

February 18, 2020

AGENDA ITEM 3.F

REQUEST

**UPDATE AND DISCUSSION REGARDING WARMING CENTER AND SAFE PARKING PROGRAM ON CITY-OWNED PROPERTY AND PROVIDE FURTHER DIRECTION TO STAFF**

EXECUTIVE SUMMARY

At the February 4, 2020 City Council meeting, Council discussed taking emergency measures to address health and safety issues related to homelessness prior to Council's consideration of a Homelessness Strategic Plan next month. Council directed staff to prepare Requests for Proposals (RFPs) to establish a warming center in Tracy and safe parking program. During the discussion, the topic of providing transportation to homeless individuals to access services outside of Tracy was also raised.

This item presents an update on the Warming Center RFP, staff's preliminary research, and analysis on the establishment of a safe parking program and brief overview of transportation to services. Given the scale of this project, staff requests that Council provide further direction on the specific policy issues identified herein and provide feedback on staff's recommendations for next steps/work plan.

DISCUSSION

As part of the City Council's consideration of Agenda Item 3.F on February 4, 2020, Council directed staff to prepare an RFP to service providers that would establish and operate a warming center and/or a safe parking program. The warming center would be a heated facility for overnight stay with access to restrooms.

Additionally, Council expressed interest in developing and implementing a safe parking program on publically owned land and allow over-night parking in these designated lots. The report provides additional program research and identifies policy questions for Council consideration.

Lastly, Council discussed the provision of transportation to services for homeless individuals. During the meeting, staff advised Council that further research and analysis was needed in order for staff to present recommendations to Council for next steps. This report describes staff's preliminary findings and proposed next steps for Council's consideration and feedback.

*Update Regarding Warming Center Request for Proposals*

Staff issued a Request for Proposals (RFP) seeking service providers to establish and operate a warming center in the City of Tracy. Per Council direction, the RFP contained the following operational criteria:

- Duration: through March 18, 2020
- Provide heating
- Allow overnight stays
- Access to restrooms
- City funding not to exceed \$25,000

The RFP is intentionally broad to provide maximum flexibility for service providers to submit applications to showcase their ability to provide a warming space and associated services based on their experience.

Warming Center Request for Proposal Schedule	
EVENT	DATE
RFP released	Thursday, February 13, 2020
Pre-Proposal informational meeting	Thursday, February 20, 2020 @ 3pm
Proposals due	Monday, February 24, 2020 @ noon
Initial review of proposals completed	Tuesday, February 25, 2020
City awards funding	Thursday, February 27, 2020
Program begins	Monday, March 2, 2020

### Safe Parking Program

While Council consensus was for staff to issue an RFP for the operation of a safe parking program on a public property, it was determined that additional research and analysis was needed. Staff has commenced research on the establishment of a safe parking program and recommends Council further discuss the program components and policy considerations to help shape Tracy's Safe Parking Program.

#### *Program and Policy Considerations Regarding Safe Parking Program*

##### ✓ Program Development

A number of jurisdictions throughout California have implemented safe parking programs as a component of a comprehensive strategy to address homelessness. A safe parking program designates a safe and legal location in which individuals without shelter who dwell in their vehicles, including recreational vehicles (RVs), may remain overnight uninterrupted. The goal of many of these programs is to identify, assess, and connect individuals with service providers who can assist with obtaining permanent housing, employment, and social services. While not every safe parking program is the same, the typical components of safe parking programs include:

- Participant registration and screening and established eligibility criteria such as operable vehicles and valid vehicle registration
- Operated by a social service provider such as non-profit organization or faith-based organization
- On-site security and case management services

- Restrooms
- Located on public and private property
- Public and private funding sources

While the number and demographics of users of a safe parking program in Tracy is currently unknown, developing a pilot program would assist in understanding the number of safe parking spaces needed, as well as to help identify demographics such as number of persons per vehicle, ages and income level, where the individuals most recently held temporary or permanent housing, and other characteristics that would help service providers direct them to appropriate resources to obtain permanent housing. Staff could evaluate usage and periodically report back to Council.

Further direction is needed regarding the following questions related to program development:

- 1. Does Council wish to authorize staff to develop a temporary pilot safe parking program with periodic updates?**
- 2. Does Council wish to establish eligibility requirements like priority entry for people who have had some type of previous connection to Tracy? This may include, but is not limited to those with prior or current residence in Tracy, children attending Tracy schools, or active employment in the city?**

✓ Potential Sites

The City currently owns multiple parking lots that are open to the public. The majority of these lots are located next to City parks. Similarly, the City also owns several vacant and unimproved parcels. Staff is currently evaluating the feasibility of public parking lots and vacant parcels for a safe parking program.

To allow for maximum flexibility, many cities have multiple parking locations spread across the city, both on public and private land. The City of Livermore, for example, has six different locations identified for safe parking. The safe parking lots rotate daily so that no one location or entity is overburdened.

Further direction is needed regarding the following questions related to potential sites:

- 3. Prior Council direction was to explore publicly owned land for a safe parking program. Does Council also wish to consider use of privately owned land?**
- 4. Does Council wish to broaden the RFP to include locations that are on either publicly or privately owned land (improved or unimproved)?**
- 5. Does Council wish to broaden the RFP to include both non-profits service providers and private property applicants?**

✓ Enforcement of Local and State Laws regarding Parking

One of the purposes of establishing safe parking areas is to grant people and families living out of cars a safe and legal place for an uninterrupted night's rest. People who live in their vehicles often have some type of income and may be experiencing homelessness for the first time, and therefore may be unaware of the services available to them. One goal of providing safe parking could be to provide stability and connect this homeless population with resources that will help them obtain permanent housing.

As part of a city initiative to implement a safe parking program, program operators can require established rules for behavior such as the prohibition of alcohol or drug use or prohibit cooking inside vehicles. Further, the Police Department could use discretion under "spirit of the law" for administrative or procedural violations such as, but not limited to, Tracy Municipal Code (TMC) violations. Many program operators prefer this discretion and assist individuals with services that may help them in correcting minor vehicular violation to bring vehicles into compliance within the law. The Police Department would still respond to calls for service, acts of violence or other on-view Penal code violations.

Another enforcement consideration regarding safe parking usage is that, the TMC does not allow recreational vehicle (RV) parking in public lots. RVs can range in length from a few feet to well over 40 feet, the latter of which often require the use multiple parking spaces to appropriately "park" the vehicle. Since there are at least a few known instances of otherwise homeless individuals living in RVs in Tracy, it is suggested that, should Council wish staff to develop a pilot safe parking program, that Council consider directing staff to either update the TMC to allow for RV parking in public lots and/or allow for exceptions in designated safe parking lots.

Further direction is needed regarding the following questions related to enforcement:

**6. Does Council wish to allow overnight parking of RV's on City-owned parking lots under within designated safe parking lots?**

✓ Liability Issues

Council raised concerns about the City's exposure to liability with respect to the operation of a warming center and safe parking in Tracy. As stated, the extent of the City's exposure to liability is fact-dependent. Currently, state law provides some relief to public agencies who allow homeless individuals to occupy public facilities, through the governing body's declaration of a shelter crisis. (Govt. Code §§ 8698-8698.4.)

A shelter crisis declaration is a finding by the City Council that a significant number of persons within its jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. The shelter crisis declaration allows those persons who are unable to obtain housing to occupy public facilities during the period of the state of emergency. This declaration could provide the City immunity from claims of ordinary negligence in providing its public facilities to homeless individuals during the period of the emergency, and would suspend state and local housing, health, and safety standards to the

extent that strict compliance would impede the City's efforts to alleviate the shelter crisis. The application of a shelter crisis declaration to the operation of a warming center or safe parking at a City facility could allow the City to come under the protections of the immunity provided under state law during the period of emergency.

Further direction is needed regarding the following questions related to liability:

**7. Does Council wish to consider declaring a shelter crisis to invoke immunity from certain potential claims?**

Provision of Transportation to Services

Council also inquired about the provision of bus tickets to homeless individuals seeking reunification with family or to obtain services or shelter outside of Tracy.

Currently, there are some service providers in Tracy that provide transportation services on a case by case basis. To this end, City Code Enforcement and Law Enforcement personnel will continue to connect individuals with local providers.

Additionally, as mentioned at the last Council meeting, the City of Santa Ana sued the cities of San Clemente, Dana Point, San Juan Capistrano, and the County of Orange, accusing the agencies of opposing and refusing to establish their own homeless shelters and unfairly shifting the obligations to Santa Ana. Santa Ana dismissed the cities and the only named defendant is the County of Orange. Staff will continue to track this case as part of its ongoing research.

FISCAL IMPACT

None

STRATEGIC PLAN

This agenda item is a routine operational item that does not relate to the Council's Strategic Plans.

RECOMMENDATION

Receive preliminary report regarding potential implementation of a Safe Parking Program on City-owned Property and provide further direction to staff on next steps.

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