

December 15, 2015

Board of Supervisor Todd Spitzer, Chair
Board of Supervisor Lisa A. Bartlett, Vice Chair
Board of Supervisor Andrew Do
Board of Supervisor Shawn Nelson
Board of Supervisor Michelle Steel

Via Email

Re: Expansion of emergency shelter system during El Niño storms, county response to ongoing homelessness crisis, and recommendations

Dear members of the Orange County Board of Supervisors,

While we welcome the decision by the Board of Supervisors to provide 440 beds of emergency shelter to people living in the riverbed during anticipated El Niño storms and flooding, we want to point out that this stopgap is only a partial response to the county's growing homelessness crisis.

The planned emergency strategy will provide temporary relief to unsheltered people experiencing homelessness during heavy rains and inclement weather. It focuses on the approximately 440 people living in the riverbed, as they are at greatest risk of danger in the event of heavy rains. However, this measure does not address the ongoing shortage of permanent housing, temporary shelter, and other necessities that fuel the homelessness crisis.

We have four major concerns, along with recommendations.

Concern #1: The planned temporary measure does nothing to end homelessness in the absence of permanent, affordable housing options linked to a range of supportive services.

Consistent with nationally recognized best practices, the county's Ten-Year Plan to End Homelessness recommends a "rapid re-housing" or "housing first" approach to ending homelessness that "emphasizes placing persons who are homeless in safe and affordable permanent housing as an immediate response to their crisis." Currently, however, the plan is over-extended and underfunded. In fact, the county only has enough permanent housing to accommodate one in every ten persons experiencing homelessness. To implement the plan, the county will need to create a dedicated funding stream to support permanent supportive and affordable housing.

Recommendation: Prioritize the funding and development of permanent, affordable housing linked to a range of supportive services when appropriate.

Concern #2: The county's plan to expand the number of emergency beds by 440 during El Niño floods and rains will serve only a fraction of the over 2000 people in need of shelter on any given night, leaving the rest unsheltered and exposed to the elements.

As the Board of Supervisors correctly notes, the county's homelessness services system does not have the capacity to assist the large numbers of unsheltered homeless people who will seek refuge during anticipated heavy rains and floods this winter. Shelter and transitional housing can accommodate about half of all people experiencing homelessness, leaving the other half—over two thousand people on any given night—sleeping outdoors. This shortage will increase as the occupancy at both Armories has just been reduced from 200 to 138.

During the winter months, all people living without shelter face serious health and safety risks, including hypothermia, pneumonia, and other weather-related hazards. They are all in need of protection from the elements.

Indeed, given the overall scarcity of shelter spots, competition for shelter will be high during exceptionally stormy and inclement weather forecast this season. Inevitably, even people living in the riverbed will be deprived of shelter if the county does not expand the capacity of the emergency system to accommodate all unsheltered people.

Recommendation: Accommodate the shelter and housing needs of all unsheltered people in the county.

Concern #3: Many shelter options do not meet the needs of people living in encampments and other unsheltered locations.

Our extensive interviews with people living in the riverbed reveal an array of special needs that are rarely met in emergency shelters. These include but are not limited to:

- **Accommodations for mental health problems and other disabilities:** Some people living outdoors have disabilities that prevent them from using shelters. For example, many combat veterans suffer from post-traumatic stress disorder and cannot tolerate the crowded conditions, chaos, and noise common of emergency shelter, which exacerbate their mental health symptoms. To meet the needs of people with mental health disabilities, the federal government recommends a housing first approach that emphasizes permanent, affordable housing options linked to a range of appropriate supportive services.
- **Accommodations for pets:** Pets, like their owners, are at risk of drowning during El Niño storms and floods. Many people we talked to who live in the riverbed and in other unsheltered locations are unwilling to use shelters that require them to abandon their pets.
- **Accommodations for couples:** Many couples will not make use of shelters that prevent them from staying together.
- **Accommodations for storage of personal belongings:** Some people who live in encampments have told us they will not make use of temporary shelter if it means having to abandon their life-saving cold weather camping gear, such as tents and sleeping bags.
- **Ancillary services:** Unsheltered people have additional needs that are critical to their health and well-being, including 24 hours a day access to restroom and shower facilities, access to dumpsters, laundry services, and places to rest during the day.

Recommendation: Develop a range of housing, shelter, and ancillary services to meet the needs of people living in the riverbed and in other unsheltered locations throughout the county. We encourage the County to follow the guidelines of the U.S. Interagency Council on Homelessness, which calls on local governments to develop “a thoughtful, coordinated, and collaborative plan and process to ensure that people can be linked to appropriate housing options and that the presence of encampments in the community can be resolved.”¹ This plan should be developed in collaboration with people living in the riverbed and in other unsheltered locations to ensure that it meets their needs.

Concern #4: We oppose strategies that rely on forced removal or threat of citation. In previous attempts to remove people from the riverbed, the strategy of county departments, including the Sheriff’s Department and Orange County Public Works, has been to sweep through the riverbed, impound or discard belongings, give people tickets for sleeping, and order them to move along—without giving them any place to go. Forced removal by threat of citation is an inappropriate strategy for the following reasons: 1) it is potentially unconstitutional, 2) it endangers the health and well-being of homeless persons, and 3) it is counterproductive.

- **The County’s strategy raises civil rights concerns:** As the U.S. Department of Justice argues, “If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”² The plan to expand the number of shelter beds by 440 will not create enough emergency shelter to accommodate the approximately 2000 persons experiencing homelessness in Orange County on any given night. Given the dire shortage of housing and shelter in Orange County, enforcement of anti-camping ordinances truly criminalizes homelessness.
- **The County’s strategy endangers the health and safety of homeless persons:** The County’s strategy endangers the health and well-being of people already at disproportionate risk of health problems. With the El Niño storms looming, the County’s policy of property impoundment, citation, and forced removal throws people into chaos. After planned temporary shelter ends, people must sleep somewhere. In the absence of sufficient shelter and permanent affordable housing, they will sleep outside. By impounding peoples’ tents, sleeping bags, and heavy outerwear, the County denies them potentially life-saving protection from the elements.
- **The County’s strategy is counterproductive:** The policy perpetuates homelessness by saddling people with fines, jail time, and criminal records that make it more difficult for them to access housing and benefits. Moreover, pushing homeless people into cities, which have their own ordinances banning sleeping and camping in public, exposes them

¹ United States Interagency Council on Homelessness. (August, 2015). Ending Homelessness for People Living in Encampments: Advancing the Dialogue. Retrieved from http://usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf

² U.S. Department of Justice. (2015). *Statement of Interest of the United States. United States District Court for the District of Idaho.* (Civil Action No. 1:09-cv-540-REB Hon). Retrieved from <http://www.justice.gov/opa/file/643766/download>.

to increased harassment and risk of citation. Indeed, people end up in remote places like the riverbed in the first place to escape police harassment in surrounding cities.

Recommendation: Do not criminalize homelessness. Instead, work collaboratively with unsheltered people to meet their shelter and housing needs.

Thank you for your careful consideration of this important topic. We know that the Board of Supervisors, which recently unanimously voted to move forward with plans for a year-round emergency shelter and multi-service center, are allies with us in our fight to create a homeless services system that will effectively end homelessness in Orange County.

We look forward to working with the county and local city governments to develop and implement policies that respect human dignity and civil rights, effectively protect the health and well-being of people living in hazardous locations, and end homelessness for good.

Sincerely,

Eve Garrow, ACLU of Southern California Dignity for All Project
Heidi Zimmermann, CPA, President of Oma's Angel Foundation
Miguel Hernandez, Executive Director, Orange County Congregation Community Organization (OCCCO)

Larry Smith, Civic Center Roundtable

Jennifer Lee-Anderson, Anaheim Poverty Task Force

Linda Lehnkering, Anaheim Poverty Task Force

Maria Bessem, Anaheim Poverty Task Force

R. Joshua Collins, Homeless Advocates for CHRIST

Julie Schaul, Santa Cruz Fulltimers

Luis Noble-Perez, Homeless Advocate

Dylan Thompson, Project Homelessness

Claudia Ramirez, Project Homelessness

Ryan Smolar, Project Homelessness, DTI

Madeleine Spencer, Project Homelessness, SABC

Bonnie Massey, Project Homelessness, CSFU

Ian Daelucian, Heart of Delight, Project Homelessness

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Sara Davis, Project Homelessness

Sarai Santamaria, Project Homelessness

Eben Collins, Project Homelessness

Lyanne Collins, Project Homelessness
Phouk Nguyen, Project Homelessness
Nicole Benante, concerned citizen