



Comprehensive Homelessness Update

August 19, 2024



SAN RAFAEL

THE CITY WITH A MISSION

Presentation Overview

1. Background and Context Setting
2. Approach and Response to Homelessness in San Rafael
3. Proposed Camping Ordinance Amendments
4. ERF & Sanctioned Camping Area Program Overview
5. Additional Homelessness Actions and Contracts
6. Recommendations & Next Steps
7. Questions & Discussion

Homelessness In Marin and San Rafael

Marin County

- 2024 PIT Count: 1,090 individuals
 - 788 Unsheltered
 - 217 Chronically homeless
- 2.77% decrease from 1,121 individuals in the 2022 PIT Count

City of San Rafael

- 2022 PIT Count: 348
 - Mahon Creek Path encampment (Dec 2023): 90% of residents lived there for over a year.
 - Nearly two-thirds of encampment residents have lived in San Rafael for over a decade.

Homelessness In Marin and San Rafael

- County has had great success in housing individuals
 - 737 chronically homeless individuals housed since 2017.
 - 94% of those housed remain housed due to support services and rental subsidies.
 - 111 veterans housed since 2017.
- Shelter space is still needed throughout the county
 - 1,090 individuals experiencing homelessness
 - 291 shelter beds available

Year in Review

July 2023

City Council action: Amended San Rafael's camping ordinance (Chapter 19.50) to comply with Martin v. Boise decision.

September/October 2023

Court response: Issued a temporary restraining order and preliminary injunction, blocking enforcement of the ordinance.

April 2024

City Council action: Further amended Chapter 19.50 to address the Federal District Court's concerns.

August 2023

Lawsuit filed (Shaleeta Boyd, et al.): Plaintiffs sued the City in federal court, claiming ADA violations and that the camping ordinance created a "state created danger."

December 2023-February 2024

City attempts implementation of Court direction: Multi-month effort to work with CA Homeless Union to establish voluntary compliance following Court direction

August 2024

Court ruling: Granted City's motion to dismiss the Boyd case, dissolved the injunction, and upheld the amendments to Chapter 19.50.

City effectively blocked from enforcing the camping ordinance

Enforcement Activities – Fall/Winter '23

- October/November 2023 - Fire Code Enforcement
 - City enforced its fire code to abate fire risks associated with proliferation of wooden pallets and illegal wooden structures.
- December 2023 - Lindaro Street
 - City Manager issued an order to prohibit camping along Lindaro Street and issued an additional order prohibiting new camping in the Mahon Creek Path Area



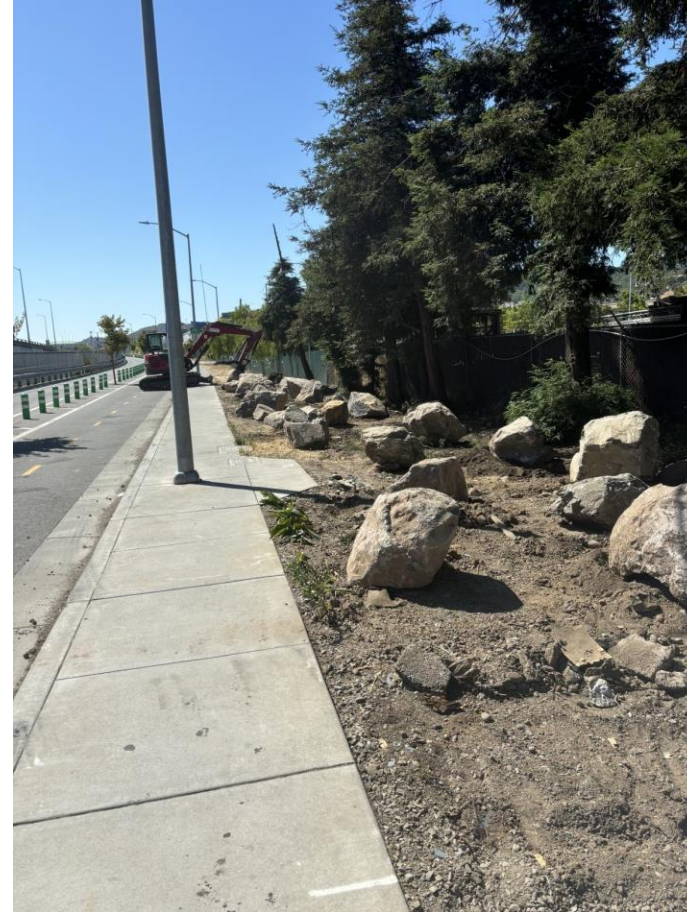
Illegal Structure Enforcement – Spring/Summer ' 24

- **Inspection areas:** Encampments along Andersen Drive, Mahon Creek Path, Andersen Drive adjacent to Mahon Creek Path, and Francisco Boulevard West.
 - Issued 49 notices to date.
 - 42 sites have complied, and 7 are undergoing an administrative appeals process (hearings scheduled for tomorrow, August 20).
- **Cleanup efforts:**
 - June 20, 2024: 16 tons of debris removed from Andersen Drive at Rice & Irwin.
 - July 3, 2024: 15 tons of debris removed from Francisco Blvd West.
- **Support provided:**
 - Replacement tents were given to individuals displaced by structure removals.
 - City stores personal property for up to 90 days as per City guidelines.

Francisco Blvd. West – Before & After



Francisco Blvd. West – Before & After



Andersen Drive – Before and After



Mahon Creek Path Before & After



Recent Legal Actions

1. **Martin v. Boise (2018):** Limited local government's ability to regulate homeless encampments.
2. **Ninth Circuit's ruling in Grants Pass v. Johnson (2023):** Court ruled that the City of Grants Pass violated the Eighth Amendment by prohibiting camping on public property without sufficient alternative shelter.
3. **June 2024, Supreme Court decision:** Reversed Ninth Circuit in Grants Pass v. Johnson.



Governor's Executive Order

- On July 25, 2024, Governor Newsom issued an Executive Order instructing state agencies, and encouraging local governments to prioritize the humane removal of encampments including:
 - Conducting site assessments
 - Providing 48 hours notice or as much notice as reasonable in exigent circumstances
 - Offer outreach services
 - Provide personal property storage for at least 60 days
- The City has been and is currently already doing what the Governor's Order calls for, to the extent possible given legal constraints.

Current Camping Ordinance

On May 6, 2024, the City Council adopted Ordinance 2035, effective as of June 5, 2024:

1. **Campsite Size Restrictions:** Campsites can be up to 200 sq. ft. for one person and 400 sq. ft. for up to four people camping together, doubling the space allowed in the prior ordinance.
2. **Proximity and Safety Buffers:** Campsites must maintain a 10-foot clearance area around each site and a 10-foot setback from other campsites, public utility infrastructure, or neighboring private properties. The previous requirement of 200 ft spacing between campsites has been eliminated.
3. **Proximity to Schools:** Camps must be located a minimum of 250 ft from the property line of any preschool or K-12 school.
4. **Enforcement Provisions:** Enforcement will only take place after individuals in violation receive notices and opportunities to comply, reflecting a commitment to a compassionate and balanced approach.

Current Camping Enforcement Plan

- **Phase One: Menzies Lot Enforcement (Week of August 12, 2024)**
 - August 13, 2024: The City Manager lifted the Administrative Order for Menzies Parking Lot; the Camping Ordinance now applies.
 - The remaining camper was given three business days to vacate due to its proximity to Marin Academy (within 250 feet).
 - *Effort on hold: TRO filed on Friday.*
- **Phase Two: Restoration of Emergency Vehicle Access (Week of August 12, 2024)**
 - Notices issued to individuals obstructing Mahon Creek Path and blocking emergency vehicle access.
 - Voluntary compliance is sought; additional resources will be used to clear the area.
 - Individuals must comply with the Camping Ordinance by August 19, 2024.

TODAY - Mahon Creek Path Before & After



TODAY - Mahon Creek Path Before & After



Current Camping Enforcement Plan

- **Phase Three: Campsite Size and Setback Compliance (Week of August 19, 2024)**
 - Enforcement of campsite size limits and 10-foot setbacks from private property lines and other campsites.
- **Phase Four: Camping Ordinance Compliance Check (Weeks of August 26, September 2, 2024, ongoing)**
 - Full assessment of Mahon Creek Path Area encampment.
 - Enforcement for sites out of compliance with the Camping Ordinance.
 - 72-hour written notices provided for compliance; non-compliant campsites will be abated.

Proposed Camping Ordinance Amendments

Grants Pass Amendments:

- Provides greater flexibility for the City to prohibit camping or set time, place, or manner conditions on camping on public property.

Unpermitted Structures and Building Materials:

- Clarifies prohibition on occupying, constructing, or affixing structures made of building materials on public property.
- Allows temporary shelters like fabric tents or tarps, provided they are not affixed to public or private property, except with removable stakes on unimproved ground.

Additional Safety Setbacks:

- Campsites must be at least 5 feet from the edge of roadway pavement to ensure safety and prevent obstruction of traffic

Proposed Camping Ordinance Amendments

Updated Enforcement Provisions:

- 48-hour notice for curing violations; immediate removal for encampments camping in prohibited areas or posing imminent threats elsewhere.
- Allows for more efficient removal of unpermitted structures with a 48-hour notice.

Streamlined Definitions:

- Consolidates “Camp Facility” into “Camp paraphernalia,” including all items used for camping.
- Updates the definition of “public-right-of-way” to match San Rafael Municipal Code Section 11.04.020(K).

Repeat Offenders and Police Department Approach

- Frequent violators of criminal activity
- Combating open air drug use and other criminal activity
- Community Engagement with San Rafael Police Department
- Coordination with the County of Marin District Attorney

Encampment Resolution Fund Round 3 (ERF-3)

- The City of San Rafael and the County of Marin were awarded \$5,999,241 to address the Mahon Creek Area Encampment (Sanctioned Camp Area).
 - The grant's goal is to connect encampment residents to case management, permanent housing, rapid re-housing subsidies, and supportive services to end homelessness.
- Proposed ERF-3 Program includes:
 - Partnership with the County of Marin's Department of Health and Human Services (HHS) to hire;
 - One full-time outreach worker
 - Three full-time Housing-Based Case Managers
 - Development of a sanctioned camping area and interim shelter program.

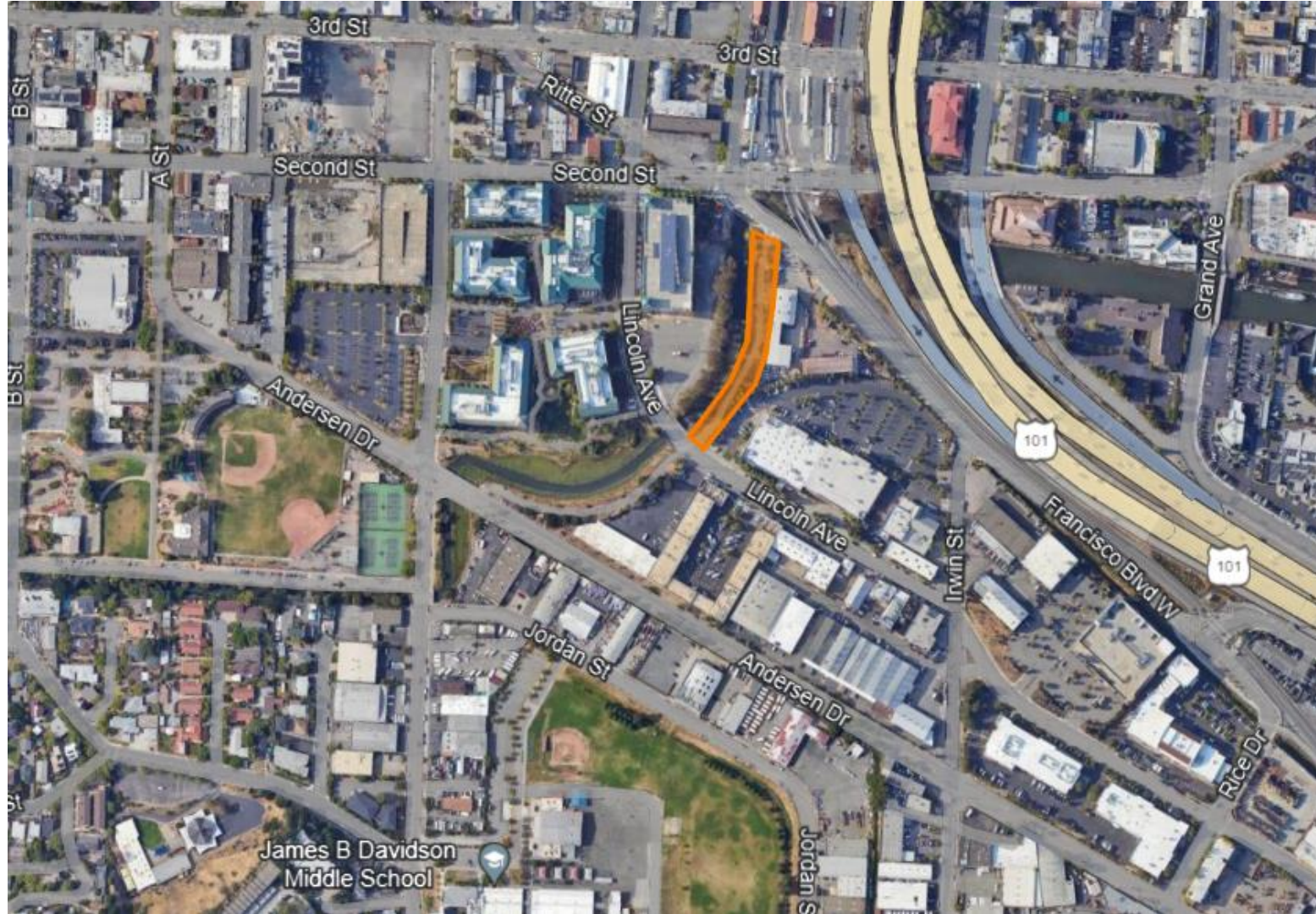
Overview of Sanctioned Camping Area

- City will establish a temporary sanctioned camping area along the northern portion of the Mahon Creek Path.
- Designed for individuals previously residing in the Mahon Creek Area encampment before January 31, 2024.
 - Accommodate up to 47 tents for enrolled participants
 - Sanctioned Camping Area duration: 12-18 months

Proposed Sanctioned Camping Area



Proximity of Sanctioned Camping Area



Sanctioned Camping Area Elements

- Sanctioned Camping Area will serve as a low-barrier, housing focused safe sleeping site.
- Development and Operations will include:
 - Installation of new gates, fencing, and controlled access points
 - 24/7 security personnel, provided by Defense Block Security
 - Program services and janitorial staff, provided by FS Global
 - Dedicated housing case management and outreach staff, contracted by Marin County HHS
 - Regularly serviced portable restrooms, garbage pickup, and weekly shower service

Sanctioned Camping Area Elements

- Participation is voluntary and individuals will be prioritized based on:
 - Plaintiffs in *Boyd v. City of San Rafael*
 - VI-SPDAT Score
 - Length of time residing in the Mahon Creek Area encampment
 - Previous participation in the City's Service Support Area (SSA)
- Participants will be required to abide by a code of conduct
 - Includes a no-visitor policy
 - Staff seeking feedback from the Marin County Lived Experience Board (MCLEAB)
- Buffer zone and enforcement:
 - A no-camping buffer will be instituted along the southern portion of Mahon Creek Path.
 - Non-participants in the buffer zone will be allowed to camp elsewhere in the City, subject to the Camping Ordinance 19.50.

Why A Sanctioned Camping Program?

- Marin County does not have enough shelter space available.
 - Outside of camping on public property, individuals experiencing homelessness have no where else to go.
- The program provides targeted services to successfully connect individuals experiencing homelessness with housing.
 - The City's SSA successfully housed +70% of participants.
- The program aims to bring greater stability and order, and safety to the surrounding area and community.
 - Program will include 24/7 security, program staff, and numbers for concerned community members to call.

Why along the Mahon Creek Path?

- The State ERF-3 grant requires that funds are used to provide alternative shelter in the general proximity of the existing unsanctioned encampment area.
- Service providers recommend that the City provide a site within walking distance to food access and additional services.
- The City does not own land elsewhere suitable for this type of program.

Additional Homelessness Actions and Contracts

- Downtown Streets Team (DST) provides employment opportunities, case management, and supportive services to individuals experiencing homelessness.
- Proposed Fiscal Year 2024-25 DST Scope includes two phases:
 - **Case Management:** Engagement of individuals in encampments into housing-focused case management
 - **Cleanup Teams:** placement of cleanup teams to improve environmental conditions within those encampments
- DST will address encampments, waste-related issues, and provide housing-focused case management to individuals experiencing homelessness.
 - At least 20 team members will focus on encampment “hot spots” while maintaining cleanup efforts in the City’s downtown, including Fourth Street, and the Canal neighborhood.

Proposed Costs

| | | |
|------------------------------|-----------|------------------|
| Start Up Costs | \$ | 500,000 |
| Defense Block | \$ | 850,000 |
| FS Global | \$ | 675,000 |
| WeHope | \$ | 26,400 |
| Other Junk Co. | \$ | 165,000 |
| Downtown Streets Team | \$ | 40,000 |
| Total | \$ | 2,256,400 |

| | | |
|------------------------------|-----------|------------------|
| Defense Block | \$ | 850,000 |
| FS Global | \$ | 675,000 |
| WeHope | \$ | 112,400 |
| Other Junk Co. | \$ | 165,000 |
| Downtown Streets Team | \$ | 200,000 |
| Total | \$ | 2,002,400 |

ERF-3 Budget at a Glance

| | |
|-------------------------------------------------------|--------------------|
| Available ERF-3 and State Appropriation Funds | \$5,047,376 |
| Sanctioned Camping Program (<i>Phase 1</i>) | \$2,188,223 |
| Interim Shelter Program (<i>Phase 2</i>) | \$2,208,757 |
| Other ERF-3 Programs (PH Transitions, Shower Vehicle) | \$650,396 |
| Total Expense | \$5,047,376 |

Ongoing Communications & Community Outreach

- Staff will continue to post updates to the City's Homelessness webpage and newsletter. Updates will be posted on a bi-weekly basis. <https://www.cityofsanrafael.org/departments/homelessness/>
- The City's webpage has also been updated with comprehensive Frequently Asked Questions (FAQs) and videos detailing updates on the Camping Ordinance and Homelessness Response.
- City Staff have been in contact with the San Rafael City School district to address school and guardian concerns.
- City Staff and Defense Block Security contractors will host regular Zoom meetings starting two weeks prior to sanctioned camping area participant enrollment.
- Contact information will be provided via QR code on signs posted at the sanctioned camping area gate locations and on the City's website.

Next Steps

- Near term staff effort will be focused on ongoing enforcement of the Camping Ordinance and the development of the Sanctioned Camping Area.
- Additionally, staff are working to identify a site for the creation of an interim/transitional housing solution.
- Second Reading of the Ordinance is scheduled for September 3. Effective date will be 30-days thereafter.
 - If approved the Amended Camping Ordinance would go into effect on October 4th (*assuming no legal action occurs that would constrain ability to enforce*).

Recommendations

1. Waive the reading and introduce the Ordinance Amending San Rafael Municipal Code Chapter 19.50 -- Camping on Public Property.
2. Adopt the Resolution appropriating \$2,256,400 from the Grants Fund 283 to support the initial costs and contracts associated with the Sanctioned Camp Area and authorizing the City Manager to execute contracts in the amount of \$2,002,400 for the first phase of the Encampment Resolution Fund Round 3 (ERF-3) grant program and other homelessness program services.

Staff Contacts

John Stefanski

Assistant City Manager

John.Stefanski@cityofsanrafael.org

Mel Burnette

Housing and Homelessness Analyst

Mel.Burnette@cityofsanrafael.org

Stay current on the City's work
by visiting:

www.cityofsanrafael.org/departments/homelessness/

Subscribe to the Housing &
Homelessness newsletter.

County of Marin Leadership

- Derek Johnson, County Executive