

TO: Mayor and City Council Members

FROM: Rob Hunt, City Manager

SUBJECT: June 22, 2021 Agenda Items

DATE: June 18, 2021

5:30 p.m.

I. CALL TO ORDER CLOSED SESSION

II. CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

III. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

- (a) 54957 Public Employment
Title: City Manager

IV. RECONVENE CLOSED SESSION

V. CLOSED SESSION REPORT (if any)

VI. ADJOURN CLOSED SESSION

6:00 p.m. (Or, immediately following closed session)

VII. CALL TO ORDER SPECIAL SESSION

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

IX. CITIZEN COMMENTS

Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

X. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

(1) Community & Economic Development:

a. **Review and discussion on the effects of the ruling on *Martin v. Boise* to jurisdictions within the Ninth Circuit Court of Appeals district. [Submitted by: M. Zamora]**

b. **Review and discussion regarding the current City partnerships to respond to issues of homelessness, including involved organizations, services provided and levels of funding offered. [Submitted by: J. McDonnell]** The City of Tulare leverages valuable partnerships and cross-community coordination to respond to issues regarding homelessness in our community. Collaboration and coordination can enable our community to more effectively address homelessness. Programs have different eligibility requirements, are run by different agencies and provide a variety of diverse services. Improving collaboration and coordination and broadening investments across many of the systems of care in the City of Tulare as well as the County of Tulare are stated goals of a number of governmental and non-profit organizations.

In November, 2019, a partnership of Tulare County Government agencies and officials along with City Government agencies and officials, County community service organizations, non-profit organizations and housing entities finalized the *Pathway Home: Responding to Homelessness in Tulare County* report. The purpose of the report is to act as a comprehensive plan that focuses on solutions that will positively impact and potentially reduce the homeless population in Tulare County. The City of Tulare representative participating in this effort is Vice Mayor Sayre.

In addition to the City's involvement with the County Homeless Alliance, the City of Tulare provides funding to the following organizations to assist with the issues surrounding the homeless population:

Kings/Tulare Homeless Alliance (KTHA):

Community Development Block Grant Funding - \$10,000. The KTHA provides homeless individuals with improved access to housing, healthcare, education, employment and supportive services. KTHA is the lead organization in Tulare County that conducts the City's Point in Time Count through the Project Homeless Connect event held each January.

Family Services of Tulare County (FSTC):

Community Development Block Grant Funding- \$15,000. FSTC provides permanent supportive housing for chronically homeless persons with a disability. The organization also manages seven units of transitional housing within the City of Tulare that provide shelter for persons experiencing homelessness and victims of domestic violence.

Kings View/PATH Program:

Community Development Block Grant Funding – \$10,000. Kings View provides homeless assistance, security deposits, emergency rental assistance, utility assistance, bus passes, food vouchers, clothing and mental health assistance to persons experiencing homelessness.

United Way of Tulare County:

Community Development Block Grant Funding – \$20,000. United Way provides a critical link between vulnerable Tulare residents and essential services. The organization connects the residents with food bank, Cal Fresh benefits, clothing, shelter, medical services, mental health services, crisis intervention, support groups as well as drug and alcohol intervention.

Salt & Light Works:

Community Development Block Grant Funding - \$46,797. Salt & Light Works will provide food, sanitation services, living essential items, and referrals for people experiencing homelessness in the City of Tulare. The organization will conduct direct outreach to unsheltered persons two (2) days per week and provide two (2) meals, living essential items, and offer access to a portable bathroom and handwashing station.

Tulare County Workforce Investment Board (TCWIB):

Community Development Block Grant Funding - \$70,000. TCWIB is working to provide at least eight (8) low-moderate income persons, who are facing homelessness or have other significant barriers to employment with job training, job readiness and job placement services from an office location in the City of Tulare by means of a subcontract with Community Services Employment Training (CSET).

Lighthouse Rescue Mission (LHRM):

Community Development Block Grant Funding - \$24,500. The LHRM purchased an ADA compliant shower to serve the homeless persons at their LHRM locations.

Lighthouse Rescue Mission (LHRM):

Community Development Block Grant Funding - \$79,611. Funding was awarded to the LHRM in June, 2020 for the purchase and installation of four

(4) two-bedroom factory built modular sleeping units to be placed at their location at 214 South H Street to serve eight (8) additional persons experiencing homelessness.

Staff recommends Council review and discuss the current City partnerships to respond to issues of homelessness, including involved organizations, services provided and levels of funding offered.

c. City Council review and discussion regarding the Strategic Action Committee on Homelessness; direction to staff as appropriate.

[Submitted by: T. Myers] On December 17, 2019, City Council voted unanimously to endorse the County's Pathway Home report dated November, 2019. Pursuant to the recommendations set forth in the County's plan, the City Council adopted Resolution 2020-06 on February 18, 2020 establishing a Strategic Action Committee on Homelessness. The proposed plan recommended the establishment of a jurisdictional action committee in each of the three largest city jurisdictions to coordinate priority strategies. The action committee was to be comprised of key stakeholders, including elected officials, city staff, HHSA and direct service provider partners. Appendix B of the Pathway Home report sets for the goals, objectives and purpose of the Committee as follows:

- Assist individuals out of homelessness
- Access to permanent housing
- Expansion of Services
- Prevention of at-risk becoming homeless
- Strengthen public engagement and partnerships
- Work with city Staff to develop recommendations on budget, etc. to be considered by the City Council

On December 15, 2020, Council put the Strategic Action Committee meetings on hold to further review the structure of the committee as well as its goals and objectives. **Staff recommends Council review and discuss the Strategic Action Committee on Homelessness; and provide direction to staff as appropriate.**

d. Review and discussion on the Memorandum authored by Council member Sigala addressed to the Tulare City Council dated May 10, 2021 regarding non-housing homeless initiatives; direction to staff as appropriate:

- **Discussion to include the designation of a “safe space” within the City of Tulare for persons experiencing homelessness. [Submitted by: T. Myers]**

On May 10, 2021, Council member Sigala authored a memorandum to the Mayor and council members requesting to agenda items on the topic of homelessness that are not specific to the topic of housing and shelters. The subject memorandum is attached to this staff report for reference. **Staff recommends Council review and discuss the Memorandum authored by Council member Sigala addressed to the Tulare City Council dated May 10, 2021 regarding non-housing homeless initiatives; and provide direction to staff as appropriate.**

- e. **Review and discussion on the status of the City’s Housing Asset Funds in the sum of \$500,000 set aside by Council to be utilized for homelessness projects and/or programs; direction to staff as appropriate. [Submitted by: T. Myers]** The City of Tulare has approximately \$1.5 million in Housing Asset Funds available to fund affordable housing development. State law dictates how the funds may be used. For example, at least 30% of the Housing Asset Funds must be spent assisting extremely low income rental units within a five-year compliance period. Additionally, State law permits the City to spend up to \$250,000 of Housing Asset Funds per year, over the course of two years, on rapid rehousing solutions for homelessness and homelessness prevention.

Homeless prevention and rapid rehousing services, services for individuals and families who are homeless or would be homeless but for this assistance, are defined as:

- Contributions toward the construction of local or regional homeless shelters
- Housing relocation and stabilization services including housing search, mediation, or outreach to property owners
- Short-term or medium-term rental assistance
- Security or utility deposits
- Utility payments
- Moving cost assistance
- Credit repair
- Case management
- Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.

- Emergency shelters and transitional housing could qualify under this category; however, they are not explicitly identified in the law.

On April 21, 2020, the Council directed staff to issue a Notice of Funding Availability (NOFA) in the sum of \$1,000,000 and to withhold \$500,000 from the NOFA to allocate \$250,000 per year towards allowed homeless prevention and rapid rehousing services.

On August 4, 2020, Council received a presentation by the Lighthouse Rescue Mission and Sprung Structures on a proposed project for an emergency shelter and transitional housing project on the Cross Street property. City Council voted to work with the Lighthouse Rescue Mission on funding opportunities, such as Project Homekey funds and the City's Housing Asset funds, to support a homeless shelter project on an approved site.

Link:

<https://www.tulare.ca.gov/Home/Components/Calendar/Event/7448/232?select=1&toggle=allpast&npage=2>

<https://www.youtube.com/watch?v=Hc9hx-c4ti0&t=3953s> Gen Bus Item 3a begins at 42:18 and the motion begins at 1:31:43

On August 18, 2020, Council clarified the action taken at the August 4, 2020 as a decision to consider the allocation of the Housing Asset Funds to the Lighthouse Rescue Mission when a location and an approved project has been identified that meets the City's emergency housing criteria and ordinances.

Link:

<https://www.tulare.ca.gov/Home/Components/Calendar/Event/7448/232?select=1&toggle=allpast&npage=2>

<https://www.youtube.com/watch?v=NuRMI9EHfmk> Gen Bus Item 3a at 1:31:12 and the motion begins at 3:39:32

On April 19, 2021, staff received a request from Raymond Van Beek, Board President for the Lighthouse Rescue Mission to begin receiving funds from the City's Housing Asset funds to fund property acquisitions, purchase of modular units and operation costs for emergency shelter units in Tulare.

Additionally, staff has received interest from various national organizations such as RH Community Builders and Upholdings in utilizing the City's Housing Asset Funds for the purpose of the purchase, remodel and implementation of a local hotel for conversion to an emergency shelter.

Staff has included with this staff report a copy of a memo prepared by RSG Consulting dated October 1, 2019 summarizing the eligible uses of Housing Asset Funds to address homelessness for Council's reference. **Staff recommends Council review and discuss the status of the City's Housing Asset Funds in the sum of \$500,000 set aside by Council to be utilized for homelessness projects and/or programs; and provide direction to staff as appropriate.**

- f. **Receive community input of possible solutions to help mitigate homelessness issues in the City of Tulare. [Submitted by: R. Hunt]**

XI. ADJOURN SPECIAL SESSION

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ROBERT MARTIN; LAWRENCE LEE
SMITH; ROBERT ANDERSON; JANET
F. BELL; PAMELA S. HAWKES; and
BASIL E. HUMPHREY,

Plaintiffs-Appellants,

v.

CITY OF BOISE,

Defendant-Appellee.

No. 15-35845

D.C. No.
1:09-cv-00540-
REB

OPINION

Appeal from the United States District Court
for the District of Idaho
Ronald E. Bush, Chief Magistrate Judge, Presiding

Argued and Submitted July 13, 2017
Portland, Oregon

Filed September 4, 2018

Before: Marsha S. Berzon, Paul J. Watford,
and John B. Owens, Circuit Judges.

Opinion by Judge Berzon;
Partial Concurrence and Partial Dissent by Judge Owens

SUMMARY*

Civil Rights

The panel affirmed in part and reversed in part the district court's summary judgment in an action brought by six current or formerly homeless City of Boise residents who alleged that their citations under the City's Camping and Disorderly Conduct Ordinances violated the Eighth Amendment's prohibition on cruel and unusual punishment.

Plaintiffs sought damages for the alleged violations under 42 U.S.C. § 1983. Two plaintiffs also sought prospective declaratory and injunctive relief precluding future enforcement of the ordinances. In 2014, after this litigation began, the ordinances were amended to prohibit their enforcement against any homeless person on public property on any night when no shelter had an available overnight space.

The panel first held that two plaintiffs had standing to pursue prospective relief because they demonstrated a genuine issue of material fact as to whether they faced a credible risk of prosecution on a night when they had been denied access to the City's shelters. The panel noted that although the 2014 amendment precluded the City from enforcing the ordinances when shelters were full, individuals could still be turned away for reasons other than shelter capacity, such as for exceeding the shelter's stay limits, or for

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

failing to take part in a shelter's mandatory religious programs.

The panel held that although the doctrine set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994) and its progeny precluded most — but not all — of the plaintiffs' requests for retrospective relief, the doctrine had no application to plaintiffs' request for an injunction enjoining prospective enforcement of the ordinances.

Turning to the merits, the panel held that the Cruel and Unusual Punishments Clause of the Eighth Amendment precluded the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter. The panel held that, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.

Concurring in part and dissenting in part, Judge Owens disagreed with the majority's opinion that *Heck v. Humphrey* did not bar plaintiffs' claim for declaratory and injunctive relief. Judge Owens stated that a declaration that the city ordinances are unconstitutional and an injunction against their future enforcement would necessarily demonstrate the invalidity of plaintiffs' prior convictions. Judge Owens otherwise joined the majority in full.

COUNSEL

Michael E. Bern (argued) and Kimberly Leefatt, Latham & Watkins LLP, Washington, D.C.; Howard A. Belodoff, Idaho Legal Aid Services Inc., Boise, Idaho; Eric Tars, National Law Center on Homelessness & Poverty, Washington, D.C.; Plaintiffs-Appellants.

Brady J. Hall (argued), Michael W. Moore, and Steven R. Kraft, Moore Elia Kraft & Hall LLP, Boise, Idaho; Scott B. Muir, Deputy City Attorney; Robert B. Luce, City Attorney; City Attorney's Office, Boise, Idaho; for Defendant-Appellee.

OPINION

BERZON, Circuit Judge:

“The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.”

— Anatole France, *The Red Lily*

We consider whether the Eighth Amendment's prohibition on cruel and unusual punishment bars a city from prosecuting people criminally for sleeping outside on public property when those people have no home or other shelter to go to. We conclude that it does.

The plaintiffs-appellants are six current or former residents of the City of Boise (“the City”), who are homeless or have recently been homeless. Each plaintiff alleges that,

between 2007 and 2009, he or she was cited by Boise police for violating one or both of two city ordinances. The first, Boise City Code § 9-10-02 (the “Camping Ordinance”), makes it a misdemeanor to use “any of the streets, sidewalks, parks, or public places as a camping place at any time.” The Camping Ordinance defines “camping” as “the use of public property as a temporary or permanent place of dwelling, lodging, or residence.” *Id.* The second, Boise City Code § 6-01-05 (the “Disorderly Conduct Ordinance”), bans “[o]ccupying, lodging, or sleeping in any building, structure, or public place, whether public or private . . . without the permission of the owner or person entitled to possession or in control thereof.”

All plaintiffs seek retrospective relief for their previous citations under the ordinances. Two of the plaintiffs, Robert Anderson and Robert Martin, allege that they expect to be cited under the ordinances again in the future and seek declaratory and injunctive relief against future prosecution.

In *Jones v. City of Los Angeles*, 444 F.3d 1118, 1138 (9th Cir. 2006), *vacated*, 505 F.3d 1006 (9th Cir. 2007), a panel of this court concluded that “so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds [in shelters]” for the homeless, Los Angeles could not enforce a similar ordinance against homeless individuals “for involuntarily sitting, lying, and sleeping in public.” *Jones* is not binding on us, as there was an underlying settlement between the parties and our opinion was vacated as a result. We agree with *Jones*’s reasoning and central conclusion, however, and so hold that an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to

them. Two of the plaintiffs, we further hold, may be entitled to retrospective and prospective relief for violation of that Eighth Amendment right.

I. Background

The district court granted summary judgment to the City on all claims. We therefore review the record in the light most favorable to the plaintiffs. *Tolan v. Cotton*, 134 S. Ct. 1861, 1866 (2014).

Boise has a significant and increasing homeless population. According to the Point-in-Time Count (“PIT Count”) conducted by the Idaho Housing and Finance Association, there were 753 homeless individuals in Ada County — the county of which Boise is the seat — in January 2014, 46 of whom were “unsheltered,” or living in places unsuited to human habitation such as parks or sidewalks. In 2016, the last year for which data is available, there were 867 homeless individuals counted in Ada County, 125 of whom were unsheltered.¹ The PIT Count likely underestimates the number of homeless individuals in Ada

¹ The United States Department of Housing and Urban Development (“HUD”) requires local homeless assistance and prevention networks to conduct an annual count of homeless individuals on one night each January, known as the PIT Count, as a condition of receiving federal funds. State, local, and federal governmental entities, as well as private service providers, rely on the PIT Count as a “critical source of data” on homelessness in the United States. The parties acknowledge that the PIT Count is not always precise. The City’s Director of Community Partnerships, Diana Lachiondo, testified that the PIT Count is “not always the . . . best resource for numbers,” but also stated that “the point-in-time count is our best snapshot” for counting the number of homeless individuals in a particular region, and that she “cannot give . . . any other number with any kind of confidence.”

County. It is “widely recognized that a one-night point in time count will undercount the homeless population,” as many homeless individuals may have access to temporary housing on a given night, and as weather conditions may affect the number of available volunteers and the number of homeless people staying at shelters or accessing services on the night of the count.

There are currently three homeless shelters in the City of Boise offering emergency shelter services, all run by private, nonprofit organizations. As far as the record reveals, these three shelters are the only shelters in Ada County.

One shelter — “Sanctuary” — is operated by Interfaith Sanctuary Housing Services, Inc. The shelter is open to men, women, and children of all faiths, and does not impose any religious requirements on its residents. Sanctuary has 96 beds reserved for individual men and women, with several additional beds reserved for families. The shelter uses floor mats when it reaches capacity with beds.

Because of its limited capacity, Sanctuary frequently has to turn away homeless people seeking shelter. In 2010, Sanctuary reached full capacity in the men’s area “at least half of every month,” and the women’s area reached capacity “almost every night of the week.” In 2014, the shelter reported that it was full for men, women, or both on 38% of nights. Sanctuary provides beds first to people who spent the previous night at Sanctuary. At 9:00 pm each night, it allots any remaining beds to those who added their names to the shelter’s waiting list.

The other two shelters in Boise are both operated by the Boise Rescue Mission (“BRM”), a Christian nonprofit

organization. One of those shelters, the River of Life Rescue Mission (“River of Life”), is open exclusively to men; the other, the City Light Home for Women and Children (“City Light”), shelters women and children only.

BRM’s facilities provide two primary “programs” for the homeless, the Emergency Services Program and the New Life Discipleship Program.² The Emergency Services Program provides temporary shelter, food, and clothing to anyone in need. Christian religious services are offered to those seeking shelter through the Emergency Services Program. The shelters display messages and iconography on the walls, and the intake form for emergency shelter guests includes a religious message.³

Homeless individuals may check in to either BRM facility between 4:00 and 5:30 pm. Those who arrive at BRM facilities between 5:30 and 8:00 pm may be denied shelter, depending on the reason for their late arrival; generally, anyone arriving after 8:00 pm is denied shelter.

Except in winter, male guests in the Emergency Services Program may stay at River of Life for up to 17 consecutive nights; women and children in the Emergency Services Program may stay at City Light for up to 30 consecutive

² The record suggests that BRM provides some limited additional non-emergency shelter programming which, like the Discipleship Program, has overtly religious components.

³ The intake form states in relevant part that “We are a Gospel Rescue Mission. Gospel means ‘Good News,’ and the Good News is that Jesus saves us from sin past, present, and future. We would like to share the Good News with you. Have you heard of Jesus? . . . Would you like to know more about him?”

nights. After the time limit is reached, homeless individuals who do not join the Discipleship Program may not return to a BRM shelter for at least 30 days.⁴ Participants in the Emergency Services Program must return to the shelter every night during the applicable 17-day or 30-day period; if a resident fails to check in to a BRM shelter each night, that resident is prohibited from staying overnight at that shelter for 30 days. BRM's rules on the length of a person's stay in the Emergency Services Program are suspended during the winter.

The Discipleship Program is an “intensive, Christ-based residential recovery program” of which “[r]eligious study is the very essence.” The record does not indicate any limit to how long a member of the Discipleship Program may stay at a BRM shelter.

The River of Life shelter contains 148 beds for emergency use, along with 40 floor mats for overflow; 78 additional beds serve those in non-emergency shelter programs such as the Discipleship Program. The City Light shelter has 110 beds for emergency services, as well as 40 floor mats to handle overflow and 38 beds for women in non-emergency shelter programs. All told, Boise's three homeless shelters contain 354 beds and 92 overflow mats for homeless individuals.

A. The Plaintiffs

Plaintiffs Robert Martin, Robert Anderson, Lawrence Lee Smith, Basil E. Humphrey, Pamela S. Hawkes, and Janet F.

⁴ The parties dispute the extent to which BRM actually enforces the 17- and 30-day limits.

Bell are all homeless individuals who have lived in or around Boise since at least 2007. Between 2007 and 2009, each plaintiff was convicted at least once of violating the Camping Ordinance, the Disorderly Conduct Ordinance, or both. With one exception, all plaintiffs were sentenced to time served for all convictions; on two occasions, Hawkes was sentenced to one additional day in jail. During the same period, Hawkes was cited, but not convicted, under the Camping Ordinance, and Martin was cited, but not convicted, under the Disorderly Conduct Ordinance.

Plaintiff Robert Anderson currently lives in Boise; he is homeless and has often relied on Boise's shelters for housing. In the summer of 2007, Anderson stayed at River of Life as part of the Emergency Services Program until he reached the shelter's 17-day limit for male guests. Anderson testified that during his 2007 stay at River of Life, he was required to attend chapel services before he was permitted to eat dinner. At the conclusion of his 17-day stay, Anderson declined to enter the Discipleship Program because of his religious beliefs. As Anderson was barred by the shelter's policies from returning to River of Life for 30 days, he slept outside for the next several weeks. On September 1, 2007, Anderson was cited under the Camping Ordinance. He pled guilty to violating the Camping Ordinance and paid a \$25 fine; he did not appeal his conviction.

Plaintiff Robert Martin is a former resident of Boise who currently lives in Post Falls, Idaho. Martin returns frequently to Boise to visit his minor son. In March of 2009, Martin was cited under the Camping Ordinance for sleeping outside; he was cited again in 2012 under the same ordinance.

B. Procedural History

The plaintiffs filed this action in the United States District Court for the District of Idaho in October of 2009. All plaintiffs alleged that their previous citations under the Camping Ordinance and the Disorderly Conduct Ordinance violated the Cruel and Unusual Punishments Clause of the Eighth Amendment, and sought damages for those alleged violations under 42 U.S.C. § 1983. *Cf. Jones*, 444 F.3d at 1138. Anderson and Martin also sought prospective declaratory and injunctive relief precluding future enforcement of the ordinances under the same statute and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

After this litigation began, the Boise Police Department promulgated a new “Special Order,” effective as of January 1, 2010, that prohibited enforcement of either the Camping Ordinance or the Disorderly Conduct Ordinance against any homeless person on public property on any night when no shelter had “an available overnight space.” City police implemented the Special Order through a two-step procedure known as the “Shelter Protocol.”

Under the Shelter Protocol, if any shelter in Boise reaches capacity on a given night, that shelter will so notify the police at roughly 11:00 pm. Each shelter has discretion to determine whether it is full, and Boise police have no other mechanism or criteria for gauging whether a shelter is full. Since the Shelter Protocol was adopted, Sanctuary has reported that it was full on almost 40% of nights. Although BRM agreed to the Shelter Protocol, its internal policy is never to turn any person away because of a lack of space, and neither BRM shelter has ever reported that it was full.

If all shelters are full on the same night, police are to refrain from enforcing either ordinance. Presumably because the BRM shelters have not reported full, Boise police continue to issue citations regularly under both ordinances.

In July 2011, the district court granted summary judgment to the City. It held that the plaintiffs' claims for retrospective relief were barred under the *Rooker-Feldman* doctrine and that their claims for prospective relief were mooted by the Special Order and the Shelter Protocol. *Bell v. City of Boise*, 834 F. Supp. 2d 1103 (D. Idaho 2011). On appeal, we reversed and remanded. *Bell v. City of Boise*, 709 F.3d 890, 901 (9th Cir. 2013). We held that the district court erred in dismissing the plaintiffs' claims under the *Rooker-Feldman* doctrine. *Id.* at 897. In so holding, we expressly declined to consider whether the favorable-termination requirement from *Heck v. Humphrey*, 512 U.S. 477 (1994), applied to the plaintiffs' claims for retrospective relief. Instead, we left the issue for the district court on remand. *Bell*, 709 F.3d at 897 n.11.

Bell further held that the plaintiffs' claims for prospective relief were not moot. The City had not met its "heavy burden" of demonstrating that the challenged conduct — enforcement of the two ordinances against homeless individuals with no access to shelter — "could not reasonably be expected to recur." *Id.* at 898, 901 (quoting *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000)). We emphasized that the Special Order was a statement of administrative policy and so could be amended or reversed at any time by the Boise Chief of Police. *Id.* at 899–900.

Finally, *Bell* rejected the City’s argument that the plaintiffs lacked standing to seek prospective relief because they were no longer homeless. *Id.* at 901 & n.12. We noted that, on summary judgment, the plaintiffs “need not establish that they in fact have standing, but only that there is a genuine issue of material fact as to the standing elements.” *Id.* (citation omitted).

On remand, the district court again granted summary judgment to the City on the plaintiffs’ § 1983 claims. The court observed that *Heck* requires a § 1983 plaintiff seeking damages for “harm caused by actions whose unlawfulness would render a conviction or sentence invalid” to demonstrate that “the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal . . . or called into question by a federal court’s issuance of a writ of habeas corpus.” 512 U.S. at 486–87. According to the district court, “a judgment finding the Ordinances unconstitutional . . . necessarily would imply the invalidity of Plaintiffs’ [previous] convictions under those ordinances,” and the plaintiffs therefore were required to demonstrate that their convictions or sentences had already been invalidated. As none of the plaintiffs had raised an Eighth Amendment challenge as a defense to criminal prosecution, nor had any plaintiff successfully appealed their conviction, the district court held that all of the plaintiffs’ claims for retrospective relief were barred by *Heck*. The district court also rejected as barred by *Heck* the plaintiffs’ claim for prospective injunctive relief under § 1983, reasoning that “a ruling in favor of Plaintiffs on even a prospective § 1983 claim would demonstrate the invalidity of any confinement stemming from those convictions.”

Finally, the district court determined that, although *Heck* did not bar relief under the Declaratory Judgment Act, Martin and Anderson now lack standing to pursue such relief. The linchpin of this holding was that the Camping Ordinance and the Disorderly Conduct Ordinance were both amended in 2014 to codify the Special Order’s mandate that “[l]aw enforcement officers shall not enforce [the ordinances] when the individual is on public property and there is no available overnight shelter.” Boise City Code §§ 6-01-05, 9-10-02. Because the ordinances, as amended, permitted camping or sleeping in a public place when no shelter space was available, the court held that there was no “credible threat” of future prosecution. “If the Ordinances are not to be enforced when the shelters are full, those Ordinances do not inflict a constitutional injury upon these particular plaintiffs” The court emphasized that the record “suggests there is no known citation of a homeless individual under the Ordinances for camping or sleeping on public property on any night or morning when he or she was unable to secure shelter due to a lack of shelter capacity” and that “there has not been a single night when all three shelters in Boise called in to report they were simultaneously full for men, women or families.”

This appeal followed.

II. Discussion

A. Standing

We first consider whether any of the plaintiffs has standing to pursue prospective relief.⁵ We conclude that there are sufficient opposing facts in the record to create a genuine issue of material fact as to whether Martin and Anderson face a credible threat of prosecution under one or both ordinances in the future at a time when they are unable to stay at any Boise homeless shelter.⁶

“To establish Article III standing, an injury must be concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.” *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138, 1147 (2013) (citation omitted). “Although imminence is concededly a somewhat elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes — that the injury is *certainly* impending.” *Id.* (citation omitted). A plaintiff need not, however, await an arrest or prosecution to have standing to challenge the constitutionality of a criminal statute. “When the plaintiff has alleged an

⁵ Standing to pursue retrospective relief is not in doubt. The only threshold question affecting the availability of a claim for retrospective relief — a question we address in the next section — is whether such relief is barred by the doctrine established in *Heck*.

⁶ Although the SAC is somewhat ambiguous regarding which of the plaintiffs seeks prospective relief, counsel for the plaintiffs made clear at oral argument that only two of the plaintiffs, Martin and Anderson, seek such relief, and the district court considered the standing question with respect to Martin and Anderson only.

intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder, he should not be required to await and undergo a criminal prosecution as the sole means of seeking relief.” *Babbitt v. United Farm Workers Nat’l Union*, 442 U.S. 289, 298 (1979) (citation and internal quotation marks omitted). To defeat a motion for summary judgment premised on an alleged lack of standing, plaintiffs “need not establish that they in fact have standing, but only that there is a genuine question of material fact as to the standing elements.” *Cent. Delta Water Agency v. United States*, 306 F.3d 938, 947 (9th Cir. 2002).

In dismissing Martin and Anderson’s claims for declaratory relief for lack of standing, the district court emphasized that Boise’s ordinances, as amended in 2014, preclude the City from issuing a citation when there is no available space at a shelter, and there is consequently no risk that either Martin or Anderson will be cited under such circumstances in the future. Viewing the record in the light most favorable to the plaintiffs, we cannot agree.

Although the 2014 amendments preclude the City from enforcing the ordinances when there is no room available at any shelter, the record demonstrates that the City is wholly reliant on the shelters to self-report when they are full. It is undisputed that Sanctuary is full as to men on a substantial percentage of nights, perhaps as high as 50%. The City nevertheless emphasizes that since the adoption of the Shelter Protocol in 2010, the BRM facilities, River of Life and City Light, have never reported that they are full, and BRM states that it will never turn people away due to lack space.

The plaintiffs have pointed to substantial evidence in the record, however, indicating that whether or not the BRM facilities are ever full or turn homeless individuals away *for lack of space*, they *do* refuse to shelter homeless people who exhaust the number of days allotted by the facilities. Specifically, the plaintiffs allege, and the City does not dispute, that it is BRM's policy to limit men to 17 consecutive days in the Emergency Services Program, after which they cannot return to River of Life for 30 days; City Light has a similar 30-day limit for women and children. Anderson testified that BRM has enforced this policy against him in the past, forcing him to sleep outdoors.

The plaintiffs have adduced further evidence indicating that River of Life permits individuals to remain at the shelter after 17 days in the Emergency Services Program only on the condition that they become part of the New Life Discipleship program, which has a mandatory religious focus. For example, there is evidence that participants in the New Life Program are not allowed to spend days at Corpus Christi, a local Catholic program, "because it's . . . a different sect." There are also facts in dispute concerning whether the Emergency Services Program itself has a religious component. Although the City argues strenuously that the Emergency Services Program is secular, Anderson testified to the contrary; he stated that he was once required to attend chapel before being permitted to eat dinner at the River of Life shelter. Both Martin and Anderson have objected to the overall religious atmosphere of the River of Life shelter, including the Christian messaging on the shelter's intake form and the Christian iconography on the shelter walls. A city cannot, via the threat of prosecution, coerce an individual to attend religion-based treatment programs consistently with the Establishment Clause of the First Amendment. *Inouye v.*

Kemna, 504 F.3d 705, 712–13 (9th Cir. 2007). Yet at the conclusion of a 17-day stay at River of Life, or a 30-day stay at City Light, an individual may be forced to choose between sleeping outside on nights when Sanctuary is full (and risking arrest under the ordinances), or enrolling in BRM programming that is antithetical to his or her religious beliefs.

The 17-day and 30-day limits are not the only BRM policies which functionally limit access to BRM facilities even when space is nominally available. River of Life also turns individuals away if they voluntarily leave the shelter before the 17-day limit and then attempt to return within 30 days. An individual who voluntarily leaves a BRM facility for any reason — perhaps because temporary shelter is available at Sanctuary, or with friends or family, or in a hotel — cannot immediately return to the shelter if circumstances change. Moreover, BRM’s facilities may deny shelter to any individual who arrives after 5:30 pm, and generally will deny shelter to anyone arriving after 8:00 pm. Sanctuary, however, does not assign beds to persons on its waiting list until 9:00 pm. Thus, by the time a homeless individual on the Sanctuary waiting list discovers that the shelter has no room available, it may be too late to seek shelter at either BRM facility.

So, even if we credit the City’s evidence that BRM’s facilities have never been “full,” and that the City has never cited any person under the ordinances who could not obtain shelter “due to a lack of shelter capacity,” there remains a genuine issue of material fact as to whether homeless individuals in Boise run a credible risk of being issued a citation on a night when Sanctuary is full and they have been denied entry to a BRM facility for reasons other than shelter capacity. If so, then as a practical matter, no shelter is

available. We note that despite the Shelter Protocol and the amendments to both ordinances, the City continues regularly to issue citations for violating both ordinances; during the first three months of 2015, the Boise Police Department issued over 175 such citations.

The City argues that Martin faces little risk of prosecution under either ordinance because he has not lived in Boise since 2013. Martin states, however, that he is still homeless and still visits Boise several times a year to visit his minor son, and that he has continued to seek shelter at Sanctuary and River of Life. Although Martin may no longer spend enough time in Boise to risk running afoul of BRM's 17-day limit, he testified that he has unsuccessfully sought shelter at River of Life after being placed on Sanctuary's waiting list, only to discover later in the evening that Sanctuary had no available beds. Should Martin return to Boise to visit his son, there is a reasonable possibility that he might again seek shelter at Sanctuary, only to discover (after BRM has closed for the night) that Sanctuary has no space for him. Anderson, for his part, continues to live in Boise and states that he remains homeless.

We conclude that both Martin and Anderson have demonstrated a genuine issue of material fact regarding whether they face a credible risk of prosecution under the ordinances in the future on a night when they have been denied access to Boise's homeless shelters; both plaintiffs therefore have standing to seek prospective relief.

B. *Heck v. Humphrey*

We turn next to the impact of *Heck v. Humphrey* and its progeny on this case. With regard to retrospective relief, the

plaintiffs maintain that *Heck* should not bar their claims because, with one exception, all of the plaintiffs were sentenced to time served.⁷ It would therefore have been impossible for the plaintiffs to obtain federal habeas relief, as any petition for a writ of habeas corpus must be filed while the petitioner is “in custody pursuant to the judgment of a State court.” See 28 U.S.C. § 2254(a); *Spencer v. Kemna*, 523 U.S. 1, 7, 17–18 (1998). With regard to prospective relief, the plaintiffs emphasize that they seek only equitable protection against *future* enforcement of an allegedly unconstitutional statute, and not to invalidate any prior conviction under the same statute. We hold that although the *Heck* line of cases precludes most — but not all — of the plaintiffs’ requests for retrospective relief, that doctrine has no application to the plaintiffs’ request for an injunction enjoining prospective enforcement of the ordinances.

1. The *Heck* Doctrine

A long line of Supreme Court case law, beginning with *Preiser v. Rodriguez*, 411 U.S. 475 (1973), holds that a prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his or her confinement, but must instead seek federal habeas corpus relief or analogous state relief. *Id.* at 477, 500. *Preiser* considered whether a prison inmate could bring a § 1983 action seeking an injunction to remedy an unconstitutional deprivation of good-time conduct credits. Observing that habeas corpus is the traditional instrument to obtain release from unlawful

⁷ Plaintiff Pamela Hawkes was convicted of violating the Camping Ordinance or Disorderly Conduct Ordinance on twelve occasions; although she was usually sentenced to time served, she was twice sentenced to one additional day in jail.

confinement, *Preiser* recognized an implicit exception from § 1983's broad scope for actions that lie "within the core of habeas corpus" — specifically, challenges to the "fact or duration" of confinement. *Id.* at 487, 500. The Supreme Court subsequently held, however, that although *Preiser* barred inmates from obtaining an injunction to restore good-time credits via a § 1983 action, *Preiser* did not "preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid prison regulations." *Wolff v. McDonnell*, 418 U.S. 539, 555 (1974) (emphasis added).

Heck addressed a § 1983 action brought by an inmate seeking compensatory and punitive damages. The inmate alleged that state and county officials had engaged in unlawful investigations and knowing destruction of exculpatory evidence. *Heck*, 512 U.S. at 479. The Court in *Heck* analogized a § 1983 action of this type, which called into question the validity of an underlying conviction, to a cause of action for malicious prosecution, *id.* at 483–84, and went on to hold that, as with a malicious prosecution claim, a plaintiff in such an action must demonstrate a favorable termination of the criminal proceedings before seeking tort relief, *id.* at 486–87. "[T]o recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus." *Id.*

Edwards v. Balisok, 520 U.S. 641 (1997) extended *Heck*'s holding to claims for declaratory relief. *Id.* at 648. The plaintiff in *Edwards* alleged that he had been deprived of earned good-time credits without due process of law, because the decisionmaker in disciplinary proceedings had concealed exculpatory evidence. Because the plaintiff's claim for declaratory relief was "based on allegations of deceit and bias on the part of the decisionmaker that necessarily imply the invalidity of the punishment imposed," *Edwards* held, it was "not cognizable under § 1983." *Id.* *Edwards* went on to hold, however, that a requested injunction requiring prison officials to date-stamp witness statements was not *Heck*-barred, reasoning that a "prayer for such *prospective* relief will not 'necessarily imply' the invalidity of a previous loss of good-time credits, and so may properly be brought under § 1983." *Id.* (emphasis added).

Most recently, *Wilkinson v. Dotson*, 544 U.S. 74 (2005), stated that *Heck* bars § 1983 suits even when the relief sought is prospective injunctive or declaratory relief, "if success in that action would necessarily demonstrate the invalidity of confinement or its duration." *Id.* at 81–82 (emphasis omitted). But *Wilkinson* held that the plaintiffs in that case *could* seek a prospective injunction compelling the state to comply with constitutional requirements in parole proceedings in the future. The Court observed that the prisoners' claims for future relief, "if successful, will not necessarily imply the invalidity of confinement or shorten its duration." *Id.* at 82.

The Supreme Court did not, in these cases or any other, conclusively determine whether *Heck*'s favorable-termination requirement applies to convicts who have no practical opportunity to challenge their conviction or sentence via a

petition for habeas corpus. *See Muhammad v. Close*, 540 U.S. 749, 752 & n.2 (2004). But in *Spencer*, five Justices suggested that *Heck* may not apply in such circumstances. *Spencer*, 523 U.S. at 3.

The petitioner in *Spencer* had filed a federal habeas petition seeking to invalidate an order revoking his parole. While the habeas petition was pending, the petitioner's term of imprisonment expired, and his habeas petition was consequently dismissed as moot. Justice Souter wrote a concurring opinion in which three other Justices joined, addressing the petitioner's argument that if his habeas petition were mooted by his release, any § 1983 action would be barred under *Heck*, yet he would no longer have access to a federal habeas forum to challenge the validity of his parole revocation. *Id.* at 18–19 (Souter, J., concurring). Justice Souter stated that in his view “*Heck* has no such effect,” and that “a former prisoner, no longer ‘in custody,’ may bring a § 1983 action establishing the unconstitutionality of a conviction or confinement without being bound to satisfy a favorable-termination requirement that it would be impossible as a matter of law for him to satisfy.” *Id.* at 21. Justice Stevens, dissenting, stated that he would have held the habeas petition in *Spencer* not moot, but agreed that “[g]iven the Court’s holding that petitioner does not have a remedy under the habeas statute, it is perfectly clear . . . that he may bring an action under 42 U.S.C. § 1983.” *Id.* at 25 n.8 (Stevens, J., dissenting).

Relying on the concurring and dissenting opinions in *Spencer*, we have held that the “unavailability of a remedy in habeas corpus because of mootness” permitted a plaintiff released from custody to maintain a § 1983 action for damages, “even though success in that action would imply the

invalidity of the disciplinary proceeding that caused revocation of his good-time credits.” *Nonnette v. Small*, 316 F.3d 872, 876 (9th Cir. 2002). But we have limited *Nonnette* in recent years. Most notably, we held in *Lyall v. City of Los Angeles*, 807 F.3d 1178 (9th Cir. 2015), that even where a plaintiff had no practical opportunity to pursue federal habeas relief while detained because of the short duration of his confinement, *Heck* bars a § 1983 action that would imply the invalidity of a prior conviction if the plaintiff could have sought invalidation of the underlying conviction via direct appeal or state post-conviction relief, but did not do so. *Id.* at 1192 & n.12.

2. Retrospective Relief

Here, the majority of the plaintiffs’ claims for *retrospective* relief are governed squarely by *Lyall*. It is undisputed that all the plaintiffs not only failed to challenge their convictions on direct appeal but expressly waived the right to do so as a condition of their guilty pleas. The plaintiffs have made no showing that any of their convictions were invalidated via state post-conviction relief. We therefore hold that all but two of the plaintiffs’ claims for damages are foreclosed under *Lyall*.

Two of the plaintiffs, however, Robert Martin and Pamela Hawkes, also received citations under the ordinances that were dismissed before the state obtained a conviction. Hawkes was cited for violating the Camping Ordinance on July 8, 2007; that violation was dismissed on August 28, 2007. Martin was cited for violating the Disorderly Conduct Ordinance on April 24, 2009; those charges were dismissed on September 9, 2009. With respect to these two incidents, the district court erred in finding that the plaintiffs’ Eighth

Amendment challenge was barred by *Heck*. Where there is no “conviction or sentence” that may be undermined by a grant of relief to the plaintiffs, the *Heck* doctrine has no application. 512 U.S. at 486–87; *see also Wallace v. Kato*, 549 U.S. 384, 393 (2007).

Relying on *Ingraham v. Wright*, 430 U.S. 651, 664 (1977), the City argues that the Eighth Amendment, and the Cruel and Unusual Punishments Clause in particular, have no application where there has been no conviction. The City’s reliance on *Ingraham* is misplaced. As the Supreme Court observed in *Ingraham*, the Cruel and Unusual Punishments Clause not only limits the types of punishment that may be imposed and prohibits the imposition of punishment grossly disproportionate to the severity of the crime, but also “imposes substantive limits on what can be made criminal and punished as such.” *Id.* at 667. “This [latter] protection governs the criminal law process as a whole, not only the imposition of punishment postconviction.” *Jones*, 444 F.3d at 1128.

Ingraham concerned only whether “impositions outside the criminal process” — in that case, the paddling of schoolchildren — “constituted cruel and unusual punishment.” 430 U.S. at 667. *Ingraham* did not hold that a plaintiff challenging the state’s power to criminalize a particular status or conduct in the first instance, as the plaintiffs in this case do, must first be convicted. If conviction were a prerequisite for such a challenge, “the state could in effect punish individuals in the preconviction stages of the criminal law enforcement process for being or doing things that under the [Cruel and Unusual Punishments Clause] cannot be subject to the criminal process.” *Jones*, 444 F.3d at 1129. For those rare Eighth Amendment

challenges concerning the state's very power to criminalize particular behavior or status, then, a plaintiff need demonstrate only the initiation of the criminal process against him, not a conviction.

3. Prospective Relief

The district court also erred in concluding that the plaintiffs' requests for prospective injunctive relief were barred by *Heck*. The district court relied entirely on language in *Wilkinson* stating that "a state prisoner's § 1983 action is barred (absent prior invalidation) . . . no matter the relief sought (damages or equitable relief) . . . if success in that action would necessarily demonstrate the invalidity of confinement or its duration." *Wilkinson*, 544 U.S. at 81–82. The district court concluded from this language in *Wilkinson* that a person convicted under an allegedly unconstitutional statute may never challenge the validity or application of that statute after the initial criminal proceeding is complete, even when the relief sought is prospective only and independent of the prior conviction. The logical extension of the district court's interpretation is that an individual who does not successfully invalidate a first conviction under an unconstitutional statute will have no opportunity to challenge that statute prospectively so as to avoid arrest and conviction for violating that same statute in the future.

Neither *Wilkinson* nor any other case in the *Heck* line supports such a result. Rather, *Wolff*, *Edwards*, and *Wilkinson* compel the opposite conclusion.

Wolff held that although *Preiser* barred a § 1983 action seeking restoration of good-time credits absent a successful challenge in federal habeas proceedings, *Preiser* did not

“preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid . . . regulations.” *Wolff*, 418 U.S. at 555. Although *Wolff* was decided before *Heck*, the Court subsequently made clear that *Heck* effected no change in the law in this regard, observing in *Edwards* that “[o]rdinarily, a prayer for . . . prospective [injunctive] relief will not ‘necessarily imply’ the invalidity of a *previous* loss of good-time credits, and so may properly be brought under § 1983.” *Edwards*, 520 U.S. at 648 (emphasis added). Importantly, the Court held in *Edwards* that although the plaintiff could not, consistently with *Heck*, seek a declaratory judgment stating that the procedures employed by state officials that deprived him of good-time credits were unconstitutional, he *could* seek an injunction barring such allegedly unconstitutional procedures in the future. *Id.* Finally, the Court noted in *Wilkinson* that the *Heck* line of cases “has focused on the need to ensure that state prisoners use only habeas corpus (or similar state) remedies *when they seek to invalidate the duration of their confinement*,” *Wilkinson*, 544 U.S. at 81 (emphasis added), alluding to an existing confinement, not one yet to come.

The *Heck* doctrine, in other words, serves to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge. In context, it is clear that *Wilkinson*’s holding that the *Heck* doctrine bars a § 1983 action “no matter the relief sought (damages or equitable relief) . . . if success in that action would necessarily demonstrate the invalidity of confinement or its duration” applies to equitable relief concerning an existing confinement, not to suits seeking to preclude an unconstitutional confinement in the future, arising from incidents occurring after any prior conviction and stemming

from a possible later prosecution and conviction. *Id.* at 81–82 (emphasis added). As *Wilkinson* held, “claims for *future* relief (which, if successful, will not necessarily imply the invalidity of confinement or shorten its duration)” are distant from the “core” of habeas corpus with which the *Heck* line of cases is concerned, and are not precluded by the *Heck* doctrine. *Id.* at 82.

In sum, we hold that the majority of the plaintiffs’ claims for retrospective relief are barred by *Heck*, but both Martin and Hawkes stated claims for damages to which *Heck* has no application. We further hold that *Heck* has no application to the plaintiffs’ requests for prospective injunctive relief.

C. The Eighth Amendment

At last, we turn to the merits — does the Cruel and Unusual Punishments Clause of the Eighth Amendment preclude the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter? We hold that it does, for essentially the same reasons articulated in the now-vacated *Jones* opinion.

The Eighth Amendment states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const., amend. VIII. The Cruel and Unusual Punishments Clause “circumscribes the criminal process in three ways.” *Ingraham*, 430 U.S. at 667. First, it limits the type of punishment the government may impose; second, it proscribes punishment “grossly disproportionate” to the severity of the crime; and third, it places substantive limits on what the government may criminalize. *Id.* It is the third limitation that is pertinent here.

“Even one day in prison would be a cruel and unusual punishment for the ‘crime’ of having a common cold.” *Robinson v. California*, 370 U.S. 660, 667 (1962). Cases construing substantive limits as to what the government may criminalize are rare, however, and for good reason — the Cruel and Unusual Punishments Clause’s third limitation is “one to be applied sparingly.” *Ingraham*, 430 U.S. at 667.

Robinson, the seminal case in this branch of Eighth Amendment jurisprudence, held a California statute that “ma[de] the ‘status’ of narcotic addiction a criminal offense” invalid under the Cruel and Unusual Punishments Clause. 370 U.S. at 666. The California law at issue in *Robinson* was “not one which punishe[d] a person for the use of narcotics, for their purchase, sale or possession, or for antisocial or disorderly behavior resulting from their administration”; it punished addiction itself. *Id.* Recognizing narcotics addiction as an illness or disease — “apparently an illness which may be contracted innocently or involuntarily” — and observing that a “law which made a criminal offense of . . . a disease would doubtless be universally thought to be an infliction of cruel and unusual punishment,” *Robinson* held the challenged statute a violation of the Eighth Amendment. *Id.* at 666–67.

As *Jones* observed, *Robinson* did not explain at length the principles underpinning its holding. *See Jones*, 444 F.3d at 1133. In *Powell v. Texas*, 392 U.S. 514 (1968), however, the Court elaborated on the principle first articulated in *Robinson*.

Powell concerned the constitutionality of a Texas law making public drunkenness a criminal offense. Justice Marshall, writing for a plurality of the Court, distinguished the Texas statute from the law at issue in *Robinson* on the

ground that the Texas statute made criminal not alcoholism but *conduct* — appearing in public while intoxicated. “[A]ppellant was convicted, not for being a chronic alcoholic, but for being in public while drunk on a particular occasion. The State of Texas thus has not sought to punish a mere status, as California did in *Robinson*; nor has it attempted to regulate appellant’s behavior in the privacy of his own home.” *Id.* at 532 (plurality opinion).

The *Powell* plurality opinion went on to interpret *Robinson* as precluding only the criminalization of “status,” not of “involuntary” conduct. “The entire thrust of *Robinson*’s interpretation of the Cruel and Unusual Punishment Clause is that criminal penalties may be inflicted only if the accused has committed some act, has engaged in some behavior, which society has an interest in preventing, or perhaps in historical common law terms, has committed some *actus reus*. It thus does not deal with the question of whether certain conduct cannot constitutionally be punished because it is, in some sense, ‘involuntary’” *Id.* at 533.

Four Justices dissented from the Court’s holding in *Powell*; Justice White concurred in the result alone. Notably, Justice White noted that many chronic alcoholics are also homeless, and that for those individuals, public drunkenness may be unavoidable as a practical matter. “For all practical purposes the public streets may be home for these unfortunates, not because their disease compels them to be there, but because, drunk or sober, they have no place else to go and no place else to be when they are drinking. . . . For some of these alcoholics I would think a showing could be made that resisting drunkenness is impossible and that avoiding public places when intoxicated is also impossible. As applied to them this statute is in effect a law which bans

a single act for which they may not be convicted under the Eighth Amendment — the act of getting drunk.” *Id.* at 551 (White, J., concurring in the judgment).

The four dissenting Justices adopted a position consistent with that taken by Justice White: that under *Robinson*, “criminal penalties may not be inflicted upon a person for being in a condition he is powerless to change,” and that the defendant, “once intoxicated, . . . could not prevent himself from appearing in public places.” *Id.* at 567 (Fortas, J., dissenting). Thus, five Justices gleaned from *Robinson* the principle that “that the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” *Jones*, 444 F.3d at 1135; *see also United States v. Roberston*, 875 F.3d 1281, 1291 (9th Cir. 2017).

This principle compels the conclusion that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter. As *Jones* reasoned, “[w]hether sitting, lying, and sleeping are defined as acts or conditions, they are universal and unavoidable consequences of being human.” *Jones*, 444 F.3d at 1136. Moreover, any “conduct at issue here is involuntary and inseparable from status — they are one and the same, given that human beings are biologically compelled to rest, whether by sitting, lying, or sleeping.” *Id.* As a result, just as the state may not criminalize the state of being “homeless in public places,” the state may not “criminalize conduct that is an unavoidable consequence of being homeless — namely sitting, lying, or sleeping on the streets.” *Id.* at 1137.

Our holding is a narrow one. Like the *Jones* panel, “we in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place.” *Id.* at 1138. We hold only that “so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],” the jurisdiction cannot prosecute homeless individuals for “involuntarily sitting, lying, and sleeping in public.” *Id.* That is, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.⁸

We are not alone in reaching this conclusion. As one court has observed, “resisting the need to eat, sleep or engage in other life-sustaining activities is impossible. Avoiding public places when engaging in this otherwise innocent conduct is also impossible. . . . As long as the homeless plaintiffs do not have a single place where they can lawfully be, the challenged ordinances, as applied to them, effectively

⁸ Naturally, our holding does not cover individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. *See Jones*, 444 F.3d at 1123. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the “universal and unavoidable consequences of being human” in the way the ordinance prescribes. *Id.* at 1136.

punish them for something for which they may not be convicted under the [E]ighth [A]mendment — sleeping, eating and other innocent conduct.” *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1565 (S.D. Fla. 1992); *see also Johnson v. City of Dallas*, 860 F. Supp. 344, 350 (N.D. Tex. 1994) (holding that a “sleeping in public ordinance as applied against the homeless is unconstitutional”), *rev’d on other grounds*, 61 F.3d 442 (5th Cir. 1995).⁹

Here, the two ordinances criminalize the simple act of sleeping outside on public property, whether bare or with a blanket or other basic bedding. The Disorderly Conduct Ordinance, on its face, criminalizes “[o]ccupying, lodging, or sleeping in *any* building, structure or place, whether public or private” without permission. Boise City Code § 6-01-05. Its scope is just as sweeping as the Los Angeles ordinance at issue in *Jones*, which mandated that “[n]o person shall sit, lie or sleep in or upon any street, sidewalk or other public way.” 444 F.3d at 1123.

The Camping Ordinance criminalizes using “any of the streets, sidewalks, parks or public places as a camping place

⁹ In *Joel v. City of Orlando*, 232 F.3d 1353, 1362 (11th Cir. 2000), the Eleventh Circuit upheld an anti-camping ordinance similar to Boise’s against an Eighth Amendment challenge. In *Joel*, however, the defendants presented unrefuted evidence that the homeless shelters in the City of Orlando had never reached capacity and that the plaintiffs had always enjoyed access to shelter space. *Id.* Those unrefuted facts were critical to the court’s holding. *Id.* As discussed below, the plaintiffs here have demonstrated a genuine issue of material fact concerning whether they have been denied access to shelter in the past or expect to be so denied in the future. *Joel* therefore does not provide persuasive guidance for this case.

at any time.” Boise City Code § 9-10-02. The ordinance defines “camping” broadly:

The term “camp” or “camping” shall mean the use of public property as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at anytime between sunset and sunrise, or as a sojourn. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).

Id. It appears from the record that the Camping Ordinance is frequently enforced against homeless individuals with some elementary bedding, whether or not any of the other listed indicia of “camping” — the erection of temporary structures, the activity of cooking or making fire, or the storage of personal property — are present. For example, a Boise police officer testified that he cited plaintiff Pamela Hawkes under the Camping Ordinance for sleeping outside “wrapped in a blanket with her sandals off and next to her,” for sleeping in a public restroom “with blankets,” and for sleeping in a park “on a blanket, wrapped in blankets on the ground.” The Camping Ordinance therefore can be, and allegedly is, enforced against homeless individuals who take even the most rudimentary precautions to protect themselves from the

elements. We conclude that a municipality cannot criminalize such behavior consistently with the Eighth Amendment when no sleeping space is practically available in any shelter.

III. Conclusion

For the foregoing reasons, we **AFFIRM** the judgment of the district court as to the plaintiffs' requests for retrospective relief, except as such claims relate to Hawkes's July 2007 citation under the Camping Ordinance and Martin's April 2009 citation under the Disorderly Conduct Ordinance. We **REVERSE** and **REMAND** with respect to the plaintiffs' requests for prospective relief, both declaratory and injunctive, and to the plaintiffs' claims for retrospective relief insofar as they relate to Hawkes' July 2007 citation or Martin's April 2009 citation.¹⁰

¹⁰ Costs shall be awarded to the plaintiffs.

OWENS, Circuit Judge, concurring in part and dissenting in part:

I agree with the majority that the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994), bars the plaintiffs' 42 U.S.C. § 1983 claims for damages that are based on convictions that have not been challenged on direct appeal or invalidated in state post-conviction relief. See *Lyall v. City of Los Angeles*, 807 F.3d 1178, 1192 n.12 (9th Cir. 2015).

I also agree that *Heck* and its progeny have no application where there is no "conviction or sentence" that would be undermined by granting a plaintiff's request for relief under § 1983. *Heck*, 512 U.S. at 486–87; see also *Wallace v. Kato*, 549 U.S. 384, 393 (2007). I therefore concur in the majority's conclusion that *Heck* does not bar plaintiffs Robert Martin and Pamela Hawkes from seeking retrospective relief for the two instances in which they received citations, but not convictions. I also concur in the majority's Eighth Amendment analysis as to those two claims for retrospective relief.

Where I part ways with the majority is in my understanding of *Heck*'s application to the plaintiffs' claims for declaratory and injunctive relief. In *Wilkinson v. Dotson*, 544 U.S. 74 (2005), the Supreme Court explained where the *Heck* doctrine stands today:

[A] state prisoner's § 1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner's suit (state conduct leading to conviction or internal prison proceedings)—*if* success in that action

would necessarily demonstrate the invalidity of confinement or its duration.

Id. at 81–82. Here, the majority acknowledges this language in *Wilkinson*, but concludes that *Heck*'s bar on any type of relief that “would necessarily demonstrate the invalidity of confinement” does not preclude the prospective claims at issue. The majority reasons that the purpose of *Heck* is “to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge,” and so concludes that the plaintiffs’ prospective claims may proceed. I respectfully disagree.

A declaration that the city ordinances are unconstitutional and an injunction against their future enforcement necessarily demonstrate the invalidity of the plaintiffs’ prior convictions. Indeed, any time an individual challenges the constitutionality of a substantive criminal statute under which he has been convicted, he asks for a judgment that would necessarily demonstrate the invalidity of his conviction. And though neither the Supreme Court nor this court has squarely addressed *Heck*'s application to § 1983 claims challenging the constitutionality of a substantive criminal statute, I believe *Edwards v. Balisok*, 520 U.S. 641 (1997), makes clear that *Heck* prohibits such challenges. In *Edwards*, the Supreme Court explained that although our court had recognized that *Heck* barred § 1983 claims challenging the validity of a prisoner’s confinement “as a substantive matter,” it improperly distinguished as not *Heck*-barred *all* claims alleging only procedural violations. 520 U.S. at 645. In holding that *Heck* also barred those procedural claims that would necessarily imply the invalidity of a conviction, the Court did not question our conclusion that claims challenging a conviction “as a substantive matter” are barred by *Heck*.

Id.; see also *Wilkinson*, 544 U.S. at 82 (holding that the plaintiffs’ claims could proceed because the relief requested would only “render invalid the state *procedures*” and “a favorable judgment [would] not ‘necessarily imply the invalidity of [their] conviction[s] or sentence[s]’” (emphasis added) (quoting *Heck*, 512 U.S. at 487)).

Edwards thus leads me to conclude that an individual who was convicted under a criminal statute, but who did not challenge the constitutionality of the statute at the time of his conviction through direct appeal or post-conviction relief, cannot do so in the first instance by seeking declaratory or injunctive relief under § 1983. See *Abusaid v. Hillsborough Cty. Bd. of Cty. Comm’rs*, 405 F.3d 1298, 1316 n.9 (11th Cir. 2005) (assuming that a §1983 claim challenging “the constitutionality of the ordinance under which [the petitioner was convicted]” would be *Heck*-barred). I therefore would hold that *Heck* bars the plaintiffs’ claims for declaratory and injunctive relief.

We are not the first court to struggle applying *Heck* to “real life examples,” nor will we be the last. See, e.g., *Spencer v. Kemna*, 523 U.S. 1, 21 (1998) (Ginsburg, J., concurring) (alterations and internal quotation marks omitted) (explaining that her thoughts on *Heck* had changed since she joined the majority opinion in that case). If the slate were blank, I would agree that the majority’s holding as to prospective relief makes good sense. But because I read *Heck* and its progeny differently, I dissent as to that section of the majority’s opinion. I otherwise join the majority in full.

AGENDA ITEM: Gen Bus CD 1b

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Community & Economic Development

For Council Meeting of: June 22, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Review and discussion regarding the current City partnerships to respond to issues related to homelessness, including involved organizations, services provided and levels of funding offered.

IS PUBLIC HEARING REQUIRED: * Yes *n* No

BACKGROUND/EXPLANATION:

The City of Tulare leverages valuable partnerships and cross-community coordination to respond to issues regarding homelessness in our community. Collaboration and coordination can enable our community to more effectively address homelessness. Programs have different eligibility requirements, are run by different agencies and provide a variety of diverse services. Improving collaboration and coordination and broadening investments across many of the systems of care in the City of Tulare as well as the County of Tulare are stated goals of a number of governmental and non-profit organizations.

In November, 2019, a partnership of Tulare County Government agencies and officials along with City Government agencies and officials, County community service organizations, non-profit organizations and housing entities finalized the *Pathway Home: Responding to Homelessness in Tulare County* report. The purpose of the report is to act as a comprehensive plan that focuses on solutions that will positively impact and potentially reduce the homeless population in Tulare County. The City of Tulare representative participating in this effort is Vice Mayor Sayre.

In addition to the City's involvement with the County Homeless Alliance, the City of Tulare provides funding to the following organizations to assist with the issues surrounding the homeless population:

Kings/Tulare Homeless Alliance (KTHA):

Community Development Block Grant Funding - \$10,000. The KTHA provides homeless individuals with improved access to housing, healthcare, education, employment and supportive services. KTHA is the lead organization in Tulare County that conducts the City's Point in Time Count through the Project Homeless Connect event held each January.

Family Services of Tulare County (FSTC):

Community Development Block Grant Funding- \$15,000. FSTC provides permanent supportive housing for chronically homeless persons with a disability. The organization also manages seven units of transitional housing within the City of Tulare that provide shelter for persons experiencing homelessness and victims of domestic violence.

Kings View/PATH Program:

Community Development Block Grant Funding – \$10,000. Kings View provides homeless assistance, security deposits, emergency rental assistance, utility assistance, bus passes, food vouchers, clothing and mental health assistance to persons experiencing homelessness.

United Way of Tulare County:

Community Development Block Grant Funding – \$20,000.

United Way provides a critical link between vulnerable Tulare residents and essential services. The organization connects the residents with food bank, Cal Fresh benefits, clothing, shelter, medical services, mental health services, crisis intervention, support groups as well as drug and alcohol intervention.

Salt & Light Works:

Community Development Block Grant Funding - \$46,797. Salt & Light Works will provide food, sanitation services, living essential items, and referrals for people experiencing homelessness in the City of Tulare. The organization will conduct direct outreach to unsheltered persons two (2) days per week and provide two (2) meals, living essential items, and offer access to a portable bathroom and handwashing station.

Tulare County Workforce Investment Board (TCWIB):

Community Development Block Grant Funding - \$70,000. TCWIB is working to provide at least eight (8) low-moderate income persons, who are facing homelessness or have other significant barriers to employment with job training, job readiness and job placement services from an office location in the City of Tulare by means of a subcontract with Community Services Employment Training (CSET).

Lighthouse Rescue Mission (LHRM):

Community Development Block Grant Funding - \$24,500. The LHRM purchased an ADA compliant shower to serve the homeless persons at their LHRM locations.

Lighthouse Rescue Mission (LHRM):

Community Development Block Grant Funding - \$79,611. Funding was awarded to the LHRM in June, 2020 for the purchase and installation of four (4) two-bedroom factory built modular sleeping units to be placed at their location at 214 South H Street to serve eight (8) additional persons experiencing homelessness.

STAFF RECOMMENDATION:

Review and discussion regarding the current City partnerships to respond to issues related

to homelessness, including involved organizations, services provided and levels of funding offered.

CITY ATTORNEY REVIEW/COMMENTS: * Yes n N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes ☒ No N/A

ATTACHMENTS:

Attachment 1 – Pathway Home: Responding to Homelessness in Tulare County report.

Submitted by: Traci Myers

Title: Community and Economic Development Director

Date: 6/16/2021

City Manager Approval: _____

Pathway Home: Responding to Homelessness in Tulare County

November 2019



EXECUTIVE SUMMARY

Tulare County (“County”) can overcome the homelessness crisis we are currently facing. It will require a **collaborative effort** engaging all sectors of the community. It will require **one comprehensive plan** that all jurisdictions—the County establishment, cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the many other smaller jurisdictions—can adopt and invest in. It will require a **focus on solutions** that can be impactful and have long-term effects. It will require **significant investment in housing**; delay will be costly and result in a worsening crisis. Mostly, it will require **recognizing the humanity** of the thousands of individuals and families impacted by the crisis.

We are at a critical juncture; we will only succeed through a collaborative effort, with investment from every sector and every jurisdiction.

The County has already done a great deal to address homelessness. Over the past five years, the community has adopted a Housing First approach in many programs, working to ensure people have a safe place to sleep at night. The Continuum of Care has established a Coordinated Entry System and – with the assistance of service providers, community-based organizations, developers, the Tulare County Health and Human Services Agency, cities, and others – has obtained federal, state and local funding to increase its ability to provide housing and vital supportive services. This work lays a strong foundation upon which the community can build.

Yet, homelessness continues to increase in Tulare County and across California. The need is urgent. We are at a critical juncture; **we will only succeed through a collaborative effort, with participation from every sector and every jurisdiction.**

Homelessness is a community priority; it impacts everyone, from our neighbors who are unstably housed to those who have already fallen into homelessness, to our first responders, to all who will benefit from **community-wide strategies** that systemically and effectively resolve homelessness. Together we must coordinate **key resources** available across **all sectors** of the community. We are on a precipice and now is the time to focus on meaningful solutions, rather than simply treating the symptoms.

This Strategic Plan: “Pathway Home: Responding to Homelessness in Tulare County,” provides a set of goals tailored for our community that have been proven to be successful. It is a **roadmap** of how to address homelessness, based on local needs and strategies and tactics that work. To effectively address the crisis, the entire community — every corner of the county — needs to participate in solutions. Solutions are far less costly, far more humane, and the only way to create a system that effectively addresses homelessness.

The Goals for the Community are Clear:



Increase Access to Permanent Housing



Increase Access to Services to Support Exits from Homelessness



Expand Services for Subpopulations with Special Needs



Prevent Homelessness for Those at Risk



Strengthen Public Engagement and Community Partnerships



Increase Access to Permanent Housing

Permanent housing is the primary and most effective solution to ending homelessness. It brings security and safety, allowing individuals and families to focus their efforts on maintaining a job, getting the kids to school, and preserving their health and well-being. For some people experiencing homelessness, additional supportive services are also needed — help with independent living skills, job training, case management — assistance that allows people to achieve stability, long-term self-sufficiency, and most importantly, housing.



Increase Access to Services to Support Exits from Homelessness

With more than 70% of people experiencing homelessness in Tulare County living outside – on the streets, in vehicles, by the river – the community needs to address unsheltered homelessness. The cities, County, nonprofits and other partners can collaborate to help those most in need get the services and support they require to exit

homelessness by expanding outreach, targeting services, and developing accessible crisis shelters with tailored, housing-focused programming throughout the area.



Expand Services for Subpopulations with Special Needs

Within Tulare County, there are people at risk of or experiencing homelessness who require special attention. By understanding their special needs and directing services that allow professionals to focus and tailor their care, we can ensure that the system is accessible to some of the most vulnerable members within the community.



Prevent Homelessness for Those at Risk

As the housing crisis in California deepens, more and more people are just one paycheck or medical crisis away from losing their housing. Often it only requires a small intervention to prevent them from becoming homeless — whether it is one-time financial resources to provide a security deposit, legal assistance to prevent eviction, or help learning to balance a budget. Preventing homelessness by supporting individuals and families before they become homeless is not only more humane, but also more cost-effective.



Strengthen Public Engagement and Community Partnerships

Deeper partnerships and greater engagement throughout the region can strengthen and build leadership and community support for solutions to more effectively address homelessness. Collaboration and coordination can enable our community to effectively accomplish more, better, faster. The public and private systems that were created to help people in times of need are often patchwork. Programs have different eligibility requirements, are run by different agencies, and often don't work collaboratively to address the entire set of needs that an individual or family may present. Improving collaboration and coordination and broadening our investments across the many systems of care in Tulare County can help the community more effectively address homelessness.

There is not one strategy standing alone that will achieve the goal of ending homelessness in Tulare County. To be successful, the community needs a systematic and multi-faceted approach that engages the entire community – it requires investments from both the public and private sectors, dedicated resources with a laser focus on proven strategies, and collaboration and coordination across all sectors.







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I. INTRODUCTION

In 2011, the Continuum of Care on Homelessness that includes Tulare County released “Connecting the Dots,” a Ten-Year Plan to address homelessness in the region. Since then, local partners have made great strides in developing a system to respond to homelessness and reduce its impact on the community.

While homelessness continues to be an evolving challenge in Tulare County and across California, local accomplishments since 2011 have established an invaluable foundation for continued progress in addressing homelessness.

	Connecting the Dots’ Goals:		Achievements
	Expand housing available to homeless individuals and families		<ul style="list-style-type: none"> ✓ 146 Permanent Supportive Housing beds added in Tulare County since 2012 ✓ 71 Rapid Rehousing beds added in Tulare County since 2012 (including bi-county SSVF)
	Develop a Coordinated Entry System to prioritize available resources		<ul style="list-style-type: none"> ✓ Every Door Open Coordinated Entry System has connected over 217 Kings and Tulare County residents to housing interventions as of June 30, 2019
	Support a Housing First approach		<ul style="list-style-type: none"> ✓ 100% of CoC and ESG program-funded projects are now Housing First
	Establish integrated service teams, outreach events, and a “homeless liaison” in County programs to engage people experiencing homelessness		<ul style="list-style-type: none"> ✓ Established HOPE Team and Outreach Case Manager in Visalia, Countywide PATH Outreach and Housing Navigator programs ✓ Launched the Local Initiatives Navigation Center (LINC) program in Visalia and Tulare ✓ Project Homeless Connect events are held annually in three cities, serving 693 people in 2019 ✓ HHSA created Homeless Initiatives Program Coordinator position to coordinate HHSA-specific programs

Enhance access for homeless people to mainstream benefits



- ✓ 2-1-1 provides thousands of Tulare County residents with connections to services
- ✓ Staff trained in SOAR connect people to Social Security resources (SSI/SSDI)
- ✓ Number of homeless people receiving SSI/SSDI increased by 161% between 2015 and 2019

Establish a regular forum for people to meet to discuss local homelessness issues



- ✓ Tulare Countywide Task Force on Homelessness established in 2017 to coordinate countywide homelessness response
- ✓ Kings/Tulare Continuum of Care and local homeless service providers meet several times per month to discuss best practices and strengthen impact

Provide trainings and community education on issues related to homelessness



- ✓ Kings/Tulare Homeless Alliance and the Countywide Task Force provide public trainings and education around homelessness and key strategies for responding
- ✓ Annual Kings/Tulare Homeless Alliance Point in Time Count reports use data to explain the state of homelessness in Tulare County
- ✓ Kings/Tulare Homeless Alliance best practices trainings support providers in strengthening outcomes
- ✓ Kings/Tulare Homeless Alliance implemented a mandatory Case Management curriculum for all CoC-funded providers

Despite these significant steps forward, homelessness in Tulare County – and across California – is continuing to rise, due to high rates of poverty and escalating costs of housing. Without meaningful, coordinated action, homelessness will continue to grow, as more of our community members lose their housing and are unable to overcome the barriers to exiting homelessness.

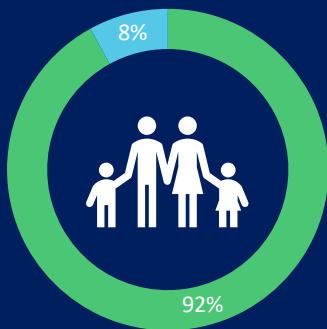
On a given night in 2019, there were 814 men, women and children experiencing homelessness in Tulare County, with 576 of those people living unsheltered on the streets, in vehicles, or in encampments. More than 90% of these individuals had their last stable residence in Tulare County.

While there are many reasons Tulare County residents may fall into homelessness – reduced work hours, medical bills or an unexpected expense, loss of a relative or mental health issues – these members of the community are living without stable housing or the support to regain it.

This Strategic Plan is based on the latest in available data and established best practices to provide an ambitious but achievable roadmap for meaningfully addressing homelessness in Tulare County. It represents the input of numerous stakeholders, including the private and public sectors, homeless service providers, housing developers, public health and behavioral health experts, and members of the faith-based community, among many others.

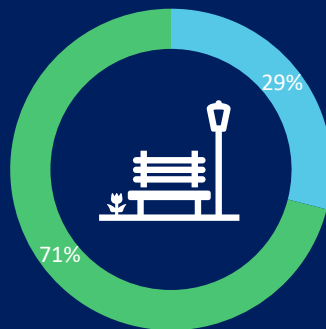
This Plan also meets the requirements of the California Department of Housing and Community Development’s No Place Like Home program, to ensure eligibility for state funding sources that can support crucial resources in addressing homelessness in Tulare County.

People Experiencing Homelessness



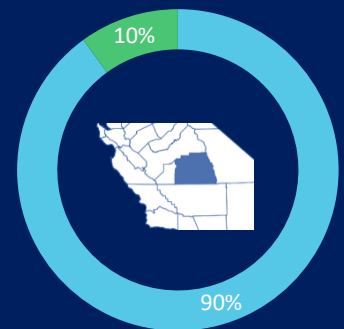
■ Adults ■ Children

Sheltered or Unsheltered



■ Sheltered ■ Unsheltered

Last Stable Residence



■ Tulare County ■ Other

II. STRATEGIC PLAN AND IMPLEMENTATION

Strategic planning processes are important and impactful. They help facilitate community-wide prioritization of key actions, foster creative and collaborative problem-solving, and provide a platform to consider resource needs and opportunities. A strategic plan is necessary to qualify for certain state and federal funding and can help bring in new resources to implement needed solutions. Having an intentional, shared plan for a coordinated homelessness response positions the Tulare County community to work together and implement the most effective strategies in addressing this community-wide challenge.

The Planning Process

This strategic plan reflects feedback and input from hundreds of community members, developed over a five-month community process. Grounded on prior work, including the Ten-Year Plan (“[Connecting the Dots](#)”) and a gaps analysis conducted in the Fall of 2018, the strategic planning process included:



Over 40 Interviews



Nearly 650 Surveys



75+ Stakeholder Summit Participants

- An **environmental scan** of existing reports, data and research about Tulare County, the cities in the region and the health and economic well-being of the community, including homelessness and the system of care;
- **Stakeholder interviews** with more than 40 representatives from cities, County agencies, health care systems, community-based organizations, service providers, and faith-based organizations;
- **Focus groups** with direct service providers and people with lived experience of homelessness;
- A **half-day Community Summit** with more than 75 elected officials, County staff, city staff, service providers, community-based organizations, law enforcement, faith-based organizations, and individual community members;
- **Topical committee meetings** focused on increasing housing, solutions to addressing unsheltered homelessness, public communications and engagement, and strengthening supportive services for people experiencing homelessness;
- **Nearly 650 completed community surveys**, including feedback from people with lived experience of homelessness, service providers, and community leaders; and
- A series of **presentations and discussions** at public meetings of the Tulare Countywide Task Force on Homelessness.

Through this process, the community identified **the following priorities for a local vision** to respond to homelessness in the County:

-
- ✓ **Create a culture of collaboration and connectivity** throughout the entire region, within and among jurisdictions, across the full spectrum of the homelessness system of care, and in partnership with other safety net systems.
 - ✓ **Promote a person-centered approach that is trauma-informed, empathetic and effective** for those at risk of or experiencing homelessness.
 - ✓ **Communicate broadly about local successes and challenges** in dealing with homelessness in a way that is transparent and dispels myths and misunderstandings about homelessness and the local response.
 - ✓ **Align the system so that there is no redundancy**, resources are committed that match the community's needs, and all key partners are accountable for supporting the solutions.
 - ✓ **Foster a better understanding of how people enter homelessness** and embrace solutions that prevent homelessness from occurring at all.
-

Partners in Ending Homelessness

The Tulare County region benefits from a strong network of formal and informal partnerships to address homelessness. Key partners, all of whom were involved in developing this Strategic Plan, include people with lived experience of homelessness, family caregivers of people living with severe mental health issues, service providers, and local leaders to set a vision for shared goals and strategies.

Planning Coordination and Leadership. The development of this plan has been guided by the leadership of the Tulare Countywide Task Force on Homelessness and the Kings/Tulare Homeless Alliance.

Strategic Planning Partners. Together, the Tulare community has leveraged invaluable partnerships and cross-community coordination to respond to homelessness and develop the next steps described in this Strategic Plan. The following is a non-exhaustive list of partners actively engaged in addressing homelessness in Tulare County.



County Government Agencies and Officials

- Tulare County Health and Human Services (including Mental Health, Child Welfare Services, TulareWORKs, Public Health Branch, Kings/Tulare Area Agency on Aging, Alcohol and Other Drugs, Veteran’s Services Office)
- Tulare County Board of Supervisors
- Tulare County Transit Agency
- Tulare County Community Action Agency (CSET)
- Tulare Office of Education
- Tulare County Sheriff’s Office
- Tulare County Administration Office



Additional Partners

- Faith-Based Community Leaders
- Community Service Organizations
- Kings/Tulare Homeless Alliance
- Workforce Investment Board of Tulare County
- United Way of Tulare County
- Kings United Way



City Government Agencies and Officials

- City of Visalia
- City of Tulare
- City of Porterville
- City of Farmerville
- City of Dinuba
- Elected Officials
- Police Departments



Housing

- Housing Authority
- Affordable Housing Developers



Community Based Organizations

- Nonprofit Direct Service Providers
- Resource Centers

Strategic Plan Implementation

The Strategic Plan identifies **five goals crucial** to addressing homelessness in Tulare County in the years ahead:



Together, these five goals are key to stemming the tide of the escalating crisis and addressing the growing impacts of homelessness on the Tulare County community.

Achieving these goals, however, will require community-wide investment and commitment. Communities successful in addressing homelessness have done so only through partnerships across multiple systems, sectors, and jurisdictions. Through these partnerships, key stakeholders across the community coordinate to commit resources and personnel, support public engagement and understanding of homelessness and its solutions, and actively measure and report successes and challenges.

Successful implementation of this Strategic Plan includes:

- **Leadership and coordination** by the Tulare Countywide Task Force
- **Jurisdictional Action Committees** to carry forward strategies at the local level
- **Dedicated Topical Committees** (e.g., Housing, Supportive Services)
- **Quarterly progress reporting** by Committees to the Task Force
- **Annual evaluation** and public reporting of progress, challenges, and next steps for the year ahead
- **Backbone staffing** to facilitate and coordinate implementation across stakeholders

III. HOMELESSNESS IN TULARE COUNTY

Overview



Homelessness in Tulare County impacts everyone in the community. Despite effective programs and dedicated providers, the number of people experiencing homelessness in Tulare County is continuing to increase, in line with steep increases in homelessness across California. Each year, hundreds of Tulare County residents – neighbors, friends, and co-workers – experience a crisis that results in loss of housing. And once housing is lost, it is increasingly difficult to get back on track.



People become homeless for many reasons. Some are unable to afford skyrocketing rents. Others are working low-wage jobs that don't pay enough to cover rent, maintain a mortgage, or even put down a security deposit. For those living paycheck-to-paycheck, a few reduced working hours, a costly medical bill, or unexpected family emergency can be enough to result in a housing crisis. Still others are fleeing domestic violence or struggling with mental health issues that can make it difficult to retain stable employment. Older adults are struggling to find housing that is affordable, even with Social Security Insurance (SSI).



While homelessness, its causes and solutions are diverse and vary from person to person, the skyrocketing rates of homelessness in California are significantly driven by dramatic increases in costs of housing across the state.¹ In Tulare County, rental costs have been steadily increasing relative to wages, and the increasing cost of purchasing a home is unattainable for many residents. Median rents in the area increased by 9% between 2012 and 2017,² while the median household income increased by only 2% during the same time period.³



To truly address the crisis and develop strategies to fit the unique needs of Tulare County, we need to better understand who is experiencing homelessness in the region. The list includes veterans, young families, single adults, people with disabilities, older adults, and youth, 90% of whom had their last stable residence in Tulare County. It includes 814 people who were identified as homeless on a single night in 2019, 576 of whom were found sleeping unsheltered. This section provides a snapshot of some of the people in Tulare County who experience homelessness and the factors that contribute to the growing problem.



¹ [High costs of housing drives up homeless rates, UCLA study indicates](#), Los Angeles Times, June 13, 2018, citing [Affordability, Full Employment, and Economic Growth, the UCLA Anderson Forecast](#), June 2018.

² Tulare County Median Gross Rent Estimates in 2012 (\$805) [2012 FactFinder](#), and in 2017 (\$877), [2017 FactFinder](#) U.S. Census Bureau.

³ [Selected Economic Characteristics 2013-2017 American Community Survey 5-Year Estimates Tulare County, California](#), American FactFinder, U.S. Census Bureau.

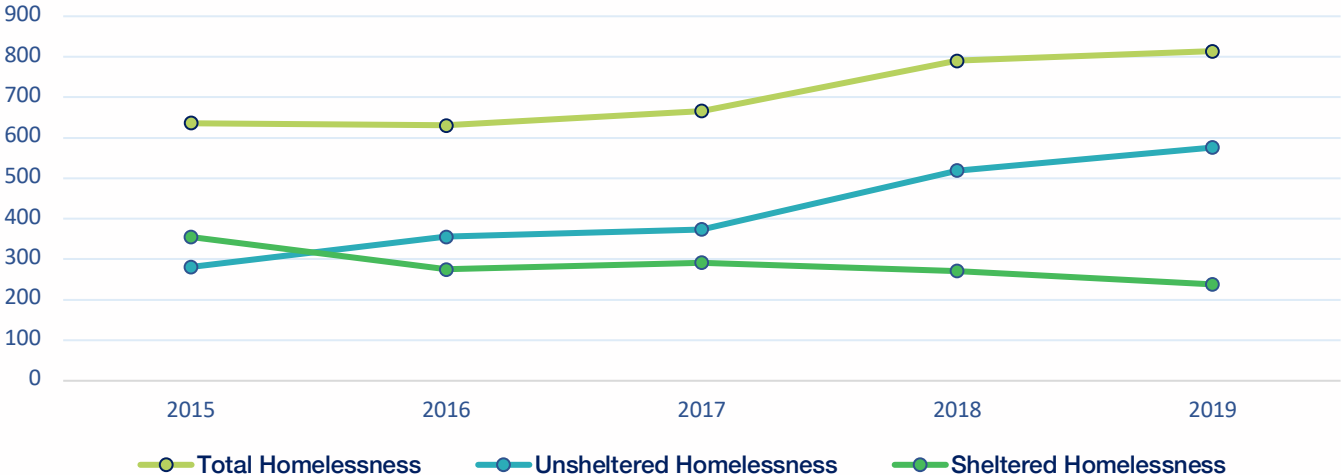
How Many People Are Experiencing Homelessness in Tulare County?

Every year, the Kings/Tulare Continuum of Care (CoC) conducts a “Point in Time” (PIT) Count of people experiencing homelessness on a single night in January. The PIT Count provides the best data available on the size and characteristics of the homeless population over time.⁴ In 2019, volunteers identified 814 individuals experiencing homelessness in Tulare County on the night of the count.

The number of people who experience homelessness in Tulare County over the course of a year, however, is much higher. This is because the Point in Time Count only measures the number of people who are homeless on a given day and does not account for the many people who fall in and out of homelessness during the rest of the year. According to the Kings/Tulare Homeless Management Information System (HMIS) database, at least 3,194 people experienced homelessness in Tulare County at some point during 2018.

Like the rest of the state, the number of people experiencing homelessness in Tulare County has increased significantly. Since 2015, the number of people identified as homeless in the Tulare County PIT Count has increased by 178 people, an increase of almost 30%.

Point-In-Time Homelessness In Tulare County



These increases are comparable to the increases experienced across California and the Central Valley.

⁴ All population data in this report is taken from the PIT Count unless otherwise specified. PIT Count reports can be found on the Kings/Tulare Homeless Alliance website here: <https://www.kthomelessalliance.org/point-in-time>. The Point in Time Count uses a definition of homelessness mandated by the U.S. Department of Housing and Urban Development (HUD). This definition counts people as homeless when they are living in a place not meant for human habitation (such as an encampment, tent, or vehicle), emergency shelters, or transitional housing. People who are doubled up or couch surfing are not counted as homeless under this definition.

Point-in-Time Count Changes: California and the Central Valley

	2015 Total	2019 Total	Increase	Unsheltered in 2019	2019 Unsheltered Percentage	Chronically Homeless in 2019	2019 Chronically Homeless Percentage
Sacramento Steps Forward⁵	2,659	5,570	+109%	3,900	70%	Not publicly available	n/a
San Joaquin CoC⁶	1,708	2,629	+54%	1,558	59%	752	29%
Stanislaus Community System of Care⁷	1,408	1,923	+37%	1,088	57%	285	15%
Fresno Madera CoC⁸	1,722	2,508	+46%	2,069	82%	698	28%
Kern County Homeless Collaborative⁹	954	1,330	+39%	805	61%	Not Reported	N/A
Tulare County (part of Kings/Tulare CoC)	636	814	+28%	576	71%	244	30%
California*¹⁰	115,738	129,972*	+12%**	89,543*	69%	34,332*	26%

* At the time of publication, California-wide aggregate data was not available for 2019, therefore California data is from 2018.

**Increase for 2015-2018, as California-wide aggregate data for 2019 was not available.

⁵ [2015 CoC Homeless Populations and Subpopulations Reports, CA-503: Sacramento City and County CoC](#), HUD Exchange; [Homelessness in Sacramento County: Results from the 2019 Point-in-Time Count](#), California State University for Sacramento Steps Forward, June 2019.

⁶ [2015 CoC Homeless Populations and Subpopulations Reports, CA-511: Stockton/San Joaquin County CoC](#), HUD Exchange; [San Joaquin Continuum of Care Report on the Point in time Count of the Sheltered and Unsheltered Homeless](#), April 2019.

⁷ [2015 CoC Homeless Populations and Subpopulations Reports, CA-510: Turlock, Modesto/Stanislaus County CoC](#), HUD Exchange; [2019 Stanislaus County Point-In-Time Count Survey Results](#), Modestogov.com.

⁸ [2015 CoC Homeless Populations and Subpopulations Reports, CA-514: Fresno City and County/Madera County CoC](#), HUD Exchange; 2019 HDX Competition Report, PIT Count Data for CA-514 - Fresno City & County/Madera County CoC.

⁹ [2015 CoC Homeless Populations and Subpopulations Reports, CA-604: Bakersfield/Kern County CoC](#), HUD Exchange; [2019 Homeless Point-in-Time County Reflects 50% Increase](#), Kern County Homeless Collaborative, 2019

¹⁰ [2015 CoC Homeless Populations and Subpopulations Report – California](#), HUD Exchange; [2018 CoC Homeless Populations and Subpopulations Report – California](#), HUD Exchange.

Where do People Experiencing Homelessness Stay?

The vast majority – at least 71% – of people experiencing homelessness in Tulare County are living unsheltered on the street or another outdoor location, in a vehicle, in abandoned buildings, or encampments. The rate of unsheltered homelessness has increased significantly since 2015 when 56% of people experiencing homelessness were sheltered and only 44% were unsheltered. While homelessness has increased by 178 people since 2015, the number of available emergency shelter beds has decreased by 11.5% over the same time period.

People who live unsheltered are more vulnerable than other people experiencing homelessness. By living unsheltered, they are exposed to greater risks, often are in poorer health, and have less access to health care services. They are more likely to have behavioral health challenges and/or be involved in the criminal justice system. And, they are more likely to experience premature death.

Many of those living without shelter are the community’s most vulnerable residents. Over 83% of homeless veterans, 86% of older adults 55 years and older, and 89% of homeless adults with disabilities are unsheltered. As a result, many of those who most need treatment, care and support are living without shelter, often in remote locations or encampments, disconnected from services.

Place Slept Last Night 2019 PIT Count:

Transitional Housing



15%

Emergency Shelter



14%

Unsheltered



71%

Veterans



83% Unsheltered

Disability



89% Unsheltered

Unaccompanied Youth



49% Unsheltered

Adults 55+



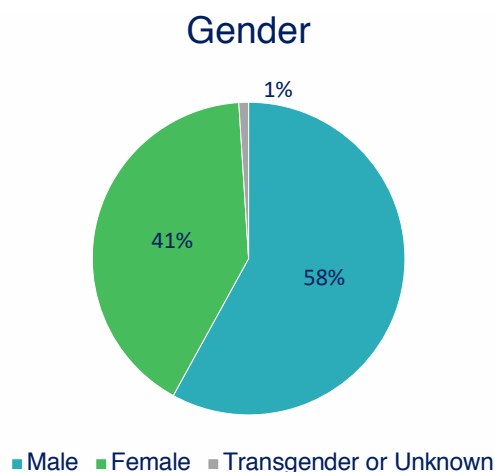
86% Unsheltered

Who is Experiencing Homelessness in Tulare County?

Homelessness in Tulare County is a crisis both invisible and visible. While the community’s growing unsheltered population has been the source of significant public attention, homelessness for many other residents is more hidden. This can result in misunderstandings about the tremendous diversity of Tulare County residents – families and individuals, young children and seniors – who are experiencing the crisis of homelessness and require additional support to return to housing.

Gender

While men comprise the majority of people experiencing homelessness in the County, over 40% of people experiencing homelessness are women. Seventy-three percent of men experiencing homelessness are living unsheltered, while 67% of women are sleeping without a roof over their heads. Women who are homeless are at particularly high risk of experiencing assault, victimization, and other physical harm, especially if living unsheltered.



Families with Children and Young Adults

The 2019 PIT Count identified 32 households with children and 48 households with unaccompanied or parenting youth (ages 18-24) experiencing homelessness. While the overall number of unaccompanied youth has gone down since 2015 (61 in 2015, 55 in 2019), more and more youth are living unsheltered, increasing from 38% in 2015 to 44% in 2019. Over 1 in 5 homeless families with children are living without shelter.

Over the course of a year, many more Tulare County children experience homelessness than are captured in the PIT Count. Under the federal McKinney-Vento Act, schools are also required to track students experiencing homelessness, using a definition of homelessness that also includes youth who are couch surfing or doubled-up (e.g., with multiple families sharing the same space).¹¹ In the 2017-18 school year, Tulare County schools reported 3,150 school age children experiencing homelessness under that definition.¹²

¹¹ 42 U.S.C. §11434(2)(B), McKinney-Vento Act, U.S. Department of Education.

¹² See excel spreadsheet, [County Office Homeless Liaison Contact List with 2017–18 Enrollment information](#), line 58, “Homeless Enrolled,” California Department of Education, April 25, 2019.

Survivors of Domestic Violence

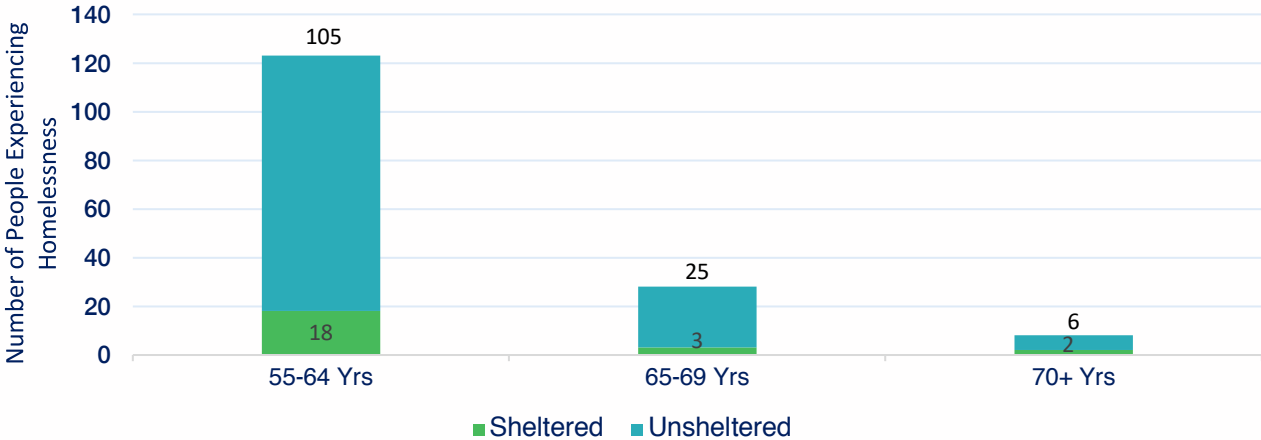
Domestic violence is a significant cause and consequence of homelessness. In Tulare County, over 10% of those who responded to the survey question (46 out of 436) indicated that they were currently fleeing domestic violence.

People who are fleeing domestic violence often lack the resources or support networks to obtain other permanent housing. Domestic violence survivors are faced with complicated situations and hard choices that make it harder for them to stay safe or find secure permanent housing, such as insufficient credit or rental history. Many women may enter unsafe situations in an effort to escape homelessness.

Older Adults

Consistent with national patterns, the homeless population in Tulare County is rapidly aging. The number of people experiencing homelessness in 2019 who were at least 55 years old (159 people) has almost doubled since 2015 (85 people). Adults age 55 or older now account for 1 out of every 5 individuals who are homeless, and this number is expected to continue to increase, due in part to the high costs of housing and health care that are increasingly unaffordable.¹³

Age of People Experiencing Homelessness



Older adults who are homeless face unique challenges and often require special support. People experiencing homelessness age more rapidly than others who are housed and older adults with extensive histories of homelessness typically present as much older than their biological age reflects.¹⁴ They may be more challenged with activities of daily living, with poor eyesight, balance, and hearing challenges. Older adults are also more likely to suffer from cognitive impairments and are more likely to present with depression. They may require more

¹³ [Demographics of Homelessness Series: The Rising Elderly Population](#), April 2010.
¹⁴ [Homeless people suffer geriatric conditions decades early, UCSF study shows](#), UCSF, February 2016.

medical interventions, compared to the general population of people experiencing homelessness. Despite the special needs and vulnerability of seniors experiencing homelessness in Tulare County, 86% of homeless older adults over age 64 were living unsheltered.

Veterans

Forty-eight Veterans of the U.S. military were counted in Tulare County during the 2019 PIT Count with 40 living unsheltered, living in cars, encampments or on the streets. One out of two Veterans are chronically homeless, meaning that they have a disability and have been homeless for an extended length of time (at least a year).

Persons with Disabilities

Over half of the people identified during the 2019 PIT Count have at least one disability – and many have multiple chronic conditions that make it difficult to complete normal day-to-day activities. Some of these individuals became homeless due to complications relating to their disabilities, while many others may have acquired their disabilities or had their disabilities compounded due to the trauma of being homeless.

Of the 532 homeless adults with disabilities, 89% were living without shelter. Close to half are chronically homeless, which means they have been homeless for at least one year.

Of the 453 homeless adults reporting barriers:



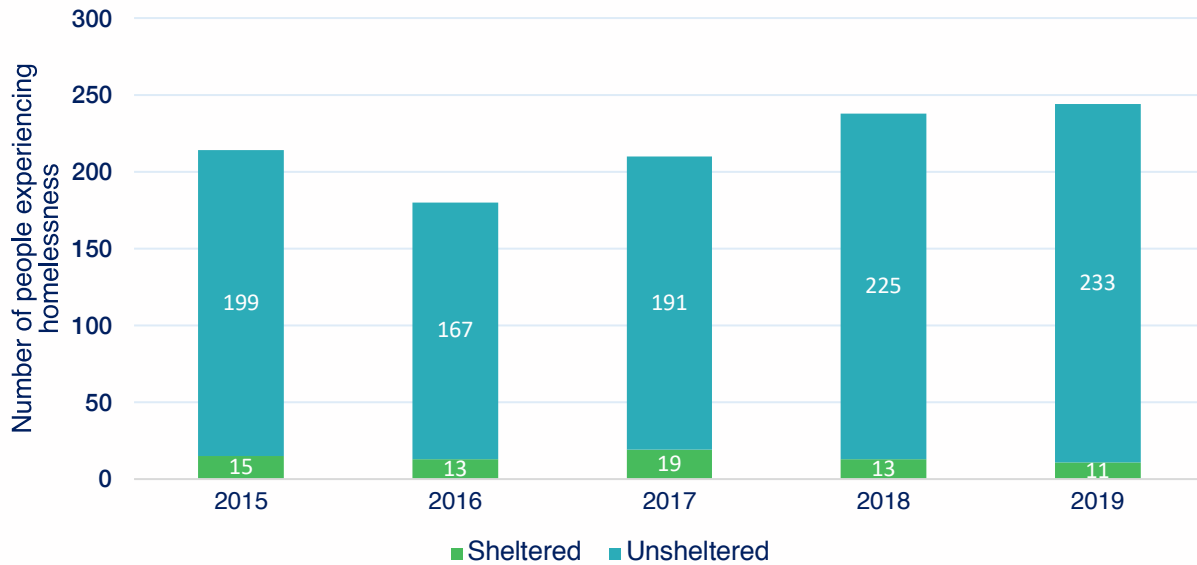
Chronically Homeless

According to the 2019 PIT Count, 244 Tulare County residents were identified as chronically homeless. A person is considered chronically homeless when they have been homeless for at least a year, either 12 months consecutively or over the course of at least 4 separate occasions in the past 3 years. To be chronically homeless, the individual or head of household must also have a disability. Over 95% of chronically homeless persons live unsheltered.

People who are considered chronically homeless have often experienced extensive trauma and have severe service needs. While interventions such as Permanent Supportive Housing have been proven to be extremely effective in supporting people experiencing chronic homelessness

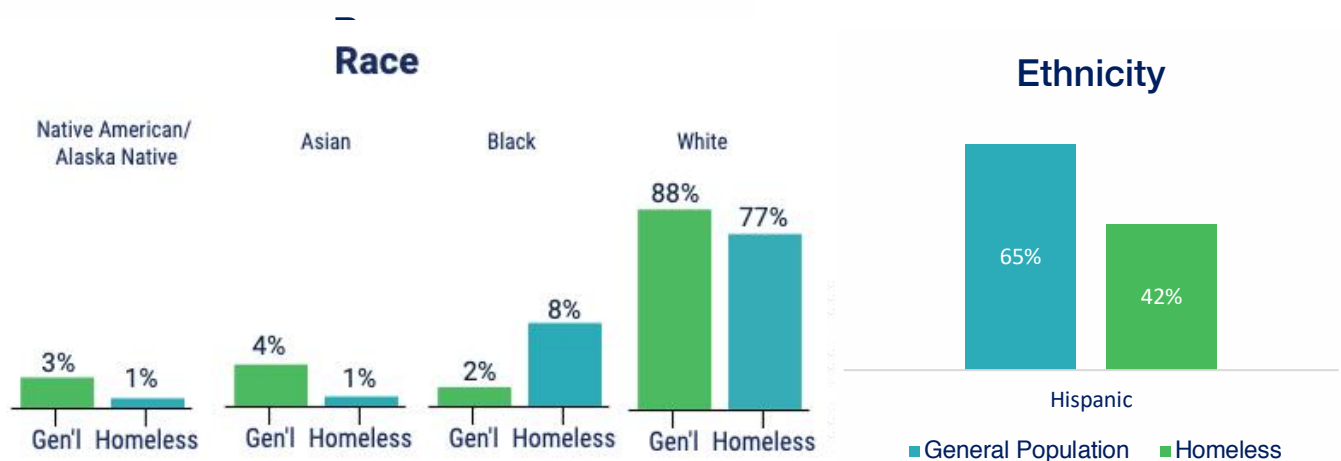
to regain stable housing, people with extensive histories of homelessness often require intensive service engagement and relationship-building with street outreach and other providers to establish a foundation of trust and rapport to successfully exit homelessness.

Chronically Homeless Individuals 2015-2019



Race and Ethnicity

The burden of homelessness disproportionately impacts certain people of color in Tulare County. While 88% of Tulare County’s population is white, only 77% of the people experiencing homelessness are white. Yet, while only 2% of the Tulare County population are Black, Black people experiencing homelessness comprise 8% of the overall homeless population. In contrast, while 65% of Tulare County residents identify as Hispanic/Latino, this group makes up only 42% of the homeless population.¹⁵



¹⁵ [Tulare County, California Quick Facts](#), U.S. Census Bureau.

No Place Like Home Target Population/Persons Experiencing Homelessness with Behavioral Health Challenges

Adults/Older Adults with Serious Mental Illness (SMI):

While severe mental illness (SMI) disproportionately impacts people experiencing homelessness, many Tulare County residents who are not experiencing homelessness also suffer from mental illness and other challenges. In the Tulare/Kings/Kern/Inyo County region, 18% of adults (age 18 and older) reported that they had a mental illness. Four percent reported a serious mental illness, 11% received mental health services within the year, and 4% had serious thoughts of suicide.¹⁶

Of the 3,194 people experiencing homelessness who received services in 2018, 17% reported a serious mental illness, while 5% have co-occurring disorders, and 4% have both a physical disability and serious mental illness.¹⁷

The chart below indicates how those with serious mental illness, co-occurring disorders, and physical disability and SMI experience homelessness in the County (whether in permanent supportive housing, Rapid Rehousing, transitional housing, in shelters, or unsheltered).

SMI/Co-Occurring Disorders in HMIS (2018):

	Total Homeless	Chronically Homeless	In PSH	In RRH	In TH	In Shelter	Unsheltered
Total Persons	3,194	14%	2.5%	1.3%	5.6%	35%	55%
SMI	17%	28%	7%	<1%	2%	6%	43%
Co-occurring disorders	5%	53%	10%	1%	5%	8%	75%
Physical Disability and SMI	4%	49%	9%	<1%	0%	9%	81%

While only 7% of the total population of Tulare County identified as having a mental or physical disability in 2018, those rates are significantly higher for those experiencing homelessness in 2019.

¹⁶ The National Survey on Drug Use and Health (NSDUH) is an annual survey conducted from January through December of people age 12 or older and is sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA). The survey collects information from individuals residing in households, noninstitutionalized group quarters (e.g., shelters, rooming houses, dormitories), and civilians living on military bases. Most of the data is reported for the state of California, but there is some information broken down by subregions of a state. Tulare County data is part of region 17R and includes Kings, Kern, and Inyo county information. There is no publicly available data for Tulare County individually. [2014-2016 NSDUH substate region estimates.](#)

¹⁷ This data is from the Kings/Tulare Homeless Management Information System (HMIS).

Percentage of Homeless Adults who Responded to the Question Whether They were Living with Barriers Including Mental Illness, Substance Use Disorder, or Physical Disability (2019 Point-in-Time Count)

	Mental Illness	Substance Use Disorder	Physical Disability
Homeless	45%	32%	40%
Chronically Homeless	61%	37%	54%

Children with Severe Emotional Disturbance:

Although data regarding the number of children with a serious emotional disturbance is not fully tracked by any single source, there are a variety of resources that identify the number of children and youth receiving mental health services.

Children and youth enrolled in the Medi-Cal program are eligible for Specialty Mental Health Services. Over 6,000 children and young adults up to age 21 (4.6% of Medi-Cal enrollees) received Specialty Mental Health Services in Tulare County in Fiscal Year 2016-17.¹⁸ Of those, more than 4,200, or 69%, had five or more specialty mental health services within the year.¹⁹ Seven hundred Tulare County children and youth received continuous specialty mental services with no breaks in service greater than 90 days for a period of at least 2 years.²⁰

Reasons for Homelessness in Tulare County

Poverty and Unemployment

As one of the poorest counties in California, Tulare County residents often experience a dual burden of depressed income and escalating housing costs. Nearly 1 in 4 families were living below the federal poverty line in 2017 (for 2019, that means income of less than \$25,750 for a family of four).²¹ With a median household income at 33% less than the average statewide, many Tulare County households are living paycheck to paycheck.²² As a result, a single crisis – an expensive medical bill, lost wages to care for a family member, reduction in work hours or a job loss – can result in loss of home. Tulare County also experiences some of the highest unemployment in the state. In 2018, residents experienced unemployment at twice the rate of California or the U.S. as a whole.²³

¹⁸ [Performance Outcomes System, County-level reports, Tulare County](#), Department of Health Care Services, September 2018

¹⁹ *Ibid*, page 9. The mean service needs across the population, per each unique beneficiary, included 11 days in a psychiatric health facility, 16.75 hours per beneficiary for full day intensive treatment, and 3.4 hours of crisis intervention. *Ibid*, page 11.

²⁰ *Ibid*, page 14.

²¹ [Selected Economic Characteristics, 2013-2017 American Community Survey 5-Year Estimates](#) Tulare County, California, American FactFinder, U.S. Census Bureau.

²² [Selected Economic Characteristics, 2013-2017 American Community Survey 5-Year Estimates](#) State of California, American FactFinder, U.S. Census Bureau.

²³ [Visalia/Porterville/Metropolitan Statistical Area \(MSA\), Tulare County](#), California Employment Development Division, August 16, 2019.

Rates of Unemployment, Poverty, and Median Income: California and the Central Valley

Location	Unemployment ²⁴	Poverty ²⁵	Median Income ²⁶
Fresno County	7.3%	21%	\$48,730
Kern County	8.4%	21%	\$50,826
Merced County	8.4%	23%	\$46,338
Sacramento County	4%	14%	\$60,239
San Joaquin County	6.3%	15%	\$57,813
Stanislaus County	6.6%	14%	\$54,260
Tulare County	10%	24%	\$44,871
Total California	3.5%	13%	\$67,169
Total United States	3.4%	12%	\$57,652

Rising Costs of Housing

California is in a housing crisis – and particularly an affordable housing crisis. Across the state – and throughout the country – affordable housing is less and less available; rent prices are increasing at an alarming rate, impacting individuals and families working hard at minimum or low-wage jobs, seniors and people with disabilities on fixed incomes, and single-income families with children. More and more people are devoting a significant portion of their income to housing costs. For many, that means homelessness is just one health crisis, missed paycheck, or family tragedy away.

Tulare County is not immune to the crisis. As part of the Central Valley, Tulare County resides in one of the only regions in the state that had a decline in the number of active single-family listings between 2018 and 2019.²⁷ At the same time, the median price of single-family homes in Tulare County increased by 2.5%.²⁸ The minimum qualifying income for a median cost home in Tulare County is 9% higher than the median area household income.²⁹

In 2017, the average family of four in Tulare County spent over \$10,000 a year (\$842 per month) on housing.³⁰ For 1 in 4 families in Tulare County living below the federal poverty level, housing costs make up at least 40% of their income.³¹

²⁴ [Metropolitan Statistical Area \(MSA\), California Counties](#), Employment Development Division, August 16, 2019. Data for Metropolitan Statistical Areas do not always track exactly to the county geography.

²⁵ [Selected Economic Characteristics, 2013-2017 American Community Survey 5-Year Estimates](#) Tulare County, California, American FactFinder, U.S. Census Bureau.

²⁶ Ibid.

²⁷ [Median Sold Price of Existing Single Family Homes](#), California Association of Realtors, July 2019.

²⁸ [Active Listings of Existing Single Family Homes](#), California Association of Realtors, July 2019.

²⁹ Median cost of a home is \$50,000. [California Housing Affordability Update: Traditional Housing Affordability Index Q-1 2019](#), California Association of Realtors. Accessed on July 1, 2019.

³⁰ [Family Budget Fact Sheets, Tulare County](#), Economic Policy Institute.

³¹ [Tulare County's Housing Emergency Update](#), California Housing Partnership, May 2019.

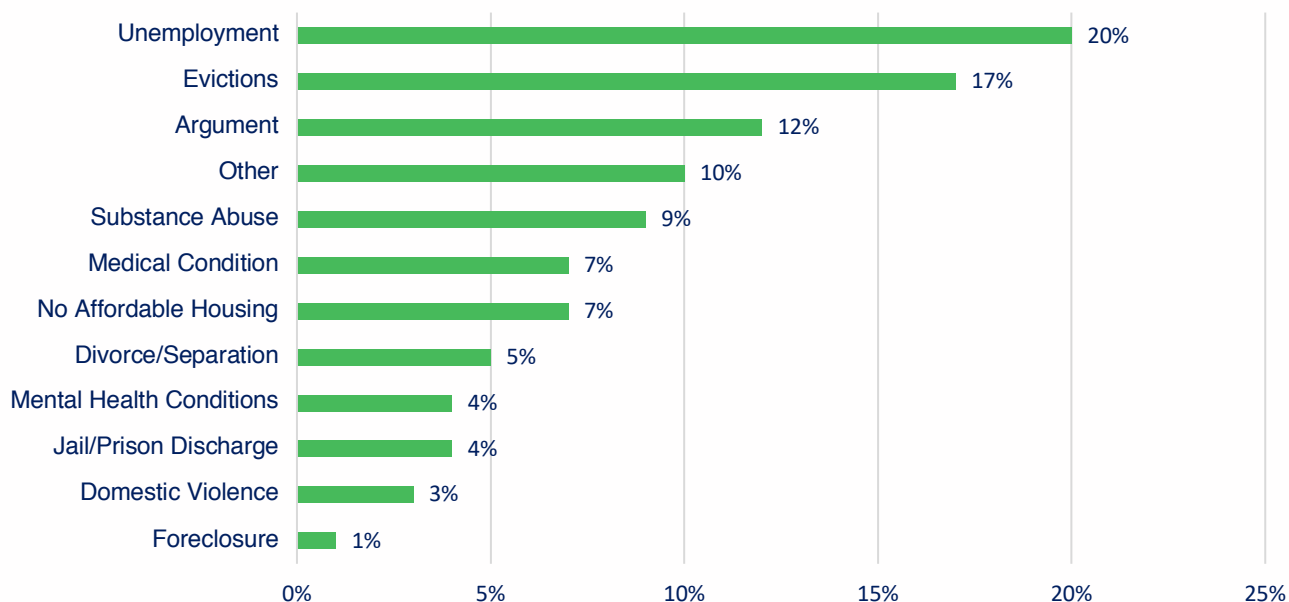
The availability of affordable housing in the area has failed dramatically to meet the needs. Little housing for very low-income and low-income families has come on the market in recent years, with relatively few affordable homes in development.³² Reports indicate that there is little inventory for first-time home buyers (the percent of first-time home buyers in 2018 was 33%, significantly lower than the historical norm of 40%).³³

Causes of Homelessness

Homelessness is impacting a tremendous number of Tulare County residents, from single adults and families to veterans and youth. The causes of homelessness in Tulare County are equally diverse, from medical emergencies to domestic violence and divorce. However, the primary causes of homelessness are loss of employment and evictions. In fact, in 2019, more than 1-in-3 people experiencing homelessness in the county reported unemployment or eviction as the cause of homelessness.

Comparing 2015 to 2019, housing-related issues are increasing as the reason for why Tulare County residents experience homelessness. In 2015, 1 in 6 people experiencing homelessness indicated housing-related issues as their reason for homelessness (evictions, no affordable housing, foreclosure and/or substandard housing). Fewer than 5 years later, nearly 1 in 4 identified housing-related issues (eviction, foreclosure, sub-standard housing, or no affordable housing) as the reason for homelessness.

2019 Causes of Homelessness



³² [Final Regional Housing Needs Plan for Tulare County, 2014-2023](#), Tulare County Association of Governments (TCAG), May 2014.

³³ [Tulare County bucks national home-buying trends: Schools remain most important](#), USA Today, November 3, 2018.

IV. TULARE COUNTY'S HOMELESS RESPONSE SYSTEM: THE OPPORTUNITIES AND CHALLENGES

Overview



Tulare County has a tremendous system of passionate, impactful providers dedicated to addressing homelessness. While resources specific to homelessness are limited, they are being targeted to the people who most need them, with programs that are using the best available approaches and a system that works hard to connect people as quickly as possible.



In recent years, the Kings/Tulare Homeless Alliance, Tulare County Health and Human Services Agency (HHSA), and local homeless service providers have successfully secured new state and federal funding, and are targeting this funding toward effective, proven strategies to support families and individuals exit homelessness. Without these extraordinary efforts, the impacts of homelessness on the Tulare County community would be much worse.



At the same time, the region continues to struggle with some of the highest rates of people becoming homeless for the first time, people returning to homelessness from permanent housing, and people living without shelter, as compared with comparably sized Continuums of Care in California. The fact is, the community in Tulare County does not have nearly enough services available to meet the growing need.



Looking ahead to 2025, the Tulare community has the opportunity to build on this strong foundation in a long-lasting way. With an effort focused around key areas – leadership and coordination, permanent solutions, connecting people to the system (including special subpopulations), and homelessness prevention – the community will be well positioned to enhance and improve the current system and anticipate and address the challenges ahead. This section provides an overview of the current system and the challenges that must be addressed in order to meaningfully impact homelessness in Tulare County.



Leadership & Coordination

Homelessness is a community-wide challenge that requires partnership between numerous jurisdictions, agencies, and sectors. Communities that are making headway in addressing homelessness have invested in effective, centralized leadership to coordinate efforts and implement shared strategies, ensuring that community resources are being used as effectively as possible. While the Tulare community has established a strong foundation for coordinated partnerships between providers through the Continuum of Care, greater investment and collaboration is needed by jurisdictional and system-level stakeholders to collectively achieve shared goals.

Collective Impact is an established approach for solving complex regional challenges – such as homelessness – across multiple partners, sectors and systems. To succeed, this approach requires:

- ✓ *A common agenda and coordinated plan of action to achieve shared objectives and strategies*
- ✓ *Continuous communication, including developing trust and a common vocabulary*
- ✓ *Shared measurement systems for monitoring impact*
- ✓ *A “backbone” person to plan, manage, and support the initiative, supporting stakeholders to work together with a sense of focus and urgency*

Successful strategic plan implementation requires community-wide engagement, including established systems of accountability and regular public messaging and communication between all partners. Investment in centralized, backbone staffing is crucial to coordinate key stakeholders in working together, tracking successes and addressing challenges, and ensuring the public is engaged and informed about homelessness and local solutions.

Current System

In Tulare County, the Kings/Tulare Homeless Alliance (KTHA) and the Tulare Countywide Task Force on Homelessness provide centralized countywide leadership and coordination, while the Homeless Management Information System (HMIS), Every Door Open Coordinated Entry System, and United Way of Tulare County 2-1-1 Hotline provide infrastructure to distribute resources and monitor programs and outcomes between multiple partners.

The Tulare Countywide Task Force on Homelessness was launched in 2017 to coordinate the countywide homelessness response. Representatives from city jurisdictions, county agencies, nonprofit providers, the faith community, and other partners meet monthly to align the work being done to address homelessness. As a cross-system entity, the Task Force is well-positioned to guide countywide coordination around shared strategies. The Task Force commissioned this Strategic Plan to establish a roadmap for moving forward and strengthening community-wide impact on homelessness.

Task Force Membership



The Kings/Tulare Homeless Alliance (KTHA) leads the homelessness Continuum of Care (CoC) for both Tulare and Kings Counties. In this role, KTHA applies for important sources of federal and state funding and works closely with direct service providers to build strong, coordinated programs to address homelessness. KTHA also manages countywide systems, such as Coordinated Entry, to strengthen the community's homelessness response.

- ✓ *Coordinates monthly CoC meetings, including training and support for service providers to maximize impact.*
- ✓ *Coordinates several community-wide initiatives, such as Coordinated Entry, the Case Managers Roundtables, Project Homeless Connect, and the annual Point in Time Count.*
- ✓ *Manages the annual HUD Continuum of Care application process, successfully growing Kings/Tulare Counties annual federal CoC funding to \$2,354,941 – a 285% increase since 2012.*
- ✓ *Manages the Landlord Mitigation Fund and the Housing Flex Fund.*
- ✓ *Coordinates the Local Initiatives Navigation Centers in both Visalia and Tulare.*

System Infrastructure

The Kings/Tulare **Every Door Open Coordinated Entry System** was launched in 2015 to ensure the limited homelessness resources available are used as efficiently as possible for the

people most in need. Coordinated Entry provides a centralized approach to connect the region's most vulnerable homeless residents to housing through a single community-wide assessment tool and program matching system.

- ✓ *In the four years from mid-2015 to June 30, 2019, Every Door Open provided 1,637 assessments to Tulare County households experiencing homelessness.*
- ✓ *During the same time period, Every Door Open enrolled over 150 Tulare County households to permanent housing, including 77 in PSH and over 60 in RRH.*
- ✓ *Through monthly Case Manager Roundtable meetings, Every Door Open coordinates outreach, service matching, and eligibility documentation to expedite the use of available resources.*

United Way of Tulare County 2-1-1 is a centralized non-emergency phone number and website that connects thousands of community members each year to a wealth of services and resources related to housing, health, behavioral health, income, legal issues, education and other needs.

- ✓ *Refers people to the Every Door Open Coordinated Entry System (550 referrals in 2018), ensuring access for people in need who might not connect to the system in other ways.*
- ✓ *Connects households at risk of homelessness to resources that prevent them from becoming homeless and help them stay housed.*
- ✓ *In 2018, 2-1-1 received 472 calls regarding At Risk/Homeless Housing Related Assistance Programs (an increase from 65 calls in 2017), 184 calls about Homeless Permanent Supportive Housing, 734 calls about homeless shelter, 137 calls about rental assistance, and 1,404 calls about low-income/subsidized housing.*

The Kings/Tulare County **Homeless Management Information System (HMIS)** is a centralized database for tracking service delivery and impact, operated by Kings United Way. Through the HMIS, the community monitors the performance of individual programs and the overall system for continued improvement. The data collected through HMIS helps ensure the Tulare community understands the homeless population and can tailor its services to meet those needs. HMIS also supports coordinated service provision for individuals that may move frequently and are often difficult to track. The HMIS meets state and federal requirements, ensuring competitiveness for funding.

- ✓ *The HMIS is used by 21 agencies to track hundreds of PSH, RRH, transitional housing, and emergency shelter beds in Kings and Tulare Counties. Since upgrading to a new software in 2008 the HMIS's effectiveness has continued to expand.*
- ✓ *The HMIS held the data for 3,194 individuals experiencing homelessness in Tulare County in 2018, an increase from 2,951 in 2017.*
- ✓ *The HMIS generates annual "System Performance Measures," that track progress and challenges in addressing homelessness, including housing stability of formerly homeless households and the number of people in the community falling into homelessness for the first time.*

Challenges

Lack of county-wide consensus around solutions and next steps to addressing homelessness.

Tulare County has made significant strides in community-wide collaboration since the 2011 “Connecting the Dots” strategic plan. However, more is needed to coordinate resources, align the homeless response across jurisdictions, and further break down siloes that impair communication and collaboration.

- ✓ *Tulare County lacks a shared set of strategies agreed to by all stakeholders countywide. As a result, people and agencies that should be working together are working in isolation, which causes duplication. The lack of coordination also spreads resources thinly across solutions that are not always the most effective in addressing homelessness, rather than focusing resources on the most impactful next steps.*
- ✓ *The lack of funding for dedicated full-time staffing to support county-wide coordination means that the community is missing out on opportunities for partnership and increasing overall resources.*

Public misunderstandings about homelessness and the most impactful solutions.

Homelessness is growing across the state of California, and there are many myths and misconceptions around why people are homeless and the programs and services that work best in solving the problem. Rising costs of housing, combined with wages that are not keeping pace, are driving rising rates of homelessness in Tulare County and across the state. A deeper understanding of homelessness and its solutions will strengthen community support for critical next steps.

- ✓ *The most common causes of homelessness in Tulare County are unemployment and eviction.³⁴ While many people experiencing homelessness have a disability that is a barrier to regaining stable housing, this disability is often the result of their homelessness rather than its cause. Only 13% of people experiencing homelessness became homeless because of mental health issues or substance use disorder.*
- ✓ *The vast majority – at least 90% – of people experiencing homelessness in Tulare County had their last stable residence in Tulare County.*
- ✓ *There are several programs and services in Tulare County that are extremely effective in addressing homelessness – the problem is, there is not nearly enough of these programs and services to meet the need.*

³⁴ 37% of people experiencing homelessness reported becoming homeless because of eviction or unemployment in the 2019 PIT Count.

Permanent Housing Solutions



Permanent housing programs, such as Permanent Supportive Housing (PSH) and Rapid Rehousing (RRH), are well-established as some of the most cost-effective and successful strategies to address homelessness.



These programs provide subsidized housing, combined with the supportive services the household needs to retain that housing and attain long-term stability. Services can include case management, connections to employment and public benefits, and medical, mental health, and substance use treatment. The programs tailor services to the unique needs of each household and successfully support many Tulare County residents each year to permanently exit homelessness and regain self-sufficiency.

Housing First

Most PSH and RRH programs in Tulare County have adopted a **Housing First/Low Barrier** approach. Housing First is a well-accepted national best practice that eliminates barriers to housing, ensuring individuals and families can exit homelessness as quickly as possible. Under a Housing First approach, people experiencing homelessness are supported in returning to housing as quickly as possible, often through supportive housing programs that have no pre-requisites, preconditions, or program participation requirements. Housing First does not mean “no rules,” but it does mean no unnecessary rules that could prevent people from entering the program.

The Housing First approach has been extremely successful in reducing the length of time households are homeless, preventing returns to homelessness, and supporting participants’ long-term stability and well-being. Research suggests Housing First program participants are 2.5 times more likely to be housed after 18-24 months than other programs.³⁵

Multiple studies show that Housing First significantly reduces the costs of homelessness on communities, for example:

- A study of 700 veterans across 14 medical centers showed a 32% reduction in VA health care costs for those receiving a Housing First intervention, with intensive inpatient costs down by 54%.³⁶

³⁵ Baxter AJ, Tweed EJ, Katikireddi SV, et al. [Effects of Housing First approaches on health and well-being of adults who are homeless or at risk of homelessness: systematic review and meta-analysis of randomised controlled trials](#). J Epidemiol Community Health 2019; 73.

³⁶ Montgomery, Ann Elizabeth, Lindsay Hill, Dennis P. Culhane, Vincent Kane. U.S. Dept. of Veterans Affairs, Housing First Implementation Brief, August 2014. Available at <https://www.va.gov/homeless/nchav/docs/Housing-First-Implementation-brief.pdf>. Further program information and links to publications available at <https://www.va.gov/homeless/nchav/models/housing-first.asp>. Sites included Bay Pines (FL), Bedford/Boston, Chicago, Dallas, Denver, Detroit, Los Angeles, New Orleans, New York City, Philadelphia, Portland, San Francisco, Syracuse, and Washington, DC.

- The City of Albuquerque saw a 64% reduction in jail costs and 84% reduction in costs for in-patient medical and mental health visits after one year of using a Housing First approach.³⁷
- Another study found that providing a Housing First intervention saved the system \$2,449 per person per month.³⁸

In Tulare County, 81 households have entered Housing First Permanent Supportive Housing from 2017 to mid-2019. Year-over-year, approximately 95% continue to remain stably housed. While the exact cost savings has not been calculated specifically for Tulare County, the community's PSH programs have likely saved tens of thousands of dollars in first responder and emergency service costs.

The Current System

PSH and RRH Programs

The Tulare County region has a variety of PSH and RRH programs, funded through several sources including Continuum of Care, Emergency Solutions Grant, CalWORKS, HUD's Veterans Affairs Supportive Housing (VASH), Supportive Services for Veteran Families (SSVF), Housing Authority program vouchers, and the Mental Health Services Act (MHSA). The primary source of funding used for PSH and RRH in Tulare County is from the HUD Continuum of Care program; in the 2018 competition, the CoC won \$1,960,095, for PSH and RRH across Kings and Tulare Counties.

Increasing these resources has also increased the number of people moving from homelessness to permanent housing. While 52 people exited street outreach to permanent housing in 2016-17, that number doubled in 2017-18 to 105, increasing the percent of people who are working with street outreach staff and have successful outcomes from 45% to 62%.

Permanent Supportive Housing provides long-term housing with intensive supportive services to persons with disabilities. These programs typically target people with extensive experiences of homelessness and multiple vulnerabilities and needs who would not be able to retain housing without significant support.

Rapid Rehousing provides housing subsidies and tailored supportive services for up to 24-months, with the goal of helping people to transition during that time period to more permanent housing. RRH is funded primarily through CoC and ESG programs, TulareWORKS, and Supportive Services for Veteran Families.

³⁷ Paul Guerin, Anne Minssen, City of Albuquerque Heading Home Initiative Cost Study Report Phase 1, Institute for Social Research, May 2016. Available at <http://isr.unm.edu/reports/2013/city-of-abq-heading-home-initiative-cost-study-phase-1.pdf>

³⁸ M. Larimer, D. Malone, M. Garner, et al. "Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems." *Journal of the American Medical Association*, April 1, 2009.



Rapid Rehousing

- ✓ *Tulare County has 104 RRH beds, operated by 3 agencies – an increase of 71 beds since 2012 (including bi-county SSVF).*
- ✓ *A total of 956 people have been assessed as needing RRH since mid-2015, with 60 households actually enrolling in an RRH program after passing eligibility requirements, compiling needed paperwork, and locating a housing unit.*



Permanent Supportive housing

- ✓ *Tulare County has 238 PSH beds operated by 6 agencies – an increase of 146 since 2012, with at least 26 additional units under development.*
- ✓ *A total of 590 people have been assessed as needing PSH since mid-2015, with 77 Tulare County households actually enrolling in a PSH program.*
- ✓ *Approximately 95% of people housed in PSH in Tulare County either remain in that unit or move to other permanent housing.*

The Moving On Initiative is a partnership with the Housing Authority of Tulare County that provides support to PSH participants who have stabilized and no longer need intensive supportive services. The program supports these households to move out of PSH, which creates vacancies in PSH for additional people currently experiencing homelessness. The Housing Authority has provided 10 vouchers to support this program, with some additional vouchers provided by Self-Help Enterprises – helping to guarantee that limited PSH resources are dedicated to the households that most need them.

Programs that Support Effective Use of PSH/RRH Resources

Tulare County has several important programs that help connect people to housing once they have been matched to a program. The programs help make sure that resources are not wasted and are being used as quickly as possible.

Permanent housing programs are most effective when they are combined with:

1. Services that address barriers to accessing and retaining housing, including flexible housing funds, landlord engagement, and housing navigation;
2. Intensive supportive services after entering housing – especially for people with extremely high needs; and
3. A low-barrier Housing First approach.

Housing Navigators help people experiencing homelessness find apartments and housing that can be financially supported through various programs. The assistance increases housing stability for those in supportive housing and ensures that programs can be accessed despite barriers. KTHA employs two full-time housing navigators to help people experiencing homelessness with tasks such as locating vacancies, compiling mandatory eligibility documentation, developing landlord relationships, and lease negotiations.

The Tulare County Landlord Risk Mitigation Fund provides flexible funds that encourage landlords to rent to people exiting homelessness by providing incentives such as extra security deposits. The Risk Mitigation fund is intended to address landlord concerns about renting to households that may have past evictions, poor credit, or criminal histories that are keeping them from obtaining housing. The project was established in November 2018 with over \$100,000 available to landlords.

The Flexible Housing Fund, launched in July 2019, supports individuals and families to exit homelessness more quickly by providing one-time resources that help households overcome financial barriers to housing. This may include financial assistance to cover one-time security deposits, money to reverse utility arrearages or to pay utility deposits, coverage of moving expenses, or other assistance. A special partnership recently launched with Anthem Blue Cross provides flexible housing resources for Anthem members who have been matched to a Housing Authority Mainstream Voucher Program (MVP) voucher, increasing the overall resources available to the Flexible Housing Fund.

Landlord Engagement

Many communities – even those in high cost rental markets – are highly successful in working with landlords and property managers to identify units for people exiting homelessness. Building relationships, including understanding and addressing landlords' concerns, is key.

Several landlord engagement strategies have proven especially effective in engaging landlords and property managers as partners in addressing homelessness:

- ✓ **Access Through Outreach:** Develop a message and ensure it reaches landlords and property managers. Get the word out about the program in landlord and business association publications and at meetings and gatherings. Engage participating landlords to tell their stories of success with the program to their peers.
- ✓ **Develop Messaging:** While there are many advantages to participating in a housing program, landlords often have anxiety and concerns about renting to people who were recently homeless. Develop materials that help explain the advantages and the approaches the program takes to ensure the landlord's property will be respected, the client will be supported, and rent will be paid.
- ✓ **Address Barriers for Individual Tenants:** Create a portfolio for the client, including letters of support from community members who know the client or information about the client's background and the steps they have taken. Help with criminal record expungement and credit repair. Provide opportunities for the potential tenants to meet landlords one-on-one to create a personal connection.
- ✓ **Landlord Risk Mitigation:** Ensure landlords have somebody they can call if they have concerns and explain the risk mitigation fund that provides compensation if issues arise. When a client is not a good fit for a unit, programs should move quickly to prevent the need for an eviction proceeding.
- ✓ **Build Lasting Relationships with Landlords Over Time:** Support the landlord to have a positive experience with clients and continue building the relationship between the landlord and program over time. Landlords often appreciate the ability to fill vacant units quickly without the cost of advertising and having guaranteed monthly rent.

Challenges

There are far too few PSH and RRH resources to meet the need.

While the Tulare County community is accomplishing a great deal with limited funds, the available supportive housing resources are insufficient to meet the need. In 2018, for example, an average of 23.3 new households were assessed as needing either RRH or PSH each month (approximately 280 total households in 2018). At the same time, because of the scarcity in PSH and RRH resources, only 6 households were enrolled in PSH or RRH each month on average.

- ✓ *The community needs more housing resources, faster. For example, while the number of people identified as chronically homeless at a single point in time has increased by 36% from 2016 to 2019 (180 to 244 people, respectively), the number of total PSH beds only increased by 7% (from 223 to 238 beds) during the same timeframe.*
- ✓ *Many opportunities exist in Tulare County to realign resources to more effectively address homelessness by focusing on solutions rather than treating symptoms and by coordinating resources between different partners. One example is using Medi-Cal to provide supportive services whenever possible.*

Assessments and Interventions: First Six Months 2019 (Jan – June)

	Identified as Needing PSH	Number PSH Enrollments	Identified as Needing RRH	Number RRH Enrollments	Number of HDAP Enrollments	Number of MVP Enrollments
Single Adults	47	7	75	7	2	3
Families	55	6	33	5	0	0
Total Households	102	13	108	12	2	3

Even when PSH and RRH resources are available, it can be challenging to find units for program participants to rent.

Tulare County has a shortage of affordable housing, especially for single adults who have extremely low incomes. And while there are often vouchers available – through the Housing Authority or Continuum of Care PSH or RRH programs, for example – those vouchers often sit unused because of difficulty locating a unit that will accept the program’s participant as a renter.

Housing resources could be used more quickly to end homelessness for more households if it was easier to find housing. On average, it takes a household over 65 days to locate and move into housing after enrollment in a RRH or PSH program in Tulare County.

Landlords are invaluable partners in helping people exit homelessness and get back on their feet. PSH and RRH-type programs can actually benefit participating landlords, due to the reliable source of rent and the support of the program in locating new tenants when needed. Yet landlords are often reluctant to rent to people who were recently homeless or who have bad credit, histories of past evictions, or other challenges. Landlord engagement initiatives have had meaningful success in other communities, for example by connecting landlords to others who have had positive experiences with the program and introducing them to prospective renters and people experiencing homelessness to hear their stories.

- ✓ *The Tulare County community does not have a coordinated landlord engagement or targeted messaging campaign to educate landlords about the benefits of participating in*

these programs. Resources and staffing are needed to lead a community-wide landlord engagement program or marketing campaign.

- ✓ *Both the Landlord Mitigation and Flexible Housing Funds are extremely valuable programs in helping to get people connected to units faster. However, these pilot programs are new to Tulare County and have minimal resources to support infrastructure or staffing for administration of the program and will need continued investment over time. Contributing to these funds is a meaningful way the public can support ending homelessness for additional Tulare County households.*
- ✓ *The pace of affordable housing development dedicated to people who are extremely low-income or in Permanent Supportive Housing is not nearly enough to keep up with the need. Most Tulare County new development is higher-end housing that is out of reach to many residents. A 5-year permanent supportive housing development pipeline would ensure important steps are being taken to increase available units over time.*

Connecting People to Housing-Focused Services

Many people experiencing homelessness in Tulare County have been homeless for an extended period of time. These individuals are often disconnected from the resources they need to exit homelessness and achieve stability. Supporting people with extensive histories of homelessness and related trauma requires significant outreach and engagement.

In recent years, community partners have been assertive in applying for grants and taking advantage of opportunities to increase the resources and programs that support people who are living outside. These programs include street/encampment outreach, emergency shelters and warming centers, and “one-stop” programs where people can access many different services in a single location. Each of these programs provides housing-focused assistance that helps people use the resources available to them to exit homelessness as quickly as possible.

While long-term solutions to homelessness require community-wide investment in permanent solutions – especially supportive housing – housing-focused services help people connect to these long-term solutions and address the barriers that keep them from becoming housed. The goal is to help people exit homelessness as soon as possible. Once housed, people can work on the underlying challenges that undermine their stability.

Housing Focused Case Management

Case management is a crucial supportive service for people experiencing, exiting, and at risk of homelessness. For people who are currently homeless, Housing Focused Case Management is a best practice that focuses on the specific challenges and barriers keeping the family or individual from regaining housing. While people experiencing homelessness often have complex needs, these are generally more effectively addressed after they are housed.

Clients and case managers work together to develop and implement a dynamic “Housing Stability Plan” that is revised and refined over time. The process includes:

- ✓ **Assessing Barriers to Housing** – What are the specific barriers preventing this household from getting into permanent housing *right now*? What strengths and resources does the client have? Strengths can include, for example, a family or faith network, work experience, a powerful story, strong survival skills, etc.
- ✓ **Goal Setting & Action Planning** – What are the client’s housing goals and what steps will they take to achieve those goals? Using client-centered approaches that emphasize client choice, the case manager and client work together to develop a plan. The plan defines the role of the client and the role of the case manager, and the bite-sized steps each will take between frequent meetings.
- ✓ **Support Long-Term Housing Stability** – Housing-focused case management continues after the client has entered housing, to ensure they remain for the long-term. Case managers assist during move in, for example by helping the client to meet new neighbors. Some households need extensive support to address the underlying causes of their homelessness and attain stability over time, including, for example:
 - Treatment to address physical, mental or behavioral (e.g., substance use) issues
 - Job training and workforce development
 - Tenant education and support to ensure lease compliance
- ✓ **Best Practice Techniques** such as Motivational Interviewing and Trauma Informed Care are key to client engagement and participation in voluntary services.

The Current System

Street and Encampment Outreach

Street and Encampment Outreach Teams meet people where they are to provide connections to services. Many people with extensive histories of homelessness are disconnected from the network of services that could help them return to housing. They often have deep-seated trauma and negative experiences with the safety net system that may make them reluctant to engage with providers.

When outreach workers go to where people are living, they can build trust, better understand the circumstances that people are facing, and offer advice and support in a more meaningful and relevant way, which can provide a better chance for people to move to more supportive environments. Outreach specialists use proven engagement techniques, such as Trauma Informed Care, Critical Time Intervention, and Motivational Interviewing, to build relationships of trust and help people connect to the services and support they need to find and keep housing.

Call Out:

Many of the people who are unsheltered in Tulare County have been homeless for a long time – over 49% in 2019 were homeless at least a year and many others have been homeless for decades. These individuals often need significant time to build relationships with outreach staff before they are ready to move on to housing. While most people do not want to live outside, their years of trauma often make it difficult for them to keep appointments or engage with services without intensive support.

49% of people homeless 1+ years (adults)



11% of people homeless at least 4 times in past 3 years (adults)



Street Outreach programs in Tulare County include **Projects for Assistance in Transition from Homelessness (PATH)**, the City of Visalia’s multi-disciplinary **Homeless Outreach and Proactive Enforcement (HOPE) Team** comprised of the City of Visalia police officers partnered with a County mental health professional, and **Visalia Outreach Case Management** that provides an outreach worker to provide case management in the City of Visalia. Together these agencies and organizations partner to identify individuals experiencing homelessness and connect them to Coordinated Entry and other services.

- ✓ Street outreach programs served a total of 153 people in the first half of 2019.
- ✓ The number of people who exited to permanent housing from street outreach programs doubled from 2016-17 to 2017-18, from 52 people to 105.

Emergency Shelters and Warming Centers

Emergency shelters and warming centers provide safe places for people to stay at night and help connect people to services and the Coordinated Entry System. When the programs are housing-focused and low-barrier, they are an important part of the system to engage people and help them exit homelessness to permanent housing.

Best Practice: Housing-Focused Crisis Shelters

Housing-focused crisis shelters (sometimes also called “emergency shelters”) are an important part of a community’s response to homelessness. While they help people stay safe from the dangers of living outside, they are also a valuable link to permanent housing, especially for people who have been homeless for an extended period of time and might be reluctant to engage in services.

The most effective shelters are “housing focused,” meaning that they are low-barrier and tailor their services to support the household with the goal of exiting homelessness. These programs do not require participation in services as a condition of stay, but instead offer voluntary case management that assists households to create an action plan to get housing.

To be most effective, a housing-focused crisis shelter should have:

- **Admission policies that screen-in** rather than screen-out potential participants with the greatest barriers to housing;
- **Minimal rules and restrictions** that focus on behavioral expectations to help ensure client and staff safety – few rules, not “no rules”;
- **Case management and other services** that help connect people to housing, including Coordinated Entry System assessments;
- **Accommodations** that welcome partners, pets, and possessions so that people do not face separation;
- **Flexible access to shelter and services**, including extended hours of operation, arrangements for late arrivals, non-restricted mealtimes, and lenient curfew policies.

Emergency Shelters provide 138 beds for homeless single adults and families across Tulare County in Dinuba, Porterville, Tulare, and Visalia. They include meals, showers, and connections to the Coordinated Entry System and other services. Two **Domestic Violence Shelters** – one in Porterville and one in Visalia – provide an additional 39 emergency shelter beds to survivors of domestic violence and their children. The City of Porterville partnered with Turning Point to establish a **Navigation Center**, a low-barrier, housing-focused shelter that will provide comprehensive onsite services to support participants in exiting homelessness permanently.

St. Paul Episcopal Church’s Warming Center provides a place for people experiencing homelessness to sleep during winter. The Warming Center intentionally removes barriers to entry by providing kennels for people with dogs, requiring no service participation, and offering

space for people to store their personal belongings. While people stay at the center, they have access to public health nurses, mental health crisis workers, Adult Protective Services, and substance use treatment services.

- ✓ In 2018-19 season, the Warming Center served as many as 125 individuals in one night, with an average of 105 people per night in February 2019.
- ✓ The Warming Center connected 502 people to the Coordinated Entry System and HMIS – approximately 50% of these individuals were new to the system.³⁹

Drop-In Multi-Service Programs

Drop-In (or “One Stop”) Programs bring together multiple service providers at a single location. By providing immediate access to several different services onsite, these drop-in programs build relationships between service providers and people experiencing homelessness and connect them to the services they need to exit homelessness.

Local Initiatives Navigation Centers (LINC) are drop-in programs that take place weekly in Visalia and bi-monthly in Tulare City, to connect individuals to public benefits, assistance for Veterans and families, documentation and identification cards, substance use treatment, access to the Coordinated Entry System, and other services.

- ✓ Started in Visalia in April 2018 with an additional site in Tulare initiated in March 2019.
- ✓ Served 93 people as of June 2019 – 27 people received Coordinated Entry assessments and 58 people were helped to complete their program eligibility documentation, which helped them to obtain housing more quickly.

The Dream Center for Transitional Age Youth (TAY), launched in 2019 by the Tulare County Office of Education (TCOE), provides a one-stop navigation center for youth. In addition to TCOE resources, the center includes staff from Tulare County Child Abuse Prevention Council, TulareWORKs, and Tulare County Child Welfare Services who connect participants to benefits, family connections, the Independent Living Program, and other resources.

Annual Project Homeless Connect events, coordinated by Kings/Tulare Homeless Alliance, bring together a variety of community members and services each January in the cities of Porterville, Tulare, and Visalia. Participants receive a wide variety of services, including public benefits advocacy, behavioral health care, employment services, HIV testing, meals, veteran services, and substance use treatment.

Challenges

Tulare County has a large number of people experiencing long-term homelessness who require intensive engagement and support.

³⁹ Reverend Suzy Ward, St. Paul's Episcopal Church, Meeting Minutes, Tulare Countywide Task Force on Homelessness, April 17, 2019.

Ending homelessness for individuals and families who have long been homeless often requires frequent and repeated engagement over time. With only a few outreach resources available for the many hundreds of people experiencing chronic, long-time, unsheltered homelessness in the current system, most people are not getting connected to services and support. Furthermore, those drop-in centers that do exist are only open a few days per month and are not distributed evenly across the county.

- ✓ *244 people identified in the 2019 Point in Time Count were chronically homeless – 30% of the total count. Yet, people experiencing chronic homelessness comprise only 14.4% of people in the Homeless Management Information System (HMIS) – indicating that many households with very high needs are not engaged with the homeless system of care.*
- ✓ *People experiencing unsheltered homelessness in Tulare County have extremely high needs. More than 85% have a disabling condition, 45% have a mental illness, and 19% are older adults, at least 55+ years old. Fifty-nine percent of people experiencing unsheltered homelessness have been homeless for at least a year.*
- ✓ *Existing outreach teams are dramatically understaffed. Successful outreach often requires multiple contacts before there is enough trust to move forward with other services. The city of Visalia’s HOPE Team has found that the average contact with unsheltered individuals is 45 minutes. Their experience is that at initial contact, services are refused 9 out of 10 times, even when people later end up engaging with the HOPE team and accepting services after trust is established.⁴⁰*

Tulare County currently has no low-barrier shelter options anywhere in the county and there are not nearly enough shelter beds to meet the need.

- ✓ *Only 50 of the community’s 177 year-round shelter beds are dedicated to serving single males, despite men making up the vast majority of the county’s homeless population.*
- ✓ *None of the shelters were operating at full capacity at the time of the 2019 Point in Time Count. The average shelter utilization for 2018 was 85%, with 15% of available beds left vacant. Yet, in 2018, 519 people were experiencing unsheltered homelessness on any given night.*
- ✓ *While the St. Paul’s Warming Center was low-barrier and successful in engaging people who had not previously connected to the system, the Warming Center only operates from December to February and is not fully funded.*

⁴⁰ Regular Meeting, Agenda & Minutes, Visalia City Council, October 1, 2018. Available at <http://www.visalia.city/sirepub/mtgviewer.aspx?meetid=645&doctype=MINUTES>

Comprehensive Supportive Services and Temporary Housing

The majority of adults experiencing homelessness in Tulare County – 71% – have a disability or significant impairment, including chronic physical impairments, mental illness, substance use disorder, or combinations of multiple conditions. While many were disabled prior to losing their housing, many others acquired their disability as a result of living on the streets or without stable housing – an experience that is extremely dangerous and traumatic.

To return to housing successfully and for the long-term, people experiencing homelessness often require ongoing treatment and support – both before and after they are housed.

The Current System

Supportive Services for Health and Wellness

Nonprofits, community groups, and county agencies provide a variety of services that can help people to exit homelessness and stay housed for the long-term. Programs such as mental health treatment, employment and job training, health care, and substance use recovery can meaningfully help people attain greater stability.

While some of these programs are dedicated to people experiencing homelessness, others are resources available to everyone in the community. Ensuring that these programs are available and accessible for people experiencing homelessness allows the community to get the most out of its existing resources.

Mental Health treatment is available to Tulare County residents through programs funded with Medi-Cal and state Mental Health Services Act (MHSA) resources. Treatment may include individual, group or family therapy, psychiatric evaluation and consultation, crisis emergency assistance and services coordination. Tulare County HHSA provides clinic-based integrated mental health services to individuals with a serious mental illness. They also provide mobile mental health services, which connects with and offers treatment options to people who have been unable to access other existing services. Additionally, Tulare County HHSA staffs three one-stop centers that provide mental health and other services to youth ages 12 through 24.

- ✓ *The HHSA Mental Health Department fast tracks HOPE Team clients to increase accessibility of clinical mental health programs for people experiencing homelessness.*
- ✓ *The Transitional Living Center (TLC), a 53-bed augmented board and care residential facility, provides food, shelter and other basic needs alongside individual and group therapy, and other mental health supportive services.*
- ✓ *The County's Full Services Partnership Program (FSP) is available to people who experience frequent hospitalizations or incarceration, as well as those who are at risk of or experiencing homelessness due to a mental health disorder. The FSP program provides basic needs and other support services, and also helps people with housing.*

Alcohol and Other Drug treatment is provided through HHSA and a variety of service providers, including residential and outpatient treatment for people with substance use disorders. For example:

- ✓ *HHSA, Kaweah Delta and various other programs offer substance use treatment and dual-diagnosis outpatient services for those with substance abuse and mental health issues at several sites across Tulare County.*
- ✓ *HHSA has detox beds available for individuals who are suffering from alcohol or substance use issues while they wait placement in other programs.*

Medical Services are available to people experiencing homelessness through HHSA's Public Health Branch, hospitals and other clinical partners.

- ✓ *The HHSA Public Health Branch coordinates with other programs and agencies to conduct outreach, for example, providing infectious disease prevention services at encampments along the St. Johns River.*
- ✓ *Kaweah Medical Bridge Project offers supportive services for people at risk of or experiencing homelessness based on service needs. Six staff provide connections to medical services, Medi-Cal and other public benefits. The Kaweah team receives 1,200 referrals a year and works closely with County agencies, the Coordinated Entry System Housing Navigators, and the HOPE team.*
- ✓ *A new Street Medicine initiative connects doctors to people living on the streets and in encampments. Street Medicine, also known as "Backpack Medicine," is an important way to engage people who are not otherwise connected to the system.*

Connection to Income and Benefits

Public Benefits Enrollment support is provided by HHSA and nonprofit agencies to access programs such as CalFresh, TulareWORKS, Medi-Cal, Medicare, General Assistance, SSI and SSDI. These resources help people exit homelessness or retain their housing by providing cash assistance, access to medical and behavioral health services, job training, and support with transportation and child care.

- ✓ *The SSI/SSDI Outreach, Access and Recovery (SOAR) program increases access to Social Security disability benefits, which provides long-term income that can help pay rent and cover other household expenses. All CoC-funded programs working with people experiencing homelessness are trained in SOAR.*

Workforce Development services are offered by the County and nonprofit providers, including education, job training and placement services to ensure people have a pathway to jobs. For example:

- ✓ *Community Services Employment Training (CSET) offers workforce development and training programs at one-stop locations in Visalia, Porterville, Tulare and Dinuba.*

- ✓ *TulareWORKs provides job skills training, work experience, subsidized employment and job search assistance throughout the county.*
- ✓ *In 2018, the City of Visalia, in collaboration with the Workforce Investment Board, launched the Environmental Cleanup Project (ECO) to provide a 12-week transitional job program for individuals who are homeless.*

Temporary Housing to Support Specialized Assistance.

Transitional Housing provides temporary housing accommodations and supportive services. While many households benefit most from direct connections to permanent housing programs such as RRH or PSH (which are often more cost-effective over the long term), transitional housing can also be an effective support. In particular, certain subpopulations, such as people fleeing domestic violence and transitional age youth, can meaningfully benefit from a transitional housing environment.

- ✓ *212 people participated in a Transitional Housing program in 2018. 45% of transitional housing participants who exited transitional housing in 2018 moved into permanent housing.*
- ✓ *Tulare County has 133 year-round Transitional Housing beds, with 48 additional beds for people fleeing domestic violence, operated by Family Services of Tulare County and Central California Family Crisis Center.*
- ✓ *Crossroads Transitional Housing for Youth, run by Uplift Family Services, has two 10-bed transitional housing sites (one in Porterville and one in Visalia) for youth aged 18 to 25 years old.*

Bridge Housing offers temporary housing, typically for people who have been matched with a permanent housing opportunity such as PSH or RRH and are looking for a unit to rent. The program supports people to stay connected with their housing navigators and other service providers to make sure the permanent housing resource is able to be used as quickly as possible. While no Bridge Housing is currently available, a new program (Eden House) is under development that will provide 22 Bridge Housing beds for Visalia and Tulare City residents for a limited time while they seek housing.

Permanent Housing



Permanent Supportive Housing

Provides long-term housing with intensive supportive services to persons with disabilities.



Rapid Rehousing

Provides housing subsidies and supportive services for up to 24 months, with the goal of helping people to transition to self-sufficiency and retain their housing unit independently.

Temporary Housing



Transitional Housing

Provides temporary housing accommodations and supportive services for up to 24 months, with the goal of the participant moving on to permanent housing after the program concludes.



Bridge Housing

Offers temporary housing, typically for people who have been matched with a permanent housing opportunity such as PSH or RRH and are looking for a unit to rent.



Emergency Shelter

Provides beds for homeless single adults and families, often including meals, showers, case management support, and connections to the Coordinated Entry System and other services.

Housing Not Dedicated to People Experiencing Homelessness



Senior Housing

Provides care that meets the needs of an aging population, ranging from independent living to 24-hour care.



Board & Care

Licensed residential care facilities for people with special needs that provide intensive support and assistance with daily living.

Challenges

Resources that could help address homelessness are being underutilized.

While there are many resources in the community that could help people exit homelessness, these resources are not always accessible for people experiencing homelessness.

- ✓ *For example, while many people experiencing homelessness are eligible for public benefits, 64% of people reported in 2019 that they have no financial resources, including public benefits.*
- ✓ *When people are enrolled in Medi-Cal, SSI and other federally or state funded benefits programs, it increases the overall resources available in the community to address homelessness. Yet only 13% of PIT survey respondents were on SSI, 5% on SSDI, and 2% on Temporary Assistance for Needy Families (TANF).*

Many of the resources that could be used to address homelessness are not tailored to the intensive needs of people who have been homeless for a long time.

- ✓ *Barriers, such as long wait times, make it difficult for people who are eligible for mental health and substance use disorder treatment to take advantage of the services. Programs such as county mental health services have begun taking important steps to increase access, but much more is needed to build better coordination and opportunities for warm handoffs.*
- ✓ *Sufficient staffing is a significant challenge in Tulare County, as there are not enough qualified people to meet the needs of the community; many available staff positions remain open and unfilled.*
- ✓ *While a diagnosis of a serious mental illness opens the doors for accessing robust services, it can be challenging for some individuals to work with a clinician to obtain a diagnosis.*

Transportation to services is challenging for people experiencing homelessness.

Many of the services and housing options in Tulare County are concentrated in certain parts of the county. These resources are often inaccessible for people experiencing homelessness who live outside of urban areas. The lack of affordable public transportation between urban and outlying areas is a significant barrier for low-income and people with disabilities living in Tulare County. It also restricts the viable locations for creating new housing resources for people who are low income or experiencing homelessness and who need to be near transit centers and services.

- ✓ *While the community has successfully increased one-stop drop-in sites in certain cities in Tulare County, multi-disciplinary mobile teams would be extremely valuable in reaching those in more remote locations.*

- ✓ *Service providers and outreach workers spend considerable time transporting clients to appointments, but significantly more transportation support is needed to help people get to appointments and access benefits and services.*

Preventing Homelessness Before It Starts

Living without stable housing, even briefly, is a traumatizing experience, and many never recover from the physical, emotional and financial impacts. By preventing homelessness, we can help individuals and families avoid the economic, social, mental, and physical challenges that result from homelessness – often at a much lower cost than it takes to serve people after they lose their housing.

Homelessness Diversion

Communities across the country are integrating “homelessness diversion” programs (also sometimes called “Assisted Rapid Resolution”) into their Coordinated Entry Systems. These programs provide crisis resolution support – often a combination of financial assistance and supportive services – to prevent homelessness for households who are currently housed but at imminent risk of becoming homeless.

Homelessness diversion programs provide a variety of interventions to help prevent people from becoming homeless. However, a one-size-fits-all approach is not the most effective or cost efficient. Instead, diversion programs tailor services to meet the needs, strengths, and preferences of each client, which ensures that each person receives the minimum amount of support necessary to prevent homelessness, while conserving limited resources and serving as many people as possible. The programs decrease the likelihood of a household entering an emergency shelter and are less expensive than providing assistance once a household becomes homeless.

At a minimum, effective diversion programs can:

-
- ✓ *Target people most at risk of falling into homelessness*
 - ✓ *Use problem solving conversations to support clients in using their strengths and existing resources to avoid becoming homeless*
 - ✓ *Provide support with interventions such as short-term cash assistance, landlord mediation, education on legal rights and responsibilities, credit repair and financial literacy assistance, employment assistance, conflict resolution, and referrals to mainstream resources*
 - ✓ *Reach people who may not otherwise connect with the system through relationships with schools, social services programs, and other partners*
 - ✓ *Create a network of providers trained in problem solving conversation techniques*
-

The Current System

KTHA will be launching a new **Homelessness Diversion** program as part of the Coordinated Entry System. The Coordinated Entry System Housing Navigators will assist clients at risk of homelessness to problem solve and identify alternative housing solutions. The Housing Navigators will also provide referrals to community partners that offer services and supports to low-income households in Tulare County, including those at risk of homelessness.

- ✓ *A single, centralized assessment will be rolled out in October 2019 to prioritize prevention resources for those who would most benefit.*
- ✓ *Housing Navigators will receive training on homelessness diversion best practices and work with people at risk of homelessness to identify their strengths and resources to overcome barriers to staying housed.*
- ✓ *The program will connect people to many different community programs and agencies who provide services that can help prevent homelessness, such as financial assistance and negotiation support for households with overdue utility bills, eviction prevention and tenant rights services.*

Intensive Supportive Services are available to support certain households with extremely high needs retain their housing.

- ✓ *The Housing Stabilization Pilot Program is a one-year pilot targeting people who were recently homeless and have intensive service needs. The program provides participants with clinical and supportive services to prevent them from returning to homelessness.*
- ✓ *For individuals who need significant services because their mental health diagnosis makes it difficult for them to hold a job, be able to go to school, or participate in healthy relationships, HHSA's Assertive Community Treatment (ACT) Teams provide frequent case management, sometimes daily, along with psychiatry and other supportive services.*

Challenges

With more and more Tulare County households spending more and more of their income on rent, there are an increasing number of people falling into homelessness. Once somebody has fallen into homelessness, it can be extremely difficult to return to housing.

- ✓ *The Kings/Tulare Continuum of Care had almost 30% more people who are experiencing first time homelessness in 2017-18 than other comparable CoCs in California (1,696 people in the Kings/Tulare CoC, compared with 1,325 people in comparable CoCs).⁴¹*

⁴¹ System Performance Measures Data since FY 2015, HUD Exchange, available at <https://www.hudexchange.info/resource/5691/system-performance-measures-data-since-fy-2015/>.

- ✓ *Six percent more formerly-homeless people returned to homelessness in 2017-18 after one year in Tulare County than comparable CoCs (18% returns in Tulare County, compared with 12% in other CoCs).⁴²*
- ✓ *Most prevention resources are disconnected from the homeless system, requiring development of a comprehensive network of new partners to collaborate and coordinate to be more effective at addressing prevention.*
- ✓ *Staffing for the diversion program and resources for prevention, such as limited-time subsidies, is extremely limited in Tulare County yet necessary to create a strong prevention program.*

Preventing Criminalization of Homelessness

Criminalizing homelessness is ineffective and expensive and, in some cases, illegal.⁴³ In fact, in order to receive California State No Place Like Home (NPLH) funding, communities are required to describe what actions they are taking to avoid the criminalization of homelessness.

Criminalizing homelessness includes laws that punish people for being homeless, such as bans on public camping or panhandling, or encampment eviction processes that move people from one location to another.

These kinds of approaches can be extremely expensive to communities:

- ✓ *A recent Cost Study found that Orange County spent \$23.7 million on homelessness in one year by police departments, jail/prison, and the Sherriff's Department's Homeless Liaison program.⁴⁴*
- ✓ *An evaluation of criminalization and enforcement related to homelessness in Seattle and Spokane, Washington, found that the cities spent a minimum of \$3.7 million on enforcement over a period of 5 years.⁴⁵*

Evicting people from sidewalks and alleys when they are sleeping outside does not force them to leave the region nor does it end their homelessness. Instead most people simply relocate to sleep in a different part of the community. These processes are expensive and require the use of public resources such as law enforcement to carry out the evictions – resources that would be better spent in longer-term solutions.

⁴² *Id.*

⁴³ In *Martin v. City of Boise*, No. 15-35845 (9th Cir. 2019), the 9th Circuit ruled that the Cruel and Unusual Punishments Clause of the 8th Amendment precludes enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to shelter. Available at <http://cdn.ca9.uscourts.gov/datastore/opinions/2018/09/04/15-35845.pdf>

⁴⁴ Snow, David A. and Rachael E. Goldberg, Homelessness in Orange County: The Costs to Our Community, Orange County United Way and Jamboree, 2017. Available at <https://www.unitedwayoc.org/wp-content/uploads/2017/08/united-way-cost-study-homelessness-2017-report.pdf>

⁴⁵ Howard, Joshua, David Tran & Sara Rankin, At What Cost: The Minimum Cost of Criminalizing Homelessness in Seattle and Spokane, Homeless Rights Advocacy Project, Seattle University School of Law, 2015. Available at <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1000&context=hrap>

Unfortunately, once people have been forced to move to a new location in Tulare County, their service providers may no longer be able to find them, resulting in missed opportunities to connect to housing, benefits, or other resources needed to help them exit homelessness. Outreach teams, low-barrier places for people to go during the day, and supportive housing options are more effective than criminalizing homelessness, and meaningfully address the impacts of homelessness on everyone in the community.

The Current System

The Tulare County community reduces criminalization of homelessness by cross-system partnerships with law enforcement, providing training and education, and with alternative approaches to engage with people experiencing homelessness.

Partnering Law Enforcement with Mental Health. Through a partnership between the Visalia Police Department and HHSA Mental Health, a multi-disciplinary team of police officers and mental health professionals (the HOPE Team) provides outreach to people experiencing homelessness and facilitates connections to housing and supportive services. The HHSA Mental Health Branch also provides Crisis Intervention Training to law enforcement officers.

Engaging Law Enforcement Partners on the Task Force. The Tulare Countywide Task Force on Homelessness includes a dedicated seat for law enforcement participation, supporting engagement and representation of law enforcement in collaboration with other agencies serving people experiencing homelessness. Task Force agendas include presentations from the Tulare County Sheriff and other representatives of law enforcement.

Specialty Courts. Tulare County has multiple specialty courts, including a Drug & Recovery Court, Mental Health Court, and Veterans Court, serving participants including people experiencing homelessness. Through collaboration between Tulare County Superior Court, Probation, and other community partners, these courts provide alternatives to jail and connections to resources, including housing, employment, and behavioral health services.

Challenges

While Tulare County’s high rates of unsheltered homelessness are impacting everyone in the community, evicting people from encampments is costly and ineffective.

- ✓ *With no daytime drop-in centers or low barrier shelters – and relatively few shelter beds of any kind – Tulare County has a very large population of people who live outside because they have nowhere else to go. With 576 people living outside on a given night, the community has some of the highest rates of unsheltered homelessness in the state, compared with other local CoCs.⁴⁶*
- ✓ *The Tulare County community is spending significant resources on enforcement approaches. Unfortunately, these approaches do not help address the growing number*

⁴⁶ In 2019, 71% of people experiencing homelessness in Tulare County were unsheltered, as compared with San Joaquin County (59%), Stanislaus County (57%), and Kern County (61%). See Part III (“How Many People Are Experiencing Homelessness in Tulare County?”).

of people who are homeless in Tulare County. To stem the growth in homelessness, the community needs more street and encampment outreach, homelessness prevention, and supportive housing options.

Systems in Place to Support the No Place Like Home (NPLH) Program

Tulare County is well positioned to support the No Place Like Home (NPLH) Program and develop permanent supportive housing for individuals living with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness.

The Current System

Collecting and Reporting No Place Like Home Data

Tulare County currently has many of the systems in place to collect the data required to satisfy NPLH program guidelines. The data is collected through both the CoC and the County. Moving forward, the two entities will determine how best to collaborate and share learnings and information to best serve individuals through NPLH.

The HMIS in Tulare County is operated by Kings United Way and uses ClientTrack, a robust system for administering data, including for the NPLH Program. HMIS tracks universal and program-specific data for all projects funded through the CoC and other sources. HMIS data can be easily accessed and aggregated for the submission of annual compliance reports, demographic data required by §214(e) of the NPLH program guidelines, and project performance reports. The County has plans to gather information from property managers and lead service providers, as appropriate, to complete the necessary NPLH reports and audits.

In addition, HHSa annually collects data and reports on mental health program and expenditures in the Tulare County Mental Health Services Act Three-Year Integrated Program and Expenditure Plan to the State for the Mental Health Services Act (MHSA). Within that report, HHSa addresses a number of key activities targeted at serving people in the County at risk of or experiencing homelessness, including provision of community services and supports, supportive housing, and specialized mental health services. In 2017/2018, the County developed a more expanded demonstration of data, outcomes, and consumer experiences and expressed an intent to continue to more thoroughly develop outcomes across all programs to more comprehensively demonstrate success in future MHSA plans.

Included in the effort to expand and improve data collection, the County has introduced two evidence-based outcome tools, one for children and one for adults. As efforts are underway to improve service to NPLH target populations, the CoC and County HHSa together can undertake efforts to better track people as they are served in all systems in the County, coordinate more effectively across systems, and identify barriers and additional partnerships to track outcomes for special populations.

Equal Access through Coordinated Entry

People experiencing homelessness will be referred to any NPLH-funded units via the Every Door Open Coordinated Entry System. All referrals are made on a nondiscriminatory basis. The system is widely advertised in English and Spanish in order to reduce language barriers and is designed to create a centralized queue that prioritizes the most intensive interventions and placements for the most vulnerable individuals and families.

Every Door Open coordinates local resources and assesses individuals to determine their homelessness status, vulnerability factors, housing needs, risks of harm, and interaction with emergency services. Further, Every Door Open has multiple access points, including but not limited to outreach teams, 2-1-1, partner agencies, housing navigators and homeless service providers. The CoC has implemented HUD's Equal Access Rule and is consistently working to identify and address any access issues. Lastly, Every Door Open works to prioritize individuals for placement who have experienced chronic homelessness or demonstrate high service needs.

Publicly Posted Plan

A Ten-Year Plan, "Connecting the Dots," was launched in 2011 and is currently available on the Kings/Tulare Homeless Alliance website. Tulare County has made significant progress on the Strategic Plan and it is now time to reflect and identify next steps. This Strategic Plan, "Pathway Home: Responding to Homelessness in Tulare County," will serve to update and enhance the 2011 strategic plan and will be accessible to the public on the websites of the Tulare Countywide Task Force on Homelessness and the Kings/Tulare Homeless Alliance.

Challenges to Serving NPLH Target Population

Many persons experiencing homelessness who are part of the NPLH Target Population are also among Tulare County's residents with the most extensive experience of homelessness. They face similar challenges to those described above, including disconnect from the systems of care and challenges accessing resources not dedicated for people experiencing homelessness. Challenges in accessing and serving individuals in this population often include:

- ✓ *Extensive lived experience of homelessness, often in remote locations across Tulare County*
- ✓ *Limited transportation options for individuals outside of urban areas*
- ✓ *Insufficient integration between systems, programs and services that support households with multiple, complex needs*

A general challenge for people in the NPLH Target Population is that they may have difficulty receiving the treatment they need to address their mental or emotional health issues. An assessment by the Tulare County HHSA found that the County experiences a shortage of specialty medical care providers, including mental health providers.⁴⁷ The shortage limits access

⁴⁷ 2017 Tulare County Community Health Assessment; available at: [https://tchhsa.org/eng/assets/File/Public%20Health/Tulare%20County%20CHA%20\(2017_03_28\)%20FINAL.pdf](https://tchhsa.org/eng/assets/File/Public%20Health/Tulare%20County%20CHA%20(2017_03_28)%20FINAL.pdf). The report states

to providers and results in lengthy wait times for referrals. In addition, more resources are needed to more fully serve people who experience compound barriers of homelessness, mental health disorders, and who do not speak English.

that while the California statewide average for mental health providers is 281 per 100,000 residents, Tulare County only has 216 per 100,000 residents.

V. SOLUTIONS TO HOMELESSNESS IN TULARE COUNTY

Communities across California are watching friends, co-workers and family members struggle to meet their basic needs, including keeping a roof over their heads. While the Tulare County community has made meaningful progress in setting up a homeless response that has prevented or ended homelessness for hundreds of residents, significantly more investment is needed to fully address the impacts of homelessness across the county.

Priorities and Goals for Effectively Addressing Homelessness

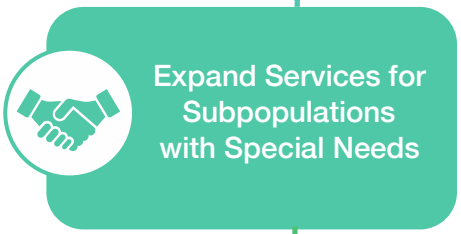
This strategic planning process has involved extensive community engagement, review of the data, and research to better understand our current homelessness system of care. Based on that information and feedback, the community identified Five Goals that will be critical to effectively address homelessness over the next five years.





Expand Permanent Housing: Permanent housing – and the supports needed to retain and maintain it – is the solution to homelessness. By expanding permanent housing options, such as Permanent Supportive Housing and Rapid Rehousing, hundreds more people in Tulare County will have a home that provides security and protection – hand-in-hand with the vital supports many residents require to achieve stability and long-term self-sufficiency.

Address Unsheltered Homelessness: Connecting and building trust with people experiencing homelessness is essential in a region where more than 71% live without shelter – on the streets, in cars, under bridges, by the river. By expanding outreach, targeting services, and developing crisis shelters throughout the area, the community will focus attention and resources to help those most in need get the services and support they require.



Support Subpopulations with Special Needs: Within Tulare County, there are residents at risk of or experiencing homelessness who require special attention. By directing services to people who need more focused and tailored care, the community will ensure that the system is accessible to some of the most vulnerable members in need.

Prevent Homelessness: Often many people at risk of homelessness need a minimal amount of help or intervention to retain their housing. Whether it is one-time financial resources to provide a security deposit, legal assistance to prevent eviction, or help learning to balance a budget, the more the system can provide supports and services to prevent homelessness in the first place, the more the community will be able to use the limited resources on hand to end homelessness altogether – while at the same time protecting additional individuals and families from the traumas associated with homelessness.



Deepen Partnerships and Engagement: Strengthening and building leadership and community support for solutions to homelessness will enable our community to effectively accomplish more, better, faster. Collaboration across different regions within the County can expand understanding of the causes of homelessness and identify the most effective approaches to address it. A stronger network can also celebrate success, reflect and course correct, and monitor and evaluate to ensure continued progress.



GOAL 1: INCREASE ACCESS TO PERMANENT HOUSING FOR PEOPLE EXPERIENCING HOMELESSNESS

Measure 1: An additional **400 new Permanent Supportive Housing** opportunities – with at least 200 built and an additional 200 in the pipeline – and **200 new Rapid Rehousing** opportunities are available for people experiencing homelessness in Tulare county.

Measure 2: Reduce by 25% the average length of time between assessing a person for need to the time they are matched to a program or services (from a 286.5 day average).

Measure 3: Reduce by 25% the average length of time between when a person is matched to a program or services to the time they are actually housed (from a 65.48 day average).

1

Increase Access to Permanent Housing for People Experiencing Homelessness

Strategy 1.1 – Increase the development of units available for Permanent Supportive Housing for Tulare County residents with disabilities who need intensive supportive services to retain housing.

Strategy 1.2 – Expand flexibility and availability of resources to subsidize and operate supportive housing for people exiting homelessness.

Strategy 1.3 – Expedite households' ability to make quick use of available resources to attain permanent housing.

Strategy 1.4 – Increase participating landlords and rental units that are available to people exiting homelessness through landlord engagement and risk mitigation strategies.

Detailed Strategies and Next Steps:

Strategy 1.1 – Increase the development of units available for Permanent Supportive Housing for Tulare County residents with disabilities who need intensive supportive services to retain housing.

- 1.1.1. Establish a 5-year Countywide Housing Development Pipeline that identifies an achievable path to establish new housing so that households with members who have disabilities can exit homelessness and attain stability.

Next Steps Include:

- ✓ *Establish a Housing Committee of local developers, Housing Authority, city and county staff, and experienced service providers to develop and facilitate implementation of the Countywide Housing Development Pipeline.*
- ✓ *Secure commitment by each municipality to support development of a pro-rata portion of dedicated Permanent Supportive Housing inventory by the end of 2025.*
- ✓ *Develop systems to increase local capacity to respond quickly to development opportunities and expand capital funding and resources available to meet the development goals.*
- ✓ *See Appendix A for Proposed Action Plan.*

- 1.1.2 Evaluate the feasibility and next steps for non-traditional housing options, such as repurposed motels and accessory dwelling units.

Next Steps Include:

- ✓ *Ensure local zoning codes take advantage of changes in state laws to support development of “accessory” and “junior accessory” dwelling units and conduct a public outreach campaign to encourage homeowners to take advantage of these opportunities.*
- ✓ *Consider small homes options, e.g., Austin, TX model.*

Strategy 1.2 – Expand flexibility and availability of resources to subsidize and operate supportive housing for people exiting homelessness.

- 1.2.1 Engage all stakeholders, including cities, county agencies, and the CoC, in growing the federal and state funding available for supportive housing through new and existing programs.

Next Steps Include:

- ✓ *Evaluate uses of existing and new federal/state funding streams that could be invested in long term solutions to reduce the impacts of homelessness.*
- ✓ *Jurisdictions and agencies stay aware of new opportunities and plan to apply for funding.*
- ✓ *Ensure local resources are available to match federal and state funding opportunities to take advantage of these resources.*
- ✓ *Strengthen competitiveness for federal and state funding opportunities, including by demonstrated adoption of a strategic plan, implementation of best practices, and tracking progress.*

1.2.2 Direct mainstream supportive service resources toward ending homelessness, including Medi-Cal and Mental Health Services Act (MHSA) funding.

Next Steps Include:

- ✓ *Maximize mainstream vouchers and other housing subsidies that can be used to address homelessness in order to increase total resources available for supportive housing.*
- ✓ *Conduct an analysis of funding streams that can be used for housing resources and supportive services to identify opportunities to enhance alignment – e.g., ensuring Medi-Cal is optimized.*

1.2.3 Continue growing the Moving on Program in partnership with the Housing Authority to use vouchers to open up supportive housing for households who need intensive services.

Strategy 1.3 – Expedite households’ ability to make quick use of available resources to attain permanent housing.

1.3.1 Continue development and expansion of the Flexible Housing Fund program, which provides financial support to individuals and families with moving costs, addresses the limitations of housing subsidies to respond to rapidly rising housing costs, and tackles other financial barriers that can prevent people from successfully exiting homelessness.

Next Steps Include:

- ✓ *Monitor and evaluate the success and challenges of the recently launched Flexible Housing Fund pilot project to track outcomes, identify most efficient uses of resources, and demonstrate success.*
- ✓ *Expand the fund to continue serving an increasing number of households each year.*

- 1.3.2 Strengthen access to resources to support households with expungement, credit assistance, and document readiness to ensure they can use available housing subsidies as quickly as possible.
- 1.3.3 Establish a shared housing program that can increase the housing available to single adults by using 2- and 3-bedroom homes for single adults exiting homelessness.

Strategy 1.4 – Increase participating landlords and rental units that are available to people exiting homelessness through landlord engagement and risk mitigation strategies.

- 1.4.1 Invest in staffing to develop and lead a year-round landlord engagement campaign to educate the public and recruit landlords.

Next Steps Include:

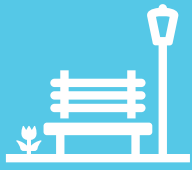
- ✓ *Develop an annual plan for an ongoing landlord engagement campaign, with collective messaging, outreach strategies, reporting dashboards, and a plan for monitoring and improvement.*
- ✓ *Undertake an outreach and communications campaign to support landlords in understanding the benefits of partnership and risk mitigation approaches.*
- ✓ *Additional strategies may include recognition programs by elected officials, landlord legal resources/classes, landlord participation bonuses, and presentations by participating landlords who have had positive experiences serving formerly homeless residents.*
- ✓ *Ensure all case managers are trained on landlord relationship development and retention, expand housing specialist positions, and train all agencies and staff on landlord engagement talking points.*

- 1.4.2 Expand the landlord mitigation program to increase resources and support to landlords who rent to people exiting homelessness.

Next Steps Include:

- ✓ *Engage private partners, such as service agencies and the faith community, to contribute resources to the Landlord Mitigation and Flexible Housing Funds by bringing greater awareness of the programs, highlighting successful efforts with landlords and sharing information about the cost-savings to the community and positive impact for people who exited homelessness.*
- ✓ *Strengthen resources for supporting housing retention and landlord engagement after households have exited homelessness to cultivate positive landlord relationships for the long-term, including:*

- ✓ *Expand intensive case management supports for housed individuals with high needs, and*
- ✓ *Increase provider training to prioritize landlord relationship development and crisis support.*



GOAL 2: INCREASE ACCESS TO CRITICAL SERVICES TO SUPPORT TULARE COUNTY’S HOMELESS RESIDENTS EXIT HOMELESSNESS

Measure 1: 115 new housing-focused low-barrier shelter beds are available to people experiencing homelessness in Tulare County.

Measure 2: Fewer than 50% of households experiencing homelessness in Tulare County are living without shelter.

Measure 3: Over 50% of households served by street outreach, crisis shelters, transitional housing, and Rapid Rehousing programs exit to permanent housing destinations.

Measure 4: At least 40% of households in homeless-dedicated crisis shelter and housing programs have some form of income.

2

Increase Access to Critical Services to Support Tulare County’s Homeless Residents Exit Homelessness

Strategy 2.1 – Expand housing-focused crisis shelter options for households experiencing homelessness.

Strategy 2.2 – Establish a mobile multi-disciplinary program to support health and wellness and provide connections to benefits and other resources to exit homelessness.

Strategy 2.3 – Expand effectively coordinated countywide street and encampment outreach.

Strategy 2.4 – Deepen housing-focused emphasis and programming at locations people experiencing homelessness regularly access.

Detailed Strategies and Next Steps

Strategy 2.1 – Expand housing-focused crisis shelter options for households experiencing homelessness.

- 2.1.1 Establish at least three new housing-focused crisis shelters (one in each of Tulare County’s three largest jurisdictions), that use evidence-based practices to support households in exiting homelessness, minimize barriers that prevent people from participating, and are open around the clock to provide resources, services and a space for people to remain during the day.

Next Steps Include:

- ✓ *Create jurisdictional action committees in each major municipality to develop and implement a local plan, coordinate across jurisdictions, and report to the Countywide Task Force.*
- ✓ *See Appendix B for Proposed Action Plan.*

- 2.1.2 Evaluate approaches for increasing crisis shelter options for special populations.

Next Steps Include:

- ✓ *Work with hospitals to increase medical respite beds for discharging and medically fragile individuals.*
- ✓ *Establish a safe parking program for individuals and families experiencing vehicular homelessness.*
- ✓ *Explore bridge housing approaches for youth, families and other special sub-populations based in a multi-bedroom home shared housing model.*

Strategy 2.2 – Establish a mobile multi-disciplinary program to support health and wellness and provide connections to benefits and other resources to exit homelessness.

- 2.2.1 Create a mobile outreach van program that includes medical, behavioral health, and housing navigation services and can access people experiencing homelessness outside of urban areas.

Next Steps Include:

- ✓ *Evaluate options for obtaining an outreach van, including a community-based “Call to Service” fundraising campaign with service organizations and faith-based partners who may be interested in sponsoring the program, to grow community engagement in addressing homelessness.*
- ✓ *Explore approaches for publicizing community support (e.g., printing supporting organizations’ names on the van), and locating the van on the*

property of volunteering community groups for a weekly rotating schedule across the region.

- ✓ *Coordinate multiple service providers, such as KTHA Housing Navigators and HHSA public health and mental health services for the mobile outreach program.*

Strategy 2.3 – Expand effectively coordinated countywide street and encampment outreach.

- 2.3.1 Expand available outreach programs in each jurisdiction to reach more households who are disconnected from services and provide intensive engagement and support, including dedicated outreach in Porterville and City of Tulare areas.
- 2.3.2 Ensure existing outreach teams provide access to housing-focused case management, Coordinated Entry, HMIS, public benefits enrollment and other critical housing-focused resources.

Strategy 2.4 – Deepen housing-focused emphasis and programming at locations people experiencing homelessness regularly access.

- 4.4.1 Ensure staff trained on housing-focused approaches and housing navigation are available at crisis shelters, day centers, transit centers and libraries, and workforce development one-stop locations.
- 4.4.2 Establish a shared community-wide understanding across all homelessness service providers of best practices for implementing housing-focused approaches, including housing-focused case planning.
- 4.4.3 Continue strengthening coordination with mainstream (non-homeless-dedicated) resources such as legal aid, credit repair services, public benefits advocacy and appeals, workforce development and community volunteers.

Next Steps Include:

- ✓ *Work with mainstream providers to identify gaps and opportunities for enhancing access to housing-focused services for households in exiting homelessness.*



GOAL 3: EXPAND SERVICES FOR SUBPOPULATIONS WITH SPECIAL NEEDS

Measure 1: Fewer than 10% of formerly homeless households return to homelessness within one year after exiting to permanent housing.

Measure 2: Double the number of transitional age youth (16-24 years old) served by street outreach, emergency shelters, and supportive housing programs.

Measure 3: Reduce by 50% the number of persons age 55+ who are unsheltered.

3

Expand Services for Subpopulations with Special Needs

Strategy 3.1 – Anticipate and address the growing needs of older adults experiencing homelessness in Tulare County.

Strategy 3.2 – Strengthen the system of care targeting youth and young adults to ensure culturally competent service delivery and engagement.

Strategy 3.3 – Evaluate, track, and implement training and program modifications to address disparities in system access and service provision for special subpopulations, including for people of color, non-English speakers, and persons identifying as LGBTQ+.

Detailed Strategies and Next Steps

Strategy 3.1 – Anticipate and address the growing needs of older adults experiencing homelessness in Tulare County.

- 3.1.1 Support better connections to clinical diagnosis and disability documentation for seniors to establish eligibility for SSI, including strengthening system of clinicians trained in working with people experiencing homelessness with complex needs.
- 3.1.2 Identify and build connections with existing housing resources for seniors to support older adults experiencing homelessness.

Strategy 3.2 – Strengthen the system of care targeting youth and young adults to ensure culturally competent service delivery and engagement.

- 3.2.1 Conduct youth focus groups to identify priority needs and gaps in system accessibility for youth experiencing homelessness in Tulare County.
- 3.2.2 Monitor impact of the new Visalia youth Dream Center and consider expanding the model to Porterville and/or Tulare City.
- 3.2.3 Expand partnerships with schools and colleges, the child welfare system, the juvenile justice system, and runaway and homeless youth providers to address gaps and ensure coordinated and culturally competent access to a youth-informed system of care.

Next Steps Include:

- ✓ *Ensure youth access to Coordinated Entry and supportive housing resources, outreach and crisis shelter, and behavioral health and other supportive services.*
- ✓ *Consider Host Homes, TH-RRH or other models to increase options for youth experiencing homelessness.*

Strategy 3.3 – Evaluate, track, and implement training and program modifications to address disparities in system access and service provision for special subpopulations, including for people of color, non-English speakers, and persons identifying as LGBTQ+.

- 3.3.1 Assess and evaluate racial disparities in service access and provision, including in numbers receiving Coordinated Entry System assessment, matched to a housing program, entering housing, and retaining housing.

Provide cultural humility and implicit bias trainings and support for Coordinated Entry and direct service program staff, including outreach, emergency shelter, housing navigation, and housing program staff.

- 3.3.2 Add or modify Point in Time Count and HMIS measures to collect targeted data about special subpopulations, including persons identifying as LGBTQ+.

Next Steps Include:

- ✓ *Conduct focus groups and planning sessions to strategically expand PIT and HMIS coverage for tailored tracking of special populations.*
- ✓ *Enhance tracking of LGBTQ+ population experiencing homelessness by adding questions to the communitywide survey, engaging peer outreach, and leveraging peers in identifying locations for PIT.*
- ✓ *Ensure subpopulation fields in HMIS are tailored and being used by staff conducting intake. Train intake staff on cultural competency and ensuring equal access.*



GOAL 4: PREVENT HOMELESSNESS FOR THOSE AT RISK

Measure 1: After 2020, the number of people experiencing homelessness for the first time will be **reduced by 5% each year**, achieving a 20% annual reduction by 2025.

Measure 2: **Reduce by 50%** the number of households that return to homelessness in 6 months after exiting to permanent housing.

4

Prevent Homelessness for Those at Risk

Strategy 4.1 – Establish a coordinated homelessness prevention and problem solving (homelessness diversion) system to help people at high risk of homelessness remain housed.

Strategy 4.2 – Strengthen partnerships with criminal justice, child welfare, and healthcare systems to coordinate support for households at high risk of homelessness.

Strategy 4.3 – Increase support for formerly homeless households with intensive service needs to attain long-term housing stability.

Strategy 4.4 – Expand access to income, including employment and benefits, for people experiencing homelessness and recently homeless households.

Detailed Strategies and Next Steps

Strategy 4.1 – Establish a coordinated homelessness prevention and problem solving (homelessness diversion) system to help people at high risk of homelessness remain housed.

- 4.1.1 Develop prevention system protocols for identifying, prioritizing, and serving households at risk of homelessness.

Next Steps Include:

- ✓ *Pilot a countywide assessment tool (PR-VI-SPDAT) to prioritize households at risk for homelessness and establish eligibility criteria.*
- ✓ *Conduct a system mapping process that can identify “intercepts” or points of contact within the social services systems to strengthen access to households at risk.*

- 4.1.2 Identify and align resources for prevention and identify gaps in availability of crucial resources.

Next Steps Include:

- ✓ *Work with 2-1-1 to inventory the available prevention resources countywide and strengthen coordination across prevention partners.*
- ✓ *Increase resources available for temporary crisis assistance and landlord mediation to prevent homelessness.*

- 4.1.3 Train partners in problem solving conversation techniques.

- 4.1.4 Establish a monitoring protocol, including a field in HMIS to identify households who fall into homelessness for the first time, and to track impact of interventions.

Strategy 4.2 – Strengthen partnerships with criminal justice, child welfare, and healthcare systems to coordinate support for households at high risk of homelessness.

- 4.2.1 Support systems to identify and track people experiencing homelessness, and ensure cross-system partners are familiar with the Every Door Open Coordinated Entry System.

Strategy 4.3 – Increase support for formerly homeless households with intensive service needs to attain long-term housing stability.

- 4.3.1 Identify a sustainable funding source to continue the Housing Stabilization Pilot Program, providing intensive services for formerly homeless households with

extremely high needs in 2021 and beyond.

- 4.3.2 Expand availability of Assertive Community Treatment (ACT) teams to support Medi-Cal eligible households in retaining their housing and achieving long-term stability.

Next Steps Include:

- ✓ *Coordinate ACT and Housing Stabilization Programs with Coordinated Entry to prioritize households for support and leverage Medi-Cal resources.*

Strategy 4.4 – Expand access to income, including employment and benefits, for people experiencing homelessness and recently homeless households.

- 4.4.1 Monitor impact and consider expansion of the Environmental Cleanup Project (ECO), and evaluate other opportunities for supporting households in accessing entry level jobs.
- 4.4.2 Ensure all eligible program participants are enrolled in the public benefits for which they are eligible.

Next Steps Include:

- ✓ *Expedite access to clinicians who can provide disability documentation, including by ensuring clinicians are trained to work with people experiencing homelessness.*
- ✓ *Consider development of a program that helps connect municipal and county jobs with people with disabilities and participants of Rapid Rehousing programs.*



GOAL 5: STRENGTHEN PUBLIC ENGAGEMENT AND COMMUNITY-WIDE PARTNERSHIPS TO ENSURE RESOURCES TO ADDRESS HOMELESSNESS ARE BEING USED AS EFFECTIVELY AS POSSIBLE

Measure 1: All incorporated municipalities and key stakeholder groups have adopted the **Strategic Plan to Address Homelessness** in Tulare County.

Measure 2: Stakeholders are working together communitywide to implement a **shared set of strategies to address homelessness** in line with the roadmap in the Strategic Plan.

5

Strengthen Public Engagement and Community-Wide Partnerships to Ensure Resources to Address Homelessness are Being Used as Effectively as Possible

Strategy 5.1 – Deepen public understanding of homelessness and its solutions.

Strategy 5.2 – Centralize the countywide homelessness response strategy to avoid duplication and get the most value out of limited resources.

Strategy 5.3 – Increase participation by key stakeholders and essential community partners in meaningful solutions to address homelessness in Tulare County.

Detailed Strategies and Next Steps

Strategy 5.1 – Deepen public understanding of homelessness and its solutions.

- 5.1.1 Roll out the Strategic Plan, using the process to support community-wide engagement and alignment around a single roadmap for next steps in addressing homelessness in Tulare County.
- 5.1.2 Coordinate endorsement of the Strategic Plan by key partners to support alignment around a shared set of goals and strategies to most effectively target homelessness.
- 5.1.3 Establish a year-round communication strategy to educate the public about homelessness and the local homelessness response, addressing common myths and celebrating progress in Strategic Plan implementation.

Strategy 5.2 – Centralize the countywide homelessness response strategy to avoid duplication and get the most value out of limited resources.

- 5.2.1 Leverage the Tulare Countywide Task Force on Homelessness to be the central, countywide coordinating body for developing, implementing, and monitoring the Strategic Plan's strategies to address homelessness in Tulare County.
- 5.2.2 Develop a year-round structure for Countywide Strategic Plan implementation and reporting.

Next Steps Include:

- ✓ *Establish a Countywide Task Force Steering Committee to lead the development of the communication strategy, coordinate the Task Force's Strategic Plan implementation process, and make recommendations to the Task Force.*
- ✓ *Create an annual implementation calendar that provides for:*
 - > *Identifying annual implementation goals, strategies of focus for the upcoming year and key stakeholders for those strategies.*
 - > *Establishing stakeholder committees as needed to achieve strategies of focus, with a process for regular updates to the Countywide Task Force.*
 - > *Annual or bi-annual analysis of progress in implementation of strategies of focus, identification of challenges and approaches for addressing challenges.*
- 5.2.3 Establish Jurisdictional Action Committees to coordinate local Strategic Plan implementation in each municipality and report to Countywide Task Force.

- 5.2.4 Establish a central “backbone” position, funded by each jurisdiction, to coordinate communitywide Strategic Plan implementation and progress.

Strategy 5.3 – Increase participation by key stakeholders and essential community partners in meaningful solutions to address homelessness in Tulare County.

- 5.3.1 Involve philanthropy, service organizations, and faith community in supporting critical initiatives such as public engagement and education campaigns, the flexible housing and risk mitigation funds, and volunteer opportunities.

Next Steps Include:

- ✓ *Support opportunities for community members to engage and connect with people experiencing homelessness, such as volunteer food service, that then connect to larger solution-focused campaigns.*
- ✓ *Coordinate an Impact or “Call to Service” Campaign across multiple entities, for example to fund and host rotating sites for a mobile van providing multi-disciplinary services. (See Strategy 2.2)*

- 5.3.2 Include diverse stakeholders in Strategic Plan implementation processes and committees to support engagement across sectors and ensure that all partners with a stake in addressing homelessness are part of the solution.

APPENDIX A

Proposed Action Plan for Strategy 1.1 (Increase Development of Units Available for Permanent Supportive Housing)

Activity	Steps	Responsible Parties	Timeline
Develop the Pipeline Plan and countywide leadership and commitment to fulfil its goals.	Establish a Housing Committee of local developers, Housing Authority, city and County staff, and experienced service providers to develop and facilitate implementation of the Countywide Housing Development Pipeline.	Countywide Task Force	2019
	Draft the Pipeline Plan.	Housing Committee	2020
	Secure commitment by each municipality to develop and/or fund a pro-rata portion of dedicated Permanent Supportive Housing inventory by the end of 2025.	Visalia, Porterville, Tulare City	2020

Develop systems to increase community capacity to respond quickly to development opportunities.	Conduct a Tulare County Request for Qualifications process to establish a pre-qualified pool of developers who have experience developing affordable and supportive housing.	County Board of Supervisors	2020
	Establish processes for jurisdictions to provide robust and frequent early identification of property, surplus property, and site inventory available or expected to come available for development, including properties in need of rehabilitation.	Visalia, Porterville, Tulare City, Dinuba	2020
	Develop local policies to fast-track affordable development into the already existing housing pipeline (e.g., CEQA exemptions, zoning by right, or reduce/deferred waiving impact development fees) and require housing development that is dedicated to Permanent Supportive Housing and Extremely Low-income Households.	Visalia, Porterville, Tulare City	2021
Expand capital funding and resources available to meet the development goals.	Expand locally-dedicated resources to provide matching resources to take advantage of state and federal opportunities, including exploring strategic opportunities to pool state or other resources across jurisdictions.	County, Visalia, Porterville, Tulare City	2020
	Expand availability of project-based vouchers, property and financial resources for capital.	Housing Authority, County	Ongoing
	Identify and apply for relevant state and federal funding or resource opportunities (e.g., Housing Authority vouchers).	County, Visalia, Porterville, Tulare City	2022

APPENDIX B

Proposed Action Plan for Strategy 2.1 (Expand Housing-Focused Crisis Shelter Options/Low Barrier Shelter)

Activity	Steps	Responsible Parties	Timeline
Establish a Jurisdictional Action Committee in each of the three largest city jurisdictions to coordinate priority strategies (e.g., Low-Barrier Shelter)	Establish a Jurisdictional Action Committee with key stakeholders necessary to successfully design, develop, and implement a crisis shelter, including elected representatives, city staff, HHS and direct service provider partners.	County, Visalia, Porterville, Tulare City, Other Partners	2020
	Action committee representatives across jurisdictions meet monthly to coordinate and address challenges, and report to Countywide Task Force.	Jurisdictional Action Committees	Throughout
	Committees identify and coordinate resources from each partner (e.g., County services, state/federal funding, city-owned property, nonprofit service providers, etc.).	Jurisdictional Action Committees	2020

Develop a plan to establish a low barrier, housing-focused crisis shelter.	Identify potential physical sites accessible to transportation and services and work with partners to settle on a location.	Jurisdictional Action Committees	2020
	Identify potential sources of start-up and operating funding and resources, including the appropriate resources from each partner to support the shelter.	Jurisdictional Action Committees	2020
	Identify an operating agency (either an existing nonprofit, a nonprofit not currently operating in Tulare County, or a new agency).	Jurisdictional Action Committees	2020
Prepare for shelter launch	Mobilize support and community education and engagement to communicate the critical role and impact of housing-focused crisis shelters on addressing homelessness and its impacts on the community.	County, Visalia, Porterville, Tulare City, Other Partners	2020
	Establish operating policies, procedures and integrated service provision across multiple partners. Coordinate with and between service providers to ensure program participants are offered robust and integrated service delivery and housing-focused supports.	Operating agency, in collaboration with the Action Committee	2021
	Develop low barrier housing-focused policies and procedures and retain service staffing.	Operating agency	2021

APPENDIX C

Examples of Jurisdictional Priority Strategies for 2020

This strategic plan identifies an ambitious but achievable vision for meaningfully addressing homelessness over the next five years. In 2020, individual jurisdictions are encouraged to focus on the individual strategies that will be most effective in addressing homelessness locally. The following identifies recommended strategies/steps from the goals above that individual jurisdictions may choose as areas of focus.

Strategy	Steps
1.1 – Permanent Supportive Housing Development	Participate in development of 5-year Countywide Housing Development Pipeline plan & commit to supporting local allocation of PSH units. Explore opportunities such as small homes.
1.2 – Increase Resources Available for Supportive Housing	Ensure the community is accessing available state/federal resources: apply for new state/federal funding opportunities, identify sources of match funds, and evaluate opportunities to align existing federal/state resources to more effectively address homelessness.
2.1 – Expand Housing-Focused Crisis Shelter Options	Establish a housing-focused low barrier shelter that uses evidence-based practices to support people in exiting homelessness.
2.3 – Expand Effectively Coordinated Street and Encampment Outreach	Establish or expand dedicated homelessness outreach, such as a multi-disciplinary HOPE team of police and HHSA mental health ride-along staff (already exists in Visalia).

2.4 – Deepen Housing-Focused Programming

Support co-location of housing navigation staff and other housing-focused resources at drop-in sites, transit centers, and other locations regularly accessed by people experiencing homelessness.

5.1 – Deepen Public Understanding of Homelessness and Its Solutions

Endorse the Countywide Strategic Plan and support the local community in understanding the causes of homelessness, its solutions, and the strategic steps being taken locally to address the crisis.

5.2 – Centralize the Countywide Homelessness Response Strategy

Establish a local jurisdictional Action Committee on homelessness to support local implementation of key strategies and coordinate with the Countywide Task Force to avoid duplication and efficient use of resources.

Partner with other jurisdictions to fund a centralized “backbone” position to coordinate community-wide Strategic Plan implementation, and ensure progress, effective coordination of resources, and meaningful outcomes.

AGENDA ITEM: Gen Bus. CD 1c

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Community & Economic Development

For Council Meeting of: June 22, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

City Council review and discussion regarding the Strategic Action Committee on Homelessness; direction to staff as appropriate.

IS PUBLIC HEARING REQUIRED: * Yes n No

BACKGROUND/EXPLANATION:

On December 17, 2019, City Council voted unanimously to endorse the County's Pathway Home report dated November, 2019. Pursuant to the recommendations set forth in the County's plan, the City Council adopted Resolution 2020-06 on February 18, 2020 establishing a Strategic Action Committee on Homelessness. The proposed plan recommended the establishment of a jurisdictional action committee in each of the three largest city jurisdictions to coordinate priority strategies. The action committee was to be comprised of key stakeholders, including elected officials, city staff, HHSA and direct service provider partners. Appendix B of the Pathway Home report sets for the goals, objectives and purpose of the Committee as follows:

- Assist individuals out of homelessness
- Access to permanent housing
- Expansion of Services
- Prevention of at-risk becoming homeless
- Strengthen public engagement and partnerships
- Work with city Staff to develop recommendations on budget, etc. to be considered by the City Council

On December 15, 2020, Council put the Strategic Action Committee meetings on hold to further review the structure of the committee as well as its goals and objectives.

STAFF RECOMMENDATION:

City Council review and discussion regarding the Strategic Action Committee on Homelessness; direction to staff as appropriate.

CITY ATTORNEY REVIEW/COMMENTS: * Yes n N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: “ Yes ☐ No ” N/A

ATTACHMENTS:

Attachment 1 – Resolution 2020-06

Submitted by: Traci Myers

Title: Community and Economic
Development Director

Date: 6/16/2021

City Manager Approval: _____

RESOLUTION 2020-06

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE ESTABLISHING THE FORMATION OF A STRATEGIC ACTION COMMITTEE ON HOMELESSNESS PURSUANT TO THE COUNTY OF TULARE'S PATHWAY HOME STRATEGIC PLAN, WHICH SETS FORTH GOALS, OBJECTIVES AND PURPOSE, TOTAL MEMBERSHIP, DURATION, AND APPOINTMENT PROCESS.

WHEREAS, the Council of the City of Tulare seeks to establish a Strategic Action Committee on Homelessness (Committee), with key stakeholders necessary to successfully design, develop, and implement a crisis shelter, including elected representatives, city staff, Health and Human Services Agency members and direct service provider partners, a Committee to sunset in five years, unless otherwise extended by the Council, pursuant to the recommendations set forth in the County of Tulare's Pathway Home Strategic Plan endorsed at the December 17, 2019, Tulare City Council meeting; and,

WHEREAS, the goals, objectives and purpose of the Committee are as follows:

- Assist individuals out of homelessness
- Access to permanent housing
- Expansion of services
- Prevention of at-risk becoming homeless
- Strengthen public engagement and partnerships
- Work with City staff to develop recommendations on budget, etc. to be considered by the City Council

WHEREAS, the Committee shall consist of, but is not limited to, those who have previously participated on the City's Ad Hoc Committee on Homelessness, but may also include those who have a passion to serve others, experience in working with socioeconomically disadvantaged individuals, background in mental health and/or addiction services and/or treatment, etc., including elected officials; and,

WHEREAS, the City Council of the City of Tulare shall appoint five (5) members by seat. Four (4) additional members may be appointed by the Committee to serve for a total body of nine (9); and,

WHEREAS, a minimum of two staff advisory members or other pertinent subject matter expert staff members will serve as needed; and,

WHEREAS, the members of the Committee shall serve a five-year term, which spans the duration of the County of Tulare's Strategic Plan, *Pathway Home: Responding to Homelessness in Tulare County* commissioned by the Tulare County Homeless Task Force.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Tulare as follows, to wit:

SECTION 1: The Council of the City of Tulare establishes a Strategic Action Committee on Homelessness, to sunset in five years, unless otherwise extended by the Council.

SECTION 2: The Council of the City of Tulare approves the Committee terms as determined above and rules related thereto as noted in Attachment A.

SECTION 3: The City Council of the City of Tulare shall appoint five (5) members by seat. Four (4) additional members may be appointed by the Committee to serve for a total body of nine (9).

SECTION 4: A minimum of two staff advisory members or other pertinent subject matter expert staff members will serve as needed.

PASSED, ADOPTED AND APPROVED this 18th day of February, 2020.

President of the Council and Ex-Officio Mayor of
the City of Tulare

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF TULARE)
CITY OF TULARE)

I, Rob A. Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2020-06 passed and adopted by the City Council of the City of Tulare at a regular meeting held on February 18, 2020, by the following vote:

Ayes(s) _____

Noes(s) _____ Abstention(s) _____

Dated:

ROB A. HUNT, CITY CLERK

By: Roxanne Yoder, Chief Deputy

ATTACHMENT A

1. Terms of Office:

Each member of the Strategic Action Committee on Homelessness (Committee) shall be appointed, to serve a five (5) year term, which spans the duration of the County of Tulare's Strategic Plan, *Pathway Home: Responding to Homelessness in Tulare County* commissioned by the Tulare County Homeless Task Force.

2. Officers and Elections:

Officers shall consist of Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall be members of the Committee, elected by its membership.

Election of the Chairperson and Vice-Chairperson shall be held annually at the first regular meeting in July. A secret ballot shall be taken if so requested by any member of the Commission.

3. Meeting Clerk or Designee:

The Committee shall appoint from among their membership, an individual to serve as meeting clerk, for the purposes of agenda and minute preparation. In the absence of the meeting clerk, a designee from same, shall serve in that capacity.

4. Meetings:

The Committee may hold two regular meetings beginning at 7:00 p.m. each month, subject to cancellation. Said meetings are to be scheduled the 2nd and 4th Tuesday of each month, unless conflicting with a holiday recognized by the City at locations to be determined. Notwithstanding the above, the Committee may by formal action at any regular meeting, substitute another date for the regular meeting of the ensuing month in accordance with the provisions set forth in the Brown Act.

In the event of a lack of a quorum at a regular meeting, and alternates are not present to make up a quorum, the Chairperson, the Vice-Chairperson or meeting clerk, in that order, shall adjourn the meeting to another date. The meeting clerk or designee shall endeavor to notify all members of such meetings.

5. Recommendations to Council:

A majority of the members shall constitute a quorum for the conduct of business except where a larger number is specifically required.

The Chairperson shall conduct all meetings in a manner deemed most appropriate utilizing basic parliamentary procedures. Recommendations to the Tulare City Council shall be by consensus of the Committee. The Tulare City Council has final approval over any proposed recommendation.

6. Attendance/Absences:

Each member has a duty to attend scheduled meetings. Any member who is absent from either three consecutive regular meetings or fifty percent or more of all meetings within any consecutive 12-month period of time shall automatically be removed, unless the City Council shall find and determine that there was good cause to excuse the absences, which include, but are not limited to: illness, injury, hospitalization, other medical emergencies or temporary requirements and obligations of employment or family matters.

Members must notify the Committee Chair or meeting clerk or designee in the event of any absence.

If a member is absent from a meeting, they are encouraged to apprise themselves of prior meeting minutes to stay current on subject matters and may vote to approve same upon review.

7. Records:

The meeting clerk or designee of the Committee shall keep the minutes and all other records of all official meetings of the Committee.

8. Minute Records:

The meeting clerk or designee of the Committee shall submit copies of the Committee minutes to the City Manager and City Council Members to keep them apprised of matters scheduled before them.

9. Recommendations and/or Annual Reports to City Council:

The Committee Chair or designee of the Committee may present recommendations and/or annual reports to the City Council by scheduling same with the Tulare City Clerk's Office. The City Council retains sole discretion over the application for and appropriation of funding.

10. Board, Commission, Committee Handbook:

The Board, Commission, Committee Handbook (Handbook) last revised December 17, 2019, is incorporated herein by reference. Any omission, if it exists in this attachment, the Committee is to refer to said Handbook for direction.

AGENDA ITEM: Gen Bus CD 1d

**CITY OF TULARE, CA
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Community & Economic Development

For Council Meeting of: June 22, 2021

Documents Attached: Ordinance Resolution Staff Report Other

AGENDA ITEM:

Review and discussion on the Memorandum authored by Council member Sigala addressed to the Tulare City Council dated May 10, 2021 regarding non-housing homeless initiatives; direction to staff as appropriate:

- Discussion to include the designation of a “safe space” within the City of Tulare for persons experiencing homelessness. [Submitted by: T. Myers]

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

On May 10, 2021, Council member Sigala authored a memorandum to the Mayor and council members requesting to agenda items on the topic of homelessness that are not specific to the topic of housing and shelters. The subject memorandum is attached to this staff report for reference.

STAFF RECOMMENDATION:

Review and discussion on the Memorandum authored by Council member Sigala addressed to the Tulare City Council dated May 10, 2021 regarding non-housing homeless initiatives; direction to staff as appropriate.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

Submitted by: Traci Myers Title: Community & Economic Development Director

Date: 6/17/2021 City Manager Approval: _____



MEMORANDUM

To: Tulare City Council Members
From: Jose Sigala, Council Member, 1st District
Date: May 10, 2021
Re: Non-Housing Homeless Initiatives For Council Consideration

Dear Mayor and Council Members,

I would like to thank you for the opportunity to agendize a robust conversation on items related to the topic of homelessness that are not specific to the topic of housing and shelters. I would like to acknowledge the great work the council and city staff have done and is doing on behalf of the community to tackle and address the issue of homelessness in our city.

I understand first-hand how difficult and emotional this issue can be given the multitude of attitudes and emotions this topic evokes in the community. We all know the fact that not everyone will be happy with the recommendations and efforts that come from the Council. Nonetheless we need to press forward to address this very important issue in our community.

While there has been a pressing effort to focus on the creation of a homeless emergency shelter and long-term housing needs, there are other factors that contribute to the homelessness problem. As you may be aware, there are many factors that can lead to individuals experiencing homelessness, such as, loss of jobs, housing, access to healthcare and lack of county services.

As part of our effort to tackle this issue, the Tulare City Council has adopted the county report, Pathway Home: Responding to Homelessness in Tulare County, which lays out a number of non-housing recommendations.

Using portions of the county report, I would like to request your support in vetting out some non-housing ideas and initiatives that I am proposing to address some of the root causes of homelessness. These ideas are a combination of recommendations I drew from the Pathway report and my own.

The following recommendations and suggestions for consideration and action are in no particular order or priority.

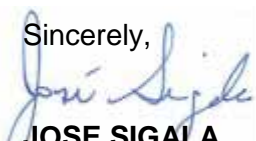
Non-Housing Initiatives To Tackle Homelessness

1. Establishment of an Overnight Parking Zone for individuals sleeping in their vehicles.
2. Establish a Pilot Program with the Tulare Police Department to dismiss low-level citations and infractions to homeless individuals if the individual seeks support to address their homeless situation, such as seeks support for alcohol or drug dependency, seeks medical, housing, mental health support.

3. Assistance to those who are willing to house a homeless individual in their home by providing a form of a grant to help cover expenses, such as food, rent, etc.
4. Increase funding to the Landlord Mitigation Fund by \$ 50,000 thousand dollars to encourage more participation.
5. Create an Education/Outreach campaign to encourage more participants to participate in providing housing to homeless individuals through the Landlord Mitigation Fund.
6. Recommend the Tulare City Council enact an eviction moratorium that helps prevent a mass homelessness problem.
7. One-time financial resources, such as,
 - a: security deposits,
 - b: legal assistance,
 - c: financial management, and
 - d: preventing evictions.
8. Strengthen Public Engagement and Community Partnerships on the issue of homelessness.
9. Recommend the City of Tulare have a seat on the Continuum of Care Board.
10. Additional Training for the Tulare Police Department on handling homelessness.
11. Double the city's annual support of the Kings/Tulare Homeless Alliance Point in Time count.
12. Recommend to the City Council to direct staff to research the process to purchase of a hotel/motel to temporarily house homeless individuals.
13. Discussion on the establishment of a Warming Center/Cooling Center policy for the upcoming summer and winter season.
14. Work with the county to establish an anti-poverty campaign to tackle poverty. (Major cause of homelessness)

I know this is quite a list of topics to address and review. I truly appreciate your utmost consideration and deliberation on these suggestions and recommendations to tackle the issue of homelessness outside of the issue of housing and shelters. I am available to answer or expand on any of the recommendations.

Sincerely,



JOSE SIGALA
Council Member, Frist District
City of Tulare



17872 GILLETTE AVE.
SUITE 350
IRVINE, CA 92614

714 541 4585
INFO@WEBRSG.COM
WEBRSG.COM

Date: October 1, 2019

To: Traci Myers, Community & Economic Development Deputy Director
CITY OF TULARE

From: Tara Matthews, Principal
Suzy Kim, Senior Associate
RSG, INC.

Subject: Eligible Use of Housing Successor Funds to Address Homelessness

The City of Tulare (“City”) has a growing homeless population. According to the 2019 Point in Time count conducted by the Kings/Tulare Homeless Alliance, the City had a homeless count of 146 persons, a 27 percent increase from 2018. City leaders are committed to creating a comprehensive solution to homelessness for the entire community. An Ad Hoc Homelessness Committee brought together residents, non-profits, mental health providers, public safety officers, and other concerned citizens to make recommendations to City Council in October 2019.

This memo details how the City may spend approximately \$1.5 million of Housing Successor Low and Moderate Income Housing Asset Funds (“Housing Asset Funds”) to address homelessness and create affordable housing. The City must balance both legal requirements on how the funds may be spent, and other funding needs such as administrative costs. This memo details the types of projects that can be assisted with Housing Asset Funds based on State requirements. It also describes County and State programs that could potentially be a resource to leverage Housing Asset Funds to address homelessness in Tulare.

Allowable Uses of Housing Asset Funds

According to Health and Safety Code (“HSC”) Section 34176.1, Housing Asset Funds may be spent on:

- administrative activities (*up to annual maximum that varies each year*),
- homeless prevention and rapid rehousing services (*up to \$250,000 per year*), and
- affordable housing development (*subject to income and age targets*).

Table 1 summarizes the requirements in more detail. Although homeless prevention and rapid rehousing expenditures are capped at \$250,000 annually, affordable housing development could include permanent supportive housing that is not subject to the annual limit. Permanent supportive housing provides affordable rental housing combined with supportive services to help

people who are homeless and/or have serious disabilities such as mental illness and substance abuse. Housing Asset Funds could also be spent on traditional affordable housing to house families in need by providing stable, affordable housing – which ultimately prevents homelessness.

Table 1 Housing Asset Fund Spending Restrictions <i>Health and Safety Code Section 34176.1</i>		
Expense Category	Limits	Allowable Uses
Administration and Compliance Monitoring	Approx. \$450,000 maximum per fiscal year (limit varies each year)	Administrative activities such as: <ul style="list-style-type: none"> • Professional services (consultant fees, auditor fees, etc.) • Staff salaries, benefits, and overhead for time spent on Housing Successor administration • Compliance monitoring to ensure compliance with affordable housing and loan agreements • Property maintenance at Housing Successor-owned properties
Homeless Prevention and Rapid Rehousing Solutions	\$250,000 maximum per fiscal year	Services for individuals and families who are homeless or would be homeless but for this assistance, including: <ul style="list-style-type: none"> • Contributions toward the construction of local or regional homeless shelters • Housing relocation and stabilization services including housing search, mediation, or outreach to property owners • Short-term or medium-term rental assistance • Security or utility deposits • Utility payments • Moving cost assistance • Credit repair • Case management • Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless. <p>Emergency shelters and transitional housing could qualify under this category, however they are not explicitly identified in the law.</p>

Table 1 Housing Asset Fund Spending Restrictions <i>Health and Safety Code Section 34176.1</i>		
Expense Category	Limits	Allowable Uses
Affordable Housing Development	No spending limit, but must comply with income and age targets	“Development” includes: <ul style="list-style-type: none"> • New construction • Acquisition and rehabilitation • Substantial rehabilitation • Acquisition of long-term affordability covenants on multifamily units • Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years
	Income Targets	Every five years (currently FYE 2020-2024), Housing Asset Funds must meet income targets: <ul style="list-style-type: none"> • At least 30% on extremely low income rental households (up to 30% AMI or “Area Median Income”) • No more than 20% on low income households (60-80% AMI) Moderate and above moderate income households may not be assisted (above 80% AMI).
	Age Targets	For the prior ten years (resets every year), a maximum of 50% of housing units assisted by the City or Housing Successor may be restricted to seniors. Tulare has assisted 126 non-age restricted units over the last ten years, so Housing Asset Funds may assist up to 126 units restricted to seniors if desired.

Available Housing Asset Funds

As of June 30, 2019, the City had \$1,572,554 in Housing Asset Funds. It is important to note that the City does not have a significant source of ongoing funding for the Housing Asset Fund. An average of \$40,000 has been deposited into the Housing Asset Fund annually over the last five years from loan repayments, rents, and interest. These revenue streams are not on fixed payments; they fluctuate each year based on sales and rental activity.

State Funding Programs

The following State funding sources may be available to the City and developers to leverage Housing Asset Funds for permanent supportive housing and affordable housing in general. Funding for many of these programs are administered by the California Department of Housing and Community Development (“HCD”). HCD’s website has a Notice of Funding Availability (“NOFA”) [calendar](#) with helpful information on when NOFAs will be released and the total amount of money available for each funding source.

[SB 2 Grants](#)

- HCD will issue NOFAs for local jurisdictions to apply for affordable housing development and homeless services funding implemented by Senate Bill 2 in 2017. Eligible activities include, but are not limited to, rapid rehousing, rental assistance, navigation centers, emergency shelters, and permanent and transitional housing.
- The first NOFA is expected to be released in March 2020 for applications due in May 2020.

[Veterans Housing and Homeless Prevention Program \(VHHP\)](#)

- Developers of affordable projects housing veterans may apply for VHHP funds. Projects are required to have at least 45% of assisted units available to Extremely Low Income Veterans, with rents not exceeding 30% of the extremely low income limit. Occupants are eligible veterans that are either individuals with disabilities or recently homeless. Supportive services are provided for issues such as drug addiction and mental illness.
- A sample project funded by VHHP is the Mather Veterans Village in Rancho Cordova. The Department of Veterans Affairs provides clinical services to residents including counseling and medical care. The Veterans Resource Center screens tenants, who submits applications to the Developer.

[Mental Health Services Act \(MHSA\)](#)

- Developers may apply for MHSA special needs housing program loans from the California Housing Finance Agency (“CalHFA”). CalHFA administers the program and provides underwriting, construction monitoring, and asset management services.
- Developments must serve: (a) homeless or chronically homeless individuals with a mental illness, or (b) homeless or chronically homeless individuals with a mental illness and their families. Developments may not discriminate against or exclude individuals who have barriers to housing including a history of poor credit, limited housing history, evictions, substance use, and criminal backgrounds.

- Developments must serve Department of Mental Health MHSA-eligible consumers with incomes that are lower than 30% AMI. Tenants will pay 30% of their income toward the rent.

[Affordable Housing and Sustainable Communities Program \(AHSC\)](#)

- The State's AHSC program is a sought-after source for affordable housing financing but not all projects will be eligible for this competitive program. The AHSC program funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions. Both municipalities and developers may apply for funding.
- This source of funding is very complex. Half of the points are based on a development's GHG reduction. An applicant would need to hire an engineer that specializes in GHG reduction to calculate this.
- Projects with less than 50 units may not be able to rely on AHSC financing.
- The AHSC program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

[SB 3 / Proposition 1 Funding](#)

- SB 3 (Beall) placed a \$4 billion general obligation bond on the November 2018 general election ballot as Proposition 1, which won voter approval. It allocates \$3 billion in bond proceeds among programs that assist affordable multifamily developments, housing for farmworkers, transit-oriented development, infrastructure for infill development, and homeownership. It also funds matching grants for Local Housing Trust Funds and homeownership programs.
- The remaining \$1 billion in bond proceeds is dedicated to CalVet for home and farm purchase assistance for veterans.
- HCD has not released information on the availability of SB 3 / Proposition 1 funding.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

4% Tax Credits

- Using tax exempt bonds, 4% tax credits are non-competitive and generally do not offer nearly the same level of subsidy as the 9% tax credit program. Tax credits are utilized on affordable housing projects to help finance new construction and rehabilitate existing affordable housing. The source is typically combined with several gap financing resources by developers to leverage public dollars.
- Housing Asset Funds have a more restrictive affordability requirement than a typical 4% tax credit-financed project. The typical 4% tax credit project designates 90% of the units at 60% of AMI and the remaining 10% of the units at 50% of AMI. The extremely low income units required by Housing Asset Funds would not receive additional tax credit equity; other funding sources would need to provide gap financing.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

HOME Funds

- The goal of the HOME program is to provide funds to expand the supply of affordable housing for very low and low income persons. Projects utilizing HOME funds must remain affordable for 55-years.
- The minimum HOME subsidy is \$1,000 times the number of HOME-assisted units. The maximum HOME subsidy limit varies each year based on the number of bedrooms.
- This program is not specifically for housing the homeless, but it may be coupled with other gap financing sources to make a project feasible.

County Programs

Pool for Homeless Initiatives Locally (PHIL)

- The Kings/Tulare Homeless Alliance issued a NOFA in July 2019 to apply for funds from the California Emergency Solutions and Housing program (CESH) and the HUD Continuum of Care program (COC).
- Applications were due in August 2019, however this program should be monitored for available funding in the future.

[No Place Like Home \(NPLH\)](#)

- Counties, or their development sponsors, may apply for funding from NPLH to develop permanent supportive housing projects throughout their jurisdiction.
- The City could refer developers to the County to coordinate a NPLH funding application to HCD.

[Project Based Vouchers \(PBVs\)](#)

- Section 8 PBVs subsidize rents for qualifying tenants and are administered by the County Housing Authority. PBVs remain with the property as compared to tenant based vouchers that remain with the tenant.
- The PBV rent amount is based on comparable properties in the local market. Assistance will be the difference between 30% of the family's monthly-adjusted income and the lower of either the gross rent or the applicable payment standard.
- While Tulare County issues individual Section 8 vouchers, it is unclear if PBVs are available. A developer could contact the County to inquire about the possibility of obtaining PBVs for their project.

Recommended Use of Housing Asset Funds

Tulare's \$1.5 million in Housing Asset Funds is not enough to fund affordable housing development on its own. Nor is the \$250,000 annual spending limit on homelessness enough to fund the start-up and operational costs of a shelter. However, \$1.5 million is a significant amount of money that can be leveraged by experienced developers to construct affordable housing by securing other gap financing sources. Housing Asset Funds could also be used by local homeless service providers to subsidize their efforts.

Table 2 displays construction costs for three multifamily residential developments in Tulare that applied for tax credits from the California Tax Credit Allocation Committee in the last few years. The average development cost per unit is approximately \$250,000, with total costs ranging from \$9 million to \$20 million for a 40 to 75 unit development. The majority of costs were funded with gap financing sources such as tax credits, federal and county housing programs, and solar energy tax credits. It is important to consider that operational costs for permanent supportive housing are higher due to the social services provided.

Table 2 Comparable Multifamily Residential Development Costs <i>California Tax Credit Allocation Committee Applications</i>				
	Comp 1	Comp 2	Comp 3	Average
Project	Westside Palm Apartments	Parkwood Manor	Mission Court Apartments	
City	Tulare	Tulare	Tulare	
Developer	Cordes Development 2, LLC	DBR Development LLC	Pacific West Communities, Inc.	
Application Year	2016	2017	2018	
Category	At-Risk Acq/Rehab	Large Family Acq/Rehab	Large Family New Construction	
Units	40	75	65	60
2BR	40	45	24	36
3BR	0	30	33	21
4BR	0	0	8	3
Units by Income Level	4-30% 8-40% 16-50% 11-60%	8-30% 8-35% 8-40% 19-50% 31-60%	7-30% 10-40% 26-50% 21-60%	
Total Construction Cost <i>Total Cost Per Unit</i>	\$7,317,006 182,925	\$12,068,051 160,907	\$15,462,141 237,879	\$11,615,733 193,904
Land and Acquisition	1,883,048	7,834,000	555,000	3,424,016
Total Development Cost <i>Total Cost Per Unit</i>	\$9,200,054 230,001	\$19,902,051 265,361	\$16,017,141 246,418	\$15,039,749 247,260
Gap Financing <i>Gap Finance Per Unit</i>	\$9,200,054 230,001 100%	\$19,872,461 264,966 99.9%	\$14,067,141 216,418 88%	\$14,379,885 237,128 96%

RSG recommends reserving at least \$1 million of Housing Asset Funds to issue a NOFA for affordable housing development in order to make a meaningful contribution to the total development cost. The NOFA can give preference to projects that provide permanent supportive housing if desired. However, the NOFA should not exclude other types of development in order to maximize the number of NOFA responses.

If Housing Asset Funds are spent on homeless prevention and rapid rehousing, RSG recommends setting aside no more than \$500,000 for this purpose. Since the City does not have a significant ongoing source of revenues for affordable housing, if Housing Asset Funds are spent on homeless services the funds would be depleted in six to seven years. Setting aside the bulk of Housing Asset Funds for affordable housing production will maximize the City's investment by leveraging outside resources to provide a permanent housing solution. It will also help meet Tulare's Regional Housing Needs Allocation need for 877 very low and 581 low income units.

AGENDA ITEM: Gen Bus CD 1e

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Community & Economic Development

For Council Meeting of: June 22, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Review and discussion on the status of the City's Housing Asset Funds in the sum of \$500,000 set aside by Council to be utilized for homelessness projects and/or programs; direction to staff as appropriate.

IS PUBLIC HEARING REQUIRED: * Yes *n* No

BACKGROUND/EXPLANATION:

The City of Tulare has approximately \$1.5 million in Housing Asset Funds available to fund affordable housing development. State law dictates how the funds may be used. For example, at least 30% of the Housing Asset Funds must be spent assisting extremely low income rental units within a five-year compliance period. Additionally, State law permits the City to spend up to \$250,000 of Housing Asset Funds per year, over the course of two years, on rapid rehousing solutions for homelessness and homelessness prevention.

Homeless prevention and rapid rehousing services, services for individuals and families who are homeless or would be homeless but for this assistance, are defined as:

- Contributions toward the construction of local or regional homeless shelters
- Housing relocation and stabilization services including housing search, mediation, or outreach to property owners
- Short-term or medium-term rental assistance
- Security or utility deposits
- Utility payments
- Moving cost assistance
- Credit repair
- Case management
- Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.
- Emergency shelters and transitional housing could qualify under this category; however, they are not explicitly identified in the law.

On April 21, 2020, Council directed staff to issue a Notice of Funding Availability (NOFA) in the sum of \$1,000,000 and to withhold \$500,000 from the NOFA to allocate \$250,000 per year towards allowed homeless prevention and rapid rehousing services.

On August 4, 2020, the Council received a presentation by the Lighthouse Rescue Mission and Sprung Structures on a proposed project for an emergency shelter and transitional housing project on the Cross Street property. City Council voted to work with the Lighthouse Rescue Mission on funding opportunities, such as Project Homekey funds and the City's Housing Asset funds, to support a homeless shelter project on an approved site.

Link: <https://www.tulare.ca.gov/Home/Components/Calendar/Event/7448/232?selcat=1&toggle=allpast&npage=2>

<https://www.youtube.com/watch?v=Hc9hx-c4ti0&t=3953s> Gen Bus Item 3a begins at 42:18 and the motion begins at 1:31:43

On August 18, 2020, Council clarified the action taken at the August 4, 2020 as a decision to consider the allocation of the Housing Asset Funds to the Lighthouse Rescue Mission when a location and an approved project has been identified that meets the City's emergency housing criteria and ordinances.

Link: <https://www.tulare.ca.gov/Home/Components/Calendar/Event/7448/232?selcat=1&toggle=allpast&npage=2>

<https://www.youtube.com/watch?v=NuRMI9EHfmk> Gen Bus Item 3a at 1:31:12 and the motion begins at 3:39:32

On April 19, 2021, staff received a request from Raymond Van Beek, Board President for the Lighthouse Rescue Mission to begin receiving funds from the City's Housing Asset funds to fund property acquisitions, purchase of modular units and operation costs for emergency shelter units in Tulare.

Additionally, staff has received interest from various national organizations such as RH Community Builders and Upholdings in utilizing the City's Housing Asset Funds for the purpose of the purchase, remodel and implementation of a local hotel for conversion to an emergency shelter.

Staff has included with this staff report a copy of a memo prepared by RSG Consulting dated October 1, 2019 summarizing the eligible uses of Housing Asset Funds to address homelessness for Council's reference.

STAFF RECOMMENDATION:

Review and discussion on the status of the City's Housing Asset Funds in the sum of \$500,000 set aside by Council to be utilized for homelessness projects and/or programs; direction to staff as appropriate.

CITY ATTORNEY REVIEW/COMMENTS: * Yes n N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: " Yes ☒ No " N/A

ATTACHMENTS:

Attachment 1 – Memorandum dated October 1, 2019 from RSG Consultants to Traci Myers, Community & Economic Development Director regarding Eligible Uses of Housing Successor Funds to Address Homelessness

Attachment 2 – August 4, 2020, City Council Minutes

Attachment 3 – August 18, 2020, City Council Minutes

Submitted by: Traci Myers

Title: Community and Economic Development Director

Date: 6/16/2021

City Manager Approval: _____

**ACTION MINUTES OF TULARE
CITY COUNCIL, CITY OF TULARE**

August 4, 2020

A regular session of the City Council, City of Tulare was held on Tuesday, August 4, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Greg Nunley^(left approx. 9:00 p.m.)

COUNCIL PRESENT VIA ZOOM: Terry Sayre, Carlton Jones^(left approx. 9:39 p.m.)

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Traci Myers, Michael Miller, Trisha Whitfield, Craig Miller, Dave Rossman, Janice Avila, Wes Hensley, Nick Bartsch, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and Paul Saldana led the invocation.

III. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Raymond Van Beek, Lighthouse Rescue Mission, addressed the Council in support of the proposed homeless project.

Farrah Martins addressed the Council regarding the lack of support for special needs children in the City school system.

Donnette Silva-Carter, Chamber CEO, update the Council on current activities.

Debra McAlpine addressed the Council with concerns with public safety issues at her senior mobile home park.

Joanne Neighbors and Delpha Munoz addressed the Council with concerns over pest control and other issues at Silvercrest Senior Retirement Community.

Gwen Cochran addressed the Council with public safety concerns in her neighborhood.

IV. COMMUNICATIONS

No items for this section of the agenda.

V. CONSENT CALENDAR:

It was moved by Council Member Nunley, seconded by Vice Mayor Mederos, and unanimously carried that the items on the Consent Calendar be approved as presented.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of July 21, 2020 special/regular meeting. [Submitted by: R. Yoder]
- (3) Appoint the City Engineer, Michael Miller, to serve as the City's representative on the Tulare County Association of Governments' Regional Transportation Plan / Sustainable Communities Strategy Roundtable, and designate Principal Planner, Mario Anaya, to serve as his alternate. [Submitted by: M. Miller]
- (4) Accept the required public works improvements for Phase 2 of the Willow Glen subdivision located along the north side of Cartmill Avenue east of Devenshire Street as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) Tulare County Economic Development Corporation Update. [Added by Council approval at the 7/21/2020 meeting.] TCEDC President CEO Paul Saldana provided an update to the Council for their review and consideration.

VII. MAYOR'S REPORT

VIII. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

- (1) Public Hearing:
 - a. Public Hearing to Pass-to-Print Ordinance 2020-08 regarding a zoning text Amendment to Chapter 10.40 of the City of Tulare Municipal Code to add storage buildings, mini-storage as a conditional use within the C-3 (Retail Commercial) zoning designation; and adopt Resolution 2020-42 adopting a Negative Declaration prepared for Zone

Amendment No. 741. [Submitted by: T. Myers] Council Member Nunley recused himself from the matter due to a business relationship. Community & Economic Development Director Traci Myers provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:53 p.m. Greg Nunley, Applicant, addressed the Council in support of the Council's approval of this request. Mayor Sigala closed the public hearing at 8:56 p.m. Questions and comments posed by Council were addressed by Ms. Myers. Following discussion, it was moved by Vice Mayor Mederos, seconded by Mayor Sigala and carried 3 to 1 (Council Member Jones voting no; and Council Member Nunley recused) to deny the request as presented.

(2) City Attorney:

- a. Further review and discussion on possible revisions to the Recreational Cannabis Ordinance (Ordinance 19-12) related to the sale of cannabidiol (CBD), its definition, and uses, and direction to staff related thereto. [Submitted by: M. Zamora]** Item 2a was moved up at request of Council Member Nunley. City Attorney Zamora provided a brief update on the item for Council's review and consideration and sought clarification on the Council's intent on revision to the Ordinance. It was the consensus of Council to direct staff to return with a revision to the Ordinance that will provide for the sale of CBD (0.3 percent per weight or less of THC) or hemp valid use products, such as creams and lotions and to not allow CBD oil vaping products or edible candy packages, attractive to children, except at those businesses legally licensed by the State for adult use.

(3) Community & Economic Development:

- a. Request by the Tulare Strategic Action Committee on Homelessness for Council consideration and discussion on the development of an emergency shelter within the City of Tulare; and to receive presentations by Dave Renard, President of Sprung Structures and Dave Clevenger, CEO of Lighthouse Rescue Mission on potential options for same. [Submitted by: T. Myers obo C. Miguel, Chair Strategic Action Committee on Homelessness]** Item 3a was moved up in order at the request of Mayor Sigala. Richard Renard and Dave Clevenger, CEO of Lighthouse Rescue Mission provided PowerPoint presentations addressed the Council in support of a proposed shelter project. Aaron Gomes addressed the Council in support of the project. Questions and comments posed by Council addressed by Mr. Clevenger.

Following discussion, it was moved by Council Member Sayre, seconded by Vice Mayor Mederos and carried 4 to 1 (Council Member Jones voting no) to work with the Lighthouse and allocate the City's Housing Asset Funds of \$500,000 (\$250,000 a year for two years) to help fund a portion of the Lighthouse Rescue Mission's proposed emergency shelter project and to direct staff to apply for the Home Key Cares Funding to facilitate the

Lighthouse Rescue Mission's permanent supportive housing portion of this proposed project.

Mayor Sigala inquired of City Attorney Mario Zamora if the motion was prudent for this item. City Attorney Zamora confirmed that it was.

(4) City Manager:

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** Council and staff commented on recent statistics and State recommendations on youth school and club sports cancellations for the fall.

Mayor Sigala requested and received consensus to direct City Manager Hunt to advise County Supervisor VanderPoel and CAO Jason Britt that the City of Tulare request that the County to consider a dollar for dollar match of its approximately \$840,000 in Covid-19 funding.

IX. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

John Harmon, addressed the Council on behalf of the Downtown Association and its members regarding the consideration of placing a homeless shelter on Cross Avenue and that businesses are not in support of that location.

Mayor Sigala requested an item for general discussion on the next steps to address homelessness. Council Member Sayre advised that these topics are before the Strategic Action Committee on Homelessness and invited Mayor Sigala to attend the meeting for those discussions. *Item was not agendized for a future meeting as a result.*

X. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 9:39 p.m.

President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST:

Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare

**ACTION MINUTES OF TULARE
CITY COUNCIL, CITY OF TULARE**

August 18, 2020

A closed session of the City Council, City of Tulare was held on Tuesday, August 18, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Greg Nunley

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre, Carlton Jones

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Darlene Thompson, Janice Avila, Wes Hensley, Melissa Hermann, Leonard Herr ^{Via teleconference}

I. CALL TO ORDER CLOSED SESSION

Mayor Sigala called the closed session to order at 6:03 p.m.

II. CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

There were no public comments.

III. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

Mayor Sigala adjourned to closed session for items as noted by City Attorney Mario Zamora at 6:07 p.m.

- (a) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented Employee(s): Fire Unions
Negotiators: Rob Hunt, Janice Avila, Mario Zamora [Submitted by: J. Avila; M. Zamora]
- (b) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: City of Tulare vs. Phillips, Heather N. Case No. VCU276579
[Submitted by: J. Avila and L. Herr]

IV. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed session at 6:59 p.m.

V. CLOSED SESSION REPORT (if any)

Mayor Sigala advised there was no reportable action.

VI. ADJOURN CLOSED SESSION

Mayor Sigala adjourned closed session at 6:59 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, August 18, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Greg Nunley

COUNCIL PRESENT VIA ZOOM: Terry Sayre, Carlton Jones Left at 9:54 p.m.

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Traci Myers, Michael Miller, Trisha Whitfield, Craig Miller, Luis Nevarez, Janice Avila, Wes Hensley, Nick Bartsch, Melissa Hermann, Mandy Jeffcoach (special counsel)

VII. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:00 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and City Manager Rob Hunt led the invocation.

IX. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Donnette Silva-Carter, Tulare Chamber of Commerce, called in to provide information regarding various upcoming events and programs.

Raymond Van Beek, President of the Lighthouse Rescue Mission, called in to provide information regarding sites for an emergency shelter.

X. COMMUNICATIONS

No items for this section of the agenda.

XI. CONSENT CALENDAR:

It was moved by Council Member Nunley, seconded by Vice Mayor Mederos, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 4 and 6.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of August 4, 2020 special/regular meeting. [Submitted by: R. Yoder]**
- (3) **Declare John Arreola seat on the Aviation Committee, term ending December 31, 2023, vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]**
- (4) **Accept a grant of easement for water and sewer line purposes from Reedley Community Hospital, a California nonprofit religious corporation, and a grant of easement for storm drain purposes from Hidden Oak Development Company Inc., a California Corporation, and Blackstone Ranch, LLC, a California Limited Liability Company. Authorize the City Manager or his designee to sign Certificates of Acceptance for the same. [Submitted by: M. Miller]** Council Member Nunley pulled this item to recuse due to a business conflict. It was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.
- (5) **Award and authorize the City Manager to sign a contract with JT2 dba Todd Companies of Visalia, CA in an amount not to exceed \$132,750 related to City Project EN0089 – Parkwood Meadows Park Concrete Trail Improvements; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract amount; and approve the revised project budget. [Submitted by: N. Bartsch]**
- (6) **Approve the Settlement and Release Agreement by and between the City of Tulare and Jerod Boatman in the amount of twenty-three thousand dollars (\$23,000); and Fred Ynclan in the amount of seventeen thousand dollars (\$17,000). [Submitted by: J. Avila]** Council Member Jones pulled this item for discussion. Special Counsel Mandy Jeffcoach provided clarification. Following a lengthy discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 4 to 1 (Council Member Jones voting no) to approve the item as presented.

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

No items for this section of the agenda.

XIII. MAYOR'S REPORT

XIV. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

(1) Public Hearing:

- a. **Public Hearing to adopt Resolution 2020-43 establishing the fees associated with the City of Tulare commercial cannabis business request for proposal/applicant package and adding such fees to the master fee schedule. [Submitted by: M. Zamora]** City Attorney Mario Zamora provided a report for the Council's review and consideration. Mayor Sigala opened up the public hearing at 9:44 p.m. While waiting to receive public comment, Council discussed the item. Questions posed by Council were responded to by City Attorney Mario Zamora. After receiving no public comment, Mayor Sigala closed the public hearing at 9:53 p.m. It was moved by Vice Mayor Mederos, seconded by Mayor Sigala, and carried 4 to 1 (Council Member Nunley voting no) to adopt Resolution 2020-43.

(2) Finance/General Services:

- a. **Authorize the Finance Director to accept and appropriate CARES Coronavirus Relief Funds from the California Department of Finance into the budget as described in Table 1 and allow the use of funds until they are exhausted. [Submitted by: J. McDonnell]** Deputy City Manager Josh McDonnell provided a report for the Council's review and consideration. Questions posed by Council were responded to by staff. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley, and carried 4 to 0 (Council Member Jones absent) to approve the item as presented.

(3) City Attorney:

- a. **Ratifying the August 4, 2020, action of the Tulare City Council regarding the Tulare Strategic Action Committee on Homelessness presentations by Dave Renard, President of Sprung Structures and Dave Clevenger, CEO of Lighthouse Rescue Mission to allocate \$500,000 (\$250,000 per year for two years) of City Housing Asset Funds to help fund a portion of the Lighthouse Rescue Mission's proposed emergency shelter project and to direct staff to apply for the Home Key Cares Funding to facilitate the Lighthouse Rescue Mission's permanent supportive housing portion of this proposed project. [Submitted by: M. Zamora]** This item was taken out of order at the request of Mayor Sigala. City Attorney Mario Zamora provided a brief report of the item which was followed by lengthy public comment.

The following citizens and business owners provided comment either in person or over the phone expressing concern regarding the possible location for the planned emergency shelter: Janet Lebaron, Trish Hitlin, John Harman (representing the Tulare Downtown Association), Curt Lange, Don Lebaron, Daniel Castro, Dr. Richard Heers, Rick Allison, Elizabeth Holmes, Jennifer Thorton, Diane Beck, Kevin Land, Amy Babb, Shanelle Herrera, Charlie Ramos, Manuel Ortiz, Monica Garcia, George Herrera, Karen Snow, Jared Ennis, and Jacob (inaudible).

The following citizens provided comment either in person or over the phone expressing support for the planned emergency shelter: Susan Henard, Dave Clevenger, and Aaron Gomes.

Following public comment, Council discussed the item. It was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 2 (Council Members Jones and Nunley voting no) to approve the item with following amendment: no funds to be released until location has been identified and meets criteria which will be determined at a future meeting.

(4) City Manager:

- a. **Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** City Manager Rob Hunt provided a brief update. Mayor Sigala had Economic Development Director Traci Myers provide an updated on expended funding.

XV. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

Staff provided various updates and reports.

Council Member Sayre requested and it was the consensus of the Council to agendize an item for the September 1, 2020 meeting to appoint a member of the Strategic Action Committee as the new proxy as she will be stepping down to an advisory position.

Mayor Sigala requested and it was the consensus of the Council to agendize an item for the September 1, 2020 meeting to provide an update on the 2020 Census outreach efforts.

Mayor Sigala requested and it was the consensus of the Council to agendize an item for a future meeting (no date specified) to discuss and possibly revise the current trespassing program.

Mayor Sigala mentioned he will be requesting a special meeting to discuss establishing criteria for the emergency shelter location.

XVI. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 10:18 p.m.

President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST:

Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare