



January 9, 2020

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager 

SUBJECT: CITY MANAGER'S WEEKLY REPORT: January 6 – 9, 2020

OFFICE OF THE CITY MANAGER

- ***Martin v. City of Boise:*** Last December, the U.S. Supreme Court declined to hear an appeal in *Martin v. City of Boise*, a case originating from Boise, Idaho, that would have made it a crime to camp and sleep in public spaces. The decision to let the 9th Circuit Court of Appeals decision stand is considered a significant setback for states and local governments under the 9th Circuit's jurisdiction. Cities in the western United States are grappling with widespread homelessness, and many have adopted laws to regulate makeshift encampments on sidewalks and in parks. In the City of Los Angeles, for example, the sidewalks of many downtown streets are blocked with rows of tent encampments. In Montclair, the problem is significantly less obvious, but the City continues to address a number of issues related to homelessness.

Martin stems from a lawsuit filed nearly a decade ago when Boise was sued for repeatedly ticketing homeless individuals for violating a city ordinance against sleeping outside in public places. While Boise officials later amended the ordinance to prohibit citations when shelters are full, the 9th Circuit eventually determined the Boise law was unconstitutional.

In the September 2019 decision, the 9th Circuit said it was "cruel and unusual punishment" to enforce rules that stop homeless people from camping in public places when they have no other place to go. That ruling, and the Supreme Court's denial of certiorari, means states within the 9th Circuit's jurisdiction, including California, can no longer enforce similar statutes if they don't have enough shelter beds for homeless people sleeping outside.

Local agencies argue that the decision ultimately harms the people it purports to protect because it threatens public health and safety. As the argument goes, public encampments, which are now Constitutionally protected, have spawned crime and violence, incubated disease, and created environmental hazards that

threaten the lives and well-being both of those living on the streets and the public at large.

Homeless advocates, however, say ticketing homeless people does nothing to solve the bigger concern — lack of affordable housing, which is what would end homelessness.

The Homelessness Crisis. West Coast cities and counties with soaring homeless populations had backed Boise's petition, including Los Angeles County where the number of people without a permanent place to live jumped by [12% in Fiscal Year 2018-19](#). The City of Los Angeles saw a 16% increase for the same period. According to an NPR [report](#), California is where nearly a quarter of the country's homeless population lives. The annual point-in-time count, delivered to the Los Angeles County Board of Supervisors put the number of homeless people in the County just shy of 59,000; within the City of Los Angeles, the number soared to more than 36,000.

Despite this increase in Los Angeles County, homelessness in the U.S. actually [decreased by 15 percent](#) from 2007 to 2018. Still, homelessness remains a significant issue nationwide. The Department of Housing and Urban Development found that more than [550,000](#) people experienced homelessness on a single night in January 2018, of which nearly 200,000 were unsheltered.

USICH Director Dr. Robert Marbut Jr. Stepping into the nationwide discussion on homelessness is Dr. Robert Marbut, the Trump Administration's recent appointee to head the U.S. Interagency Council on Homelessness (USICH). Dr. Marbut is the founding president and CEO of [Haven for Hope of Bexar County, Inc.](#), which describes itself as a transformational campus, with 17 main buildings on 37 acres and housing 82 nonprofit, faith-based, and governmental agencies near San Antonio. He is also the founder of Marbut Consulting, through which he has consulted with hundreds of local governments, community foundations and non-profit service agencies in dozens of states regarding the homelessness issue. Dr. Marbut has pursued a centrist approach to addressing the condition of homelessness. He holds a Ph.D. from the University of Texas at Austin in American politics, international relations, and political behavior. He also earned a master of arts in government from the University of Texas at Austin, and a bachelor of arts from Claremont McKenna/Men's College with majors in economics, political science and psychology. Dr. Marbut's research, publishing, and speaking engagement topic fields include Hispanic/Latino voting behavior, homelessness, criminal justice, terrorism, and homeland security. Dr. Marbut is a tenured full professor at Northwest Vista College at San Antonio, Texas State University at San Marcos, and University of Texas at San Antonio.



Dr. Robert Marbut Jr,
Director, United States Interagency Council on Homelessness (USICH)

As Director, it will now be Dr. Marbut's job to coordinate the 19 federal agencies and departments that comprise the USICH; he will also work with state and local officials to convey the administration's philosophy on the best ways to combat homelessness.

Dr. Marbut's appointment may signal a reversal of the **Housing First** approach of the past two decades — i.e., moving homeless populations to affordable housing — an approach the Trump Administration argues has failed. Instead, Dr. Marbut prefers to focus on attaching services and housing to good behavior, with a preference for larger shelter complexes that provide onsite treatment facilities over permanent and affordable housing units — a clear change from a Housing First strategy. Nationwide, however, there is a lack of sufficient shelter beds to house homeless populations, and many shelters close during the day or prohibit bringing pets or belongings.

Housing First. Housing First is the idea that you need to get people into housing before you can effectively solve the other problems they may be having. Housing First advocates argue that it is harder to address mental health and substance abuse issues when a person is staying in a shelter instead of a house.

Dr. Marbut is not, however, a Housing First proponent. Instead, he puts the housing issue as "[fourth](#)" in importance, and believes that recovery programs are more essential. In a [2014 interview](#), Dr. Marbut points to research he claims demonstrates that recovery occurs when a person is placed into a 24/7 program that holistically addresses the condition of homelessness. He rejects the movement on the right to criminalize homelessness and the movement on the left to provide them housing without demonstration of recovery. Instead, Dr. Marbut argues that housing and other programs should be linked to comprehensive treatment rehabilitation programs to address the root causes of homelessness — mental health and substance abuse issues.

For states under the *Martin* decision, Dr. Marbut may need to re-evaluate some aspects of his past advocacy, [as reported by the Tampa Bay Times](#); i.e., "*preventing the homeless from lying down on sidewalks...and sleeping in public places...and expanding police arrest authority for what are now minor offenses that now just result in a ticket.*"

As USICH Director, Dr. Marbut's influence will come by way of coordinating the White House's strategy on the homelessness issue. Dr. Marbut will also assist the Trump Administration with developing its plan to tackle homelessness.

The Trump Administration strategy may, however, run up against some solid evidence supporting a Housing First strategy. For example, fifteen years ago Utah set itself an ambitious goal to [end chronic homelessness](#), and by 2015 it declared victory, reporting a 91 percent decline in its chronically homeless population, largely by finding and building apartments where they can live, permanently, with no strings attached, as opposed to simply clearing unsheltered people from the sidewalks.

While Utah still has a [substantial homeless population](#) of around 14,000, the chronically homeless, a subset of the homeless population that is often the most vulnerable, has diminished greatly. Chronically homeless are people who have been living on the streets for more than a year, or four times in the past three years, and who have a "disabling condition" that might include serious mental illness, an addiction or a physical disability or illness. According to the Department of Housing and Urban Development (HUD), the chronically homeless represent [about 20 percent of the national homeless population](#).

By implementing Housing First, Utah reportedly reduced the state's chronically homeless population from nearly 2,000 people in 2005, to fewer than 200 by 2015. Utah was also the first state to [take the Housing First model statewide](#).

Advocates and officials say a few factors helped Utah near its goal of ending chronic homelessness:

1. The Church of Jesus Christ of Latter-day Saints, which has significant influence in Utah, was a big supporter of Housing First; and
2. Utah is a small population state with a relatively small chronically homeless population. Most of the Housing First advocates and agencies in Utah tasked with combatting homelessness know, and work well with, each other. Advocates also know most of Utah's homeless people by name. It is noted, however, that even though Utah is committed to Housing First, there still isn't enough housing in the state for the total homeless population, let alone every one of the chronically homeless.

By comparison to Utah's homeless population, at [last official count](#) 151,278 individuals are homeless in California, according to HUD. That's the highest

number since at least 2007, and represents a nearly 17% uptick statewide since 2018. The number of unsheltered Californians — living on the streets or in cars — has also surged the past year.

Official homelessness statistics mostly come from “one night counts” — a volunteer-led snapshot of the number of people experiencing homelessness the night of the count. Experts say this method [likely underestimates](#) the unsheltered, and doesn’t capture the total number of people who fall into homelessness over the course of a year, which could be [two or three times higher](#).

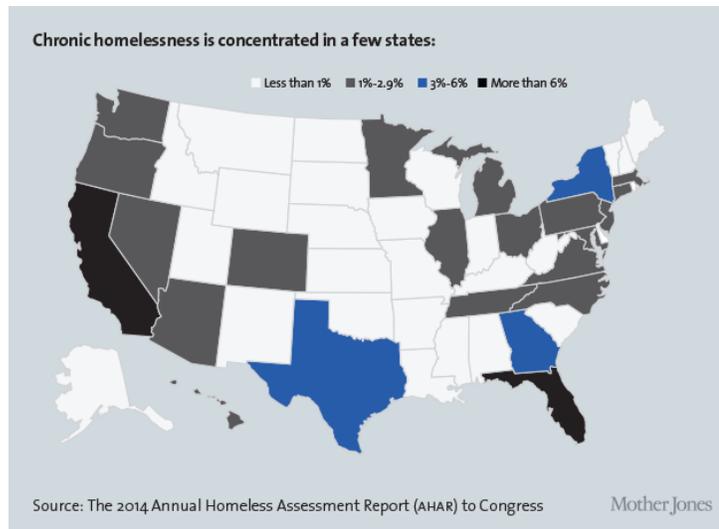
It’s not surprising that California, the largest state, has the nation’s largest homeless population. But while about 1 in 9 Americans lives in California, roughly 1 in 4 homeless Americans lives here. New York and Hawaii have slightly higher per capita rates of homelessness, but California has the largest proportion of people living without shelter. That means the state’s homeless population is far more visible than in other places, and more vulnerable to the illness, violence and death that accompany living on the street.

About 26% of Californians experiencing homelessness fit the definition of chronically homeless, or some 34,000 people.

A full discussion on California’s homelessness crisis can be found at [Calmatters](#).

The graphic below demonstrates the concentration of chronic homeless populations around the nation.

Graphic 1
Chronic Homeless Population Concentration



The idea behind Housing First is that housing comes first, services later. Clients do have to pay some rent, based on local requirement. In Utah, the contribution is either 30 percent of income or up to \$50 a month, whichever is greater.

In the 1980s, Los Angeles was a pioneer of the Housing First model. The Los Angeles model was adopted by New York City in the 1990s and, in the 2000s, the Bush Administration adopted the model which led to many cities writing 10-year Housing First plans to end chronic homelessness.

But why Housing First? Advocates argue for the program from an economic perspective: chronically homeless people cost the government a lot of money when they're living on the streets because of services like emergency room visits and incarceration time. HUD estimates that annual cost for a person living on the street is [between \\$30,000 and \\$50,000 per person in government services](#). Thus, the argument goes, that housing the homeless simply costs a lot less.

The Marbut Model. Dr. Marbut, however, prefers a model that would require that a homeless client prove he or she is sober and drug-free before housing is made available; and there may be the rub as the Trump Administration moves forward with its plan to use California's homelessness woes as a justification for federal intervention.

With this background, I am pleased to announce that USICH Director Dr. Robert Marbut will be appearing before the Montclair City Council at a special workshop on the homelessness issue at 5:00 p.m. on Tuesday, January 21, 2020.

I extend my gratitude to Code Enforcement Supervisor Gabe Fondario for his past collaboration with Dr. Marbut on Montclair's homelessness issue, and for facilitating his appearance before the City Council.

ECONOMIC DEVELOPMENT DEPARTMENT

- CoStar Group, Inc. (CoStar) confirms Macy's stores closings are taking shape in 2020. In November, the big-box retailer primed investors for what might be ahead. Speculations of Macy's stores closing were made during this time after Macy's was coming off a soft holiday selling period. The recent announcement of a few Macy's stores closing this year confirms the conditions are worsening.

Macy's has yet to announce a large-scale closing, but stores across the country, including in its Cincinnati Hometown, received individual notices announcing their store closure. CoStar reports Macy's has commented it made the "difficult" decision to close some stores in the following states: Georgia, Illinois, Kansas, Ohio, Maryland, Pennsylvania and Tennessee. It is unclear exactly how many total stores are closing this year, but many published reports suggest more than a dozen Macy's will go dark this year.

CoStar also noted a comment by Macy's President Hal Lawton telling investors that the retailer's financial outlays to store improvements ranging from technology to new carpet were being directed to specific areas. "We've been investing in malls

where developers are investing," Lawton said. "Those stores continue to outpace the rest of our fleet."

The City is hopeful the ongoing investment activity at Montclair Place is a transparent sign of the continued success Macy's will have in Montclair.

HUMAN SERVICES DEPARTMENT

- During winter and spring, the Human Services Department is offering the following recreation classes: American Sign Language, English as a Second Language, Flying Tigers Karate, French, Gymnastics, Handball, Hip Hop and Creative Movements for Tots, Hip Hop Dance, Ice Skating for Beginners, Junior Chefs, Lego® Robotics, Little Tigers Karate, Mandarin, Spanish, S.T.E.A.M. Class, Teen/Adult Karate, and Women's Self Defense and Kickboxing.

The Recreation Center's weight room and racquetball courts are open Monday through Friday from 7:30 a.m. to 9:30 p.m. Racquetball court use is \$5 per hour, per person. Weight room use is \$5 per day, \$3 per day for seniors (60+ with photo identification), free for Montclair seniors (60+ with photo identification) or \$20 for a monthly membership.

City employees are welcome to use the weight room at no charge. For more information, please refer to the 2020 winter/spring brochure, which can be viewed at <https://www.cityofmontclair.org/home/showdocument?id=13525>

All class registrations are taken at the Recreation Center's front desk.

- Montclair's new year and decade kicked off with the start of the 2020 Winter Youth Basketball League games. On Saturday, January 4, a total of 18 teams consisting of 174 players in first through eighth grades and 23 volunteer coaches hit the hardwood floor for some fun and friendly competition. Games are played on Saturdays from 8:30 a.m. – 5:30 p.m. through February 29. Hope to see you there!

Photos are shared on Page 10.

POLICE DEPARTMENT

- Police Officer Trainee Armando Baeza graduated from the 216th session of the San Bernardino County Sheriff's Academy on December 19. The graduation ceremony was held at the Abundant Living Family Church in Rancho Cucamonga. Officer Baeza was sworn in on the morning of December 23 and began his field training shortly after.

Congratulations Armando, and welcome to the Montclair City family!



Pictured L-R: Captain Jason Reed, Chief Robert Avels, Detective Brian Blyther, Officer Armando Baeza, Lieutenant Brian Ventura, Sergeant John Minook, Lieutenant Jim Michel, Detective Dave Taylor, Sergeant Raul Perez and Lieutenant Brandon Kumanski

FIRE DEPARTMENT

- On Monday, January 6, Montclair Fire Truck Cadre had the opportunity to participate in a multi-company Truck Operations Training with San Bernardino County Fire and Rancho Cucamonga Fire District. By training with other agencies, our crews are better able to accomplish and attain the goals set forth by the Montclair Fire Department.



Pictured above, Engineer Mistretta, Engineer Noboa and personnel from Rancho Cucamonga Fire District and San Bernardino County Fire preparing to cut a ventilation hole in a simulated commercial building.



THE MONTH OF
January

<u>Day</u>	<u>Event & Location</u>	<u>Time</u>
Mon. 6	City Council Meeting — Cancelled	
Weds. 8	Community Activities Commission Meeting Council Chambers	7:00 p.m.
Mon. 13	Planning Commission Meeting — Cancelled	
Thurs. 16	Public Works Committee Meeting City Manager's Conference Room	4:00 p.m.
Mon. 20	Martin Luther King Jr. Day — <u>City Offices Closed</u>	
Tues. 21	Code Enforcement Committee — Cancelled	
Tues. 21	Real Estate Committee — Cancelled	
Tues. 21	Council Workshop — U.S. Interagency Council on Homelessness Presentation by Dr. Robert Marbut Council Chambers	5:00 p.m.
Tues. 21	City Council Meeting Council Chambers	7:00 p.m.
Mon. 27	Planning Commission Meeting Council Chambers	7:00 p.m.



YOUTH BASKETBALL LEAGUE WINTER 2020