



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/04/2023

ITEM NO: 6

DATE: March 30, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

RECOMMENDATION:

Discussion and direction for use of the Council allocated \$25,000 to support the unhoused residents of Los Gatos.

BACKGROUND:

For many years as part of the housing services offered in the Community Development Department, the Town contracts with West Valley Community Services to prevent Los Gatos residents from being evicted and becoming homeless. These services include utility bill, rent, and other financial assistance; access to food; financial training; and other offerings.

In 2021, the Town Council adopted Resolution 2021-023 to express support for the 2020-2025 Santa Clara Community Plan to End Homelessness (Attachment 1).

On January 24, 2023, the Town Council reaffirmed its Strategic Priorities and added a new one to support the unhoused residents of Los Gatos. On February 21, 2023, the Town Council allocated \$25,000 of American Rescue Plan Act (ARPA) funding to support unhoused residents with details to be determined at a later date.

This agenda item provides an opportunity for the public and the Town Council to discuss the legal context, existing Town services, existing Los Gatos faith-based services, County services; explore opportunities to collaborate with the County, faith-based partners, and others; and determine the potential allocation of the \$25,000 for specific projects, services, or other outcomes.

Reviewed by: Town Manager, Town Attorney, Police Chief, Community Development Director, and Finance Director

SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

DATE: March 30, 2023

DISCUSSION:

Legal Context

Recent court cases have held that it is not illegal to sit or sleep in public places such as sidewalks and park benches when no sleeping space is practically available in any shelter. If an unhoused resident is on private property that has been clearly marked “no trespassing,” then the individual will be asked to leave. After several warnings, the Police may cite the individual for trespassing. This is not a crime that would result in a jail confinement.

Specifically, in 2018 the court ruled in *Boise v. Martin* that prohibitions against sleeping outside on public property violated the U.S. Constitution and constituted “cruel and unusual punishment” if no shelter beds are available. In response to the Boise decision, a number of Southern California cities have enacted ordinances that prohibit the use of “camp facilities” in public places. “Camp facilities” are defined to include temporary physical structures, tents, cots, and beds. Sleeping bags, blankets, bedrolls, and pillows are not prohibited. Enforcement of the ordinances involve the removal of the camp facilities, but not the unhoused persons. The ordinances authorize the jurisdictions to designate specific public places where camp facilities are permitted.

From time to time, the Town receives requests to remove recreational vehicles that have been parked in the same location for over 72 hours. Town staff talks to the occupants and explains the 72-hour limit prior to any removal effort. The average cost to the Town to tow a recreational vehicle is more than \$2,000 per tow, and few companies are available for such tows. Additionally, the District Attorney’s Office has sought alternative options to prosecuting quality of life and other low-level offenses and pursues restorative justice programs, including diversion and other services.

Police Staff Collateral Duty for Vulnerable Populations

The role of the Los Gatos-Monte Sereno Police Department (LGMSPD) is to provide for the safety of the community with equal, ethical, and legal treatment of all populations. Many of the vulnerable populations served by the LGMSPD, including unhoused individuals, are reliant on law enforcement for access to additional services. Building positive and supportive relationships with the unhoused community is invaluable because Officers learn stresses and triggers, mental health concerns, and needs of support for each individual. Officers are familiar with the resources available locally, including County programs. Relationships built between LGMSPD staff and members of the unhoused community allow for the Officers to take part in advocating for needs of some of the unhoused individuals. Examples of these efforts include coordinating COVID vaccines, researching transportation, lodging, and coordinated outreach to County resources.

SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

DATE: March 30, 2023

DISCUSSION (continued):

The LGMSPD has dedicated at least 20 hours monthly to being a liaison to the unhoused community and services. At least once a week, a Sergeant or Officer checks on the

unhoused residents, offering transportation and access to local or regional services. During the severe storms of 2023, Officers checked on the unhoused to ensure safety. This work is absorbed into the LGMSPD's annual budget.

Officers estimate about 10 to 20 chronically homeless people in Los Gatos and while that number has remained similar for many years, the number of those receiving services has reduced over time.

It is important to note that Los Gatos also has experienced transient increases in its unhoused population as Los Gatos is in the Santa Cruz to San Jose corridor, Valley Transportation Authority (VTA) buses connect Los Gatos to regional hospitals and other facilities, and other factors.

Collaborative partnerships with faith-based service providers have facilitated the support of the unhoused community. Officers are frequently present at St. Luke's Pantry Program on Tuesdays and are in frequent contact with St. Vincent De Paul and the Methodist Church regarding the various regular services they provide to the unhoused community as discussed in more detail below.

The partnerships with the faith-based organizations allows communications between those entities on the status or concerns of members of the unhoused population. In some cases, the faith-based organizations ask for assistance with threats, thefts, and vandalisms of their buildings related to members from the unhoused community, which sometimes results in stay away orders requested by local businesses and organizations.

The LGMSPD has strong relationships with the unhoused community, and members know that if they need assistance, the LGMSPD stands ready to maintain their safety, support their rights, and enforce criminal matters if necessary. Mental health and substance abuse concerns periodically arise. Various County resources can be provided from the Emergency or Volunteer Psychiatric Services at Valley Medical Center to other options through Behavioral Health Services. Both Alcoholic Anonymous and Narcotics Anonymous meetings are available at locations in the Town. Possession of controlled substances, petty theft, quality of life concerns, and minor vandalism or trespassing in most cases are misdemeanor offenses and result in a citation to the individual, not booking at the County jail.

SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

DATE: March 30, 2023

DISCUSSION (continued):

An important component of assisting unhoused populations is access to healthcare, programs, and social services. On many occasions, Officers have paid for bus passes or contributed funds to other transportation options for the unhoused. While researching voucher options, Officers found that VTA does not have a voucher option and that day passes can only be purchased on the day of travel; therefore, flexible scheduling for the unhoused remains challenging. VTA is currently the best option to transport at risk populations to and from the Town of Los Gatos to the social services in San Jose and throughout the County.

Local Faith-Based Services

Los Gatos is fortunate to have wonderful faith-based organizations that have raised funds to support the unhoused residents of the Town. Specifically, St. Luke's provides meals once a week and grocery bags of food to the unhoused residents. United Methodist provides weekly showers. St. Vincent de Paul provides laundry vouchers so the unhoused residents can wash their clothes at a local laundromat. St. Vincent de Paul has also worked with local hotels to offer hotel vouchers to provide shelter during the recent extreme wet and cold weather. Representatives will be at the Council meeting to address specific questions and engage in a dialogue with the Council.

Our local service providers have held a focus group discussion with the Los Gatos unhoused residents and learned of their priorities:

1. Availability of restrooms 24/7;
2. Weather emergency center/shelter; and
3. Twice a week showers.

The Los Gatos faith community has given careful thought to the needs of the Los Gatos unhoused residents. They recognize that additional resources to the existing local programs would benefit the unhoused residents. They have also expressed interest in a part-time, dedicated case manager to ensure an unhoused individual is properly situated with their specific service needs met. The faith community is also looking at longer term options, such as an emergency cold/inclement/hot weather shelter. There are no shelter beds, temporary or otherwise, in Los Gatos. To pursue this aspiration will require a partnership between many entities for it to be realized.

Originally, the local faith-based organizations were intending to submit their own proposal for this agenda item. At this time, they have indicated their support for Council Member Moore's proposal which is contained in Attachment 3. Attachment 4 contains public comments, including the communication from the faith-based organizations.

SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

DATE: March 30, 2023

DISCUSSION (continued):

Potential Collaborations with Neighboring Cities

As jurisdictions are putting together their respective Housing Elements, Los Gatos has participated in conversations with nearby cities about potentially partnering on a jointly funded Coordinator position to connect unhoused residents with available services. Cupertino, Saratoga, and Campbell are the cities most interested in pursuing a shared resource. The Coordinator would be a step down from a case manager.

County Services

The County Office of Supportive Housing is the lead agency for providing services to unhoused residents. During the winter of 2022/23, it partnered with HomeFirst to operate three emergency shelters for unhoused residents (one in Mountain View, and two in San Jose). Case management is part of the services provided at these locations.

The County Office of Supportive Housing promotes the locations of warming centers during cold weather incidents, including the Los Gatos Public Library which is open from 10 a.m. to 6 p.m. daily. Our Library also serves as a cooling center during the hot days or when the air quality is poor.

Measure A tax dollars for all jurisdictions in the County are administered by this Office, with Board of Supervisors approval, for the production of a range of housing types to meet the wide range of housing needs in Santa Clara County.

In a recent conversation with Supervisor Simitian, he expressed interest in partnering with the Town by bringing County services to Los Gatos provided that the Town had a specific location for the delivery of these services.

CONCLUSION:

This report provides an initial overview of existing resources and needs. Depending on Council direction, additional research, conversations with other potential partners, and other options could be explored.

After its discussion, the Council may want to consider the priorities for the \$25,000 allocated to support unhoused residents. The Council may:

- Augment funding to existing programs offered by Los Gatos faith-based organizations (i.e., food distribution, showers, laundry vouchers, and/or hotel vouchers);

SUBJECT: Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos

DATE: March 30, 2023

CONCLUSION (continued):

- Address priorities identified by the unhoused residents in a recent focus group (restrooms, emergency shelter, and/or showers);
- Consider Council Member Moore's proposal;
- Identify other priorities; and/or
- Add these dollars to the annual community grant program with a specific request for applications for unhoused resident support.

COORDINATION:

The preparation of this report was coordinated with the Police, Finance, and Community Development Departments, the Town Attorney's Office, Los Gatos faith-based organizations, and the County of Santa Clara.

FISCAL IMPACT:

The Council has already directed \$25,000 of ARPA funds to support unhoused Los Gatos residents. If the Council is interested in allocating additional ARPA funds to the effort, Attachment 5 contains a summary of the allocations to date.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

PUBLIC COMMENTS:

Attachment 4 contains public comments, including from local high school students.

Attachments:

1. Resolution 2021-023
2. 2020-2025 Santa Clara Community Plan to End Homelessness
3. Council Member Moore's Proposal
4. Public Comments
5. ARPA Summary