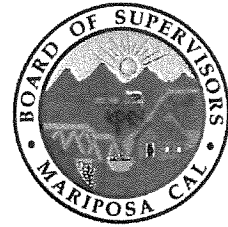




MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2018-518

MEETING: November 5, 2018
TO: The Board of Supervisors
FROM: Dallin Kimble, County Administrative Officer
RE: Declaration of Shelter Crisis

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Declaring a Shelter Crisis In Mariposa County.

California Government Code 8698, 8698.1 and 8698.2 allows for the governing body of a city or county to declare a shelter crisis. A shelter crisis declaration relaxes standards for building occupancy, limits liability and provides a legal basis for the use of certain facilities designated by the County as a shelter for the duration of the crisis.

In order to declare a shelter crisis, the County must make findings at a public meeting via resolution that (1) a significant number of persons within the county's jurisdiction are without the ability to obtain shelter; and (2) the situation has resulted in a threat to the health and safety of those persons.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Mariposa County has approximately 17,400 residents. Mariposa's population is supported by approximately 5,300 wage and salary jobs, primarily in the local government and leisure industry. The lack of available jobs leads to higher unemployment, lower median household income, and a higher proportion of the population living below poverty as compared to the state overall.

Because of these economic challenges, a substantial minority of the population struggles with housing, food security, and transportation. The U.S. Department of Housing and Urban Development considers housing "affordable" if total expenses are less than 30% of total household income. An estimated 35.5% of households in Mariposa County exceed this threshold.

In 2017, there were 55 "literally" homeless in Mariposa, as counted in the County's Point in Time Count. This represents those that have no alternative to living on the street and does not include individuals or families who may be 'couch surfing' with friends or staying in recreational vehicles on public lands. According to the 2015

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Homeless Strategic Plan, prepared by HomeBase, two-thirds of those who are homeless in Mariposa are first-time homeless, half have experienced domestic violence and at least a fifth are working homeless.

In addition to the economic challenges mentioned above, access to affordable housing in Mariposa is limited by the tourism-driven uses for available housing stock. The creation of vacation rentals and bed and breakfasts have taken more than 700 potential rental homes out of the supply for local residents.

Disasters have also had an effect on local housing. In 2017, the Detwiler Fire burned over 80,000 acres and destroyed over 100 structures, 74 of which were residential structures.

The lack of affordable housing in Mariposa County creates an environment where homelessness occurs at a higher rate than the national rate. There are 31 homeless per 10,000 population in Mariposa and only 17 homeless per 10,000 nationally. The statewide rate for California is 34 homeless per 10,000 population.

Homeless individuals and residents displaced from their homes need to find shelter immediately to avoid health hazards associated with exposure to the elements and a lack of access to sanitary facilities and places to sleep and eat. There are consequences for the community-at-large as well, including restrictions on law enforcement's ability to limit camping and loitering in public places.

Recognizing the prevalence of homelessness in California and the health and safety risks facing homeless persons, California law authorizes counties to declare a "shelter crisis" and avail themselves to attendant protections and powers. Specifically, upon declaring a "shelter crisis":

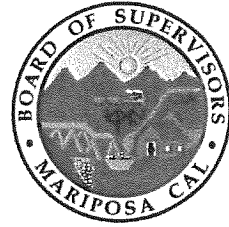
- A county may allow persons unable to obtain housing to occupy designated public facilities during the duration of the emergency (public facilities include parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the county);
- A county is immune from liability for ordinary negligence in the provision of emergency housing for all conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing; and
- The provisions of any state or local law or regulation prescribing standards of housing, health, and safety are suspended to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the crisis.

If the County desires to construct and operate an emergency homeless shelter, it is recommended that the County Board of Supervisors first declare a "shelter crisis" in order to avail itself of the associated powers and liability protections.



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Process for Declaration: The process for declaring “shelter crisis” is for the Board of Supervisors to adopt a resolution making the following findings:

- (1) a significant number of persons within the county’s jurisdiction are without the ability to obtain shelter; and
- (2) the situation has resulted in a threat to the health and safety of those persons.

Several cities and counties throughout the State have declared a “shelter crisis” in an effort to be eligible for state funds to support emergency shelters under the Housing Emergency Aid Program (HEAP). Although this is not a requirement for Mariposa County to receive HEAP funding, as our Homeless Point in Time Count is less than 1000 individuals, the declaration does allow Mariposa County to proceed with temporary homeless shelter solutions to meet the needs of our homeless community members.

It is important to note that despite the declaration of a shelter crisis, should the county move to operate an emergency shelter, it is still required to comply with Title II of the Americans with Disabilities Act. This is specific to state and local governments and requires that all programs, services, activities and facilities must be accessible to all individuals with disabilities.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not declare a shelter crisis. Homeless individuals in Mariposa County will likely encounter circumstances that threaten their health and life safety. Law enforcement may be restricted in its ability to enforce public camping and loitering ordinances until another solution is approved.

ATTACHMENTS:

Board Resolution -Declaration of a Shelter Crisis (DOCX)
GOVERNMENT CODE 8698 (DOCX)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Resolution 18-518
Declaring a Local Shelter Crisis
By the Mariposa County Board of Supervisors

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

WHEREAS, California's Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to combat homelessness; and

WHEREAS, the Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018); and

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

WHEREAS, Mariposa County finds that 55 persons within the County of Mariposa are homeless and living without shelter; and

WHEREAS, Mariposa County finds that the number of homeless is significant, and these persons are without the ability to obtain shelter; and

WHEREAS, Mariposa County finds that the health and safety of unsheltered persons in the County of Mariposa is threatened by a lack of shelter; and

WHEREAS, Mariposa County affirms the County of Mariposa's commitment to combating homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MARIPOSA COUNTY BOARD OF SUPERVISORS that a shelter crisis exists in Mariposa County pursuant to Government Code § 8698.2, and authorizes the County's participation in the Homeless Emergency Aid Program.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 5th day of November, 2018, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSTAIN: NONE



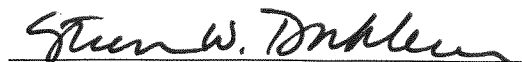
Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

ATTEST:



RENÉ LaROCHE
Clerk of the Board

APPROVED AS TO LEGAL FORM:



STEVEN W. DAHLEM
County Counsel