

Agenda Report

April 11, 2016

TO: Honorable Mayor and City Council

THROUGH: Public Safety Committee (March 23, 2016)

FROM: Office of the City Manager

SUBJECT: APPROVAL OF MEASURES TO ADDRESS ISSUES ASSOCIATED WITH HOMELESSNESS AND PANHANDLING

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);
- 2) Direct the City Attorney to draft an ordinance that provides a definition for the following: "camping," "maintaining a camping facility," and "lodging";
- 3) Direct the City Attorney to draft an ordinance that establishes and describes the geographic boundaries of Pasadena Business Districts, including Old Pasadena District, Playhouse District, South Lake District, and the Hastings Ranch District and prohibits, within those geographic boundaries during customary business hours, camping, maintaining a camping facility, or lodging on all public sidewalks, streets, alleys or other public spaces;
- 4) Direct the City Attorney to draft an ordinance that prohibits, on all public sidewalks, streets, alleys or other public spaces, begging or soliciting of alms involving threatening, coercive, or menacing behavior;

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- 5) Appropriate \$250,000 from the unappropriated fund balance in the Housing Successor Fund to the Fiscal Year FY16 Housing and Career Services Budget to provide for:
 - a. Establishment of a Landlord Reimbursement Fund
 - b. Expansion of the Homeless Prevention Fund
 - c. Expansion of the Motel to Housing Voucher Engagement Program
 - d. Expansion of the Rapid Re-housing Program
- 6) Consider adopting a policy statement supporting the development of permanent supportive housing broadly distributed throughout the City.

BACKGROUND:

Homelessness is a complex, difficult, expensive and even vexing problem faced by Pasadena and many other cities. Addressing it requires resources, skill, patience, enforcement and empathy. The City of Pasadena and a number of nonprofit and faith-based homeless service providers are working hard to address this issue. However, many challenges remain including threats of annual funding reductions, early prisoner releases, and the overall increase in the homeless population of Los Angeles County.

People cannot be arrested merely because they are homeless. All of the public, including those who are homeless, are allowed to use public spaces. Pasadena's Annual Homeless Count is conducted in order to target limited homeless resources most effectively, and to determine what kinds of characteristic they have (e.g., veterans, women, mental illness, physically disabled, substance abuse, ex-offenders, etc.). This year's count revealed that for the fourth year in a row, Pasadena's homeless population has declined with 632 persons homeless on a given night – a 5% decrease from last year's count. However, while the number of people who are homeless in Pasadena has fallen, their significant needs make them more visible to the public and more challenging to serve. More of them have substance abuse problems and are chronically unsheltered. The objective of the staff recommendations are to address this issue with concrete measures and initiatives. Some of these recommendations can be implemented immediately, others will need to be considered in the context of the City's annual budget process as limited financial resources are allocated and yet others, such as the production of new permanent supportive housing are longer-term projects.

The Public Safety Committee has discussed these various recommendations on three occasions. Based on those discussions, staff have made some modifications to some of the originally suggested measures. However, the item is presented this evening without a recommendation from the Committee.

Recommended Immediate Actions – New Legislation

In an effort to provide the Pasadena Police Department with additional tools in dealing with criminal behavior in the community, staff recommends the drafting of new legislation. Staff has endeavored to recommend proposed legislation that would be

measured, status neutral, narrowly tailored to address nuisance activity and unruly behavior, and directed at criminal conduct occurring in commercial centers during customary business hours. In addition, staff has put forth proposed legislation addressing the citywide concern with aggressive panhandling or begging. Currently, state law prohibits aggressive begging only if the individual "accosts other persons." (California Penal Code section 647(c)). This proposed legislation would allow for enforcement and prosecution short of being accosted if the conduct were threatening, coercive, or menacing. It is important to note that none of the actions recommended herein are aimed at 'criminalizing homelessness', these actions are aimed at conduct and not status. Specifically, staff is recommending:

Adoption of New Legislation prohibiting camping in recognized Business Districts

This recommendation pertains to complaints and inquiries from community members and local businesses related to encampments in commercial centers in the City. Currently, state law does not adequately address encampments on public property. The provisions of California Penal Code section 647(e) prohibit "Illegal Lodging" in a public or private structure, vehicle or place without permission. However, based on case law precedent that narrowly interprets this section, courts are unwilling to extend the law to cover encampments on public sidewalks, streets, alleys, or other public spaces. The case law currently limits its application to locations such as parks or City-owned structures or vehicles. Furthermore, this section has another critical flaw: it does not provide a definition of lodging; therefore, trial courts facing this issue often require evidence of actual sleeping or evidence that an individual has been living at the location for an extended period of time. This type of evidence is extraordinarily difficult to obtain and makes enforcement of this law virtually impossible in this context. Accordingly, the recommended ordinance would cover a gap in the state law, provide key definitions for notice and enforcement purposes, and would have a nexus to the compelling governmental interest of preventing customers of local businesses from experiencing significant difficulties in accessing and patronizing local establishments.

Adoption of New Legislation prohibiting begging or soliciting of alms in a threatening, coercive, or menacing manner

As referenced above, state law requires an individual to be accosted by a panhandler before enforcement can occur. (Penal Code section 647(c)). This extremely high (and subjective) standard allows panhandlers to operate almost with impunity, even when their conduct includes aggressive behavior directed at another person. Currently, if an individual approaches another person in the City with threatening, coercive or menacing behavior, a court would likely hold that the state requirement of actually being accosted has not been met. Staff would propose that hostile conduct that does not rise to the level of accosting someone should be prohibited as well. Accordingly, we recommend enacting a new ordinance that would provide further protections, beyond state law, for those who live, visit or work in the City; this new law would provide legal recourse to individuals who experience a threatening, coercive or menacing encounter with an aggressive panhandler.

Recommended Immediate Actions – New Programmatic Funding

The City of Pasadena provides approximately \$2.8 million annually for a wide variety of homeless programs including those providing basic needs such as shelter, food, clothing and showers, as well as programs that address mental and physical health, substance abuse, elimination of minor citations, and proactively outreach and engage individuals to end homelessness one person at a time by moving them into permanent housing with support services. However, even with this high level of funding there exists some service gaps and areas where existing programs can be expanded and enhanced to increase their effectiveness.

Landlord Reimbursement Fund

Only landlords who rent to homeless voucher holders would be eligible for this program. In the unlikely event the resident damages a unit or there is rent loss due to eviction, the landlord would be able to be reimbursed up to a limit for repairs and loss of rental income from this new fund. This will encourage more landlords to participate in the homeless rental assistance programs. The proposed one-time cost of this action would be \$30,000 from the Housing Successor Fund.

Expansion of the Homeless Prevention Fund

The City currently funds a homeless prevention fund for Friends in Deed which provides short term or one-time assistance including back rent and past due utility payments, to prevent households from becoming homeless. It is better to prevent a household from becoming homeless than to try to get them out of homelessness. The proposed one-time cost of this program would be \$50,000 from the Housing Successor Fund.

Expansion of the Motel to Housing Voucher Engagement Program

It often takes several weeks for a homeless person ready to participate in a homeless housing program to be housed. This program would enable homeless clients who are in the process of being permanently housed to quickly get off the streets, move into a motel, and begin to work with their caseworker to get permanently housed. Motel vouchers, rather than a shelter bed, often work better for short term housing for clients who have more than a few possessions and/or a pet or who cannot tolerate a close congregate setting. This program will also help homeless outreach workers to better engage with service resistant individuals. Union Station Homeless Services currently operates a limited motel program. The proposed one-time cost of this expansion would be \$75,000 from the Housing Successor Fund.

Expansion of the Rapid Re-Housing Program

The expanded Rapid Re-Housing Program will move individuals with low barriers (as opposed to those with high barriers such as chronic mental illness and substance abuse) who have recently become homeless into permanent housing using short-term rental assistance. The targeted individuals will be those who are likely to increase their income and maintain the housing after a short period of assistance. The proposed cost of this expansion would be \$95,000 from the Housing Successor Fund.

New or Enhanced Programs which could be considered as part of the annual budget process

Public Library Homeless Caseworker

Many homeless persons use Pasadena's public libraries. A homeless caseworker located in a library and mobile enough to cover several impacted branches will be able to connect homeless persons with appropriate services and housing. The caseworker would be a Public Health Department employee. The estimated cost of this program would be \$84,000 per year and would be funded by either the General Fund, Library Services Fund or a combination thereof.

Enhanced Security in City Parks

As part of development the Capital Improvement Program Budget consideration will be given to enhancing security through the use of cameras, lighting, and fencing. These actions, in concert with additional programming of activities to activate the space, will improve security and make City parks more inviting. Security improvements for parks located in the Community Development Block Grant (CDBG) Service Areas could be funded with CDBG dollars.

Additional HOPE Team

Pasadena Police Department currently staff 3 HOPE Teams which team specially trained police officers with licensed social workers. A fourth HOPE Team would provide more hours of coverage to address homelessness. The estimated cost of this program would be \$216,000 per year and would be funded by the General Fund.

Additional Actions to be undertaken by staff

Expedited Demolition of Vacant Buildings

Vacant buildings often become prime attractive nuisance properties. They are difficult to thoroughly secure from squatters and often are a source of a significant number of police calls for service. Currently, a property owner cannot demolish an unwanted vacant building until a replacement permit is secured which may take years. Staff is exploring the development of a streamlined process to allow property owners to quickly demolish vacant unwanted buildings. Expedite and facilitate permitting if the building owner is willing to use the building for temporary homeless housing and if the zoning permits such a use. Staff will return to the City Council for any required authorization once a process has been developed.

Public Facility Codes of Conduct

Most of the City's public facilities lack codes of conduct whereas many other cities use them to help regulate inappropriate behavior in public facilities. Codes of conduct could be developed, posted and enforced. Persons who violate a code of conduct can be asked to cease the inappropriate behavior or leave the facility.

Developing a longer term strategy

The production of additional permanent supportive housing units is key to the City's ability to end homelessness. The City has funded a handful of permanent supportive housing projects including Centennial Place (142 units for individuals), Euclid Villa (14 units for families) and Mar Vista Union (currently under construction to produce 19 units for families). For new projects, development funding, though not easily packaged together, does exist outside of the City particularly with new and newly proposed State and County affordable housing funding programs. Many of these funds specifically target permanent supportive housing for the homeless. Nevertheless, developing successful project funding remains a significant challenge, particularly with the loss of redevelopment.

Staff has previously suggested that one way to address this challenge is to pursue the development of permanent supportive housing on land already owned by the City, thereby eliminating the cost of land acquisition. While this is an important economic factor, based on public testimony at the two previous Public Safety Committee meetings, the need to insure that permanent supportive housing is located in appropriate areas of City, such as near transit, and not over concentrated in any particular geographic area have been raised as important considerations as well.

In order to underscore its commitment, mindful of the need to balance a number of considerations, the City Council may wish to adopt a policy statement such as that offered below:

The City of Pasadena believes that decent, safe and affordable housing is the right of every Pasadena resident. Furthermore, the long term solution for homelessness is the provision of permanent supportive housing. Therefore, the City will seek to provide permanent supportive housing wherever possible in all parts of the City, particularly in locations where there is a persistent presence of unsheltered homeless persons.

COUNCIL POLICY CONSIDERATION:

Approval of the subject recommendation has the potential to further reduce homelessness in Pasadena. The proposed actions support the City Council Strategic Planning Three-Year Goals in the area of supporting and promoting the quality of life and the local economy. Furthermore, the proposed actions are in accordance with the General Plan Housing Element and the Ten-Year Plan to End Homelessness.

ENVIRONMENTAL FINDINGS:

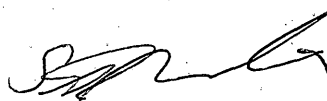
The proposed action has been determined to be exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment, the activity is not subject to CEQA. The proposed actions regarding the homeless measures described in the agenda report have been deemed to not have the potential for significant effect on the environment.

FISCAL IMPACT:

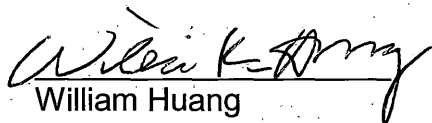
There is no anticipated direct fiscal impact on the General Fund as a result of the City Council taking the requested actions. However, approval of recommendation #5 will increase the FY 2016 operating budget of the Housing and Career Services Department in the amount of \$250,000. The budget increase will come from the Department's unappropriated Housing Successor Fund (Fund 237). For the balance of the recommendations as each approved measure is implemented and to the extent that amendment to the operating budget is required, a recommendation will be brought to the City Council with a disclosure of the related fiscal impact.

Respectfully submitted,



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Prepared by:



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