

Limitations of the State's Executive Order 23-02 Funding

The funding identified through the Governor's Executive Order (E.O. 23-02) in support of addressing a Statewide Homelessness Emergency has two very narrow and specific objectives:

- to increase shelter quality, capacity, and utilization, for Jackson County by creating 67 new shelter beds
- to rapidly rehouse 133 homeless households through placing them in existing rental units

The E.O. has stated that communities have until January 10th to complete these activities, report outcomes, and expend all the funding. There is not guarantee of ongoing operational funding for project or programs initiated under the State funding; ongoing costs will be the responsibility of the implementing entity unless future funding is provided unless the initiated project or program is discontinued.

The First step in the award of local funding process is the issuance of a to be released Request for Proposals (RFP) by the Jackson County Continuum of Care (JCCC). Once proposals are submitted in response to the RFP and reviewed, competitive grants will be awarded by the JCCC. The JCCC has preliminarily identified that local rehousing efforts will utilize the existing model of rental assistance. Contracts with award recipients are not expected to be signed until sometime in May, that gives grantees eight months or less to develop, contract and/or otherwise complete all activities proposed, and expend all funding awarded.

The E.O. is clear that the funding is to provide rapid and reportable outcomes which will be tracked in an online dashboard to show how the funding is benefiting targeted populations and addressing the statewide homelessness emergency.

The Draft contract that was provided to the Multi-Agency Coordination teams set out specific guidelines for how activities will be offered and executed, including:

- All grantees must utilize the coordinated entry system to prioritize and track delivery of services to the most vulnerable households. Utilizing the Coordinated Entry system is a HUD continuum of Care program grant requirement.
- All grantees must report outcomes in the Homelessness Management Information System, (HMIS) which is the statewide database. Data from the HMIS system will be used to track outcomes on the Oregon Housing and Community Services website. Local shelter providers and non-profit service providers presently utilize the HMIS system as part of direct client services.
- All sheltering activities must be low barrier. The State sample contract for this funding defines requirements for low barrier shelters as follows:
 - *Low and no barrier policies allow homeless individuals and households to access shelter, housing, and services without preconditions such as sobriety, compliance with treatment plan, no pets, or agreement to participate in specific programs, activities, or classes. These policies allow those most in need to have access to shelter and housing. These additional emergency shelter beds must be low barrier, focus on assessment and triage, and intentionally link to permanent housing resources that people move through to housing quickly. In order to meet minimum standards as a low barrier shelter the following three conditions must be met:*

- *Sobriety (shelters may establish requirements or limit the use of drugs and alcohol in common or shared areas of the facility. In addition, facilities and treatment are voluntary);*
- *No required documentation of identification, custody, citizenship, or gender. Furthermore, shelters must meet the Department of Housing and Urban Development’s Equal Access Rule, 81 FR 64763, to ensure services are available to all individuals and families regardless of sexual orientation, gender identity, or marital status; and*
- *Shelter accommodates pets and belongings.*
- *Furthermore, the following best practices will be key components or indicators of a likely successful low barrier shelter. These practices mirror the learnings from City of Ashland and Medford shelters and*
 - *Shelter has minimal expectations or requirements of people seeking shelter.*
 - *Shelter focuses on addressing disruptive or dangerous behaviors rather than compliance to rules or case plans;*
 - *Shelter welcomes self-defined family and kinship groups to seek shelter together;*
 - *Shelter can identify financials resources that can support the adoption of low barrier policies and practices and supports extended or flexible hours and adapted service-delivery models;*
 - *Shelter accommodates pets and belongings.*
 - *Shelter’s intake process and housing navigation services coordinate closely with community -based outreach services and coordinated entry;*
 - *Shelter creates flexible and predictable access for people seeking shelter;*
 - *No charge to individuals or families for stays, meals, or other services at the low barrier shelter; and*
 - *Shelter does not exclude people with criminal convictions, poor credit, or eviction histories.*
- *Funded activities must be Housing Focused: “Activities conducted under this agreement may not screen participants out solely on the basis of certain behavioral psychological, physiological, citizenship or immigration status or economic preconditions. Services must ensure that the safety and support of both staff and clients are paramount. This is accomplished through a focus on ensuring safety by managing behaviors that pose a risk to health and safety rather than implementing blanket exclusions based on past diagnosis or current behavioral health symptoms that do not pose a direct risk to community safety. Recipient must actively coordinate services and supports for helping people exhibit homelessness and make efforts to reduce barriers to re-housing individuals and families in their community.”*
- *Habitability Requirements: Shelters, whether congregate or non-congregate, must meet habitability requirements that include minimum safety, sanitation, and privacy standards as outlined in 24 CFT 576.403, regardless of whether 24 CFR 576.403 independently applies to such shelters apart from this agreement.*

Shelters must be structurally sound. Tents and other structures without hardened surfaces that do not meet these minimum standards are unallowable. Recipient must document habitability requirements for all shelters funded under this agreement. Shelter units may be in the form of Non-congregate Free-Standing Units if they provide the following amenities.

- *Heat*
- *Electircity*
- *The ability to close and lock a door*
- *Showers and restrooms onsite*
- *Hard-surface walls and roofing*
- *Food preparation facilities available onsite or with an action plan to provide meals to shelter residents.*

Should the City Council authorize staff to respond to an RFP, it should be kept in mind that the City will be competing against other applicants for the portion of the funding dedicated to address the creation of shelter beds which expected to be approximately \$4Million. Of the \$8.8 Million allocated to Jackson County Continuum of Care approximately \$4Million will be restricted to rapid rehousing efforts.

There are three other potential applicants for this funding of which the City staff are aware. The City of Medford will be proposing a project which has the potential to create all 67 shelter beds needed to meet the stated goal, and this a campground project is well into the processes of planning and execution in having already acquired the property and planning approvals. The City of Medford will be applying to install the infrastructure to place the required amenities and pallet shelter like structures, as well as the operational costs for the 8-month period that the grant funds are available. The other potential applicant of which we aware is likely to be the Set Free Christian Fellowship proposal to provide emergency shelter through a tiny house/camping project. Rogue Retreat is also likely to seek funding to rehabilitate their project turnkey project to provide new shelter beds.

If the City of Ashland does not put forward an application which addresses the stated goal to provide shelter beds or would not be ready to proceed and implement in short order, then Ashland would most likely not be competitive through the Request for Proposal Process.

Considerations for a City Sanctioned Activity

According to the 9th Circuit Court ruling, the location of a facility must provide a reasonable alternative to use of public space for homeless occupancy. To meet this test, a facility's location should not place an undue burden on residents and must be within a reasonable distance to access needed amenities including transit, grocery stores, or other resources needed by the homeless. Generally, facility locations should be evaluated based on access to such amenities, generally looking for locations to be within a reasonable walking distance to retail and/or public transit.

Addressing issues of public sleeping, and other City responses to addressing the impacts of homelessness on communities is a legally unsettled area, and the City is trying to avoid any invitation for litigation.

Site Management Considerations

The 9th Circuit Court also invokes a principle called the Created Danger principal, which may be applied to managed camps created by Municipalities and which preferences the establishment of camps with oversight to allow for protections for both staff and residents by not exposing a person to dangerous situations that they may not otherwise have been exposed to if not for the actions of the municipality.

City staff has been informed by non-profit service providers that there are presently three distinct groups of unhoused individuals currently residing in the community

- The working poor, who just need a place safe place to stay.
- People who have addiction issues but are generally functional and able to get along with others and manage behaviors.
- People who experience severe persistent mental illness (SPMI) and/or drug addiction, also known as dual diagnosis. This population displays the most severe and disruptive behaviors which can make it difficult for them to reside or interact in close proximity with others.

While the first two populations could probably experience successful outcomes with limited support or intervention, the SPMI population would need direct oversight to address behaviors that could be negatively impactful to individuals, the group as a whole, or compromise the safety and stability of the location. It would be discriminatory to screen out those with severe mental health issues for an inclusive facility, consequently any proposed activity for a low barrier shelter must provide behavioral oversight and maintain overall safety. We know from experience, that running a managed shelter/camp site accommodating approximately 40-50 people, in compliance with the low-barrier shelter objectives costs around 40K a month.