

1 **RESOLUTION NO.**

2 **WHEREAS**, the Austin City Council identified homelessness as a strategic
3 outcome indicator in the Austin Strategic Directions 2023 plan, and the Council has
4 identified homelessness as its top priority; and

5 **WHEREAS**, the Council adopted Resolution No. 20190620-184, asking the
6 City Manager to assess opportunities and make recommendations for immediate and
7 short-term actions to engage and assist individuals experiencing homelessness, and
8 reasonable time and place opportunities and limitations on camping, sitting, and lying,
9 as well as options for non-criminal strategies for enforcement; and

10 **WHEREAS**, in its August 30, 2019 memorandum staff recommended that the
11 Council consider limiting camping in areas with high pedestrian and vehicular traffic,
12 as well as high flood risk areas for health and safety reasons; and

13 **WHEREAS**, in consideration of the staff guidance and other community
14 feedback related to public health and safety issues, the Council has identified areas of
15 the city where camping should not occur, and an associated ordinance reflects these
16 restrictions; and

17 **WHEREAS**, the Council desires to ensure the public health and safety of
18 individuals camping, as well as that of those around them; and

19 **WHEREAS**, a Continuum of Care (CoC) is a collaborative funding and
20 planning approach that helps communities plan for and provide, as necessary, a full

21 range of emergency, transitional, and permanent housing and other service resources to
22 address the various needs of persons experiencing homelessness, and a local lead
23 agency is designated by the U.S. Department of Housing and Urban Development
24 (HUD) to plan, coordinate, and administer operations, as well as apply for federal CoC
25 funding; and

26 **WHEREAS**, Ending Community Homelessness Organization (ECHO) is the
27 designated lead agency for the Austin and Travis County CoC, and the organization
28 which conducts an annual Point in Time Count of the homeless in the area; and

29 **WHEREAS**, governments within the Central Texas region, centered on Austin,
30 frequently work together on large regional issues or to coordinate and allocate federal
31 funding, including governing bodies across a six-county area in the Capital Area
32 Metropolitan Planning Organization (CAMPO) and across a ten-county area in the
33 Capital Area Council of Governments (CAPCOG), among others; and

34 **WHEREAS**, Congressional House Bill 1856, entitled Ending Homelessness Act
35 of 2019, was filed and approved by the House Financial Services Committee, and
36 would provide \$13.27 billion additional over five years to fight homelessness and
37 housing shortages through vouchers, the construction of new units, and outreach; and

38 **WHEREAS**, federal funding is critical to the city's effort to address and end
39 homelessness, and the funding and availability of federally funded Veterans Affairs

40 Supportive Housing (VASH) vouchers is what made it possible for the city to achieve
41 Functional Zero for Veteran Homelessness in August 2016; and

42 **WHEREAS**, the Council adopted Resolution No. 20140417-048 and Ordinance
43 20141211-050 which barred housing discrimination based on source of income,
44 including vouchers, and adopted Resolution No. 20141002-044 directing the City
45 Manager to develop an incentive-based program for housing owners that accept
46 vouchers; and

47 **WHEREAS**, in 2015, the Texas Legislature passed Senate Bill 267, which pre-
48 empts local ordinances that ban discrimination based on sources of income for all
49 voucher holders other than veterans; and

50 **WHEREAS**, the primary city facility for servicing the homeless is the Austin
51 Resource Center for the Homeless (ARCH), which is currently in the process of
52 changing its operations to focus on case-management and transitioning into housing
53 and away from being a day resource center for drop-in clients, based on
54 recommendations from the National Alliance to End Homelessness (NAEH) in a June
55 2018 report and adopted by City Staff in a December 18, 2018 memo; and

56 **WHEREAS**, the public areas in the immediate vicinity of the ARCH are in
57 critical need of improved maintenance, sanitation, and safety for pedestrians and
58 ARCH clients, and the NAEH report recommended working to reduce the

59 concentration of activities that currently exist outside the ARCH and to make the
60 shelter more welcoming to individuals experiencing homelessness; and

61 **WHEREAS**, design and operation are important for all shelters and supportive
62 housing, and the increasing refinement of national best practices should be adapted to
63 localized needs and many typologies a shelter or supportive housing may take,
64 including for adapting existing apartments buildings, hotels, and motels; and

65 **WHEREAS**, the Council adopted Resolution No. 20180614-066, temporally
66 extending the Waller Creek Tax Increment Reinvestment Zone (TIRZ) and directing
67 staff to analyze options for using TIRZ funding for projects that both address the
68 causes and symptoms of homelessness and housing insecurity and that are of benefit to
69 the TIRZ. The Resolution also asked the City Manager to review the possibility of
70 directing supplemental funding from other Tax Increment Reinvestment Zones towards
71 addressing homelessness and other housing initiatives; and

72 **WHEREAS**, the City Manager responded to Resolution No. 20180614-066 with
73 a memo on December 6, 2018 that recommended utilizing certificates of obligations,
74 reimbursed with TIRZ revenue, in three funding rounds totaling \$30 million and to be
75 used for capital expenditures including transitional and permanent supportive housing,
76 improvements to the ARCH, and other facilities. The City Manager also
77 recommended reviewing funding for homelessness from other TIRZs only after the

78 Waller Creek TIRZ amendment is executed and details of this funding option are more
79 certain; and

80 **WHEREAS**, on November 6, 2018, City of Austin voters approved a bond
81 proposition of \$250 million for affordable housing, including \$100 million for land
82 acquisition and \$94 million for rental housing development assistance; and

83 **WHEREAS**, in addition to the capital needs to acquire or develop housing for
84 the homeless, operating funds are necessary to provide the supportive services that
85 make these facilities successful in helping individuals experiencing homeless transition
86 to housing and self-sufficiency; and

87 **WHEREAS**, the Council passed Resolution No. 20190523-029 directing the
88 City Manager to prepare for the establishment of a Tourism Public Improvement
89 District (TPID) associated with an expansion of the convention center and allowing for
90 up to a two percent assessment on a taxable hotel room night to generate revenue that
91 would make available operating funding available, directly or indirectly, to help
92 address homelessness in Austin; and

93 **WHEREAS**, a significant amount of constructive community feedback has been
94 received by the Council since the adopting of Resolution No. 20190620-184, and there
95 are additional ideas that the Council would like City Staff to review or implement;

96 **NOW THEREFORE,**

97 **BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN:**

98 The City Manager is directed to work with and have the Transportation
99 Department, or other appropriate departments, identify high pedestrian and vehicular
100 trafficked streets, sidewalks, or other areas that present the greatest public safety risks
101 and public health hazards for people camping, sitting, lying, riding bicycles or
102 scooters, or others.

103 **BE IT FURTHER RESOLVED:**

104 The City Manager is directed to work with and have the Watershed Department,
105 or other appropriate departments, identify flash or other flood prone areas, flood plains,
106 flood ways, or other areas that present the greatest public safety risks and potential
107 public health hazards for people camping, sitting, or lying.

108 **BE IT FURTHER RESOLVED:**

109 The City Manager is directed to work with and have the Public Health
110 Department, or other appropriate departments, identify camping practices, structures,
111 possessions, or items that present the greatest public safety risks and potential public
112 health hazards for people camping, sitting, lying, or others.

113 **BE IT FURTHER RESOLVED:**

114 The City Manager is directed to work with and have the Fire Department, or
115 other appropriate departments, identify areas and practices within the wildland urban
116 interface areas that present the greatest public safety risks and potential public health
117 hazards for people camping, sitting, lying, area residents, or others.

118 **BE IT FURTHER RESOLVED:**

119 The City Manager is directed to compile a map and guide, as well as signage,
120 where appropriate, that would assist the public in understanding the applicable areas
121 and conditions where City Code Sections 9-4-11 (*Camping in Public Area Prohibited*)
122 and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) and
123 other relevant city, state, and federal regulations are enforced. The City Manager shall
124 also review and recommend a robust public awareness effort so that individuals
125 affected by these changes can be alerted.

126 **BE IT FURTHER RESOLVED**

127 The Council desires to enforce City Code Sections 9-4-11 (*Camping in Public*
128 *Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area*
129 *Prohibited*) with non-criminal methods to the greatest extent possible. The City
130 Manager is directed to help achieve this result by, without limitation, preparing an
131 ordinance for Council consideration, or by adopting policies, practices and procedures,
132 that would ensure that, after first notifying and offering a person a reasonable
133 opportunity to change locations to a non-restricted area, a law enforcement officer will
134 contact a member of a Homeless Outreach Street Team (HOST), case worker,
135 community health paramedic or other city designee who may transport a person who
136 continues to camp in a restricted area to the appropriate location for case management
137 and housing services. A law enforcement officer may issue a citation, or ultimately

138 make an arrest if appropriate, if the person declines assistance from the city designee
139 and remains in the restricted area.

140 **BE IT FURTHER RESOLVED**

141 The City Manager is directed to determine the cost of adequately staffing or
142 otherwise providing for the non-criminal options that connects individuals
143 experiencing homeless to the services they need, and possible sources of such funding,
144 to be widely available.

145 **BE IT FURTHER RESOLVED:**

146 The City Manager is directed to work with ECHO, the Texas Homeless
147 Network, and Austin-area governments to develop a regional Continuum of Care
148 approach, including for service coordination, data tracking, applications for funding,
149 and other related activities.

150 **BE IT FURTHER RESOLVED:**

151 The City Manager is directed to add to the state and federal legislative agenda,
152 the Council's support for the Ending Homelessness Act of 2019 (HR 1856), as well as
153 support for other legislation that seeks to improve both federal and state funding for
154 homelessness in the Austin area.

155 **BE IT FURTHER RESOLVED:**

156 The City Manager is directed to work with the Austin Community Foundation
157 on the creation and operation of a risk fund that could support voucher holders

158 experiencing homelessness, and to mitigate perceived risks of leasing and increasing
159 units for housing for people experiencing homelessness.

160 **BE IT FURTHER RESOLVED:**

161 The City Manager is directed to develop a short-term and long-term plan for the
162 safety, maintenance, and upkeep of the areas immediately surrounding the ARCH and
163 other shelters around the city, including the public right of way. The City Manager is
164 directed to provide a progress report by December 1, 2019 as to the exterior and
165 interior renovations of the ARCH, the transition to housing-focused services, and steps
166 taken to improve the safety, maintenance and upkeep of the areas immediately
167 surrounding the ARCH.

168 **BE IT FURTHER RESOLVED:**

169 The City Manager is directed to work with local area stakeholders as well as
170 national experts, such as the National Alliance to End Homelessness, Urban Land
171 Institute, American Institute of Architects, and others to identify design and operation
172 criteria for future shelters and supportive housing that could integrate well into each
173 Council district.

174 **BE IT FURTHER RESOLVED:**

175 The City Manager is directed to bring amendments to the Waller Creek TIRZ for
176 Council consideration as recommended in the December 6, 2018 staff memo, and to
177 review and recommend similar amendments for other existing and future city TIRZs.

178 **BE IT FURTHER RESOLVED:**

179 The City Manager is directed to search and make recommendations for the
180 acquisition of available properties that may be used or adapted for shelter or supportive
181 housing, including, but not limited to, hotels and motels, and to bring recommended
182 properties to the City Council for consideration.

183 **BE IT FURTHER RESOLVED:**

184 The City Manager is directed to work with stakeholders including but not
185 limited to, the Austin Hotel and Lodging Association, the Downtown Austin Alliance,
186 Visit Austin, ECHO, and other homelessness service providers to prepare for the
187 establishment of a TPID allowing for up to a two percent assessment on a taxable hotel
188 room night to generate revenue that would make available finding, directly or
189 indirectly, to help address homelessness in Austin.

190 **BE IT FURTHER RESOLVED:**

191 The City Manager is directed to analyze opportunities and recommend
192 additional initiatives for promoting the general public welfare and engaging and
193 assisting individuals experiencing homelessness and to return to Council with
194 actionable responses. The analysis should include, but not be limited to:

- 195
- 196 • Public donation receptacles on the street to provide the public with additional
197 ways to contribute to funding Austin’s homelessness response;
- 198

- 199 • Portable toilet options and/or “wag bags,” as well as additional trash
200 receptacles that may be provided to homeless camps to improve sanitary
201 conditions;
202
- 203 • Mobile shower and laundry opportunities such as a mobile vehicle that can go
204 directly to existing camps;
- 205 • City-provided replacement equipment for sleeping or camping for individuals
206 experiencing homelessness where unsafe conditions or oversized camping
207 structures currently exist; and
208
- 209 • Options and strategies for addressing racial disparities in Austin’s homeless
210 response system, including those that were detailed in the ECHO Action Plan to
211 End Homelessness.
212
213
214

215 **ADOPTED:** _____, 2019 **ATTEST:** _____
216 Jannette S. Goodall
217 City Clerk