

Adler

Item 32

Late Backup

V2

RESOLUTION NO.

WHEREAS, the Council desires to ensure the public health and safety of all residents of Austin, including those experiencing homelessness; and

WHEREAS, the Austin City Council identified the number and percentage of persons who successfully exit homelessness as a strategic outcome indicator in the Austin Strategic Directions 2023 plan, and the Council has identified ending homelessness in Austin as its top priority; and

WHEREAS, the Council has taken action to establish, expand, and fund services aimed at helping people exit homelessness, including some directives in Resolution No. 20190620-184 such as storage lockers, crisis center model for interdepartmental operations, expanded outreach teams and sanitation services, expanded hotline functionality, and others ; and

WHEREAS, City staff have returned several memoranda with recommendations for addressing homelessness in Austin; including several options for increasing services and accessibility at the Downtown Austin Community Court (DACC), expansion of the Homeless Outreach Street Team (HOST), storage lockers for use by individuals experiencing homelessness to allow them greater freedom of mobility and removing barriers to seeking housing and employment, a number of

21 supportive and wraparound services expansions, including day services and navigation
22 centers, collaboration with the Sobering Center, employment through Community
23 Service Restitution (CSR) programs to clean encampments, and innovative
24 opportunities for collaboration with the greater community; and

25 **WHEREAS**, a Continuum of Care (CoC) is a collaborative funding and
26 planning approach that helps communities plan for and provide, as necessary, a full
27 range of emergency, transitional, and permanent housing and other service resources to
28 address the various needs of persons experiencing homelessness, and a local lead
29 agency is designated by the U.S. Department of Housing and Urban Development
30 (HUD) to plan, coordinate, and administer operations, as well as apply for federal CoC
31 funding; and

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

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

40 **WHEREAS**, House Resolution 1856, entitled “Ending Homelessness Act of
41 2019,” was introduced in March, 2019, and passed by the House Financial Services
42 Committee, and would provide \$13.27 billion additional over five years to fight
43 homelessness and housing shortages through vouchers, the construction of new units,
44 and outreach; and

45 **WHEREAS**, federal funding is critical to the city’s effort to address and end
46 homelessness, and the funding and availability of federally funded Veterans Affairs
47 Supportive Housing (VASH) vouchers is what made it possible for the city to achieve
48 Functional Zero for Veteran Homelessness in August 2016; and

49 **WHEREAS**, state assistance for individuals experiencing homelessness all over
50 Texas could be augmented by funding for Health and Human Services for emergency
51 services including vaccinations, additional support for housing vouchers, prioritization
52 of state administered housing credits, clean ups of TXDoT properties, improved
53 operations and support of the statewide foster care and mental health systems,
54 increased support for Workforce Solutions of the Capital Area for job training, support
55 for public restrooms in areas that would improve water quality, provision of state
56 owned land for affordable housing, and lifting of revenue caps for cities, counties, and
57 independent school districts seeking to address homelessness in their own
58 communities; and

59 **WHEREAS**, the Council adopted Resolution No. 20140417-048 and Ordinance
60 20141211-050 which barred housing discrimination based on source of income,
61 including vouchers, and adopted Resolution No. 20141002-044 directing the City
62 Manager to develop an incentive-based program for housing owners that accept
63 vouchers; and

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

67 **WHEREAS**, the primary city facility for servicing the homeless is the Austin
68 Resource Center for the Homeless (ARCH), which began focusing on case
69 management and transitioning into housing on October 1, 2019, based on
70 recommendations from the National Alliance to End Homelessness (NAEH) in a June,
71 2018, report and adopted by City Staff in a December 18, 2018, memo; and

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

76 **WHEREAS**, the Council adopted Resolution No. 20180614-066, temporally
77 extending the Waller Creek Tax Increment Reinvestment Zone (TIRZ) and directing
78 staff to analyze options for using TIRZ funding for projects that both address the

causes and symptoms of homelessness and housing insecurity and that are of benefit to the TIRZ. The Resolution also asked the City Manager to review the possibility of directing supplemental funding from other Tax Increment Reinvestment Zones towards addressing homelessness and other housing initiatives; and

WHEREAS, the City Manager responded to Resolution No. 20180614-066 with a memo on December 6, 2018, that recommended utilizing certificates of obligations, reimbursed with TIRZ revenue, in three funding rounds totaling \$30 million and to be used for capital expenditures including transitional and permanent supportive housing, improvements to the ARCH, and other facilities. The City Manager also recommended reviewing funding for homelessness from other TIRZs only after the Waller Creek TIRZ amendment is executed and details of this funding option are more certain; and

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

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

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

104 **WHEREAS**, cities such as Philadelphia, Minneapolis and Orlando have
105 implemented successful encampment strategies that include interdisciplinary
106 collaboration in which outreach teams connect individuals in identified encampments
107 to low-barrier housing and services; and

108 **WHEREAS**, the Council passed Resolution No. 20190620-185 to decriminalize
109 activities like sitting and lying on certain sidewalks within the city, which are basic
110 human functions, camping when a person has no other options for shelter, and
111 solicitation as a protected under the First Amendment to the United States
112 Constitution; and

113 **WHEREAS**, sitting or lying in public in a way that creates an obstruction to
114 reasonable public use of public spaces, or in such a way that creates a threat to public
115 health or safety remain enforceable; camping on private property, public parks, or
116 certain other public facilities remains enforceable; and aggressive confrontation

remains enforceable, including confrontation which could lead to harassment or assault; and

WHEREAS, the Austin Police Department has issued training bulletins to ensure police officers understand their role in enforcement of obstruction and other activities that remain prohibited; and

WHEREAS, the APD contract included provisions creating and empowering the Office of Police oversight as a means by which community members can report concerns with police enforcement; and

WHEREAS, a City staff memo from August 27, 2019, responding to a directive from Resolution No. 20190620-184 to explore locations where camping may be explicitly allowed, recommended against establishing such locations as out of line with best practices for addressing homelessness; and

WHEREAS, for the following activities, if they put the community or an individual at a health or safety risk, the City has the authority now to act and enforce to keep the public safe, regardless of housing status:

- the use of grills, tire pits, or other mechanisms for cooking or heating,
- building of structures,
- drug use and public intoxication,
- pedestrian, vehicle, wheelchair, or micro mobility devices,
- pet and human waste,

- trash and food waste,
- modification of public infrastructure,
- pedestrian access to benches, parking pay stations, patios, and other public amenities; and

WHEREAS, the City of Austin inclusively manages its shared public spaces, and, under existing law, camping should not take place in the following areas:

- in a park when not permitted;
- on land designated by the city for conservation, preservation, or water protection including nature preserves, the Balcones Canyonland Preserves, and Austin Water Wildlands;
- in the right-of-way of a railroad or light rail track or crossing;
- in a city library or on the grounds of a city library;
- on private property without the permission of the owner or a person with apparent authority to act for the owner;
- in or on transit stops, shelters, platforms, or stations; or
- in a designated and marked special use zone, including construction zones, commercial service zones, passenger loading zones, customer service zones, and valet zones; and

WHEREAS, a significant amount of constructive community feedback has been received by the Council;

157 **NOW THEREFORE,**

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

159 The City Manager is directed to work with and have the Transportation
160 Department, or other appropriate departments, identify criteria used to quantify areas
161 of high pedestrian and vehicular trafficked streets, sidewalks, that can be used
162 determine where the greatest public safety risks and public health hazards exist that
163 could be interpreted and enforced under Ordinance No. 20190620-185 as an area
164 where activity such as camping may still be prohibited and enforced.

165 **BE IT FURTHER RESOLVED:**

166 The City Manager is directed to work with and have the Watershed Department,
167 or other appropriate departments, identify criteria that qualifies certain areas as flash or
168 otherwise flood-prone, including flood plains, flood ways, that can be used to
169 determine where the greatest public safety risks exist that could be interpreted and
170 enforced under Ordinance No 20190620-185 as areas where activity such as camping
171 may still be prohibited and enforced.

172 **BE IT FURTHER RESOLVED:**

173 The City Manager is directed to work with and have the Public Health
174 Department, or other appropriate departments, identify camping practices, structures,
175 possessions, or items that present the greatest public safety risks and potential public
176 health hazards for people camping, obstructing, or others.

177 **BE IT FURTHER RESOLVED:**

178 The City Manager is directed to work with and have the Fire Department, or
179 other appropriate departments, identify practices that present a wildfire risk and pose
180 public safety risks and potential public health hazards that can be enforced under
181 Ordinance No. 20190620-185 as prohibited activity presenting safety risk.

182 **BE IT FURTHER RESOLVED**

183 The City Manager is directed to work in collaboration with the Homeless
184 Strategy Officer to initiate and manage a homeless encampment response strategy that
185 includes direct outreach to individuals experiencing homelessness and prioritizes the
186 most critical existing encampments throughout the city. In order to successfully fulfill
187 this homeless encampment response strategy, the City Manager should utilize funding
188 for homelessness in the adopted budget, recommend sources of funding for adequately
189 staffing or otherwise providing for the non-criminal options that connects individuals
190 experiencing homeless to the services they need, and adhere to the strategic planning,
191 goals and recommendations made by the Homeless Strategy Officer.

192 **BE IT FURTHER RESOLVED:**

193 The City Manager is directed to, without limitation, coordinate with ECHO, the
194 Texas Homeless Network, and Austin-area governments to develop a regional
195 Continuum of Care approach, including for service coordination, data tracking,
196 applications for funding, and other related activities.

197 **BE IT FURTHER RESOLVED:**

198 The City Manager is directed to add to the state and federal legislative agenda,
199 the Council's support for the Ending Homelessness Act of 2019 (HR 1856), as well as
200 support for other legislation that seeks to improve both federal and state funding for
201 homelessness in the Austin area, including state resources such as funding for Health
202 and Human Services for emergency services including vaccinations, additional support
203 for housing vouchers, prioritization of state administered housing credits, clean ups of
204 Texas Department of Transportation properties, improved operations and support of
205 the statewide foster care and mental health systems, increased support for Workforce
206 Solutions of the Capital Area for job training, support for public restrooms in areas that
207 would improve water quality, provision of state owned land for affordable housing,
208 and lifting of revenue caps for cities, counties, and independent school districts seeking
209 to address homelessness in their own communities. The City Manager is also directed
210 to add to the state legislative agenda support for inclusionary zoning, and other
211 legislative action that allows cities to better manage affordability.

212 **BE IT FURTHER RESOLVED:**

213 The City Manager is directed to, without limitation, coordinate with the Austin
214 Community Foundation on the creation and operation of a risk fund that could support
215 voucher holders experiencing homelessness, and to mitigate perceived risks of leasing
216 and increasing units for housing for people experiencing homelessness.

217 **BE IT FURTHER RESOLVED:**

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

223 **BE IT FURTHER RESOLVED:**

224 The City Manager is directed to bring amendments to the Waller Creek TIRZ to
225 support efforts to deal with the challenge of homelessness for Council consideration as
226 recommended in the December 6, 2018 staff memo, and to review and recommend
227 similar amendments for other existing and future city TIRZs.

228 **BE IT FURTHER RESOLVED:**

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

233 **BE IT FURTHER RESOLVED:**

234 The City Manager is directed to work with stakeholders including but not
235 limited to, the Austin Hotel and Lodging Association, the Downtown Austin Alliance,
236 Visit Austin, ECHO, and other homelessness service providers to prepare for the

establishment of a TPID allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin.

BE IT FURTHER RESOLVED:

The City Manager is directed to prepare a cost estimate and proposal, including any necessary code changes, to implement the following recommendations from the September 17, 2019 memo regarding the Downtown Austin Community Court:

- Option 1a: Proactive Outreach - expanding the availability of intensive case management services for those engaged by the DACC;
- Option 1d: Expanded Jurisdiction - all camping, obstruction and aggressive confrontation violations citywide; and
- Option 1e: Notice Implementation for Warrants – additional notice that a warrant may be issued.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide status updates on actions taken based on staff recommendations in prior memoranda and recommend additional initiatives for promoting the general public welfare, promoting inclusive management of shared public spaces, and engaging and assisting individuals experiencing homelessness through regular discussion at Council Work Sessions. The City Manager should provide updates on recommendations involving, but not limited to:

- Public financial donation receptacles on the street, in the airport or other public buildings to provide the public with additional ways to contribute to funding Austin's homelessness response;
- Portable toilet options and/or "wag bags," as well as additional trash receptacles that may be provided to improve sanitary conditions;
- Mobile shower and laundry opportunities such as a mobile vehicle that can go directly to places frequented by people experiencing homelessness;
- City-provided replacement equipment for sleeping or camping for individuals experiencing homelessness where unsafe conditions or outsized camping structures currently exist;
- Options and strategies for addressing racial disparities in Austin's homeless response system, including those that were detailed in the ECHO Action Plan to End Homelessness; and
- Possible use of pre-paid debit cards as incentives for camp clean ups, similar to the "City Key" initiative piloted in the City of San Jose; and
- Options for implementing best practices in harm reduction, including, but not limited to, needle collection and providing an affirmative defense for people who report an overdose and stay at the scene; and
- A City website and other outreach methods detailing volunteer and donation opportunities for the public to engage with community efforts to address homeless.

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