

ORDINANCE NO. 2018 - _____

**AN ORDINANCE ENACTING CHAPTER 8 OF THE SOLANO COUNTY CODE
RELATING EMERGENCY HOMELESS SHELTERS AND FACILITIES**

Whereas, as of January 2017 there were 1,232 homeless individuals living in Solano County, of which 917 individuals, or 74%, were living on the streets or in encampments without shelter of any form; and

Whereas, the number of homeless is significant and these persons are without ability to find shelter, threatening their health and safety; and

Whereas, Resolution No 2018-165 was adopted by the Solano County Board of Supervisors on August 28, 2018, declaring that a shelter crisis, pursuant to Government Code section 8698.2, exists in Solano County and that this lack of shelter threatens the health and safety of unsheltered persons, and the declarations made on that day continue to exist and the findings contained there are incorporated by reference; and

Whereas, pursuant to Government Code section 8698.2, the Solano County Board of Supervisors may take necessary actions to carry out the provisions of Title 2, Division 1, Chapter 7.8, of the Government Code; and

Whereas, the Solano County Board of Supervisors finds that immediate action, in the form of an urgency ordinance, is necessary to combat the lack of available homeless shelter resources accessible to our local homeless population and is necessary to preserve the public health and safety of citizens of Solano County; and

Whereas, pursuant to California Government Code section 8698.1, Solano County shall be immune from liability for ordinary negligence for conditions, acts or omissions directly related to the provision of emergency shelters; and

Whereas, State and local regulatory statutes, regulations, and ordinances that prescribe standards for housing, health, and safety hinder and/or delay the County's ability to implement strategies geared towards reducing homelessness and its need to preserve the public peace, health and safety; and

Whereas, pursuant to the California Environmental Quality Act ("CEQA") and State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to Title 14, California Code of Regulations section 15061(b)(3), and Notice of Exemption will be filed upon adoption of this ordinance; and

Whereas, adoption of this Ordinance under urgency is necessary for the immediate preservation of the public peace, health, and safety, as set forth in Government Code section 25123(d), to assist homeless individuals in accessing temporary emergency shelter and to mitigate the health and safety hazards.

Therefore, the Solano County Board of Supervisors ordains as follows:

Section 1.

The recitals above are true and correct and are incorporated by this reference and constitute findings in this matter.

Section 2.

Chapter 8 of the Solano County Code is created:

CHAPTER 8 EMERGENCY HOMELESS SHELTERS AND FACILITIES

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Article 1. IN GENERAL

Sec. 8-01 Purpose

The purpose of this chapter is to promote safe and uniform construction and operation of emergency homeless shelter facilities that are owned, operated, leased or maintained by the county. The further purpose of this chapter is to mitigate the negative effects of the shelter crisis occurring within the county while preserving the health and safety of the public.

Sec. 8.02 Authority

These standards are adopted pursuant to the California Government Code, Sections 8698 – 8698.2, as amended.

Sec. 8.03 Scope

(a) Any county facility that is designated for use as an emergency homeless shelter, and that is owned, operated, leased or maintained, or any combination by the county shall be subject to this code.

(b) Emergency homeless shelters and facilities constructed or operated pursuant to this chapter shall only be utilized where a shelter crisis, pursuant to California Government Code section 8698, has been proclaimed.

(1) A shelter crisis may be proclaimed by resolution when the Board finds that a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

(2) The Board of Supervisors shall review the proclamation of a shelter crisis on an annual basis to determine the need for a continuing crisis. The crisis shall not terminate because the matter was not reviewed.

(3) Pursuant to California Government Code section 8698, et seq. any county facility containing emergency homeless shelters created pursuant to this chapter shall be exempt from any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety. Any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would prevent, hinder and/or delay the purpose of this chapter.

(4) Where a local, state or federal shelter crisis is proclaimed, the rules and regulations contained herein shall apply.

Sec. 8.04 Definitions

For the purposes of this Chapter, the following definitions shall govern:

(a) Emergency homeless shelter. Means a structure or building, including a tent, that is utilized for sleeping purposes during a shelter crisis as part of an emergency homeless shelter facility. An emergency homeless shelter is not a dwelling and need not contain all provisions for living and habitation as required for dwellings by State Housing Law.

(b) Emergency homeless shelter facility. Means facilities that are owned, operated, leased or maintained, or any combination thereof by the county for providing emergency shelter for the homeless.

(c) Building Codes. Means the California Code of Regulations, Title 24, all Volumes, as amended.

(d) State Housing Law. Any provision of Division 13 or the California Health and Safety Code, or any other provision of law referenced there, as amended.

ARTICLE 2 REQUIREMENTS FOR EMERGENCY HOMELESS FACILITIES AND SHELTERS DURING A SHELTER CRISIS

Sec. 8.05 Emergency Homeless Shelter Facility Requirements

Emergency homeless shelter facilities shall:

- (a) Have an emergency preparedness plan for each facility.
- (b) Provide adequate access for emergency service vehicles.
- (c) Have fire extinguishers centrally located throughout the facility. Fire extinguishers shall have regularly scheduled servicing and maintenance.
- (d) Provide a minimum of 3 feet of shelter-to-shelter separation.
- (e) Provide a minimum of 5 feet separation between any property line and a shelter unit.
- (f) Provide a facility supervisor to monitor compliance with facility rules and regulations, and to notify emergency services in the event of an emergency.
- (g) If pets are allowed, provide a pet management plan that includes a method to manage pet health, secure pets away from other people, store food to prevent rodent attraction, and manage the pet waste to ensure public health protection.
- (h) Be graded so as not to induce excessive stormwater run-off or on-site ponding in habitable areas.
- (i) Provide for, or provide access to, either onsite or offsite:
 - (1) Sanitary facilities - including toilet, hand-washing, solid waste containers, and medically necessary medical waste containers.
 - (2) Heating and cooling facilities.
 - (3) Shower facilities.
 - (4) Storage facilities for personal items.
 - (5) Source of potable drinking water.
 - (6) An area with useable natural shade or a shade structure.

Sec. 8.06 Emergency Homeless Shelter Design Requirements

Buildings and/or structures used for emergency homeless shelters shall conform to the following:

- (a) Have a minimum of 50 square feet for each occupant.
- (b) Have an exit that leads directly to the outdoors/evacuation route.
- (c) Have a means for natural light and natural ventilation.
- (d) Be weatherproof and have a heat/cold barrier of some kind on or in walls and ceiling.
- (e) Have a smoke detector.

Sec. 8.07 Permit and Inspection Requirements.

- (a) Permitting and inspection requirements as set forth in the building codes or in any State or local regulatory statute, regulation, or ordinance shall not be required.
- (b) The board of supervisors, at its sole discretion and at any time, may cause fire-life-safety inspections to be conducted. The board of supervisors may designate a local official to carry out this provision.

ARTICLE 3 EMERGENCY HOMELESS SHELTER USE AND OCCUPANCY REQUIREMENTS

Sec. 8.08 Participation Requirements

Participation in an emergency homeless shelter facility and occupation of an emergency homeless shelter is voluntary and all persons using such a facility and shelter shall comply with the following:

- (a) Individuals, or families, shall complete any required intake process, and meet all requirements set forth in any agreement, from the county.
- (b) Users shall be limited to a stay of 90 days or less. Applications for extended stays up to one year may be considered and the granting of any extension is at the sole discretion of the county or the county's approved provider.

Sec. 8.09 No Tenant Rights

Participation in any emergency homeless shelter facility does not imply, or create a right or interest under California landlord-tenant laws.

Sec. 8.10 Storage of Personal Belongings

- (a) Storage of personal belongings within each unit may be permitted; however, personal items shall be limited to daily use items and shall not create a fire-life-safety hazard.
- (b) Storage containers for personal belongings shall be closeable and waterproof.

Sec. 8.11 Storage of Food Items

- (a) Unless specifically authorized in writing by the county, potentially hazardous food, as defined in California Health and Safety Code, Part 7, California Retail Food Code, is not allowed.
- (b) Except for incidental food items, food shall not be stored or consumed within the emergency homeless shelter.

Sec. 8.12 Severability

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this chapter.

Section 3.

This ordinance is an urgency measure and takes effect immediately. Before the expiration of 15 days, a summary of this ordinance with the recorded vote of the Supervisors will be published in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted as an urgency ordinance by the Solano County Board of Supervisors at its regular meeting on October 2, 2018 by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

EXCUSED: SUPERVISORS _____

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk