

D-11

From: janelle <njir@sbcglobal.net>
Sent: Monday, March 6, 2023 10:20 PM
To: COB; Madrone, Steve; Bushnell, Michelle; Bohn, Rex; Arroyo, Natalie; Wilson, Mike
Subject: March 7, 2023 Agenda Consent #11. Res Dissolving the HTFHSC; AND what to do while housing is planned/funded/built?
Attachments: Resolution 18-73, HTFHSC, with jae NOTES & underlining.pdf; 2023-03-09 Additional NOTES re Resolution 18-73.pdf; 2023-02-28 Comment to Eureka City Council re Authorized Encampment-Tiny Home Village Workshop.pdf

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Dear Board,

"WHEREAS, on February 27, 2018, the Humboldt County Board of Supervisors adopted Resolution No. 18-14 which established the Housing Trust Fund and Homelessness Solutions Committee ("HTFHSC")"

----The Resolution was a very flawed document. Please see attached.

What is the plan for addressing the need as funds are secured and housing constructed?

----Please see the attached comment to Eureka City Council.

It is a one page description of a countywide program to address the need for emergency housing.

Best,

janelle
Janelle Egger
Fortuna, CA

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 24, 2018

RESOLUTION NO. 18-73

RESOLUTION ESTABLISHING A HOUSING TRUST FUND AND HOMELESSNESS SOLUTIONS COMMITTEE

WHEREAS, on Jan. 26, 2016 the Humboldt County Board of Supervisors received a report from Focus Strategies on Homeless Strategies and this report included a recommendation to adopt a Housing First approach county-wide and subsequently the Board of Supervisors adopted the Housing First approach; and

See NOTES - "Not included re March 1, 2016"
and "Not included re Nov 7, 2017"

WHEREAS, the Focus Strategies report states the affordable housing inventory in Humboldt County is not adequate; and

note: I seem to remember there were some questions about the numbers and whether or not the vacancies were truly affordable.

WHEREAS, on Jan. 9, 2018, County staff and concerned citizens shared information on the state of homelessness and affordable housing opportunities in Humboldt County; and

See NOTES - "Incomplete re Jan 9, 2017"

~~**WHEREAS**, on Jan. 23, 2018 the Board of Supervisors directed staff to create an Affordable Housing Trust Fund; and~~

See NOTES- "Inaccurate re Jan 23, 2018",

"Not included re Feb 6, 2018 & "Not included re Feb 27, 2018"

WHEREAS, the Board of Supervisors desires to establish a Housing Trust Fund and Homelessness Solutions Committee to set criteria for (1) the receipt of funds into the Housing Trust Fund; and (2) the expenditure of funds derived from the Housing Trust Fund; and (3) to make recommendations for expenditures from the Affordable Housing Trust Fund; and (4) make recommendations on homelessness solutions.

See NOTES- "Regarding Board desires"

WHEREAS, the Board of Supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the board and to make reports and recommendations to the board pursuant to Government Code §31000.1; and

NOW, THEREFORE, the Board of Supervisors of the County of Humboldt resolves as follows:

1. Committee

The Humboldt County Housing Trust Fund and Homelessness Solutions Committee is hereby established.

2. Purpose

The purpose of the Housing Trust Fund and Homelessness Solutions Committee (hereinafter the Committee) is to recommend criteria for the receipt and use of Affordable Housing Trust Fund monies, which shall be subject to Humboldt County Board of Supervisors approval. The criteria shall ensure that housing fund monies are used to assist the county in meeting its affordable housing goals with an emphasis on "bricks and mortar" projects.

note: This says "emphasis on", it does NOT say "limited to" or "exclusively for..."

note: "recommend criteria for... Trust Fund monies, which shall be subject to... Supervisors approval."

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In making recommendations regarding funding sources, the Committee shall consider all applicable state and federal housing programs and funding sources including, but not limited to, the grants available to counties pursuant to Health and Safety Code section 50843.5.

Upon adoption of criteria governing revenue sources and expenditures from the Affordable Housing Trust Fund, the Committee shall make recommendations to the Board of Supervisors as to which of the proposals meeting criteria should be funded. note: Board adopts criteria, then Committee will make recommendations on proposals. See "Purpose" above.

In making recommendations regarding homelessness solutions, the Committee shall consider all applicable state and federal supportive service programs and funding sources including, but not limited to, the grants available to counties pursuant to Health and Safety Code section 50843.5.

note: Sec 50843.5 is in CHAPTER 13. Housing Trust Fund, which is to fund buildings, not supportive service programs.

3. Duties

The duties of the Committee shall include:

- a. Ongoing review of the County's current and projected homelessness assistance and affordable housing revenues and expenditures.
- b. Ongoing review of federal, state, and local government funding sources for affordable housing and homelessness solutions and services.
- c. Maintaining a spreadsheet listing potential private funding sources for affordable housing and homelessness solutions.
- c. Becoming familiar with the County's role as a service provider.
- e. Providing a forum for public expression of desires regarding expenditure of funds derived from Affordable Housing Trust Fund and homelessness solutions.
- f. Working with the Department of Health and Human Services and members of the public to address potential public concerns about expenditure of funds derived from the Affordable Housing Trust Fund.
- g. Providing recommendations on ongoing sources of funding for the Affordable Housing Trust Fund.
- h. Providing recommendations on homelessness solutions.
- i. Prepare a draft ordinance or resolution setting forth criteria governing the Affordable Housing Trust Fund;
- j. Prepare formal draft bylaws to be adopted by the Committee.

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- k. Assume responsibility for making recommendations to the Board of Supervisors for expenditures from the Affordable Housing Trust Fund pursuant to the criteria adopted by the Board of Supervisors. note: Trust Fund expenditure recommendations require BOARD ADOPTED criteria.

NOTE: 1. Assume responsibility for making recommendations to the Board of Supervisors on potential shelter crisis projects utilizing the below criteria to assist with evaluation of projects: note: Criteria for Shelter Crisis projects was adopted WITH the resolution. However, this criteria ignores the benefits of declaring a Shelter Crisis.

Shelter Crisis

Gov Code 8698.1

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. ...

(b) The provisions of any... statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended... apply only to additional public facilities open to the homeless pursuant to this chapter.

Detailed Project description to include:

- Narrative of proposed project
- Site map
- Facility description
- Ownership or Interest in the site(s) note: Regulations, etc. suspended for publicly owned or leased property under shelter crisis declaration. See Gov Codes 8698.1(b), 8698.2(b)
- Services provided and staffing plan, if any
- Security and safety plan
- Long-term schedule
- Compliance with Title II of the Americans with Disabilities Act
- Access to public transportation note: As long-term solution (housing) is addressed, a Shelter Shelter Crisis declaration provides for emergency housing under suspended standards. See Gov Code 8698.1(b) and CA Res Code App. X

Detailed Budget:

- Description of funding sources
- Detailed operational budget to include funding and expenses
- If applicable, budget should include all volunteer staffing associated with the proposal
- Budget shall not include County matching funds or any funding provided by the County note: Assuming Article 34 limits emergency housing under a shelter crisis declaration, in Nov 2020 Measure I passed allowing for the development of low-income affordable housing.

Gov Code 8698.2

(a)(1) The governing body may declare a shelter crisis, and may take such action as is necessary... upon a finding...

(b) Upon a declaration of a shelter crisis... allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

Insurance and Indemnity

- Proof of Liability Insurance
- Proof of ability to indemnify the County of Humboldt
- Execution of a hold harmless/release in favor of the county

note: Re liability, see Gov Code 8698.2

4. Membership

See NOTES - "Final Notes"

The Committee shall be composed of eleven (11) voting members, who shall be appointed by the Board of Supervisors as follows:

One member from each Supervisorial District, appointed by the Supervisor thereof with notice to his/her fellow Supervisors.

One member to be appointed by the Board of Supervisors upon nomination of the Humboldt Housing and Homeless Coalition.

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One member to be appointed by the Board of Supervisors upon nomination by the Planning and Building Director.

One member to be appointed by the Board of Supervisors upon nomination by the Department of Health and Human Services Director.

One member to be appointed by the Board of Supervisors with experience in developing affordable housing projects.

One member to be appointed by the Board of Supervisors representing the homeless or recently homeless community.

One member to be appointed by a majority vote of the Board of Supervisors.

5. Term of Office

All appointments shall be for a term of four (4) years, except that at the first meeting of the committee four members shall be randomly selected to serve for only two (2) years so that appointments will thereafter be staggered.

Members appointed by individual Supervisors shall serve at the pleasure of their appointing Supervisor; the remaining four members shall serve at the pleasure of a majority of the Board of Supervisors. There shall be no restrictions on reappointment of members to successive terms.

6. Officers and Their Duties

The members of the Committee shall select a Chair and a Vice Chair. The Chair shall preside at all meetings and shall provide the agenda for such meetings. The Vice Chair shall preside in the absence of the Chair and shall assist the Chair in the conduct of his/her office.

A staff member designated by the Department of Health and Human Services shall serve as secretary to the committee and shall keep the minutes of all meetings, prepare correspondence under the direction of the Chair or Vice Chair, send notices of meetings, maintain membership lists, and maintain the files of the committee. This staff member shall not be a member of the Committee and shall have no vote on any item to come before the Committee.

7. Meetings

The Committee shall hold regular meetings at such time and place as shall be agreed upon by the Committee and such other special meetings as shall be required from time to time. Special meetings shall be called by the Chair or, in his/her absence from the County, by the Vice Chair. Special meetings shall be effective for the transaction of business only if notice has been given to each member at least forty-eight (48) hours in advance of the special meeting, and the notice shall contain the subject of the special meeting. No action taken at either regular or special meetings shall be valid

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unless approved by a majority of the members of the Committee present and voting, and unless a quorum is present.

A quorum shall consist of six members of the Committee.

8. Removal of Members for Failure to Attend Meetings

In the event that any member of the Committee shall absent himself/herself from three (3) consecutive regular meetings of the committee without showing good cause therefor to the Chair, at the fourth such consecutive regular meeting from which he/she is absent his/her place shall automatically become vacant. Such vacancy shall be reported to the Board of Supervisors, and the appropriate appointing authority (individual Board member, majority vote of Board, County Department Head) shall appoint another member for the unexpired term of the member whose absence gave rise to the vacancy.

9. Open Meeting Requirement

The Housing Trust Fund and Homelessness Solutions Committee meetings shall be open to the public and subject to the Ralph M. Brown Act (Government Code commencing with Section 54950). The Housing Trust Fund and Homelessness Solutions Committee shall carry out its functions in accordance with procedures established by the Board of Supervisors, or in the absence of such procedures, shall establish its own procedures consistent with State and local law and Robert's Rules of Order. The committee shall obtain input and advice from appropriate County staff in carrying out its duties.

10. Conflict of Interest Code

The Housing Trust Fund and Homelessness Solutions Committee shall comply with all applicable laws regarding conflict of interest, including the Political Reform Act (Government Code commencing with Section 81000) and the Humboldt County Conflict of Interest Code.

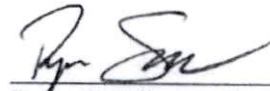
11. Effective Date

This Resolution shall take effect thirty (30) days from and after its date of adoption.

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RESOLUTION NO. 18-73

Dated: July 24, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

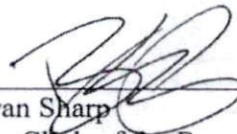
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bass, Fennell, Sundberg, Bohn, Wilson
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

*Additional NOTES re Resolution 18-73
Establishing a Housing Trust Fund & Homelessness Solutions Committee*

Not included re March 1, 2016:

WHEREAS, on March 1, 2016 the Humboldt County Board of Supervisors and the City of Eureka passed a Joint Resolution to adopt the model of Housing First as the policy for reducing homelessness throughout Humboldt County and the City of Eureka and to work collaboratively with the community to create a sustainable strategy and human infrastructure to implement the Housing First Approach.

Not included re Nov 7, 2017:

WHEREAS on Nov 7, 2017, during Public Comment on Non-Agenda Items, a petition was presented with more than 1,000 signatures asking the Board of Supervisors to declare a shelter crisis and a number of people spoke in support.

Incomplete re Jan 9, 2017:

WHEREAS, on Jan 9, 2018¹, After County staff and concerned citizens shared information on the state of homelessness and affordable housing opportunities in Humboldt County, the Board created a thirty day ad hoc committee to present recommendations on declaring a shelter crisis in the formation of a homeless and two-person housing task force and appointed two Supervisors.

Inaccurate re Jan 23, 2018:

“WHEREAS, on Jan 23, 2018 the Board directed Staff to create an Affordable Housing Trust Fund...”

*I found no item re a Housing Trust Fund on that day’s Agenda. However, the first item on the Consent Calendar referenced a “Trust Fund”. The Minutes reflect a Motion to:
...authorize transfer of \$156,949 from the Deferred Maintenance Trust Fund.. and approve the attached supplemental budget request in fund 1100, budget unit 261, Agricultural Commissioner.”*

The Staff Report contained this information: “BKCHF and the city are requesting a financial contribution to this project in the amount of \$100,000”. I was glad to see this as, based on a staff comment when the Eureka Council approved submitting the project to the Coastal Commission, I had assumed the “they” providing funding was the Foundation and so decided to continue challenging this difficult to develop open space site. It does appear that there may have been an interest at the time to “slip this by”, however the reason it is in this Resolution is a mystery.

¹ On the Board’s *Agenda* Item that day: Discussion and possible action of issues related to the Board of Supervisors declaring a shelter crisis in Humboldt County.

Not included re Feb 6, 2018:

WHEREAS, on Feb 6, 2018 the Board received a *draft* Resolution Establishing an Affordable Housing Trust Fund Committee, a *draft* Resolution of the County of Humboldt Declaring the Existence of a Shelter Crisis in accordance with Government Code Sections 8698-8698.2; heard a Report from the Homeless and Housing Ad Hoc Committee; received public input; and voted “to move forward with coming back with the final resolution for establishing a Homelessness and Affordable Housing Committee with the ideas to be put forward, and a final version of the shelter crisis declaration”.

Not included re Feb 27, 2018²:

WHEREAS, on Feb 27, 2018 the Board received and approved with modifications the Resolution Establishing a Housing Trust Fund and Homelessness Solutions Committee and received and approved with modification the Resolution Declaring the Existence of a Shelter Crisis.

Regarding Board Desires:

“**WHEREAS**, the Board of Supervisors desires to establish a Housing Trust Fund and Homelessness Solutions Committee to set criteria for (1)... (2)... (3)...; and (4) make recommendation on homelessness solutions.”

The HTFHC prepared the Policies/criteria for the Housing Trust Fund.

The Board took no action on them.

Final Notes:

- *To make shelter crisis recommendations Board action was needed on the criteria in the HTFHSC Policies and Procedures. However, even if the Board adopted those today, making recommendations to address the immediate need for a place to live would be difficult, as Resolution 18-73’s criteria for shelter crisis projects ignores the benefits of declaring a Shelter Crisis.*
- *At a 2022 HTFHSC meeting planning staff spoke of an existing housing trust fund in that Department.*
- *An interim homelessness solution:
A system of campgrounds operated under Shelter Crisis Declaration + adopted Housing First approach + Calif. Res./Building Codes Appendices + an appointed oversight committee = affordable emergency/interim housing.*

² Feb 27 Minutes: "A motion ..., to approve both resolutions, Resolution Establishing a Housing Trust Fund and Homelessness Solutions Committee and the Resolution Declaring the Existence of a Shelter Crisis ..., with the modifications as follows: add the word "homelessness" instead of "homeless" to the fifth whereas in the Homelessness Solutions Committee Resolution; add the word 'especially' to the fourth whereas in the Shelter Crisis Resolution; and remove the two alternates in membership and add one member at large and one member representing the homeless or recently homeless community to be appointed by the Board of Supervisors for a total of eleven members in the Homelessness Solutions Committee Resolution, and this as a place for public input."

February 28, 2023

Dear City Council,

Please consider this alternative to Encampment-Tiny Home Village(s):

A countywide system of Shelter Declaration campgrounds,

Eureka was the first in Humboldt County to declare a shelter crisis declaration.

Calif. Gov Code section 8698.1 Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of *emergency housing* pursuant to Section 8698.2. ...

...operated using Housing First approach,

2016 Joint Resolution 2016-12 of the City Council of the City of Eureka and the County of Humboldt NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Eureka and the Board of Supervisors of Humboldt County, adopt ...the model of Housing First as the policy for reducing homelessness throughout Humboldt County and the City of Eureka.

Calif. WIC §8255 (b) "Core components of Housing First" means all of the following: ...

(6) Tenants have a lease and all the rights and responsibilities of tenancy...

(d) (1) "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

...California Residential Code Appendix X,

Dec. 18, 2018 Dep. of Housing and Community Development INFORMATION BULLETIN 2018-05

SUBJECT: **Emergency Housing** - Permanent Adoption of Emergency Regulations

Effective December 7, 2018

2016 California Residential Code

The regulations are now permanent voluntary appendices to the 2016 CBC and 2016 CRC that provide a consistent minimum standard by which local agencies may develop **emergency housing** or shelter ordinances.

1974 court decision *Green v. Superior Court* - 10 Cal.3d 616

"We have concluded that a warranty of habitability is implied by law in residential leases in this state and that the breach of such a warranty may be raised as a defense in an unlawful detainer action. ... We have concluded that a warranty of habitability is implied by law in residential leases in this state and that the breach of such a warranty may be raised as a defense in an unlawful detainer action.

...and an appointed oversight group

Ideally a Countywide group to provide coordination and guidance

Sincerely,

janelle

Janelle Egger