

DOING WHAT WE THOUGHT WE'D NEVER DO

*BUILD A SHELTER, HELPING NEIGHBORS & FULL ENFORCEMENT
UNDER MARTIN VS BOISE*

Bellflower, California

Mayor Juan Garza

BELLFLOWER'S HOMELESS



THE SAME PEOPLE DAY AFTER DAY



RESIDENTS CONCERNS

October 2018 a Citizens Satisfaction Survey was conducted

- The Survey overwhelmingly choose “homelessness” as the City’s Number #1 Problem over other issues including crime, job creation and housing concerns
- 79% believed public funds should be expended to address the issue
- 75% believed that the City should commit “city fund” dollars to address the issue
- 84% believed that homelessness could be improved or solved

INITIAL RESPONSE

- In addition to homelessness services provided by Kingdom Causes, the City of Bellflower hired CityNet to (1) complete a catalogue of known homeless persons, (2) report on causation of Bellflower homelessness, (3) report facts on Bellflower's homeless, and (4) make recommendations regarding best response
- After completing that task, the City began to explore available options for the most effective homeless service provision and mitigation, in order to restore quality of life for residents and link homelessness with services
- The City Council received a live update from Los Angeles Homeless Services Authority (LAHSA) in January 2019 regarding the use of Measure H funds
 - It was clear that LAHSA was not interested in providing significant financial assistance to local jurisdictions such as Bellflower.
 - LAHSA's goals were long-range and mainly concentrated in creating interim and long-term housing solutions using a County-wide approach.

MARTIN V. BOISE DECISION *(SEPTEMBER 2018; AMENDED APRIL 2019; CERT* *DEN. DECEMBER 2019)*

- Landmark decision resulted in most jurisdictions within the Ninth Circuit – which includes California – being unable to effectively enforce anti-nuisance regulations in traditional methods;
- Why? The Court of Appeals determined that enforcing such laws – including anti-camping and anti-presence (aka anti-loitering) laws – was a violation of the Constitution if the homeless individual did not have access to a shelter;
- For the shelters, beds not only needed to be available, but homeless individuals also needed to access such shelters on a secular basis and without fear for personal safety;
- Additionally, the Ninth Circuit decision gives little guidance on practical elements to cities, including enforcement.
- SCOTUS declined to consider an appeal of *Martin v. Boise*, resulting in the Ninth Circuit decision remaining the law.

THE LINK TO THE FEDERAL SETTLEMENT AGREEMENT

- Current mitigation methods via Kingdom Causes and CityNet were limited in effectiveness
- City Council Members had relationships that connected the City with Federal Judge David O. Carter.
- At the direction of the City Council, Members of the Council and staff met with Judge Carter in early September 2019 to discuss the merits of Bellflower voluntarily submitting to litigation and settlement in the existing *Orange County Catholic Worker v. Orange County, et. al.* case from Orange County.
- After much review the City Council and staff collectively concluded that the *Catholic Worker* case was Bellflower's best option in (1) meeting the expectations of Bellflower residents and (2) complying with *Martin v. Boise* in order to enforce our anti-camping/anti-nuisance laws, and (3) legally restoring quality of life for residents
- The City of Bellflower executed the agreement on September 23, 2019, the first City in LA County to do so

WEIGHING THE BENEFITS OF THE SETTLEMENT AGREEMENT

- The City Council began to see a trend in the influx of homeless and wanted to make sure that the City could get ahead of any coming mandates and protect the residents of Bellflower
- The shelter would be for Bellflower-affiliated homeless only, using local funding for local homeless
- There was a concern that the City could be sued by homeless advocates. The settlement agreement would help reduce the likelihood that the City would be a defendant and, even if it were, the suit could be transferred to Judge Carter's courtroom.
- The Settlement Agreement would allow the City to enforce the anti-nuisance laws providing several options to the homeless
 - Utilizing existing and established homeless shelters available on a regional basis
 - Using the City's temporary shelter for assistance and connection with services/solutions
 - Leave the City of Bellflower
 - Being cited and potentially going to jail

CITY'S OBLIGATIONS UNDER THE SETTLEMENT AGREEMENT

- City agrees to complete a plan for the location and construction of a Temporary Shelter (TS) by December 31, 2019. The site for the TS (TSS) would be selected by the City
- The TS will provide beds for up to 50 individuals.
- Persons that can access the TS will be "Bellflower based," meaning that temporary shelter is limited to homeless persons who can reasonably demonstrate that Bellflower is indeed their home
- All persons accessing the TS would be "referred" to the TS by LASD, CityNet and/or other qualified referral agencies approved by the City via two-person teams

KEY BENEFITS TO BELLFLOWER

- The construction of the shelter provides a reliable and safe place for homeless residents from Bellflower to start a path towards a better life
- It gives City staff, LASD and other enforcement agencies the ability to enforce anti-nuisance regulations; something that was suspended after the *Martin v. Boise* decision
- When contacted by law enforcement and homeless service representatives – qualified individuals are first referred to existing regional systems. If they refuse, they must be given the option of accessing the TS. Refusing the TS may result in additional enforcement including citation or arrest.

KEY ELEMENTS FOR IMPLEMENTATION

- On September 16, 2019, the City Council authorized execution of the settlement agreement. The matter was announced in open session and widely publicized;
- On October 14, 2019, the City Council adopted Resolution No. 19-82 which declared an emergency and delegated authority to the City Manager to execute documents without bidding and without additional City Council authority in order to implement the settlement agreement; and
- On January 27, 2020, the City Council adopted urgency Ordinance No. 13-83 which adds the Court-Enforced Neutral Tenancy Zone (CENTZ) to the Bellflower Municipal Code to allow construction of the TS.
- Funding support from County Supervisor Hahn & Finding Build-Out Partners
- Community engagement

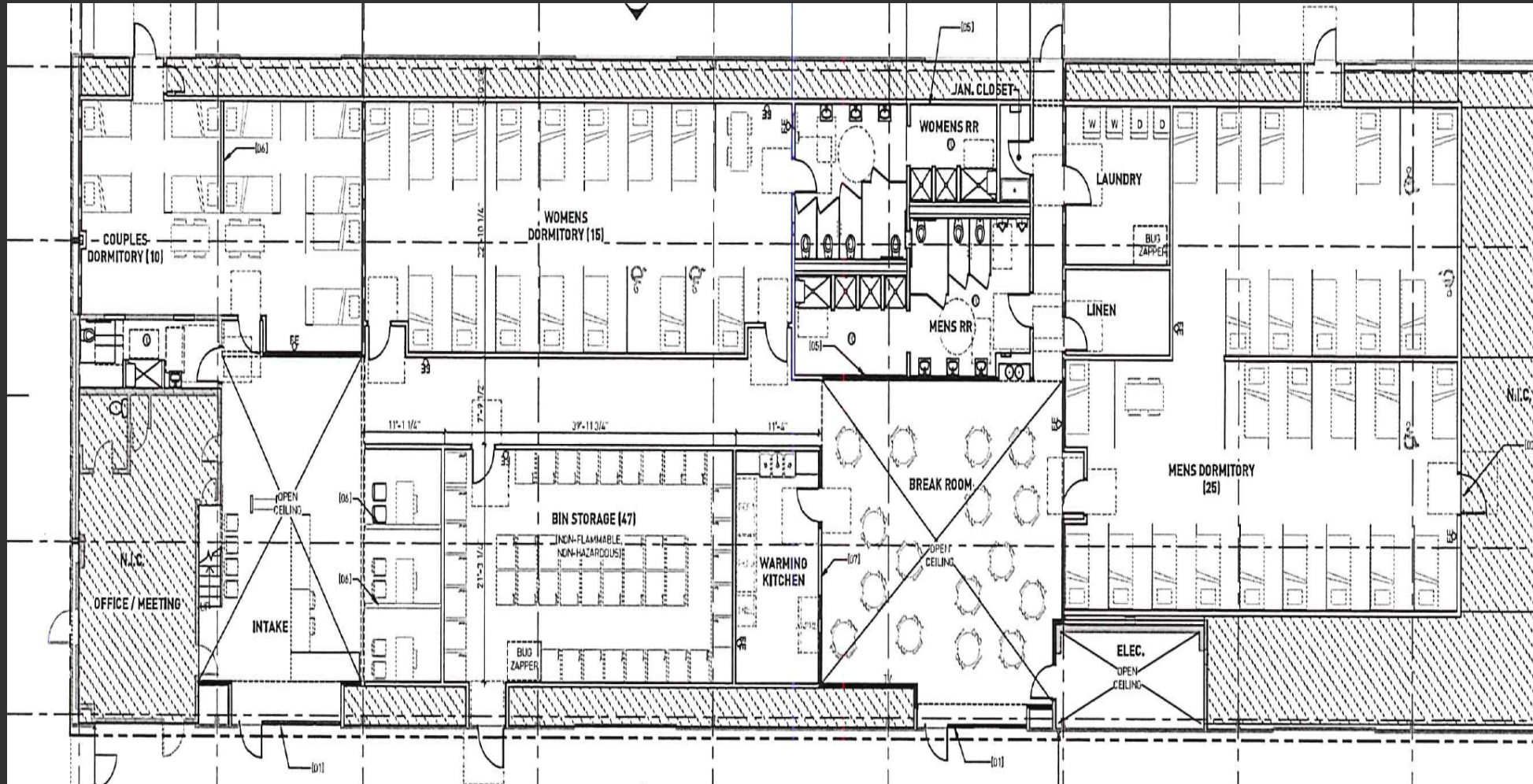
SHELTER (*NEW HOPE* TSS) LOCATION

8833 Cedar Street, Bellflower, CA 90706



- 18,371 SF, Enclosed space with sufficient square footage for necessary TSS buildout
- Buffered by SCE power line right of way and secure, fenced alley separating future shelter from residences located immediately west
- Abuts Residential, Open Space and Commercial

NEW HOPE'S LAYOUT



NEW HOPE TEMPORARY SHELTER



PROJECT TIMELINE

- 9 Months from Start to Finish
- September 23, 2019 – Signed Settlement Agreement
- October 2019 – Declared Emergency
- November – Selected Mercy House as Service Provider
- November & December – Engaged / Educated Local Community
- January 2020 – Began Design & Construction
- May 6, 2020 – Provided Legal Notices to Homeless in City
- May 18, 2020 – New Hope TSS Ribbon Cutting Ceremony
- May 20, 2020 – Initiated Enforcing Anti-Camping Laws

SURPRISES

- Lack of Funding Opportunities (State and Regional Agencies)
- Community Embracing It
- Local Residents Embracing It and Related Neighborhood Improvements
- COVID-19
- How Many Bellflower Homeless Accepted Our Offer of Help
- How Many Homeless Left Town Voluntarily

QUESTIONS

