

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: HOMELESSNESS DISCUSSION

DATE: December 8, 2021

Background

Homelessness in America has been a growing issue for years. Scholars, social scientists, experts and practitioners have studied the issue for decades and there are a variety of publications and materials that attempt to address the issue. The one consistent finding related to addressing homelessness is that there is no one magic or one-size-fits-all solution. Just as there is no single person in the community that is exactly the same as someone else, there are as many possible solutions or philosophical opinions regarding the issue.

Trying to prepare a summary of the issues surrounding homelessness, even just covering the issue in Cottage Grove is a huge undertaking and anything prepared will still be incomplete. The topic of homelessness is broad and can easily result in discussions that branch off into an unlimited variety of discussions on related topics that could take lifetimes to explore and consider. The complexity of the issue, number of opinions regarding causes and solutions and the level of passion surrounding the topic is truly only limited by the total number of unique individuals inhabiting the earth. With that disclaimer, I will attempt to provide a summary for the Council to help focus the discussion on the possible policy issues that face our community. Please do not consider this memo as providing the exhaustive, final or conclusive report of the homelessness situation in Cottage Grove. It is only meant to provide some points to aid in the discussion and possible policy considerations to address homelessness in Cottage Grove. Any information not included was not intentional. The information available is constantly changing. For example, the League of Oregon Cities last week announced that they will be holding a webinar and providing an online Homeless Solutions Resource for communities to access to share information on homelessness. The webinar is scheduled for Tuesday, December 14th and a number of City staff will be attending the webinar together.

I have attached some resources to this memo. Some of the attachments are items discussed in the memo. There is an overwhelming stack of documents available that discuss homelessness. I tried to be selective in what is attached and keep it as relevant to our population and situation as possible. Much of the information in this memo has been compiled by City staff and other volunteers over the last two years.

Current situation

The homelessness crisis is a nationwide problem. It has exploded in urban communities and mistakenly for decades, thought of as a problem isolated to big cities. Homelessness is now present in large and small communities all around the country. The west coast seems to be especially hard hit by the crisis. The problem has been exacerbated by a total failure on the part of the federal and state government to address the underlying causes. As I will discuss later in this memo, it has now been pushed to local governments to address. In fact, state and federal officials continue to mandate specific local government actions to address the problems while also continuing to adopt policies that underfund vital resources.

Court Cases and Laws

Martin v. Boise – What many have identified as the turning point of the homelessness issue is the *Martin v. Boise* ruling from the 9th Circuit Court of Appeals in September 2018. The Court found that two Boise ordinances were unconstitutional under the Eighth Amendment of the Constitution which prohibits cruel and unusual punishment. The Court held that, “an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them.” *Martin v. City of Boise*, pg 39. The case has withstood appeals and stands as the law in the jurisdiction of 9th Circuit Court of Appeals.

In addition, the 2021 Legislature passed and the Governor signed HB 3115 (Chapter Law 370) which requires that any law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness. This effectively codifies the findings of the *Martin v. Boise* case into State Statute by requiring that there must be provisions for those experiencing homelessness to be able to sit, lie, sleep or keep warm and dry outdoors. This law goes into effect July 1, 2023.

In addition to HB 3115, the 2021 Legislature also passed and the Governor signed HB 3124 (Chapter Law 371) which defines homeless campsites, how they can be closed, notice requirements and protection of personal property. Notice must be provided at least 72 hours before removing homeless from camping sites and that unclaimed personal property must be stored for 30 days.

As a result of the case law and Oregon Law, local governments must allow camping on public property with allowance for only reasonable regulations of time, place and manner.

Causes of Homelessness

The causes of homelessness is as varied as the number of individuals experiencing homelessness. Factors causing homelessness include:

- Economy - availability of jobs or loss of employment due to changes in the economy. A 2019 study by Charles Schwab showed that 59% of Americans are at risk of homelessness by being just one paycheck away. Housing shortages and the lack of affordable housing also puts people at risk of homelessness.
- Trauma – emotional or physical trauma can be a cause of homelessness. As individuals try to recover it puts strains on job or other responsibilities and can result in losing

housing.

- Health – a major health crisis such as cancer, diabetes or other illnesses can put people at risk of losing their housing.
- Mental illness – mental illness can have an impact on the ability of an individual to be unable to work or pay housing costs and result in losing their housing.
- Addictions – addiction to prescription or illicit drugs can have a dramatic impact on the ability to maintain housing.
- Accidents – motor vehicle accidents or other injuries can reduce the ability to cover costs of housing. During recovery they may lose income and not be able to get back to work.
- Family history – the individual's family history can create a cycle of homelessness. Domestic abuse victims can also be more likely to experience homelessness.
- Decriminalization of Behaviors – decriminalization of drug possession and use can lead to addiction and other challenges that impact income and lead to homelessness.

I personally hold the opinion that one of the reasons why the federal and state government has so miserably failed to address homelessness is that the causes are different from one individual to the next. The successes we have seen in Cottage Grove have been when we have connected individually with each person and tailored the connections to other organizations or resources to specifically address their individual needs. A traumatic event or severe health condition may trigger homelessness for one person but not for another. Not that any response to those experiences are wrong, just that everyone is different and we each handle them differently. Many of the causes are intertwined and multiple issues can end up triggering homelessness.

Our Current Status

Homelessness has existed in Cottage Grove for years. The estimated number of homeless range from 20 to 40 individuals on any given night. Counting homeless individuals is a difficult task. The annual Point in Time (PIT) Count is just a single night and whether it catches all the homeless is always a question. The McKinney Vento (the Federal program for children and youth homeless) coordinator for the school district has said that up to 200 children or youth in the community experience homelessness. The McKinney Vento program has a broader definition for children and youth homelessness.

Even though it may not be visibly apparent, the homeless population in Cottage Grove has been comprised of school aged youth, homeless families (parents with small children) and individual adults, males and females (and those that identify as non-gender). The most commonly visible homeless are adult males, but the population of adult females is growing. We have not collected data regarding the racial characteristics in Cottage Grove. Our experiences over the last few years have seen that homelessness affects individuals regardless of race or cultural background.

City Current Response

In 2018 I organized a Community Stakeholders group consisting of City staff and local representatives from non-profit, religious and Lane County staff that meet regularly to discuss and coordinate local efforts regarding homelessness and mental health. The group was helpful in supporting the Cottage Village Coalition's development of the tiny home project. The connections from the Stakeholders were helpful in organizing and getting the Warming Shelters going in a matter of just a few months last year.

Warming Shelters / Beds For Freezing Nights – worked closely with BFN and Community Sharing to get the Warming Shelters operational to meet the need of homeless during the pandemic. Helped get the Warming Shelters ready for the second year of operation.

Worked with the Stakeholders in preparing the acquisition of the shower trailer and put together the partnership with Community Sharing to operate the showers. Continue to assist with the free showers on Wednesdays.

Researched homeless policies and responses with other communities and the Stakeholders. Collected information on successes and challenges.

This fall established camping spaces at the Community Center restricted to 8 sites. We have filled the campsite with an additional camper going to the City Hall. The operation of the campsite at the Community Center is a challenge. It takes a considerable amount of time of staff. We regularly evaluate the operation. We established the Code of Conduct a couple of years ago and we have added additional rules specific to the homeless camping. Those rules are enforced and the occupants are monitored as we can with existing staff. It is a challenge because we do not have staff there in the evenings or on the weekends. We have thought about a dusk to dawn service there but with the Library and Community Center on the property it would be difficult to enforce dusk to dawn rules such as limiting daytime use of the site. We have used the City's exclusion rules to kick two individuals off the property and exclude them from the site. One of the two actually got to spend some time at the Lane County Jail. We have had success as well. We have had some individuals move on to other housing or to Eugene to access the needed services there. We have one young man that has gotten a job and all reports are that he is a hard worker. He was excited to have the job and stated soon after getting the job that he could get a place to live now. He is on lists for housing but nothing is available. Several of the campers at the Community Center have been participating in sweeping and cleaning the parking lot.

We regularly evaluate the operations at the Community Center and make changes as needed. We have new changes we would like to make if we continue to operate the camp.

We purchased a mobile shower trailer and partnered with Community Sharing for siting and operations. City staff continues to assist in the operation of the shower on Wednesdays every week.

RV/vehicle camping is not allowed in any City Park parking lots. The park parking lots close at 10:00 pm with the parks. RVs/vehicle camping is being allowed on City streets if legally parked. We are enforcing our abandoned vehicle regulations after 72 hours without moving the vehicle is tagged and must move in 72 hours.

City staff has signed up to participate in the League of Oregon Cities Webinar that is being held on Tuesday, December 14th. Not sure if that will provide any additional insights.

Supporting the promotion of Home Share Oregon. We plan to have Judy Smith, the Area Representative come to a future City Council meeting and share information about this program. We are also hoping to set up a forum or computer sharing opportunity to make sure all members

of the community that wish to participate have access to a computer to register or participate.

We have been visiting with organizations that provide a variety of homeless facilities to ask advice and information. We have requested proposals from experienced non-profits to assist with operation of a dusk to dawn facility.

Looking at land to purchase that could be used for housing either transitional or tiny home type development. Also contacting various organizations about the operation of tiny homes or transitional housing.

Future Options

There is currently no option available that will completely solve homelessness. The options below should be looked at as a spectrum of solutions. The optimal solution for Cottage Grove may be a combination of options and it may also change over time.

I will attempt to briefly describe the spectrum of options below and save some of the discussion of the pros and cons of each option at the meeting. The options are in no way an exhaustive – I am still hopeful that the webinar on the 14th will provide some additional insights.

Do Nothing – doing nothing is an option. Doing nothing would mean we would need to repeal all ordinances or regulations that prohibit, sitting, lying, sleeping or camping on public property. It would open all public property up to possible camping by homeless individuals. Complying with the 9th Circuit ruling and state laws (HB3115 and HB 3124) will still be required. We would allow, with no restrictions or regulation, camping/sleeping on all public property. The costs associated with this action would be significant as we would be regularly cleaning up after camps in parks.

Some restrictions can be established that address reasonable time, place and manner. What is reasonable is still up for debate and there are some court cases that are underway and likely be more information to come to help determine the reasonableness standard. Restrictions to prevent camping, sleeping, setting up camping equipment etc. in the right of way including sidewalks or planting/parking strips – these restrictions much like our use of the right of way for exchange of money or items ordinance are supported under the general provision of safety would be reasonable. It will not be looked on as reasonable if the regulations create no available space for sleeping/camping on public property.

Continue restriction on RV/vehicle camping in park parking lots.

Continue the campsite at the Community Center – would implement some changes as a result of the ongoing evaluation. Put up a 20 x 40 canopy and divide into 8 spaces setup with our own tents. Provide some enhanced rules - only our tents, no tarps, only a chair, bike and provided locking storage container outside the tent. No camping along the building or on the loading dock. When the 8 spaces are full, additional campers would go to City Hall or specific public property locations that would need to be identified.

Adopt an ordinance to create overnight sleeping/camping opportunities on private property.

Some communities have adopted ordinances that allow private property owners to make camping/sleeping available on private property under specific conditions.

Provide a site for RV/vehicle camping.

Partner with an experienced provider to create a transitional housing project. A transitional housing project would be similar to the tiny home development but only with smaller dwelling units that would share common kitchen and restroom facilities. The residents would pay rent and participate in self-governance for the project. The intent of the transitional housing would be to help prepare the residents for more traditional housing.

Operate Homeless shelters. There are a variety of homeless shelter models available from rest stops, dusk to dawn to full 24/7 shelter facilities. These shelters can be provided entirely through non-profit organizations or religious organizations. However, under the *Martin v. Boise* case facilities operated by religious organizations can be excluded from being counted as facilities that prevent camping on public lands. Larger communities are fully funding and operating the shelters or participating with local non-profits. We would want to partner with an experienced organization to operate a shelter facility. The shelter capacity would need to be scalable to handle the fluctuations of night populations to prevent overflow onto other public property. Opening a homeless shelter that is open nightly would make the operation of the Warming Shelters unnecessary.

How to chose options

We need to decide what level of solution we want to have. This is truly a policy issue and boils down to how much we want to have sleeping/camping on public property. Options to control the locations of sleeping/camping will cost money. Uncontrolled camping on public property also costs money, damages parks, creates safety issues and detracts from the intended purpose of the public property.

Staff recommends a multiple option approach. We would suggest closing the Community Center and City Hall campsites, but only if there was another location providing at least a supervised dusk to dawn service (through a partnership with an experienced non-profit or other organization). If the Community Center campsite is not closed we would replace the canopy with and restructure the camp spaces. Having a site providing at least dusk to dawn service would allow for regulations to restrict camping on other public property as long as there was space in the dusk to dawn facility. A dusk to dawn would also eliminate the need for the Warming Shelter or Beds for Freezing Nights.

We would also recommend an Ordinance package restricting right of way use, creating private property camping and transitional housing opportunities and restricting camping/sleeping in parks with identification of sites that would be open for camping if the dusk to dawn is full. We would also want to be supported in seeking partners to pursue the development and operation of a transitional housing project to fill the gap between homelessness and tiny homes.

As I stated this is not an exhaustive, conclusive and all-encompassing summary of homelessness in Cottage Grove. I intend to have a much more detailed discussion at the City Council meeting.

Passions are strong on this issue – this is a difficult and complex issue that is not just a discussion of statistically proven correct decisions, but the creation of policies that will need to take into consideration a broad range of deeply held principles and values of members of the community. Any discussion on this topic needs to be held and conducted with compassion and respect realizing that we are discussing people that are facing insurmountable problems.

Recommendation

That the City Council discuss homelessness and consider possible options for the community and possibly provide some guiding principles for staff to use to prepare a community response to the homeless crisis in the community.

Cost

Costs to be determined.

A handwritten signature in black ink, appearing to read 'Richard Meyers', written over a horizontal line.

Richard Meyers, City Manager