

APRIL 2019



A MONTHLY  
NEWSLETTER TO  
INFORM, EDUCATE, AND  
PROVIDE UPDATES ON  
HOMELESSNESS IN  
FULLERTON

# The Helping Hand

## Homeless Services Update

### this issue

Resources Training Scheduled for Faith Groups **P.1**

Memorandum of Understanding Approved-Part 1 **P.1**

Approved MOU, Shelter Beds for Fullerton-Part 2 **P.2**

Fullerton Armory Statistics **P.2**

### WHAT CAN I DO IF SOMEONE EXPERIENCING HOMELESSNESS ASKS ME FOR HELP?

In answer to that question, a resource training is being held to teach the faith community about the resources that are available to assist people who are experiencing homelessness to get connected to resources and services. This training is for those who want to help to feel better equipped to assist in helping connect those in need to the resources available. This training will be May 21, 2109 from 9:00am to 12:00 noon at Fullerton First United Methodist church located at 114 N. Pomona Avenue, and is being presented by Fullerton Act, Fullerton Interfaith Ministerial Association, and the City of Fullerton and is in partnership with OC United, St. Joseph Health, City Net and the Fullerton Collaborative. If you and/or someone from your faith community is interested in learning about the resources available that can help someone who is experiencing homelessness get connected to services, please register online at: [bit.ly/WHATCANIDO](http://bit.ly/WHATCANIDO)

### MEMORANDUM OF UNDERSTANDING BETWEEN THIRTEEN CITIES APPROVED FOR HOMELESS NAVIGATION CENTER DEVELOPMENT

Fullerton has been cooperatively working with twelve cities in what is referred to as the North Service Planning Area of Orange County, or North SPA to address homelessness..The North SPA cities include Anaheim, Brea, Buena Park, Cypress, La Habra, La Palma, Los Alamitos, Orange, Placentia, Stanton, Villa Park and Yorba Linda

On March 19, 2019, Fullerton City Council approved a Memorandum of Understanding between the 13 North SPA cities. This multi-jurisdictional agreement is for establishing, constructing, developing, maintaining, providing, operating and facilitating the provision of two Homeless Navigational Centers and the provision of certain services at the centers for homeless adults, children and families experiencing homelessness within the North Service Planning Area which includes Fullerton.

While homelessness has been an issue for decades, it has risen to a crisis level not just in Orange County but throughout the State and nation in the last several years. In January, 2018, a federal lawsuit was filed against the County of Orange and the cities of Costa Mesa, Orange, and Anaheim regarding encampments in the Santa Ana River bed and to prohibit the cities from citing or arresting those who were violating municipal codes related to camping in public areas. The lawsuit was filed by a non-profit organization, the Orange County Catholic Worker and seven homeless individuals. While the City of Fullerton is not a party to the lawsuit at this time, all cities in Orange County have been thrust into homeless prevention and response activities and are now central players in ongoing efforts.

In addition to the local lawsuit currently being heard in Federal Court, on September 4, 2018, the US Court of Appeals, Ninth District, issued a ruling commonly referred to as "Martin v. City of Boise" (Martin). In Martin, the Court concluded that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter. The Court's ruling effectively states a city may not criminalize the state of being "homeless in public places," nor can a City "criminalize conduct that is an unavoidable consequence of being homeless" such as sleeping on the streets. More so, the Court in Martin ruled that as long as there are more homeless than beds available, a homeless person cannot be penalized for such actions. For Fullerton, and all North SPA cities, this means that as long as there are more persons experiencing homelessness than there are beds available for such persons, the City cannot enforce anti-camping ordinances in City parks and other public spaces. The City can still enforce criminal penalties for other acts such as use of narcotics, drunk in public, or other criminal acts.

To address this shelter deficiency, the North SPA cities each looked at any potentially available site in areas best situated for locating a homeless facility. For some cities with much smaller populations or limited industrial areas, locating a homeless facility was not possible. For others, like Fullerton, an extremely low vacancy rate in industrial areas and low or no availability of sites to purchase precluded the locating of a site. In the North SPA, two sites in Buena Park and Placentia were eventually identified and efforts to acquire each site commenced.

*(Continued to Page 2)*

## ARMORY STATISTICS

Prior to its closure, the City of Fullerton had requested that Governor Newsome approve an extension that would have allowed the the California National Guard Armory to continue operating as an emergency shelter for people in Fullerton and neighboring cities who are experiencing homelessness nightly. Unfortunately, the City's request was denied.

Therefore, on April 10, 2019, the Fullerton Armory closed its doors for use as a Cold Weather shelter for the 2018 winter season.

During the 103 days the Fullerton Armory was operating as a Cold Weather shelter, a total of 649 unduplicated people utilized the armory for shelter.

Of those, 449 were men (73.9%), 204 were women (26%) and seven (.1%) were children who were accompanied by a parent or parents.

A total of 189 (29%) people were from Fullerton, and the majority of the remaining folks were from the neighboring cities of Brea, Buena Park, La Habra, Orange, and Placentia who were shuttled in nightly.

While the Fullerton Armory had capacity to shelter up to 200 people nightly, the highest number to stay on a given night was 117, with an average of 80 people stayed at the Fullerton Armory nightly.

Thank you to Mercy House staff for operating the Fullerton Armory and providing the shuttle service and Thank you to the County of Orange for providing the funding.

## APPROVAL OF THE MOU MEANS SHELTER BEDS FOR PERSONS EXPERIENCING HOMELESSNESS WITH FULLERTON TIES

(Continued from page 1)

The City of Buena Park, after a public participation process, opted to use a City-owned site located in their industrial area. The City of Placentia, entered into an option agreement to purchase a suitable site but is examining two other industrial sites at this time. It is estimated that for both navigational centers, the cost of acquisition and construction is \$14.3 million. The North SPA cities worked collaboratively and in conjunction with the County of Orange to identify funding opportunities. A major funding opportunity occurred with the Fiscal Year 2018-19 State of California Budget in which the Governor utilized surplus State revenues to assist with combatting homelessness.

The State's Homeless Emergency Aid Program, or HEAP, was applied for by the cities of Buena Park and Placentia, as representing the North SPA, and were awarded over \$12 million dollars for the acquisition and construction of the two facilities. The remaining funding for acquisition and construction are to be split per the Memorandum of Understanding. Fullerton's share of cost is estimated to be up to \$400,000, which equates to 25.92% of the remaining share of costs, based on final numbers.

It is proposed that the two centers are to be operated by experienced, non-profit organizations. The cost estimate, based on the operations of other homeless facilities in Orange County, for both facilities, is a combined \$3 million a year. Funding for center operations is expected to be from County funds, SB 2 funds, and other local funds. The County has committed to providing \$1.2 million for annual on-going operations. Future SB 2 funds will also provide for \$1.7 million annually. Therefore, local funds needed for annual operating costs is estimated to be approximately \$236,000. The City's share of that amount is up to \$72,000, however that amount could fluctuate in future years based on changes in center operating costs and City use of beds in the centers.

The City's share of operational costs will be funded through SB 2 funds, Community Development Block Grant (CDBG) Funds and future grant funds to avoid the use of General Funds.

To identify the financial responsibility for the construction and operations for each city, as well as to identify the terms and conditions of city participation and center operations, the Memorandum of Understanding (MOU) between the 13 North SPA cities was entered into by the cities. Provided below is a summary of the terms and conditions for the MOU:

1. Membership in the MOU identifies the 13 North SPA cities including two host cities (Buena Park and Placentia). Anaheim is a participating agency as it relates to reciprocal sharing of beds between the navigation centers. Anaheim is not a funding participant as they are the primary funding source for the centers in their city. The County of Orange is a participating agency as it relates to funding and certain operations.
2. Agreement is for a ten-year term. The Agreement may be extended by mutual agreement of the cities.
3. Host cities can terminate their participation with a six-month notice while the other participating cities have a one-year noticing requirement.
4. The host cities are owners and lead agencies for operations, and shall enter into Operating Agreements with third-party operators for the day-to-day operations of the centers.
5. The share of funding for the construction and operations by each city is identified in the agreement (Party Share) and is based on a number of factors including population, the number of unsheltered homeless, and the number of existing shelter beds within each city.
6. While host cities have priority to bed access, all cities shall have the right to utilize an approximate equivalent percentage of its city share of the total beds in the centers. As such, *Fullerton would have approximately 31% of bed access since Fullerton is providing 31% of the local funding for center operations.*
7. Host cities shall develop an Operating Plan which shall govern the day-to-day management and operation of the centers, and shall be incorporated into the Operating Agreement for the centers. The Operating Plan must be approved by the host cities, the center operator, and the participating cities. Both centers will operate with the same Operating Plan.
8. There shall be an Annual Audit of center operations to assess the sufficiency of the beds; each city's usage of beds over the past year; each city's anticipated bed needs for the ensuing year; funding needs and opportunities; anticipated capital improvement or operational expenses; and the extent to which the centers are achieving the purposes of this Agreement. Future funding needs and Party Share may be adjusted based on the result of the Annual Audit.

For more information: [www.cityoffullerton.com/homelessness](http://www.cityoffullerton.com/homelessness)