



CITY COUNCIL AGENDA REPORT

MEETING DATE: 9.6.11

ITEM NUMBER:

SUBJECT: CITY COUNCIL UPDATE #2 – HOMELESS TASK FORCE (HTF)

DATE: SEPTEMBER 6, 2011

FROM: JEFF MATHEWS, HTF CHAIR AND MURIEL ULLMAN, NEIGHBORHOOD IMPROVEMENT MANAGER

PRESENTATION BY: JEFF MATHEWS / MURIEL ULLMAN

FOR FURTHER INFORMATION CONTACT: MURIEL ULLMAN, 714-754-5167

RECOMMENDATION:

Receive and file.

BACKGROUND:

The Homeless Task Force (HTF) has been meeting monthly since March, 2011. At the first meeting, they adopted the following mission statement:

"Establish realistic strategies and make recommendations that address the Needs of the Costa Mesa Community, Residents, Businesses and the Homeless"

The focus of the meetings has been how to develop practical solutions to Costa Mesa's homeless issues as opposed to creating services which will draw non-residents to the City. The Homeless Task Force has been instrumental in developing a definition of a "Costa Mesa Homeless Resident" in an effort to tailor homeless reduction actions towards our residents. Additionally, Vanguard University has developed a needs assessment, which is an evaluative tool which identifies Costa Mesa's current homeless population. Finally, the Task Force has also focused on law enforcement and legal strategies which better address these unique problems.

ANALYSIS:

Meetings have focused on a variety of topics including: Ordinance review, homeless law enforcement and municipal code prosecution, mental health and medical issues and best practices of other cities with regards to addressing problems associated with homelessness. Committee members and Housing and Community Development staff have also visited a variety of cities and/or non profit organizations including Pasadena, Carlsbad, Village of Hope in Tustin and Laguna Beach. Finally, several churches and social services have joined with our police force in focusing on Lions Park area and visiting the homeless population on a weekly basis.

Recent actions since the inception of the Homeless Task Force include:

- Development of definition of “Costa Mesa homeless resident”
- Ongoing voluntary assistance provided on a weekly basis (at both Lions Park and the Donald Duggan Library) by both the Orange County Health Care Agency and local non profits resulting in 64 engagements with mentally ill homeless and 7 linkages to housing and services by County staff and the Mental Health Association
- Suspension of two week-end food sharing programs by the faith based community
- Working closely with the Church Consortium to assist City in encouraging churches to work on HTF related solutions vs. food sharing in Lions Park
- 100 arrests and 100 citations to individuals in the Lions Park vicinity
- Constant communication and follow up between residents, Costa Mesa Police Department (CMPD), City staff and City Attorney regarding court referrals, stay away orders, citizen complaints, homeless service referrals
- Reunification of several homeless people with families thanks to efforts of CMPD, Dept of Veterans Administration, Veterans First, Mental Health Association and Orange County Health Care Agency
- Meetings with local liquor stores regarding responsible alcohol sales
- Community meetings with residents to ensure that complaints and chronic violators are being tracked by CMPD
- Meetings with CMPD and other law enforcement agencies in an effort to prevent common practice of using Costa Mesa hotels and social services for non residents
- Meeting with Human Resources to discuss reclassification of Park Ranger position

Based on the cumulative meetings of the HTF, the attached synopsis (Attachment A) identifies strengths, weaknesses and threats that have been identified by the Homeless Task Force as well as a series of topics/solutions which are currently under discussion. These issues will be addressed in the final report produced by the Homeless Task Force. Recommendations will be framed in both a short term and long term strategy which will be presented to the entire City Council at the conclusion of the Task Force's mission

ALTERNATIVES CONSIDERED:

The attached report has a list of action items which are being considered by the Task Force. No formal actions or recommendations have been established to date. The HTF and their respective subcommittees are meeting several times during the months of September and October to refine the list of action items and to add or substitute items on this list with other recommendations.

The City Council has the option of suggesting additional action items to be considered by the HTF.

FISCAL REVIEW:

There is no fiscal impact at this time. Once the final HTF report is drafted, staff will present the City Council with approximate implementation costs.

LEGAL REVIEW:

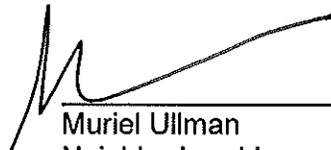
There is no legal impact at this time. Several of the recommendations will involved new ordinances and be presented to the City Council on a case by case basis. The first ordinance which will most likely be considered will be prohibition on smoking in City parks.

CONCLUSION

It is recommended that the City Council receive and file this report.



Jeff Mathews, Chair
Homeless Task Force



Muriel Ullman
Neighborhood Improvement Manager



Thomas R. Hatch
Chief Executive Officer

Attachment A – City of Costa Mesa Homeless Task Force Interim Report

ATTACHMENT A

CITY OF COSTA MESA HOMELESS TASK FORCE INTERIM REPORT

1. Strengths & Weaknesses

The Task Force has identified the following strengths, weakness and threats to effective management of chronic homelessness in Costa Mesa

Strengths

- Political Will
- Law Enforcement Will
- Institutional Will
- Support of the local populace affected by these problems and waiting for relief/action
- Social Service Providers already providing informal services on a targeted basis to Costa Mesa Homeless Population in Lions Park vicinity

Weaknesses

- Difficulty in regulating halfway houses and sober living homes
- Law enforcement personnel in other jurisdictions dropping off individuals from other areas in Costa Mesa
- Current changes in Chain of Command
- Reluctance by local courts to criminally enforce city ordinances

Competing needs and issues

- There are a variety of different stakeholders in the community who wish to approach homelessness from different and oftentimes competing perspectives.
- Need for cooperation from certain elements of the business community (small, local liquor stores)
 - The sale of "singles" to the local homeless, exacerbating the problem
- Need for cooperation from local faith-based initiatives
 - Some food sharing programs serve as a magnet to homeless
 - Some faith based institutions involved in food sharing programs are resistant to a change
 -
- No formalization of mental health/law enforcement team model in Costa Mesa
- No identification of who is a Costa Mesa resident vs. non-local transient population
- No formal process for providing law enforcement and legal prosecution follow-up
- This issue will require long term commitment of resources. It cannot work otherwise as it will take time and personnel to enforce the ordinances, maintain current resources and relationships with service providers.
- Many issues (such as halfway house enforcement) could involve lawsuits

Opportunities

- Current coordination efforts between the parties involved as a result of political will and action have created an environment that is open to change
 - The Homeless Task Force has expressed wide-spread interest and communicating effectively on the facets of the issue
 - Library personnel, County parole and probation, businesses, residents and City staff are working together to identify vagrancy problems and to report them to law enforcement on a more immediate basis
- Open recognition of problems has led to a better understanding of the size and scope of the effort required to stem unwanted activities
- County and non profit mental health/veteran organizations are voluntarily focusing on the Lions Park vicinity on a weekly basis to try to engage homeless clients in accepting services and/or housing
- Opportunities to work with law enforcement personnel in other jurisdictions and local code enforcement to ensure that Costa Mesa does not serve as a service magnet
- Police re-organization and new Chief provide opportunities to re-examine partnership between mental health providers, law enforcement and City Attorney's office with the end result being a strategy towards addressing chronic homelessness in Costa Mesa
- Other communities have developed definitions of "local homeless." Costa Mesa developed this concept for its Homeless Prevention and Rapid Re-Housing (HPRP) Program and can further refine this concept in an effort to target efforts at prioritizing future homeless assistance to local homeless

Threats

- The possibility that providing services in any capacity could have an unintended consequence of creating a "magnet" situation, whereby more transients are drawn to the City.
 - This has to be balanced by a stringent definition of "local homeless" in order to prevent overly burdening local taxpayers and neighborhoods
 - City staff needs to work with local service providers and churches to enlist their support to carry out mutually beneficial goal of ending the cycle of homelessness
 - Opportunities should be given to the faith community to partner with the City in addressing problems associated with chronic homelessness as an alternative to food sharing programs in the park
- Public perception can change the way this process gets carried out
- Lawsuits made on behalf of the homeless are of constant concern
 - The ACLU is well known for pushing lawsuits or complaints based on the perceived violation of civil rights that may arise (either facial or as applied challenges to our ordinances); in the City's case, incidents involving the local Amnesty International Chapter have been of particular concern

- Enactment of ordinances need to be balanced with overall strategy of addressing homelessness, i.e. "carrot and stick" approach

2. Action Items

Based on the issues described above, the following action items have been identified for further analysis:

Ordinances

Reducing homelessness in the City of Costa Mesa will require coordinated effort and action in creating the processes and policies that will lead to its perceived reduction and increases in the City's quality of life. These avenues include the establishment of ordinances that create the means by which the city can enforce desired outcomes, the personnel and standard operating procedure of law enforcement to manage infractions and the political buy-in from parties involved in the process to reach an acceptable outcome for the community.

It is recommended that any action be taken with a mentality of having a "carrot-and-stick" approach, whereby any ordinance enacted or adopted have an appropriate alternate provision in the existing strategy that alleviates opposition by providing a certain measure of relief to those impacted.

In terms of ordinances, there are multiple issues that require attention. All of these approaches would require further study on the feasibility in terms of legality and ability to enforce. These include:

- Parking
- Smoking Prohibition
- Sleeping
- Storage
- Food Sharing
- Changes to code regarding halfway houses

Parking (New)

The issue of parking stems from the discovery of vehicles known to park for long periods of time, allowing the owner/occupant to use the space for lodging purposes as well as prevent the usage of space for those citizens using the park for recreation. A few of the options discussed for meeting this problem are:

- Red-curbing
- Meters
- Permit Parking
- Gated Parking
- Limited Nighttime Parking

This would be supplemented by a strategy to not encumber certain desired usage by providing permits or allowances for particular uses. The discussed strategies include having validation for legitimate usage of accompanying civic structures, permitting parking for local residents, waiving fees for organized bodies, etc.

Sleeping (Existing)

Anti-camping/lodging ordinances as they stand are not necessarily unlawful, but in order to avoid violating the civil rights of the homeless, their ability to sleep at some locations can be unabridged. This means that an approach of providing the ability to sleep somewhere within the city could create feasibility for the enforcement of an anti-camping/lodging ordinance. The discussed avenues have included the possibility of a rotating or coordinated effort from local churches in housing a certain number of local homeless. This would require that these institutions adhere to the meaning prescribed for "local homeless" so as to avoid the "magnet" problem.

Storage (Existing/Old)

Implementation of an anti-storage ordinance has been explained as a problem of language. Legal counsel has shown that the term "storage" is unlikely to be defined effectively. It has been recommended that any language pertaining to the confiscation of personal property belonging to the homeless include language based on the phrase "unattended" which has a much more defensible connotation in regards to grounds upon which enforcement action may be taken. The finding so far is that confiscated goods must be held for 90 days.

In addition to enacting an effective storage ordinance, the City should consider providing an alternative storage site for the homeless population so that the costly citation and confiscation process can be viewed as a last resort. HCD staff has begun a dialogue with the Church Consortium regarding utilizing church property for this purpose.

Food Sharing (New)

The practice of feeding the homeless is an activity that has proven to be the subject of many lawsuits and creates the environment for further difficulty in tackling the root of the issue. While providing a meal, the active and regular feeding of homeless populations provides incentive for them to congregate in the area where these events take place.

This situation is being addressed with local organizations (mainly faith-basis) and agreements have been made to provide time to create compromise as the Homeless Task Force proceeds. Two churches have voluntarily suspended their food sharing programs in Lions Park and the head of the Church Consortium willingly advises the members to cease from feeding the homeless in the park.

Legal counsel is reviewing food sharing ordinances in place in different cities which will eventually be presented to the Task Force.

Prohibition on Smoking

Currently, the City's Municipal Code prohibits smoking in City-owned public facilities such as a building, structure or room within a building. This code section does not provide for a smoking ban for outdoor facilities. The Youth Sports Council proposed a smoking ban ordinance for City-owned athletic fields (Farm Soccer complex, TeWinkle Athletic Complex, Luke Davis Field at Lions Park). Staff proposed including the two City-owned Community Gardens in the smoking ban ordinance. In addition, the Parks and Recreation Commission recommended expanding the proposed smoking ban to include a 50-foot perimeter of all City Parks with tot lot areas. Since only 4 City parks do not have tot lot areas, it was decided to incorporate all City Parks in the proposed smoking ban ordinance. The proposed ordinance will prohibit smoking in the locations mentioned with the exception of private property that may fall within the 50-foot park perimeter. The proposed smoking ban ordinance has not yet been scheduled for City Council consideration.

Proactive Problem Resolution with Regards to Motels/Halfway Houses/Sober Living Homes

One of the root causes of crime and influx of homeless individuals is the proliferation of halfway houses and deteriorated motels in the City. These establishments attract not only homeless substance abusers but are also utilized/owned by people outside of the City and State as well as law enforcement in other jurisdictions.

Actions in this area should focus on better regulation of these establishments and removal/enforcement of nuisance properties.

The following action items fall under this category:

Motel Task Force

The Motel Task Force was created in 1997 to focus on the collective efforts of several departments to resolve problems at motels and was successful in fostering clean up of the worst properties and achieved significant improvement in property appearances and reduction in criminal activity. The Motel Task Force was renamed the Code Enforcement Task Force in 2002. It was restructured with a CMPD special enforcement detail, county health, code enforcement and other departments as needed. It was extremely successful in citing and inspecting these problem motels and noted a drop in calls for service during its operation.

HCD and CMPD believe that a proactive effort is needed to address criminal and code enforcement issues associated with many of Costa Mesa's motels and that these motels directly contribute to the homeless issues plaguing the City. HCD and Dev Services and CMPD are currently reviewing the structure for a future multi-departmental task force to address ongoing motel issues in the city.

Halfway Houses/Sober Living Homes/Planning Measures

Changes in code regarding the addition of bedrooms onto a house could help to curb the impact that commercial recovery homes are having on the community by preventing them from building a larger facility and impacting the financial motive for becoming involved in the business. The previous effort to enact this was based on the requirement to build additional garaged parking in order to build a fifth room onto any residence. The thought is that the cost of building the extra parking would be so prohibitive as to render the motivation null. This action would require an application for variance with the Planning Commission, requiring an appearance before the Commission and allowing them to judge whether the project is of adequate use.

Halfway Houses/Sober Living Homes/Proactive Code Enforcement/ Church Outreach

Halfway Houses also offer opportunities for proactive code enforcement. Conversations with County probation and parole agents have suggested that the City combine forces with County agents to ensure the houses are operating in accordance with their C.U.P. and that the individuals living there are not living in conditions which would be in violation of their parole. Any future solutions will look at opportunities to combine City code enforcement staff with county law enforcement. City staff has also asked the Church Consortium to develop a program to reach out to individuals living in halfway houses in Costa Mesa to help support their transition into permanent housing vs. living on the streets.

Centralized In-House Homeless Coordination

Because homeless services affect so many governmental jurisdictions and outside agencies, it is suggested that one department in the City be responsible for overall coordination of homeless services and complaints. This department will be tasked with coordinating an intra-departmental effort to reduce homelessness in the City. Duties will include leading both an in-house and outside task force whose responsibility includes implementing a long term homeless strategy, taking all calls and complaints regarding the homeless, with a particular emphasis on coordinating responses between CMPD and the City Attorney. Tasks will include problem assessment, working with City and County staff and outside entities to resolve these issues and community outreach. This effort shall include evaluating new techniques for addressing problems due to vagrancy, tracking number of Costa Mesa homeless residents who are getting assistance and moving off the street.

Three-Pronged Approach to Reducing Homelessness – Law Enforcement, Mental Health, City Attorney

Beyond the inclusion of ordinances in the effort to meet this problem, the enforcement of code and policy requires that a new approach must be created in order to leverage the available resources in the most suitable way. This effort will include a more "homeless-specific enforcement" policy/legal strategy for a more "homeless-specific" solution. The best practices have shown that because the motivations of homeless individuals differ from the motivation of average citizens, enforcement response needs to be tailored.

The City needs to consider adopting a three-pronged approach to law enforcement which involves arresting chronic offenders and criminals while working alongside the City Attorney, Police Department and mental health outreach workers to help move homeless off the streets. These suggested actions represent both short term and long term objectives.

Homeless Enforcement Team (Medium-Long Term):

It is suggested that the City explore the implementation of a "Homeless Outreach Officer" who has overall responsibility for homeless enforcement throughout the City. Even though Lions Park is currently the hub of activity, this officer would work closely with both the police department, the CEO's office and mental health providers to adopt a three pronged approach to law enforcement. As with other cities which have had levels of success with this issue, this officer would be trained in "homeless specific" solutions to law enforcement, be trained in defusing potentially volatile situations and assist patrol officers in assessing a person's need for mental health services as an alternative to incarceration. Hopefully they would be the first responders to any homeless or mental health related call for service which would free up patrol officers and avoid unnecessary incarcerations. This allows the team to build rapport to work towards long term solutions with the transient population. However, it is important to note that public safety is CMPD's first responsibility and arrest is not ruled out when warranted

Security Guard/Park Ranger (Short Term):

Staff was exploring the use of an unarmed security guard to improve effectiveness by maintaining a constant security presence in the park; however, due to labor negotiation issues, staff is now pursuing the hiring of a park ranger. Staff feels that the future Lions Park Ranger position must fall under a more specific homeless enforcement strategy and the supervision of a Homeless Enforcement Team as described below.

Until such time as a park ranger is hired, Costa Mesa Police Department is patrolling Lions Park on a daily basis and issuing numerous misdemeanor citations. Additionally, they have been successful in removing a majority of the homeless campers out of the park in the evening and enforcing existing ordinance regarding park closure in the evening.

Mental Health/Street Outreach (Medium-Long Term)

The City and CMPD is currently working with mental health professionals to address issues with the chronic homeless. The CMPD can call on these professionals to assist them in the field. However, it is suggested that a more formal approach be adopted with perhaps additional mental health resources so the Police department is freed up to do law enforcement. This street outreach team could assist Police in moving homeless individuals off the street and thus lessen the constant patrol checks during a police officer's shift.

Local service providers visit libraries and parks on a weekly basis. CMPD calls them for assistance when needed. However, removing people off the street oftentimes takes multiple encounters in order to build trust and enlist cooperation of business owners and residents which detract from time a police officer can spend focusing on more urgent crime fighting activities. As part of the homeless policing team, City may want to look at formalizing this relationship by funding part time street outreach team to assist the Homeless Policing Team

Legal Strategy

The City needs to develop a multi-faceted legal strategy which will involve having a stronger presence in court when these transients appear before a judge. The City Attorney's office needs to prosecute municipal code violations for repeat offenders and be in communication with the District Attorney's office regarding specific cases of interest who are prosecuted for state code violations. This approach could result in the ability to remove people from the community who commit repeated offenses and who refuse assistance by aggressively prosecuting problem individuals. Additionally, it provides the City with the opportunity to work closely with the DA to track Homeless Court referrals.

Staff is interested in formalizing the relationship between law enforcement and the police department based on the City of Laguna Beach's program. In their case, the individual in question is allowed two (2) repeat offenses and on the third is referred to the City Attorney. The purpose of this is to bypass the typical deference that occurs when repeat homeless violations meet an over-burdened judiciary (which usually results in non-action or unacceptable response). If circumstances are brought by the City Attorney along with the specific infractions, specific rulings can be tailored in an informed way, taking into account the context and history of the individual at fault. This can result in a more effective application of law and less of a burden on the public at-large. This often leads to increased sentencing or specific sentencing (such as stay-away orders).

Supportive Housing and Transformative Center

One of the common themes which have surfaced during 5 months of meetings is the lack of supportive housing for the homeless population and day time facilities where they may congregate.

Some members of the Homeless Task Force have suggested exploring the concept of a Transformative Center and purchase of existing hotel for use as transitional/supportive housing.

These facilities would only be accessed by Costa Mesa homeless residents based on a definition conceived by the Homeless Task Force. However location of such a facility will be challenging due to potential of drawing outside homeless population into the City and importance of mitigating negative impacts to surrounding neighborhoods.

Special Event Programming/Redesign of Lions Park

Lions Park is located in the center of downtown Costa Mesa. Besides being located near a major transportation node and neighborhood shopping center, it is part of a large community center complex bounded on two sides by residential neighborhoods. The community centers are utilized by both adults and children taking advantage of the wide array of classes and services offered. Additionally, it contains both passive and active recreational facilities and has the potential of being transformed into a more vital recreational center.

With the new emphasis on special event promotion, it is suggested that the City explore utilization of this park for more dynamic event programming. There is already a built in audience comprised of residents utilizing services at the community centers and County library. This, combined with more proactive law enforcement and effective programming, could help draw even more people to this park. This might include a redesign of the park to make it a more attractive venue.

Final Report

HCD Staff and the Homeless Task Force will be preparing a final report based on facts gleaned during the data gathering and research process. This will consist of both short term and long term strategies and reveal staff/consultants needed to implement this plan as well suggestions for city staff reorganization necessary to carryout these new duties. We will also be providing costs associated with each option so that the City Council can further evaluate their options.