



Item E-

Housing Trust Fund & Homelessness Solutions Committee

August 12, 2021

Supervisor Virginia Bass, Chair
Supervisors Bohn, Bushnell, Wilson, and Madrone
Humboldt County Board of Supervisors
825 5th Street
Eureka CA 95501
via email only

Clerk of the Board (via email khayes@co.humboldt.ca.us)

Re: August 17, 2021 Board Meeting: Public Comment (Non-Agenda Item)

Dear Chair Bass and Supervisors:

We make these comments to urge the County of Humboldt to comply with recent state mandates regarding its shelter crisis declaration. The Shelter Crisis Declaration facilitates homeless shelters on city or county lands or leases by suspending some building codes and other regulations. Compliance with the new law is important because shelters on county owned or leased property, including potential Safe Parking projects, cannot take advantage of the relaxed building codes unless the county is compliant.

The County of Humboldt missed its deadline to develop its Shelter Crisis Plan. As a result, it also likely will not comply with its annual report to the Legislature due January 1, 2022. To achieve compliance, we also request that the Board encourage its Department of Health and Human Services and its Planning Department to work with the Housing Trust Fund and Homelessness Solutions Committee to fulfill the County's responsibilities to mitigate our County's shelter crisis.

On February 27, 2018, by Resolution No. 18-15, the County of Humboldt declared the existence of a shelter crisis in accordance with Government Code sections 8698, et seq. Among other things, the Board of Supervisors (1) resolved to encourage private groups and organizations within the community to provide shelter for those in need; (2) found that current activities of private groups and organizations may not be adequate to meet the need for shelter; and (3) further found that "strict compliance with otherwise

applicable state or local statutes, regulations, and ordinances would prevent, hinder, or delay the County mitigation of the effects of the shelter crisis.

On September 25, 2020, Governor Newsom approved AB 2553 (Chapter 147, Statutes of 2020) as an urgency statute. The provisions of AB 2553, which amended Government Code Section 8698.4, became effective immediately. The amendments provide that any city or county with a declared shelter crisis is exempt from the California Environmental Quality Act and other specified laws, such as the Special Occupancy Parks Act, when it leases, conveys, or encumbers its own land (or facilitates such use of its land), or provides financial assistance to a homeless shelter constructed or allowed by the shelter crisis statute. See Gov't Code § 8698.4(a).

Notably, "homeless shelter" is defined in the statute as "a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis." *Id.*, § 8698.4(c)(1). This includes, but is not limited to, a "temporary homeless shelter community [that] may include supportive and self-sufficiency development services [and] shall include a parking lot owned or leased by the [county] specifically identified as one allowed for safe parking by homeless and unstably housed individuals." *Id.*

The amended law requires the County to take several actions. One action involves adopting an emergency housing ordinance that applies minimum building standards to shelter projects. The County must either adopt the "emergency building codes" adopted by the state Department of Housing and Community Development (HCD), or explain why its ordinance does not meet HCD's minimum standards, but otherwise still protects health and safety.

Additionally, the County was required to develop a plan to address the shelter crisis by July 1, 2021. The Plan must be publicly available. Humboldt County failed to develop its required plan. Moreover, without a Plan, it will fail to make its next annual report, due by January 1, 2022, regarding the data supporting its plan and what actions it has taken to implement the plan.

As you are aware, the lack of shelter for unhoused persons continues to grow, expanding the need beyond that which existed in 2018 when the shelter crisis was declared. We urge the County to recognize that it declared a shelter crisis more than three years ago and to begin utilizing the state tools made available to mitigate the crisis.

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The Housing Trust Fund and Homelessness Solutions Committee remains committed to mitigating the needs of the unhoused. To this end, we are committed to working with the County to develop, implement, and support its Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Lynn Martinez". The signature is written in a cursive, flowing style.

S. Lynn Martinez
Chair