.¹

4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.

¹ For example, tents and membrane structures are required to sit at least four inches off the ground, have wooden or concrete floors, and be equipped with smoke alarms. Though all of these requirements are important to the health and safety of Berkeley residents, they are arduous requirements to meet. The purpose is to provide temporary accommodations significantly better than current living conditions.

POLICY COMMITTEE TRACK

Reviewed and approved by the Health and Life Enrichment Policy Committee.

BACKGROUND

According to the Alameda County Point in Time count (see Attachment 1), there are 1,108 homeless people living in Berkeley, 813 of whom are unsheltered. Of the unsheltered people, 251 individuals are sleeping in a tent and 231 are sleeping on a street, sidewalk, or in a park, with most of the remainder sleeping in vehicles. Thus, roughly 500 people in Berkeley are sleeping in tents or without shelter altogether, whether officially sanctioned or not. Under current policy, many of these encampments do not have any trash, sanitary services, good neighbor policy, or engagement with services, creating unsanitary and unsafe circumstances for both the residents of the encampments and surrounding neighbors.

Over the past several years, Berkeley has made significant investments in affordable housing and supportive services. Shelter beds have also been expanded, such as approving by increasing capacity of some shelters such as that at the Veterans' Building, creating the Pathways STAIR Center and approving the Berkeley Way² project that will permanently house provide shelter for 59 people,³ which has already housed over 100. In total, we are now able to shelter about 295 people each night year-round;⁴ 100 beds have been added since 2016.

The City has ~~We have~~ also expanded mental health, crisis and refuse services, ~~are is~~ working to find a location for a safe RV parking site, and ~~has~~ we provided other homeless services.

Our long-term investments are working, but in the short term, people are sleeping in tents and outdoors without durable shelter, many near freeway onramps, a potentially dangerous situation and not a welcoming entry point to the City. ~~with autumn smoke and winter rains approaching.~~ In addition to deaths from the elements, transportation-related deaths were the third leading cause of death among the homeless in Los Angeles County in 2018.⁵ Living by highway onramps increases the likelihood of a deadly collision by many factors. Within the next year, we want to provide people with permanent housing. In the next month, we want to prevent anyone from dying of exposure and relieve the broader community of the health impacts of encampments.

An emergency outdoor shelter with durable tents and sanitation services is a short-term option that is safer and cleaner than the status quo of unsanctioned camping throughout the City. Emergency outdoor shelters should be seen only as a temporary fix. Berkeley ~~must will~~ continue to do its part and insist the county do its share to house people and

² <https://bfhp.org/news/berkeley-way/>

³ In addition to 97 permanently affordable units.

⁴ In addition, there are now 40 emergency winter shelter beds at Old City Hall.

⁵ <https://www.theguardian.com/us-news/2019/oct/30/homeless-deaths-los-angeles-county>

build permanently affordable housing and provide comprehensive services to lift people out of homelessness, prevent displacement and move into homes. However, despite our recent gains, ~~we are still at present unable to serve all homeless people in Berkeley simultaneously, and there are still growing public health issues and~~ gaps in service. The intention of this item is to create a limited number of sanctioned encampments operated in an organized fashion. ~~The emergency outdoor shelter has a~~With a 180-day suggested length of stay, the goal is that no individual will remain for an extended period of time as placement in an indoor navigation center or permanent housing are more appropriate mid- and long-term options.

The state of California has declared a shelter emergency⁶ as has the City of Berkeley.⁷ Berkeley's shelter beds are at capacity just about every night. The demand for beds is great – according to the Point in Time count, 98% of survey respondents said that they want to find permanent housing. At present, the need far outweighs the available beds, and it is time to look at other, temporary options.

Establishing a limited number of emergency outdoor shelters would represent a positive step for the ~~housed entire~~ Berkeley community ~~as well as neighborhoods that are most impacted, as well.~~ Lack of sanitation services, garbage collection, and potable water ~~affect both the homeless and their neighbors and~~ can spread infection and disease. Currently, rather than ~~cost-effectively~~ investing in resources to address these important issues, significant resources are being spent on ~~clean up and~~ enforcement, simply moving the issues elsewhere in Berkeley. The benefit of an emergency outdoor shelter is ~~the ability to~~it allows the City to choose the most appropriate location, ~~minimize the impact on neighbors~~ and provide appropriate services, ~~rather than current disorder.~~

~~At the September 10, 2019 City Council meeting, unhoused people and their advocates attended with signs⁸ that read “Where Do We Go?” There is currently a community of about 100 individuals living in tents or on the street in the area surrounding the I-80 freeway entrance on University Avenue. People live on a combination of City of Berkeley parkland and CalTrans-owned medians. CalTrans police chase residents onto City land, then City land pushes residents back onto CalTrans property, and there are no locations in this vicinity where any number of people can sleep safely. Various public agencies regularly threaten the residents of this property with permanent eviction. Sleeping in parks has long been prohibited by BMC 6.32.020.~~

A possible location is at 611-639 University Ave, beneath the bridge connecting Fourth Street and the Waterfront. It is a **City-leased**downed⁹ lot surrounded by light industry manufacturing to the North, South, and East, and I-80 and Eastshore Highway to the West, so located outside of residential or commercial zones. ~~There are currently about 15 tents set up in an alley between the lot in question and an industrial plant at 1930~~

⁶ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB932

⁷ “Extension of Housing Crisis Declaration.” Item 10, October 31, 2017, Berkeley City Council meeting.

⁸ http://berkeley.granicus.com/MediaPlayer.php?publish_id=627e4d8c-d4ce-11e9-b703-0050569183fa

⁹ Attachment 4

~~Second St.~~ The 611-639 University lot is mostly empty, with some room used to store ~~old~~ pipes, shipping containers, and other ~~disused~~ pieces of construction equipment.

~~Regardless of current use,~~ ~~T~~ the lot has room for about 15 tents from east to west (~~judging by the number of tents that are already along the north side of the lot~~) and, by estimate, room for about 5-8 tents from north to south. Arranged into a grid, there is the potential for up to 75-120 tents on this ~~parcel of City-owned but~~ under-utilized property.

Beyond simply being ~~used~~ by the City of Berkeley, there are other amenities that make it a strong candidate for the location of an emergency outdoor shelter. It is surrounded on all sides by MULI (light industrial manufacturing), so the emergency outdoor shelter will not disturb residential or commercial neighbors.¹⁰ Moreover, is not visible from I-80. The lot is adjacent to areas where unhoused people are currently living, thus transferring to this location would permit this community to stay together. There is a water main about 15 feet from the lot line (see attached pictures). The location is three blocks away from the Pathways STAIR Center, about a mile away from Berkeley Mental Health, and accessible via University Avenue and San Pablo Avenue bus routes.¹¹ The location fits the needs of our unhoused community, and is currently housing only ~~old pipes~~ ~~construction materials~~. It is a smart location for a City-managed emergency shelter. ~~Governor Newsom's 2021 budget requires that state agencies, including Caltrans, identify vacant state properties that can be used for shelter on an emergency and, as appropriate, ongoing basis. The City of Berkeley needs a shovel-ready emergency outdoor shelter to begin work as soon as Caltrans or another state agency lease us land to do so, as the Governor is requiring.~~

Other locations should be considered as appropriate, ~~including the area just south of Pathways on Cedar Street~~. Ideal locations would be owned and/or managed by the ~~City of Berkeley~~ ~~public agencies~~ in non-residential zones and be accessible by public transit.

Several other cities have already¹² established ~~or are considering establishing similar~~ emergency shelters in response to this housing and homelessness crisis. In February, the City of Modesto¹³ established several hundred tents under a bridge, where about 300-400 people sleep every night.¹⁴ The project, called the Modesto Outdoor Emergency Shelter (MOES), ~~has proven~~ ~~proved~~ extremely successful. On September 7, 2019, Gavin Newsom's Homeless and Supportive Housing Advisory Task Force met in Modesto to

¹⁰ The Homeless Shelter Crisis Resolution specifies that no planning, zoning, building, or other permit requirements shall be required to the extent that compliance would prevent, hinder, or delay the effects of the shelter crisis. Nonetheless, the site's classification as mixed use light industrial is an advantage,

¹¹ The proximity to public transportation is a strength of the location though it, like other homeless service providers, would be stronger with dedicated transportation as is called for in Item 33, "Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness" from the 11/12/19 Berkeley City Council Meeting.

¹² https://www.vice.com/en_us/article/vb9we3/the-homelessness-crisis-is-getting-so-bad-that-cities-are-now-building-their-own-camps

¹³ <https://www.modbee.com/news/local/article226465300.html>

¹⁴ https://www.youtube.com/watch?v=J_qQ54kZXmA&t=65s

“observe best practices firsthand.”¹⁵ MOES provides portable bathrooms, showers, and handwashing stations, nonprofits and agencies bring food, medical, mental health, and rehousing services, and the encampment is fenced and monitored by a security guard. An editorial in the Modesto Bee applauded MOES for “easing some suffering, however temporary.”¹⁶ MOES was always intended to be temporary until long-term accommodations could be constructed. The Modesto Outdoor Emergency Shelter is in the process of closing because ~~they are residents are being transitioning resident transitioned~~ indoors into a newly constructed homeless shelter.¹⁷ ~~, and now that Modesto and Stanislaus County have indoor accommodations for the unhoused, the MOES is being shut down.~~

~~An Oakland Councilmember is also advocating for using vacant lots to set up temporary transitional housing, including tent shelters.~~¹⁸ A statement reads that “our goals as a City should be housing our residents, [but] while people are living on our curbs, our focus should be public health and safety - the health and safety of unsheltered individuals and families, and surrounding communities, and addressing sanitation, trash and illegal dumping.”¹⁹

The Sacramento Mayor and City Council are also looking at using Modesto’s model.²⁰ Sacramento, like Berkeley, is in the process of building new shelters and affordable housing developments, but “as the city enters another month in crisis, other alternatives are coming to the fore.”²¹ Berkeley previously considered outdoor emergency shelters. At the February 13, 2018 Council meeting, the Council referred to the Homeless Commission a series of questions about what an outdoor emergency shelter may look like, including how many residents, who provides facilities, how rules are enforced, etc. (see Attachment 9). ~~The Commission has yet to respond.~~ In the nearly two years since this referral, homelessness has increased, as has the need for City-designated encampments.

~~Modesto, Sacramento, and~~ In his budget statement, Governor Newsom ~~have all recently concluded that outdoor emergency shelters are an appropriate temporary addendum, and that MOES models best practices for outdoor emergency shelters.~~ Berkeley has the opportunity to learn from Modesto and MOES, and establish a similar outdoor emergency shelter.

Durable Tents

¹⁵ <https://www.modbee.com/news/local/article234754707.html>

¹⁶ <https://www.modbee.com/opinion/editorials/article234558672.html>

¹⁷ <https://www.abc10.com/article/news/local/modesto/stanislaus-county-prepares-to-close-outdoor-shelter/103-c4b2b17e-e048-4b31-8627-a88fbd8214c2>

¹⁸ <https://www.oaklandca.gov/news/2019/media-a-new-councilmember-promises-progress>

¹⁹ “Supplemental Report for Encampment Management Policy and Program.” May 23, 2019. [Oakland City Council Meeting.](#)

²⁰ <https://www.sacbee.com/news/local/homeless/article234483397.html>

²¹ Ibid.

Working with suppliers to provide durable, waterproof tents for ~~those~~ unhoused people who require shelter would be a major step toward improving the health, safety and quality of life of Berkeley's homeless population and the broader community. ~~Nearly one third of Berkeley's homeless population currently lives in tents or makeshift shelters, a number that has doubled in the past two years.~~²² Creating a space with durable tents would allow this sizeable part of the homeless community to shift away from ~~temporary and~~ potentially unsafe, unsanitary and weather-prone tents.

Health and safety standards call for wood or concrete floors to raise tents off the ground. Providing wooden pallets underneath tents fulfills this requirement at a low price. ~~If feasible, collecting pallets should be a part of establishing the emergency shelter.~~

In addition, a portable solar powered system for charging phones, wheelchairs, or other electronics should be provided. Generators are also a possibility, but can be dangerous around so many people. High-quality solar generators are a one-time expense of about \$500-800 but will last for years, ~~and~~ can provide power to many people and be repurposed for other uses later.

Modesto's ~~established an encampment that now houses~~ approximately 400 people in were housed in 290 10x10ft waterproof tents,²³ donated by the Reno-based company Qamp.²⁴ These tents include a heavy-duty ~~steal~~ steel frame, screen door, and an insulating heat-reflective roof.²⁵ These tents are 150D polyester, which has a 200% lifespan compared with average camping tents.²⁶ The tents in Modesto were uniform in style, shape, and color (though some individuals chose to decorate), and they were arranged in rows:

²² 2019 HIRD Report

²³ <https://www.sacbee.com/news/local/homeless/article234483397.html>

²⁴ <https://qamp.com/products/qamp-tent?variant=35987893763>

²⁵ Ibid.

²⁶ <https://www.goodcampingtents.com/tent-fabrics/>



Other durable tents include those made by ShiftPod,²⁸ and Sweetwater Bungalows²⁹ produces larger tents intended for entire families. The purpose of this item is not to specify a vendor, but to lay out basic criteria for safe tents, including but not limited to:

- Insulation
- Wind resistance
- Solidity (easy to set up and take down, but with a durable frame)

Even outdoor shelter that is not perfectly uniform can be well-maintained. An example in Oakland shows residents installing their own white picket fences:

²⁷ <https://www.modbee.com/news/local/article234514447.html>

²⁸ <https://shiftpod.com/shiftpod/shelter>

²⁹ <https://www.sweetwaterbungalows.com/>



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Partnering with a local company to acquire similarly-sized tents would increase security, community wellbeing and order at the new encampment. Additionally, a 10x10 foot space grants homeless individuals a larger, constant and secure location to fit their belongings, ~~exceeding the 9 square foot allocation permitted by the Sidewalk Ordinance.~~

Since original submission of this item, local fundraising efforts from the unhoused and advocates have been able to replace and weatherize tents for many individuals. ~~If individuals choose to keep their own tents, the City may not need to provide tents for anyone upon initial set up, though they should be offered to those in need.~~

Staffing

A successful emergency shelter will require the City or a qualified non-profit providing services its residents or providing referrals to other qualified agencies. All services or referrals to services will be offered but not required. Such services include but are not limited to:

- Coordination of safety and security 24 hours a day
- Governance of the community, including arrangement of the tents
- Coordination of volunteerism and donations

³⁰ <https://www.theguardian.com/us-news/2020/jan/07/the-oakland-women-who-took-over-a-vacant-lot-to-house-the-homeless>

- Supportive services (such as case management and integration with existing homeless services)
- Rehabilitative opportunities to support the transition out of homelessness

Modesto partnered with Turning Point Community Programs to manage these services.³¹³² The city also invited other charitable organizations like the Salvation Army³³ to assist with shelter management and food services. Berkeley could similarly work with existing local organizations specialized in such projects that already provide services to Berkeley's homeless population, or expand existing city government services to the new shelter.

Having a team ~~to~~ supervise the camp outdoor shelter and provide case management, psychological services, and job search support for those who choose to utilize them would ensure that the outdoor shelter remain safe and clean the homeless residents have a shot at keeping their stay in the emergency shelter to a minimum. This could be handled similarly to the Pathways project, or through a mechanism similar to that of Modesto's outsourcing of most service responsibilities to non-profit organizations. In addition, behavioral rules that parallel those of other City shelters would be in place: The Pathways Center is a "low barrier" shelter with two key rules: no onsite drug or alcohol consumption, and a zero tolerance policy for abuse and harassment. Engagement with services is encouraged but is not a requirement for staying in the emergency outdoor shelter, as a low barrier emergency shelter, to increase their use and reduce homeless people continuing to reside in affected neighborhoods.

The emergency shelter should would allow people to leave their belongings be open at the site and be open 24 hours a day. Unhoused people want to know where they can go, and if they are removed every morning, that question remains unanswered. Many unhoused people do not utilize traditional shelters because they work nights, have partners or pets, or lack a place to store their belongings, and need to sleep when the shelter is closed. However, mostSome shelters have limited hours because they provide extensive services, meals, and other amenities, and do not have the resources to maintain this level of service all day. If there is aIn the direct tradeoff between hours of operation and the depth of service, this referral prioritizes hours of operation.

This becomes particularly important when addressing the needs of chronically ill and disabled people, many of whom have had crucial medications thrown away during sweeps. NPR reports³⁴ that this "aggravates" key health issues, but it can be lethal, especially in the case of a medication like insulin, in which the results of skipping doses

³¹ <https://www.tpcp.org/programs/moes/>

³² <https://www.abc10.com/article/news/local/modesto/modesto-homeless-community-to-leave-beard-brook-for-new-location/103-622123290>

³³ <http://www.stancounty.com/bos/agenda/2019/20190226/DIS01.pdf>

³⁴ https://www.npr.org/sections/health-shots/2020/01/10/794616155/sweeps-of-homeless-camps-in-california-aggravate-key-health-issues?utm_source=dvtr.it&utm_medium=twitter

can be dramatic and lead to coma or death. In the absence of other alternatives, this community should be an especially high priority.

A safe and secure environment is vital to the success of the project. A designated, limited space that would not allow extending tents on to surrounding streets is preferred. Setting up a fence and hiring a security team, as was done in Modesto,³⁵ would be one way to achieve this goal, though the lot at 611 University already has a fence surrounding it. Just as in Modesto, the need for security would have to be balanced with limited restrictions on entry and exit. Regulating permitted activities and items brought into the camp would also help ensure improved safety for its residents. Mobility around the camp can be ensured by capping the amount or size of possessions at what residents can fit in their own tents. A ban on bonfires would drastically reduce the risk to health and life of residents.

Staff ~~should~~would include one program and site manager to oversee the program, two ~~outreach-program~~ coordinators, and two housing navigators to assist the residents with finding permanent housing.

Toilets and Handwashing Stations

Proper sanitation is essential not only for the homeless but also adjoining communities.

The potential for disease in compact outdoor emergency shelters is significant, and decreases dramatically with adequate access to handwashing.³⁶ In 2017, three counties in California experienced an unprecedented hepatitis A outbreak that was primarily carried by the homeless population.³⁷ As part of the response, San Diego County implemented 160 new handwashing stations, which was highly influential in curbing the spread of the disease.³⁸ The Here/There encampment on Ashby and Adeline has a portable toilet and handwashing station that was donated by Friends of Adeline.³⁹

The City is making progress setting up public restrooms across the City, which is a positive development. However, ~~restrooms spread throughout the City do not meet the needs of a single community. A~~ highly concentrated group of people ~~(as currently exists on CalTrans land)~~ will have more intense restroom needs, and the City should establish restrooms to account for those needs.

There is a water pipe just northwest of the lot at 611-639 University (see Attachment 5) and while the toilet may be portable, there is the possibility to install a real handwashing station with running water, which would reduce the costs to refill a reservoir. Even if the

³⁵ <https://www.sacbee.com/news/local/homeless/article234483397.html>

³⁶ <https://www.cdc.gov/handwashing/why-handwashing.html>

³⁷ <https://www.mercurynews.com/2017/10/02/california-scrambles-to-contain-deadly-hepatitis-a-outbreaks/>

³⁸ <https://www.sandiegocounty.gov/content/dam/sdc/cosd/SanDiegoHepatitisAOutbreak-2017-18-AfterActionReport.pdf>

³⁹ <https://www.berkeleyside.com/2017/07/18/homeless-camp-city-berkeley-want-bathroom>

City decides that both the toilet and handwashing station are to be portable, the proximity to potable water provides options.

Mobile Shower Services

Berkeley has an ongoing partnership with [Dignity on Wheels Lava Mae](#), a mobile shower charity. Access to showers prevents disease and allows unhoused people to live in dignity. In addition to showers, ~~Lava Mae and other~~ many organizations ~~such as Dignity On Wheels~~ also organize day-long “care villages” that provide dental care, haircuts, clothing, vaccinations, and other services. For several months Lava Mae has been operating at two pilot locations in near the STAIR Center and at the Progressive Baptist Church.⁴⁰ However, according to City staff, ~~Lava Mae the shower program~~ is relocating their South Berkeley location to West Oakland. The mobile shower program has been extremely successful and has improved quality of life for unhoused people in Berkeley. ~~Rather than sending those services to Oakland, we should expand them.~~ Any sanctioned encampment will need some shower services for simple sanitary purposes, and by bringing them to Second and University, Berkeley can reinstate the previous practice of having mobile showers twice weekly, at two separate locations. Reinstating services at this location should not preclude finding other strategic locations for mobile shower services in Berkeley.

The City of Berkeley previously partnered with the Alameda County Mobile Healthcare for the Homeless⁴¹ program which is on hiatus due to staffing shortages. The program brings primary care to homeless individuals free of charge. If the program resumes service in Berkeley, a partnership with them will help keep residents sanitary and healthy.

Trash Pickup

~~On November 19, 2019, the Berkeley City Council voted to direct the City Manager to remove and dispose of garbage at encampments.~~ ⁴²⁴³ Reliable garbage pickup is crucial to the success of any homeless services. Excessive garbage is highly detrimental to all City residents, as it is unsightly and can attract rodents and disease. Currently there is a rodent infestation at the encampments on University and Frontage Road negatively affecting quality of life for the residents and visitors to the Marina. To prevent this in the future, we need reliable garbage pickup. ~~Housed Berkeleyans have their garbage removed and disposed of once a week. Unhoused people oscillate between having nothing, and having all of their belongings removed that do not fit in nine square feet, whether it is garbage or not.~~

⁴⁰ “Referral Response: Lava Mae Mobile Shower and Hygiene Services.” Item 66, September 10, 2019. Berkeley City Council Meeting.

⁴¹ <https://www.achch.org/mobile-health.html>

⁴² “Addressing the Trash Crisis in Berkeley”. Urgency Item, November 19, 2019. Berkeley City Council Meeting

⁴³ [Similarly, on June 4, 2019 the Modesto City Council voted unanimously to perform garbage removal and disposable services for the Outdoor Emergency Shelter \(see Attachment 2\).](#)

As a part of regular refuse pickup, the City or coordinating agency should provide sharps containers or other forms of safe needle disposal. Approximately 8% of homeless adults in the United States have diabetes,⁴⁴ and there are many other diseases that require sharps to mediate, including arthritis, hepatitis, HIV/AIDS, blood clotting disorders, and others.⁴⁵ Regardless of why an individual may need a sharp, safe disposal is critical to prevent the spread of infection. Putting sharps in the garbage is insufficient and can harm zero waste employees.⁴⁶ Sharps boxes can be purchased at drugstores and are inexpensive, but are crucial to the health and safety of all involved.

There is enormous need for refuse services for the homeless population. Early reports on enforcement of the Sidewalk Ordinance indicate that thousands of pounds of refuse have already been removed, since implementation began six months ago. Many complaints regarding homelessness to Council offices and 311 are concerning garbage and illegal dumping. All residents of Berkeley deserve clean streets, and refuse removal will provide not only cleanliness and safety to homeless residents, but more harmony among the community at large as well.

Initiating refuse service is a process typically initiated by the property owner⁴⁷ and performed by the Customer Service Division. Because 611-639 University is **leased** by the City of Berkeley, this item refers the initiation of refuse services to the City Manager.

REVIEW OF EXISTING PLANS AND POLICIES

The Strategic Plan includes several goals and priorities that are in line with an emergency outdoor shelter, including creating housing support services for our most vulnerable community members and fostering a resilient and connected City. The purpose of an emergency outdoor shelter is to provide basic shelter needs to the most vulnerable ~~as a City, not relying on private development to do so while longer-term solutions are being developed.~~

The 1000 Person Plan is a comprehensive plan to permanently end homelessness. Its costs is estimated at between \$16 million and \$20 million annually, depending on the depth of housing subsidies. The emergency outdoor shelter is not intended to supersede the 1000 Person Plan, but complement its goals and efforts. Finding 2 in the 1000 Person Plan says that our system is serving a progressively smaller percentage of the literally homeless population every year; the emergency outdoor shelter is a low-barrier way to serve more literally homeless people.

ALTERNATIVES CONSIDERED

⁴⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4318300/>

⁴⁵ <https://www.fda.gov/medical-devices/consumer-products/safely-using-sharps-needles-and-syringes-home-work-and-travel>

⁴⁶ Ibid.

⁴⁷

https://www.cityofberkeley.info/Custom_Service/Home/Refuse_Start_Stop_or_Change_Service.aspx

A possible alternative is to continue with the current situation. This alternative leaves both housed residents and the unhoused with unhealthy and unsightly alternatives and is costly to the city in enforcement.

Since original submission of this item, conditions at some of the encampments have deteriorated. There has already been a fire at a large encampment⁴⁸ and two homeless men have died on the streets.⁴⁹ The City expends significant resources in both the City Manager's office and the police force by moving unhoused individuals from place to place. By providing a place where people can go, this staff time can be directed back towards neighborhood services and curbing criminal behavior.

With a goal of a 180 day stay, this shelter should serve about 150 people annually. Direct subsidies are possible alternative, but direct subsidies cannot serve as many people would be vastly more expensive for as long as an emergency outdoor shelter for this number of individuals and will take time to implement.⁵⁰

FINANCIAL IMPLICATIONS

At roughly \$615,000 yearly, this proposal costs less than any aspect of the 1000 Person Plan except for outreach. Concentrating where people live on the streets makes outreach simpler and more cost effective.

The costs below could be considered most appropriate coming from Measure P funds allocated for Shelter and Temporary Accommodations or the General Fund, with the possibility of future funding from Homeless Housing, Assistance, and Prevention (HHAP) funds or other funds.

Please see Attachments 6 and 7 for a full breakdown of costs. Health, Housing, and Community Services provided a cost estimate for a full-service program, and; we removed a number of some line items to reflect the needs laid out in the item above and actions already taken by the Council. The emergency outdoor shelter is intended as an emergency measure, less service-intensive than a navigation center, and thus does not include a community tent and reduces the number of staff members to four in three roles. In addition, in April of this year staff elected not to fund community meals through our standard homeless services programming so that line item from the staff was not included. Furthermore, in the interim, some of the line items in the staff memo are being funded through other sources. The Clean and Livable Commons Initiative was funded and includes money for Port A Potties and dumpsters. Other Measure P monies were already allocated for rapid re-housing, thus we did not include that in the budget for this emergency shelter in particular.

In addition, this measure would reduce enforcement costs, as discussed above.

⁴⁸ <https://www.berkeleyside.com/2020/01/02/fire-at-west-berkeley-homeless-camp-causes-injury>

⁴⁹ <https://www.berkeleyside.com/2019/12/12/homeless-man-dies-by-uc-berkeley>

⁵⁰ The per person cost of the outdoor emergency shelter is equivalent to about one month's rent and a security deposit for a unit at the market rate.

ENVIRONMENTAL SUSTAINABILITY

Regular refuse removal will decrease littering and illegal dumping, in line with the City's Zero Waste goals.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ATTACHMENTS

- 1: Summary of Point in Time Count, 2019.
- 2: Modesto City Ordinance 2019-254.
- 3: *City Officials Suddenly Support Homeless Tent Cities, Car Camps in Sacramento Neighborhoods*, Sacramento Bee, August 29, 2019.
- 4: Map of 2nd and University and surrounding areas.
- 5: Pictures of 2nd and University and surrounding areas.
- 6: Health, Housing, and Community Services Memo on potential costs
- 7: Edited HHCS Memo on Costs
- 8: BMC Article 9 Section 19.28.100 Section N106
- 9: Supplemental 3 to Item 38a, "First They Came For The Homeless Encampment" at February 13, 2018 Berkeley City Council Meeting.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
January 21, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember Robinson
Subject: Establishing an Outdoor Emergency Shelter

RECOMMENDATION

1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities:
 - A. Climate-controlled, wind-resistant durable tents with wooden pallets for support.
 - B. Portable toilet service and handwashing service.
 - C. Shower and sanitation services
 - D. Garbage pickup and safe needle disposal.
 - E. Enforcement of a good neighbor policy.
 - F. An agency to manage and oversee the emergency shelter.
2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.
3. In light of the declared shelter emergency, temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.¹
4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.

¹ For example, tents and membrane structures are required to sit at least four inches off the ground, have wooden or concrete floors, and be equipped with smoke alarms. Though all of these requirements are important to the health and safety of Berkeley residents, they are arduous requirements to meet. The purpose is to provide temporary accommodations significantly better than current living conditions.

POLICY COMMITTEE TRACK

Reviewed and approved by the Health and Life Enrichment Policy Committee.

BACKGROUND

According to the Alameda County Point in Time count (see Attachment 1), there are 1,108 homeless people living in Berkeley, 813 of whom are unsheltered. Of the unsheltered people, 251 individuals are sleeping in a tent and 231 are sleeping on a street, sidewalk, or in a park, with most of the remainder sleeping in vehicles. Thus, roughly 500 people in Berkeley are sleeping in tents or without shelter altogether, whether officially sanctioned or not. Under current policy, many of these encampments do not have any trash, sanitary services, good neighbor policy, or engagement with services, creating unsanitary and unsafe circumstances for both the residents of the encampments and surrounding neighbors.

Over the past several years, Berkeley has made significant investments in affordable housing and supportive services. Shelter beds have also been expanded by increasing capacity of some shelters such as that at the Veterans' Building, creating the Pathways STAIR Center and approving the Berkeley Way² project that will provide shelter for 59 people.³ In total, we are now able to shelter about 295 people each night year-round;⁴ 100 beds have been added since 2016.

The City has also expanded mental health, crisis and refuse services, is working to find a location for a safe RV parking site, and has provided other homeless services.

Our long-term investments are working, but in the short term, people are sleeping in tents and outdoors without durable shelter, many near freeway onramps, a potentially dangerous situation and not a welcoming entry point to the City.. In addition to deaths from the elements, transportation-related deaths were the third leading cause of death among the homeless in Los Angeles County in 2018.⁵ Living by highway onramps increases the likelihood of a deadly collision by many factors. Within the next year, we want to provide people with permanent housing. In the next month, we want to prevent anyone from dying of exposure and relieve the broader community of the health impacts of encampments.

An emergency outdoor shelter with durable tents and sanitation services is a short-term option that is safer and cleaner than the status quo of unsanctioned camping throughout the City. Emergency outdoor shelters should be seen only as a temporary fix. Berkeley will continue to do its part and insist the county do its share to house people and build permanently affordable housing and provide comprehensive services to lift people out of homelessness, prevent displacement and move into homes. However, despite our recent gains, at present there are growing public health issues and gaps in service. The intention

² <https://bfhp.org/news/berkeley-way/>

³ In addition to 97 permanently affordable units.

⁴ In addition, there are now 40 emergency winter shelter beds at Old City Hall.

⁵ <https://www.theguardian.com/us-news/2019/oct/30/homeless-deaths-los-angeles-county>

of this item is to create a limited number of sanctioned encampments operated in an organized fashion. With a 180-day suggested length of stay, the goal is that no individual will remain for an extended period of time as placement in an indoor navigation center or permanent housing are more appropriate mid- and long-term options.

The state of California has declared a shelter emergency⁶ as has the City of Berkeley.⁷ Berkeley's shelter beds are at capacity just about every night. The demand for beds is great – according to the Point in Time count, 98% of survey respondents said that they want to find permanent housing. At present, the need far outweighs the available beds, and it is time to look at other, temporary options.

Establishing a limited number of emergency outdoor shelters would represent a positive step for the entire Berkeley community as well as neighborhoods that are most impacted.. Lack of sanitation services, garbage collection, and potable water affect both the homeless and their neighbors and can spread infection and disease. Currently, rather than cost-effectively investing in resources to address these important issues, significant resources are being spent on clean up and enforcement, simply moving the issues elsewhere in Berkeley. The benefit of an emergency outdoor shelter is it allows the City to choose the most appropriate location minimize the impact on neighbors and provide appropriate services.

A possible location is at 611-639 University Ave, beneath the bridge connecting Fourth Street and the Waterfront.⁸ It is a City-leased⁹ lot surrounded by light industry manufacturing to the North, South, and East, and I-80 and Eastshore Highway to the West, so located outside of residential or commercial zones. The 611-639 University lot is mostly empty, with some room used to store pipes, shipping containers, and other pieces of construction equipment.

The lot has room for about 15 tents from east to west and, by estimate, room for about 5-8 tents from north to south. Arranged into a grid, there is the potential for up to 75-120 tents on this under-utilized property.

Beyond simply being used by the City of Berkeley, there are other amenities that make it a strong candidate for the location of an emergency outdoor shelter. It is surrounded on all sides by MULI (light industrial manufacturing), so the emergency outdoor shelter will not disturb residential or commercial neighbors.¹⁰ Moreover, is not visible from I-80. The lot is adjacent to areas where unhoused people are currently living, thus transferring to this location would permit this community to stay together. There is a water main about

⁶ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB932

⁷ "Extension of Housing Crisis Declaration." Item 10, October 31, 2017, Berkeley City Council meeting.

⁸ While Caltrans has traditionally not allowed temporary structures beneath highways, they have carved out special provisions for the cities of Los Angeles and San Jose (See Attachment 10).

⁹ Attachment 4

¹⁰ The Homeless Shelter Crisis Resolution specifies that no planning, zoning, building, or other permit requirements shall be required to the extent that compliance would prevent, hinder, or delay the effects of the shelter crisis. Nonetheless, the site's classification as mixed use light industrial is an advantage,

15 feet from the lot line (see attached pictures). The location is three blocks away from the Pathways STAIR Center, about a mile away from Berkeley Mental Health, and accessible via University Avenue and San Pablo Avenue bus routes.¹¹ The location fits the needs of our unhoused community, and is currently housing only construction materials. It is a smart location for a City-managed emergency shelter. Governor Newsom's 2021 budget requires that state agencies, including Caltrans, identify vacant state properties that can be used for shelter on an emergency and, as appropriate, ongoing basis. The City of Berkeley needs a shovel-ready emergency outdoor shelter to begin work as soon as Caltrans or another state agency lease us land to do so, as the Governor is requiring.

Other locations should be considered as appropriate, including the area just south of Pathways on Cedar Street. Ideal locations would be owned and/or managed by the public agencies in non-residential zones and be accessible by public transit.

Several other cities have already¹² established or are considering establishing emergency shelters in response to this housing and homelessness crisis. In February, the City of Modesto¹³ established several hundred tents under a bridge, where about 300-400 people sleep every night.¹⁴ The project, called the Modesto Outdoor Emergency Shelter (MOES), proved extremely successful. On September 7, 2019, Gavin Newsom's Homeless and Supportive Housing Advisory Task Force met in Modesto to "observe best practices firsthand."¹⁵ MOES provides portable bathrooms, showers, and handwashing stations, nonprofits and agencies bring food, medical, mental health, and rehousing services, and the encampment is fenced and monitored by a security guard. An editorial in the Modesto Bee applauded MOES for "easing some suffering, however temporary."¹⁶ MOES was always intended to be temporary until long-term accommodations could be constructed. The Modesto Outdoor Emergency Shelter is in the process of closing because residents are being transitioned indoors to a newly constructed homeless shelter.¹⁷

An Oakland Councilmember is also advocating for using vacant lots to set up temporary transitional housing, including tent shelters.¹⁸ A statement reads that "our goals as a City should be housing our residents, [but] while people are living on our curbs, our focus

¹¹ The proximity to public transportation is a strength of the location though it, like other homeless service providers, would be stronger with dedicated transportation as is called for in Item 33, "Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness" from the 11/12/19 Berkeley City Council Meeting.

¹² https://www.vice.com/en_us/article/vb9we3/the-homelessness-crisis-is-getting-so-bad-that-cities-are-now-building-their-own-camps

¹³ <https://www.modbee.com/news/local/article226465300.html>

¹⁴ https://www.youtube.com/watch?v=J_gQ54kZXmA&t=65s

¹⁵ <https://www.modbee.com/news/local/article234754707.html>

¹⁶ <https://www.modbee.com/opinion/editorials/article234558672.html>

¹⁷ <https://www.abc10.com/article/news/local/modesto/stanislaus-county-prepares-to-close-outdoor-shelter/103-c4b2b17e-e048-4b31-8627-a88fbd8214c2>

¹⁸ <https://www.oaklandca.gov/news/2019/media-a-new-councilmember-promises-progress>

should be public health and safety - the health and safety of unsheltered individuals and families, and surrounding communities, and addressing sanitation, trash and illegal dumping.”¹⁹

The Sacramento Mayor and City Council are also looking at using Modesto’s model.²⁰ Sacramento, like Berkeley, is in the process of building new shelters and affordable housing developments, but “as the city enters another month in crisis, other alternatives are coming to the fore.”²¹ Berkeley previously considered outdoor emergency shelters. At the February 13, 2018 Council meeting, the Council referred to the Homeless Commission a series of questions about what an outdoor emergency shelter may look like, including how many residents, who provides facilities, how rules are enforced, etc. (see Attachment 9). The Commission has yet to respond. In the nearly two years since this referral, homelessness has increased, as has the need for City-designated encampments.

In his budget statement, Governor Newsom concluded that outdoor emergency shelters are an appropriate temporary addendum. Berkeley has the opportunity to learn from Modesto and MOES, and establish a similar outdoor emergency shelter.

Durable Tents

Working with suppliers to provide durable, waterproof tents for unhoused people who require shelter would be a major step toward improving the health, safety and quality of life of Berkeley’s homeless population and the broader community. Nearly one third of Berkeley’s homeless population currently lives in tents or makeshift shelters, a number that has doubled in the past two years.²² Creating a space with durable tents would allow this sizeable part of the homeless community to shift away from potentially unsafe, unsanitary and weather-prone tents.

Health and safety standards call for wood or concrete floors to raise tents off the ground. Providing wooden pallets underneath tents fulfills this requirement at a low price.

In addition, a portable solar powered system for charging phones, wheelchairs, or other electronics should be provided. Generators are also a possibility, but can be dangerous around so many people. High-quality solar generators are a one-time expense of about \$500-800 but will last for years, can provide power to many people and be repurposed for other uses later.

¹⁹ “Supplemental Report for Encampment Management Policy and Program.” May 23, 2019. Oakland City Council Meeting.

²⁰ <https://www.sacbee.com/news/local/homeless/article234483397.html>

²¹ Ibid.

²² 2019 HIRD Report

Modesto's approximately 400 people were housed in 290 10x10ft waterproof tents,²³ donated by the Reno-based company Qamp.²⁴ These tents include a heavy-duty steel frame, screen door, and an insulating heat-reflective roof.²⁵ These tents are 150D polyester, which has a 200% lifespan compared with average camping tents.²⁶ The tents in Modesto were uniform in style, shape, and color (though some individuals chose to decorate), and they were arranged in rows:



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Other durable tents include those made by ShiftPod,²⁸ and Sweetwater Bungalows²⁹ produces larger tents intended for entire families. The purpose of this item is not to specify a vendor, but to lay out basic criteria for safe tents, including but not limited to:

- Insulation
- Wind resistance
- Solidity (easy to set up and take down, but with a durable frame)

Even outdoor shelter that is not perfectly uniform can be well-maintained. An example in Oakland shows residents installing their own white picket fences:

²³ <https://www.sacbee.com/news/local/homeless/article234483397.html>

²⁴ <https://qamp.com/products/qamp-tent?variant=35987893763>

²⁵ Ibid.

²⁶ <https://www.goodcampingtents.com/tent-fabrics/>

²⁷ <https://www.modbee.com/news/local/article234514447.html>

²⁸ <https://shiftpod.com/shiftpod/shelter>

²⁹ <https://www.sweetwaterbungalows.com/>



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Partnering with a local company to acquire similarly-sized tents would increase security, community wellbeing and order at the new encampment. Additionally, a 10x10 foot space grants homeless individuals a larger, constant and secure location to fit their belongings.

Since original submission of this item, local fundraising efforts from the unhoused and advocates have been able to replace and weatherize tents for many individuals.

Staffing

A successful emergency shelter will require the City or a qualified non-profit providing services its residents or providing referrals to other qualified agencies. All services or referrals to services will be offered but not required. Such services include but are not limited to:

- Coordination of safety and security 24 hours a day
- Governance of the community, including arrangement of the tents
- Coordination of volunteerism and donations
- Supportive services (such as case management and integration with existing homeless services)
- Rehabilitative opportunities to support the transition out of homelessness

³⁰ <https://www.theguardian.com/us-news/2020/jan/07/the-oakland-women-who-took-over-a-vacant-lot-to-house-the-homeless>

Modesto partnered with Turning Point Community Programs to manage these services.³¹³² The city also invited other charitable organizations like the Salvation Army³³ to assist with shelter management and food services. Berkeley could similarly work with existing local organizations that already provide services to Berkeley's homeless population.

Having a team supervise the outdoor shelter and provide case management, psychological services, and job search support for those who choose to utilize them would ensure that the outdoor shelter remain safe and clean. This could be handled similarly to the Pathways project, or through a mechanism similar to that of Modesto's outsourcing of most service responsibilities to non-profit organizations. In addition, behavioral rules that parallel those of other City shelters would be in place: no onsite drug or alcohol consumption, and a zero tolerance policy for abuse and harassment. Engagement with services is encouraged but is not a requirement for staying in the emergency outdoor shelter to increase their use and reduce homeless people continuing to reside in affected neighborhoods.

The emergency shelter would allow people to leave their belongings at the site and be open 24 hours a day. Many unhoused people do not utilize traditional shelters because they work nights, have partners or pets, or lack a place to store their belongings. Some shelters have limited hours because they provide extensive services, meals, and other amenities, and do not have the resources to maintain this level of service all day. In the direct tradeoff between hours of operation and the depth of service, this referral prioritizes hours of operation.

This becomes particularly important when addressing the needs of chronically ill and disabled people, many of whom have had crucial medications thrown away during sweeps. NPR reports³⁴ that this "aggravates" key health issues, but it can be lethal, especially in the case of a medication like insulin, in which the results of skipping doses can be dramatic and lead to coma or death. In the absence of other alternatives, this community should be an especially high priority.

A safe and secure environment is vital to the success of the project. A designated, limited space that would not allow extending tents on to surrounding streets is preferred. Setting up a fence and hiring a security team, as was done in Modesto,³⁵ would be one way to achieve this goal, though the lot at 611 University already has a fence surrounding it. Just as in Modesto, the need for security would have to be balanced with limited restrictions on entry and exit. Regulating permitted activities and items brought into the camp would also help ensure improved safety for its residents. Mobility around the camp can be

³¹ <https://www.tpcp.org/programs/moes/>

³² <https://www.abc10.com/article/news/local/modesto/modesto-homeless-community-to-leave-beard-brook-for-new-location/103-622123290>

³³ <http://www.stancounty.com/bos/agenda/2019/20190226/DIS01.pdf>

³⁴ https://www.npr.org/sections/health-shots/2020/01/10/794616155/sweeps-of-homeless-camps-in-california-aggravate-key-health-issues?utm_source=dlvr.it&utm_medium=twitter

³⁵ <https://www.sacbee.com/news/local/homeless/article234483397.html>

ensured by capping the amount or size of possessions at what residents can fit in their own tents. A ban on bonfires would drastically reduce the risk to health and life of residents.

Staff would include one program and site manager to oversee the program, two program coordinators, and two housing navigators to assist the residents with finding permanent housing.

Toilets and Handwashing Stations

Proper sanitation is essential not only for the homeless but also adjoining communities. The potential for disease in compact outdoor emergency shelters is significant, and decreases dramatically with adequate access to handwashing.³⁶ In 2017, three counties in California experienced an unprecedented hepatitis A outbreak that was primarily carried by the homeless population.³⁷ As part of the response, San Diego County implemented 160 new handwashing stations, which was highly influential in curbing the spread of the disease.³⁸ The Here/There encampment on Ashby and Adeline has a portable toilet and handwashing station that was donated by Friends of Adeline.³⁹

The City is making progress setting up public restrooms across the City, which is a positive development. However, a highly concentrated group of people will have more intense restroom needs, and the City should establish restrooms to account for those needs.

There is a water pipe just northwest of the lot at 611-639 University (see Attachment 5) and while the toilet may be portable, there is the possibility to install a real handwashing station with running water, which would reduce the costs to refill a reservoir. Even if the City decides that both the toilet and handwashing station are to be portable, the proximity to potable water provides options.

Mobile Shower Services

Berkeley has an ongoing partnership with Dignity on Wheels a mobile shower charity. Access to showers prevents disease and allows unhoused people to live in dignity. In addition to showers, many organizations also organize day-long “care villages” that provide dental care, haircuts, clothing, vaccinations, and other services. For several months Lava Mae has been operating at two pilot locations in near the STAIR Center and at the Progressive Baptist Church.⁴⁰ However, according to City staff, the shower

³⁶ <https://www.cdc.gov/handwashing/why-handwashing.html>

³⁷ <https://www.mercurynews.com/2017/10/02/california-scrambles-to-contain-deadly-hepatitis-a-outbreaks/>

³⁸ <https://www.sandiegocounty.gov/content/dam/sdc/cosd/SanDiegoHepatitisAOutbreak-2017-18-AfterActionReport.pdf>

³⁹ <https://www.berkeleyside.com/2017/07/18/homeless-camp-city-berkeley-want-bathroom>

⁴⁰ “Referral Response: Lava Mae Mobile Shower and Hygiene Services.” Item 66, September 10, 2019. Berkeley City Council Meeting.

program is relocating their South Berkeley location to West Oakland. The mobile shower program has been extremely successful and has improved quality of life for unhoused people in Berkeley. Any sanctioned encampment will need some shower services for simple sanitary purposes, and by bringing them to Second and University, Berkeley can reinstate the previous practice of having mobile showers twice weekly, at two separate locations. Reinstating services at this location should not preclude finding other strategic locations for mobile shower services in Berkeley.

The City of Berkeley previously partnered with the Alameda County Mobile Healthcare for the Homeless⁴¹ program which is on hiatus due to staffing shortages. The program brings primary care to homeless individuals free of charge. If the program resumes service in Berkeley, a partnership with them will help keep residents sanitary and healthy.

Trash Pickup

On November 19, 2019, the Berkeley City Council voted to direct the City Manager to remove and dispose of garbage at encampments.⁴²⁴³ Reliable garbage pickup is crucial to the success of any homeless services. Excessive garbage is highly detrimental to all City residents, as it is unsightly and can attract rodents and disease. Currently there is a rodent infestation at the encampments on University and Frontage Road negatively affecting quality of life for the residents and visitors to the Marina. To prevent this in the future, we need reliable garbage pickup.

As a part of regular refuse pickup, the City or coordinating agency should provide sharps containers or other forms of safe needle disposal. Approximately 8% of homeless adults in the United States have diabetes,⁴⁴ and there are many other diseases that require sharps to mediate, including arthritis, hepatitis, HIV/AIDS, blood clotting disorders, and others.⁴⁵ Regardless of why an individual may need a sharp, safe disposal is critical to prevent the spread of infection. Putting sharps in the garbage is insufficient and can harm zero waste employees.⁴⁶ Sharps boxes can be purchased at drugstores and are inexpensive, but are crucial to the health and safety of all involved.

There is enormous need for refuse services for the homeless population. Early reports on enforcement of the Sidewalk Ordinance indicate that thousands of pounds of refuse have already been removed, since implementation began six months ago. Many complaints regarding homelessness to Council offices and 311 are concerning garbage and illegal dumping. All residents of Berkeley deserve clean streets, and refuse removal will provide

⁴¹ <https://www.achch.org/mobile-health.html>

⁴² "Addressing the Trash Crisis in Berkeley". Urgency Item, November 19, 2019. Berkeley City Council Meeting

⁴³ Similarly, on June 4, 2019 the Modesto City Council voted unanimously to perform garbage removal and disposable services for the Outdoor Emergency Shelter (see Attachment 2).

⁴⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4318300/>

⁴⁵ <https://www.fda.gov/medical-devices/consumer-products/safely-using-sharps-needles-and-syringes-home-work-and-travel>

⁴⁶ Ibid.

not only cleanliness and safety to homeless residents, but more harmony among the community at large as well.

Initiating refuse service is a process typically initiated by the property owner⁴⁷ and performed by the Customer Service Division. Because 611-639 University is leased by the City of Berkeley, this item refers the initiation of refuse services to the City Manager.

REVIEW OF EXISTING PLANS AND POLICIES

The Strategic Plan includes several goals and priorities that are in line with an emergency outdoor shelter, including creating housing support services for our most vulnerable community members and fostering a resilient and connected City. The purpose of an emergency outdoor shelter is to provide basic shelter needs to the most vulnerable while longer-term solutions are being developed.

The 1000 Person Plan is a comprehensive plan to permanently end homelessness. Its cost is estimated at between \$16 million and \$20 million annually, depending on the depth of housing subsidies. The emergency outdoor shelter is not intended to supersede the 1000 Person Plan, but complement its goals and efforts. Finding 2 in the 1000 Person Plan says that our system is serving a progressively smaller percentage of the literally homeless population every year; the emergency outdoor shelter is a low-barrier way to serve more literally homeless people.

ALTERNATIVES CONSIDERED

A possible alternative is to continue with the current situation. This alternative leaves both housed residents and the unhoused with unhealthy and unsightly alternatives and is costly to the city in enforcement.

Since original submission of this item, conditions at some of the encampments have deteriorated. There has already been a fire at a large encampment⁴⁸ and two homeless men have died on the streets.⁴⁹ The City expends significant resources in both the City Manager's office and the police force by moving unhoused individuals from place to place. By providing a place where people can go, this staff time can be directed back towards neighborhood services and curbing criminal behavior.

With a goal of a 180 day stay, this shelter should serve about 150 people annually. Direct subsidies are possible alternative, but would be vastly more expensive as an emergency outdoor shelter for this number of individuals and will take time to implement.⁵⁰

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https://www.cityofberkeley.info/Customer_Service/Home/Refuse_Start_Stop_or_Change_Service.aspx

⁴⁸ <https://www.berkeleyside.com/2020/01/02/fire-at-west-berkeley-homeless-camp-causes-injury>

⁴⁹ <https://www.berkeleyside.com/2019/12/12/homeless-man-dies-by-uc-berkeley>

⁵⁰ The per person cost of the outdoor emergency shelter is equivalent to about one month's rent and a security deposit for a unit at the market rate.

FINANCIAL IMPLICATIONS

At roughly \$615,000 yearly, this proposal costs less than any aspect of the 1000 Person Plan except for outreach. Concentrating where people live on the streets makes outreach simpler and more cost effective.

The costs below could be considered most appropriate coming from Measure P funds allocated for Shelter and Temporary Accommodations or the General Fund, with the possibility of future funding from Homeless Housing, Assistance, and Prevention (HHAP) funds or other funds.

Please see Attachments 6 and 7 for a full breakdown of costs. Health, Housing, and Community Services provided a cost estimate for a full-service program; we removed some line items to reflect the needs laid out in the item above and actions already taken by the Council. The emergency outdoor shelter is intended as an emergency measure, less service-intensive than a navigation center, and thus does not include a community tent and reduces the number of staff to five in three roles. In addition, in April of this year staff elected not to fund community meals through our standard homeless services programming so that line item from the staff was not included. Furthermore, in the interim, some of the line items in the staff memo are being funded through other sources. The Clean and Livable Commons Initiative was funded and includes money for Port A Potties and dumpsters. Other Measure P monies were already allocated for rapid re-housing, thus we did not include that in the budget for this emergency shelter in particular.

In addition, this measure would reduce enforcement costs, as discussed above.

ENVIRONMENTAL SUSTAINABILITY

Regular refuse removal will decrease littering and illegal dumping, in line with the City's Zero Waste goals.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ATTACHMENTS

- 1: Summary of Point in Time Count, 2019.
- 2: Modesto City Ordinance 2019-254.
- 3: *City Officials Suddenly Support Homeless Tent Cities, Car Camps in Sacramento Neighborhoods*, Sacramento Bee, August 29, 2019.
- 4: Map of 2nd and University and surrounding areas.
- 5: Pictures of 2nd and University and surrounding areas.
- 6: Health, Housing, and Community Services Memo on potential costs
- 7: Edited HHCS Memo on Costs
- 8: BMC Article 9 Section 19.28.100 Section N106
- 9: Supplemental 3 to Item 38a, "First They Came For The Homeless Encampment" at February 13, 2018 Berkeley City Council Meeting.
- 10: California State and Highways Code Division 1, Chapter 1, Article 3, 104.26.

California State and Highways Code

Division 1: State Highways

Chapter 1: Administration

Article 3: The Department of Transportation

104.26.

(a) (1) Any airspace under a freeway, or real property acquired for highway purposes, in the City of Los Angeles, that is not excess property, may be offered for lease on a right of first refusal by the department to the city, or to a political subdivision of the city, for purposes of an emergency shelter or feeding program.

(2) For up to 10 parcels, the lease amount for emergency shelter or feeding programs shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. The lease shall require the payment of an administrative fee not to exceed five hundred dollars (\$500) per year, unless the department determines that a higher administrative fee is necessary, for the department's cost of administering the lease.

(3) The Legislature finds and declares that the lease of real property pursuant to this subdivision serves a public purpose.

(b) (1) Any airspace under a freeway, or real property acquired for highway purposes, in the City of San Jose, that is not excess property, may be offered for lease on a right of first refusal by the department to the city, or to a political subdivision of the city, for purposes of an emergency shelter or feeding program.

(2) For up to 10 parcels, the lease amount for emergency shelter or feeding programs shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. The lease shall require the payment of an administrative fee not to exceed five hundred dollars (\$500) per year, unless the department determines that a higher administrative fee is necessary, for the department's cost of administering the lease.

(3) The Legislature finds and declares that the lease of real property pursuant to this subdivision serves a public purpose.

(Added by Stats. 2018, Ch. 444, Sec. 1. (SB 519) Effective January 1, 2019.)