



City of Los Banos



Homeless Crisis Strategic Plan Summary

Authored by: Paul Llanez

Candidate for Mayor

City of Los Banos

2022

PREFACE

The Homeless Crisis Strategic Plan Summary is specifically designed to implement a layered approach to a national emergency on a community response level, specific to the City of Los Banos.

The strategic plan summary is designed as a living document to be updated as necessary to meet specific measurable goals, and community needs and requirements.

It is *NOT* intended to be a comprehensive plan with detailed financial, environmental impacts or budgetary data.

Table of Contents

Introduction	3
Implementation	4
What Did Martin v Boise Do?.....	5
What Evidence Has Shown	6
PHASE 1.....	7
Where Do We Start.....	7
PHASE 2.....	9
PHASE 3.....	10
PHASE 4.....	11
Sending a Clear Message	14

Introduction

Introduction

The current crisis regarding the homeless population has created numerous problems and challenges facing our city. Many citizens feel the homeless have more rights and freedoms and do not operate under the same set of rules and consequences the rest of society does. Because we as a city lack dedicated resources to provide to our homeless population, the city is bound by certain State and Federal mandates regarding recovery and response. One of the biggest challenges is the case law Martin vs Boise

<https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

Implementation of the Plan

The written plan will be discussed and if approved by members of the council and community used to give city staff direction to develop a detailed building project plan.

What Did Martin v Boise Do?

The ruling held that cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds available for their homeless population. It did not necessarily mean a city cannot enforce any restrictions on camping on public property.

If a city can provide enough shelter beds to meet or exceed the documented number of homeless persons living within the city limits, the city can then adopt and enforce reasonable restrictions such as anti-camping law bans sitting, sleeping, lying, storing personal property or otherwise obstructing the public right of way in several areas of the city.

While the purpose of creating a shelter should not be for the purposes of creating new punitive laws and municipal codes, having clearly communicated expectations and a set of reasonable consequences helps the entire community understand the purpose and goals of these ordinances.

These laws and expectations have been recently implemented in different communities throughout the State in small towns in northern California, Orange County and in large metropolitan cities such as certain areas of Los Angeles.

What Evidence Has Shown

There have been numerous studies on implementing various community action plans regarding different challenges and issues. One evidence-based theory that has a proven track record for success for almost any issue, is the implementation of a multi layered approach to working on a solution.

This strategic plan is based on a multilayered approach to address the homeless crisis in the city of Los Banos. When creating a multi layered approach to the homeless crisis, I wanted to take account of all aspects of the issue, such as substance abuse, mental health needs, job or family loss and other considerations. The goal is to be empathetic to my fellow citizens rather they have housing available or not. I also have learned through training and experience, not everyone wants to be housed and being homeless is a choice for many. My strategy focuses on creating a single resource site that gives Los Banos the ability to end encampments.



PHASE 1

Where Do We Start

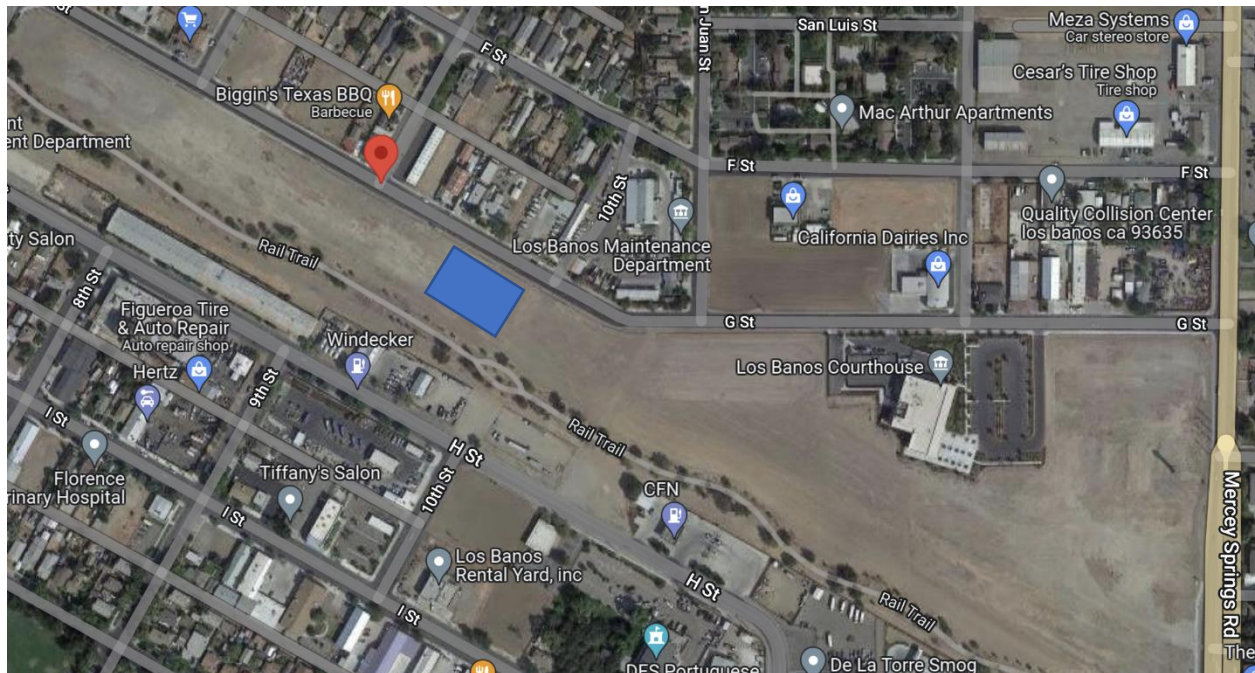
The first step of this multilayer approach begins with the planning and opening of the city's first homeless shelter. The shelter needs to have certain resources to adhere to the Boise case law as well as meet the needs of our own community. The shelter can be used to not only serve as short term housing for the homeless population but also serve members of our community who may be displaced because of an emergency. For example, if one of the apartment complexes in our city were to burn down, the shelter would be used as an immediate resource to serve those in need.

Because the building will serve not just the homeless population but be an emergency resource to the entire community, the city can research and apply for possible State and Federal funding sources to purchase emergency equipment with possible assistance from The California Office of Emergency Services (CAL-OES) or The Federal Emergency Management Agency (FEMA). The size of the facility along with the close proximity to the State dam can also contribute to allocating additional emergency preparedness funding.

Because the building and property will serve to help those who choose to escape from a current living condition or emergency, I propose we call it an evacuation center, rather than a shelter.

Proposed Location of the Evacuation Center

One of the biggest concerns of building a shelter facility to a community, is where is the best place to build it. The need to keep the community safe and mitigate risks associated with the homeless population has been a challenge in our city. The shelter facility will need to be built in a location where law enforcement has immediate access. Based on specific geographical information obtained from Police Chief Gary Brizzee during a recent city council meeting, I propose the best possible location to be near 9th and G Street, next to the site of the new Police station. Below is a map of the area and available city properties to house a homeless community according to Chief Brizzee. The blue section represents the proposed location of the facility.



PHASE 2

Evacuation Center Design and Equipment

The evacuation center needs to be designed in a way that is specific to the needs of our community. The goal of the evacuation center is to be a community resource for short term shelter assistance.

- Here are some specific design items:
- Industrial size kitchen
- Four designated studio rooms with multiple beds for families.
- Two classrooms for training programs and outreach services.
- One conference room for meetings
- Storage for equipment and resources
- Separate restrooms with showers for families and individual occupants.

The final design will require input from subject matter experts and organizations who have identified best practices and design features for these types of projects.

The design of the facility also needs to consider short term shelter requirements such as outdoor animal pens for pets, bicycle racks with locks and storage footlockers under each cot or bed. The shelter will need to have multiple beds in an open space for individuals utilizing the facility. The most efficient way to provide safety and security is through video surveillance technology. The video surveillance access will be monitored by police dispatch, which would alert patrol staff in the event of an emergency.

To maximize cost efficiency, a solar panel car port or roof panels could be considered in the design phase.

PHASE 3

Operating the Facility

Before the construction process is complete of the facility, the city would author an RFP to find a reputable nonprofit organization who meets the needs of the community regarding providing resources to the homeless population. The awarded organization would be responsible to operate the day-to-day operations of the facility and collect statistical data regarding the results of all programs and services provided.

The city would be financially responsible for the power, water, and video surveillance of the facility as it would be a city owned property and building. The annual expenses associated with the utilities of the facility would be minimal in comparison to the current expenses incurred by the use of police, fire and code enforcement services and resources dedicated to the current homeless crisis.

The reputable nonprofit would be responsible for staffing the programs associated to the facility as well as collecting and maintaining equipment not provided to the city as a direct result of State and Federal funding sources.

Another aspect of the resources provided from the facility would be the possible partnership and Memorandum of Understanding (MOU) with food processing seasonal employers in the area such as Liberty Packing, Morning Star Co., and Ingomar Packing Co. These partnerships could help facilitate jobs for those individuals' seeking employment and eventual permanent housing.

The nonprofit would be encouraged to seek additional community partnerships with outreach organizations such as churches, educational institutions, and County agencies.

The city could use Permanent Local Housing Allocation (PLHA) funds to fund the initial building phase of the evacuation center. The city council approved the application for a noncompetitive grant for over \$1,000,000 of PLHA funds at the 10/20/22 city council meeting.

PHASE 4

Creating Expectations and Consequences

Once the facility is operational and able to provide direct community resources to best serve the homeless population, the city would then be able to create a proactive approach to the demographic of the homeless population who chooses to not utilize the shelter facility. The goal of the proactive laws and ordinances is to set a community standard for everyone while also providing the necessary resources people may need. A few of these types of ordinances currently being implemented by other municipalities include:

No person shall obstruct a street, sidewalk, or other public right-of-way:

- (1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time;
- (2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;
- (3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;
- (4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;
- (5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

(b) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

No person shall sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public property within 500 feet of a School or Day Care Center as those terms are defined in Section of this Code.

(4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes, including human trafficking, at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

Upon a determination by law enforcement that an area constitutes an unauthorized encampment, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed subject to the following provisions:

- A. If the unauthorized encampment is at a location which results in a significant risk of harm to any person, then police may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored in the same manner as set forth in subsection (B) of this section.
- B. Prior to removing property from an unauthorized encampment on public property other than park property or park facilities, City Hall, or at a location which results in a significant risk of harm to any person, the following shall occur:
 1. The City shall post at least a 48-hour advanced notice, which shall include the following:
 - a. The address or location of the unauthorized encampment.
 - b. A statement that camping in the area is prohibited by this chapter.
 - c. A statement that any individual continuing to use the area for unlawful camping may be subject to criminal penalties pursuant to LBM___;
 - d. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining at the encampment after the notice period is subject to removal by the City.

2. At the end of the 48-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by City personnel or agents thereof.
3. Any personal property that is removed shall be stored by the City for at least 60 days prior to being disposed.
4. Notice of where personal property removed from the encampment may be claimed shall be posted at the location.
5. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item.
6. Any contraband located at the encampment shall be seized and properly disposed or retained as evidence of criminal activity.
7. Any litter or solid waste found at the encampment shall be properly disposed.
8. Any individual who receives a notice under this section, or whose property is removed from an encampment, has a right to meet with the City manager or designee to raise any concerns, objections, or extenuating circumstances. At the conclusion of the meeting, the City representative shall prepare a written decision detailing the individual's concerns, as well as the City's response. Notice and procedure to set up a meeting shall be posted at or near the encampment site.

Sending a Clear Message

The purpose of the updated laws and regulations pertaining to homeless encampments is to create manageable expectations and create actionable consequences for those individuals who choose not seek resources and services. It is also important to send the message that the city does not want to invite or add to our homeless population just because we have a shelter facility.

Most of the homeless population who commit crimes are not afraid of being arrested or being booked into jail, rather they are more concerned with losing their property. There are California case laws that provide a city with the ability to seize illegal encampment property but only when the same city has a dedicated shelter.

We can further accomplish the long term goal of reducing our homeless population by setting strict rules and policies regarding the facility use as a short-term housing resource. If an individual seeks out resources and services, the city will help by providing a dedicated facility, however, they must choose to take the first step. For those who choose not to take advantage of the resources and choose to be homeless for the benefit of criminal activity, the city will take a zero-tolerance policy on criminal activities and violations of the newly updated ordinances.

Sources

<https://mrsc.org/Home/Explore-Topics/Planning/Homelessness/Regulation-of-Unauthorized-Camping-Loitering.aspx>

https://www.arcadiaca.gov/enrich/recreation__community_services/homeless_services/homelessness_law.php#:~:text=In%20California%2C%20many%20cities%20have,specifically%20bans%20or%20restricts%20homelessness.

<https://calrecycle.ca.gov/illegaldump/homelesscamp/>

<https://calrecycle.ca.gov/IllegalDump/Enforcement/>

<https://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

Notes:

Notes: