



Zoning in the Wake of SB2

Best Practices for Emergency, Transitional and Supportive Housing

Best Practices and Sample Ordinances

May 2010

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Introduction

Recently passed legislation, SB 2, required, among other things, that jurisdictions allow emergency housing (homeless shelters) in at least one zone without discretionary review. This memo does the following:

- Provides an overview of the new rules and regulations
- Provides sample definitions
- Provides sample ordinances for jurisdictions to consider
- Summarizes how jurisdictions are meeting the requirement

This memo was written with the assistance of HCD, Shelter Network (San Mateo County), Homeless Services Center (Santa Cruz), San Mateo County Center on Homelessness, Safe Harbor Shelter/Samaritan House, and Hagman Associates Architects (Redwood City based architect who has designed several shelters).

It is intended as a planning memo and presents potential planning issues in relation to consistency with State law requirements. This memo is not intended to represent legal conclusions or cover legal issues, which should be reviewed with jurisdiction legal counsel.

The memo is being prepared so that jurisdictions have guidance as they update their zoning codes and prepare staff reports. They are encouraged to use the various sections as they see fit. Jurisdictions are also encouraged to provide feedback to other jurisdictions as they begin updating their ordinances.

The term homeless shelter and emergency housing are used interchangeably in this document. For questions or comments contact Joshua Abrams at 510.761.6001, abrams@bdplanning.com.

Overview of New Rules and Regulations

The following rules are excerpted from the [May 7, 2008 HCD Memo on SB 2](#). Please see this memo and the original bill for more detailed information. Consultation with your city attorney will also help ensure that any proposed changes are in compliance with State law. The following SB 2 requirements are relevant to implementation:

Zoning for emergency housing (from HCD memo)

Permits

- Emergency shelters must be allowed in at least one zone without a conditional use permit or other discretionary action (this zone was likely identified in your Housing Element).
- Jurisdictions may not require a variance, minor use permit, special use permit or any other discretionary process (because it does not constitute a non-discretionary process).
- Local governments may apply non-discretionary design review standards.
- The zoning code must explicitly allow the use (meaning the emergency housing is specifically described in the zoning code).

Standards

- The standards must “promote” the use and be objective and predictable.
- Decision-making criteria must not require discretionary judgment.
- Standards must not render emergency shelters infeasible, and must only address the use as an emergency shelter, not the perceived characteristics of potential occupants.
- The homeless shelter may be subject to certain development standards that match the zoning district (e.g. lot area, height and set backs).
- Permitted topics that State law allows the local community to address in their Zoning Ordinance include:
 - The maximum number of beds or persons permitted to be served nightly by the facility
 - Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone
 - The size and location of exterior and interior on-site waiting and client intake areas
 - The provision of on-site management
 - The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart
 - The length of stay
 - Lighting
 - Security during hours that the emergency shelter is in operation
- These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter, for example: a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting

occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations; appropriate management standards are reasonable and limited to ensure the operation.

Procedures

- A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions.

Zoning for Transitional and Supportive Housing (from HCD Memo)

- Zoning explicitly allows the use (meaning the use is specifically described in the zoning code).
- SB 2 provides that transitional and supportive housing constitute a residential use. It also requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the zone.

Housing Accountability Act

- SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act.

Definitions

SB 2 requires jurisdictions to explicitly recognize emergency, transitional and supportive housing in their zoning code. Below are sample definitions taken from State law.

Emergency Shelters (Health and Safety Code Section 50801(e))

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2 (h))

“Transitional Housing” and “transitional housing development” mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code Section 50675.14(b))

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population (Health and Safety Code Section 53260(d))

“Target population” means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act Division 4.5 (commencing with *Section 4500 of the Welfare and Institutions Code*) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Best Practices and Policy Options

Because of SB 2, the areas that jurisdictions can regulate are limited and, according to HCD, the regulations must be “predictable and objective” and “encourage and facilitate” the development of shelters. Because SB 2 implementation is new, there are not many models to cite, nor legal precedents to rely upon. *Please consult with your staff attorneys as you draft your ordinances.*

There subjects that are permitted to be regulated include the following:

- Development standards common to the zoning district
- Maximum number of beds
- Off-street parking
- Size and location of exterior and interior on-site waiting and client intake areas
- The provision of on-site management
- The proximity to other emergency shelters
- The length of stay
- Lighting
- Security during hours that the emergency shelter is in operation
- Non-discretionary design standards
- Voluntary or incentive based standards

The potential areas of regulation are discussed in more detail below.

- **Development standards common to the zoning district.** The shelter may be subject to objective standards applied to other uses in the zone. For instance, FAR, setback, height, lot area, etc.
- **Maximum number of beds.** State law specifically allows jurisdictions to regulate the number of beds in an emergency shelter. At the same time, it says limits on the numbers of beds must “facilitate,” “promote,” and “encourage” new emergency housing. This seems inherently contradictory. The authors of this report struggled with this question and did not reach a resolution. There are a couple of ways to approach the bed limits. Jurisdictions could choose a maximum facility size that is economically viable. The catch with this approach is any size shelter is feasible with enough subsidies. Shelters in San Mateo county range from six beds to 87 beds, with the median number being 22. Alternately, jurisdictions with low demonstrated need could set the maximum shelter size the same as their need. The challenge for jurisdictions will be to balance the part of the State law allowing a maximum on the number of beds versus the strict limits on standards.

- **Off-street parking based upon demonstrated need.** The standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. Parking is needed for employees, volunteers/visitors and residents. Most homeless families will have a car while most homeless individuals will not. The rule of thumb that Shelter Network uses is one car per family or .35 cars per individual bed, plus one parking spot per staff member on duty when residents are there (but less if on major a transit route). This standard was confirmed with several other organizations and agencies. But this varies significantly between jurisdictions and client populations. Homeless shelters that serve the chronically homeless or the mentally ill will have lower parking needs. As a comparison, available parking spaces for various emergency shelters are summarized below:
 - Crossroads (Oakland), 0.55 acres, 125 residents, 47 employees, 17 parking spaces
 - Family Emergency Center, (San Rafael), 0.25 acres, 52 beds, 16 spaces
 - Mill Street Shelter (San Rafael) 0.33 acres, 40 beds, 10 spaces
 - Safe Harbor (S. San Francisco), 90 beds, 24 spaces (parking lot is full at night)

- **Size and location of exterior and interior on-site waiting and client intake areas.** Most ordinances do not have minimum size requirements for waiting and client intake areas, but this is an important topic. In fact, according to the Center on Homelessness and other experts, a common design flaw in shelters is to have too little public/communal space or office space. Having adequate waiting/ communal/gathering areas will reduce the likelihood of loitering and smoking in the adjacent properties. Communal areas also give space for volunteers to stage and donations to be accepted and sorted. Based on experiences at Shelter Network, roughly ten square feet per bed is needed. Safe Harbor recommends in addition, there should be roughly two offices or cubicles for each 20 clients. At least one office or up to 25 percent of them should be private. In addition to shelter staff, partner organizations often use the office to provide services.

The State law deals allows cities to regulate “waiting” and “intake” areas, but emergency housing providers tend to discuss communal areas, volunteer staging rooms or space for services. Consequently, there is some tension between good practice and permitted regulation under State law. State law may allow jurisdictions to regulate/require communal areas that are not related to waiting and client intake, so jurisdictions will have to tailor any regulations accordingly.

- **The provision of on-site management.** Most ordinances require on-site management when the shelter is open (i.e. has clients at the facility). There are many import topics to include in a management plan, including:
 - Client smoking areas and policies
 - Volunteer and donation procedures
 - Health and Safety plan including emergencies
 - Neighborhood communication plan

One tool useful tool for ensuring a thorough management plan is the Quality Assurance Standards recently produced by the HOPE Quality Improvement Work Group (see Appendix A). This document describes both minimal and higher level (desirable)

standards and procedures for all aspects of operating emergency, transitional and supportive housing. Jurisdictions may want to require that management plans consider and address the Quality Assurance Standards. A stronger approach would be to require that the management plan meet the relevant minimum standards.

- **The proximity to other emergency shelters.** State law puts the maximum distance at 300 feet apart. A typical standard is, “The proposed shelter must be more than 300 feet from any other shelters for the homeless.”
- **The length of stay.** A standard definition is 30 or 60 days. Ordinances should allow a set length of time with an extension possible if there is no other housing available (e.g. temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.)
- **Lighting.** It is difficult to write a lighting ordinance that does not include some degree of subjectivity. Many ordinances call for “adequate” lighting, but this may not meet the standard for objectivity as required by law. An alternate definition to consider is, “The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.”

An alternate standard for lighting would be to use the AB 244 rules (California Financial Code Section 13040-13041), which were written in 1991 to reduce crime at outdoor ATM machines. While objective, these rules have received mixed reviews. Some experts credit the regulations for reducing crime, others believe the standards rely too much on sheer brightness, creating glare and other problems. Adapted for shelters, the rules would read, “There shall be a minimum of 10 candlefoot power at the ~~face of the automated teller machine~~ *door of the shelter* and extending in an unobstructed direction outward five feet...There shall be a minimum of two candlefoot power...*in other areas of the front yard.*” The State definition for candlefoot power is the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured. The hours of darkness are defined as the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. The authors of this report have been told that architects and police are familiar with this standard, but if not simply trying to measure the intensity of candles 36 inches off the ground from five feet away may be a constraint.

It may be possible to offer shelters the option of meeting the AB 244 standards or providing adequate external lighting, giving both an objective standard and a more conventional planning definition.

- **Security during hours that the emergency shelter is in operation.** Most shelters do not admit dangerous clients, will work to quickly deescalate potentially dangerous situations, and will call the police if a client poses a threat. Staff are usually told not to engage or restrain dangerous clients. Still, best practices call for shelters to have a security/emergency plan.

- **Non-discretionary design standards.** Traditionally, homeless shelters were seen as basic, utilitarian housing for the poor. They were often crowded and lacked basic design amenities. Recently, there has been an effort to raise the standards of homeless shelters to make them fit in better with the neighborhood and be more inspirational places for the clients. Local examples include the Cora shelter for victims of domestic abuse and Haven House.

Some specific design guidelines include:

- Shelters should have designated smoking areas not visible from the street, ideally outside.
- There should be no space for outdoor congregating in front of the building and no outdoor public telephones.
- There should be a refuse area screened from view.
- The shelter should have disabled access
- There should be bicycle parking
- Other design standards that apply to residential buildings

Jurisdictions may want to relax the standards if shelters are in an industrial area, particularly if the industrial buildings do not have comparable standards.

Other Standards

HCD suggests there may be some flexibility for additional standards that are the same as other residential uses in the zone. For instance, if residential uses require outdoor space, the standard could be applied to shelters.

In recent years, many jurisdictions have required amenities at homeless shelters, but based on a strict reading of the law, these should now be treated as optional or desired, rather than required. The best source of standards about how to operate a shelter is the work by a coalition of San Mateo groups that resulted in the recently published Quality Assurance Standards (see Appendix A). Sample best practices include:

- Outdoor gathering space and smoking space is important
- Laundry facilities or tokens to local laundromat
- Safe storage for belongings (this is definitely desirable but can be a management challenge). Ideally storage should be located at the beds
- Toiletries (soap, toilet paper)
- Clean drinking water
- Phone to make free local calls and/or outlets to charge cell phones
- Shared/communal areas for socializing
- Hiring a diverse staff, and training -for staff in how to interact with gay/lesbian/transgender populations and people with disabilities
- Assistance finding permanent housing
- Classes or training for important life skills
- Family shelters need play areas
- Interior lighting should be dimmable for nighttime use

Sample Shelter Layout

Below are the square foot allocations for Safe Harbor Shelter. It is included as a point of reference. According to Hagman Associates, ideally the lounge (including dining area) should have been around 15 percent and the storage area around eight percent.

Use	Size (sf)	Percent
Office	800	8
Lounge	958	10
Bathrooms	1,060	11
Kitchen	800	8
Storage	600	6
Mechanical	1,260	13
86 Beds	2,787	29

Additional Resources

The following people have agreed to answer jurisdiction questions about homeless shelters:

- Wendy Goldberg, Director, San Mateo County Center on Homelessness, 650.802.3378 WGoldberg@co.sanmateo.ca.us. Resource for general questions about homeless or Quality Assurance Standards.
- Brian Greenberg, Director of Programs and Services, Shelter Network of San Mateo County, 650.685.5880 ext. 116, bgreenberg@shelternetwork.org
- Maryam Bhimji, Program Director, Safe Harbor Shelter, 650.873.4921, cell phone 323.547.7305, Maryam@samaritanhouse.com
- Roger Hagman, Principal, Hagman Associates Architects, 650.216.7300, roger@hagmandassociates.com

Sample Ordinances

Santa Monica

1. Comments

Santa Monica has been a leader in meeting the needs of homeless residents. Their standards for homeless shelters are printed below.

Potential problems include:

- Are all of the standards objective or not predictable? For instance, is the term “adequate” for lighting sufficiently clear and arbitrary? Or is the security section too vague?
- Laundry facilities – Can these be required?
- Concentration of uses – The minimum distance can not be more than 300 feet between shelters
- Can jurisdictions regulate the hours of outdoor activities if they do not do so for other residential uses? An alternative approach is to use an existing noise ordinance and have the shelter address how they intend to comply with the noise ordinance in their operating plan.
- Does limiting a shelter to forty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

2. Ordinance

Shelter for the homeless.

The purpose of these standards is to ensure the development of shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of a needy segment of the community. The following performance standards shall apply to shelters for the homeless:

- (a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.
- (b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of 40 beds and shall serve no more than 40 homeless persons.
- (c) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- (d) **Laundry Facilities.** The development shall provide laundry facilities adequate for the number of residents.
- (e) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - (1) Central cooking and dining room(s).
 - (2) Recreation room.
- (f) **Security.** Parking facilities shall be designed to provide security for residents, visitors, and employees.
- (g) **Landscaping.** On-site landscaping shall be installed and maintained pursuant to the standards outlined in Part 9.04.10.04
- (h) **On-Site Parking.** On-site parking for homeless shelters shall be subject to requirements set forth in Section 9.04.10.08.040.
- (i) **Outdoor Activity.** For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.
- (j) **Concentration of Uses.** No more than one shelter for the homeless shall be permitted within a radius of 1,000 feet from another such shelter.
- (k) **Refuse.** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for the parcel. The refuse enclosure shall be accessible to refuse collection vehicles.
- (l) **Health and Safety Standards.** The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).
- (m) **Shelter Provider.** The agency or organization operating the shelter shall comply with the following requirements:
 - (1) Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.
 - (2) Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.
 - (3) The provider shall not discriminate in any services provided.

(4) The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility. (Prior code § 9050.14)

City of Los Angeles

Comments

- Can graffiti removal policies be different than for other residential uses?
- Does limiting a shelter to thirty people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

Ordinance

Shelters for the homeless (as defined in Section [12.03](#)) containing not more than 30 beds are permitted by right in the R3, M1, M2 and M3 Zones with reduced parking requirements.

(a) **Performance Standards:**

1. There no other shelters for the homeless within 300 feet of the subject property;
2. The use is conducted in conformance with the City’s noise regulations pursuant to [Chapter 11](#) of this Code;
3. There are no outdoor public telephones on the site;
4. No signs are present on the property relating to its use as a shelter for the homeless;
5. No outdoor toilets are present on the site;
6. All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence;
7. At least ten percent of the number of parking spaces otherwise required by Section [12.21A4](#) are provided, and in no event are fewer than two spaces provided; and
8. All streets, alleys or sidewalks adjoining the property meet standard street dimensions.

(b) **Purposes:** Shelters should be separated from one another a sufficient distance to avoid too many in one neighborhood. Noise levels created on the site should not increase the ambient noise level on adjoining or abutting properties after completion of the project. In order to avoid attracting persons hostile to the occupants, the site should be designed to remain anonymous. Sufficient off-street parking should be provided so as to preclude the need for utilization of on-street parking by the use allowed on the site. The proposed use should be designed so that loitering of individuals on or adjacent to the site will not be generated by the use. City streets should meet City standards in order to ensure safe vehicular ingress and egress to the site and to ensure that traffic does not exceed the current level of service. Public telephones should be located so as to avoid loitering. Measures should be taken to protect public health by preventing and eliminating graffiti when it is found on the site.

Parking (Section 12.21 A4)

(d) **For Institutions.** There shall be at least one automobile parking space for each 500 square feet of floor area contained within any philanthropic institution, governmental office building, or similar use. *(Standard is one tenth of this, see above)*

Tiburon

Comments

Potential problems include:

- Very Similar to Santa Monica
- Does limiting a shelter to ten people “unduly impair shelter operations” (HCD SB2 Implementation Memo)? See discussion above.

Ordinance

A. Applicability.

Where allowed by Article II (Zones and Allowable Land Uses) emergency shelter facilities shall comply with the standards of this Section.

B. Performance Standards.

An Emergency Shelter shall meet the following development and performance standards:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
3. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.
 - d. Child care facilities.
 - e. Other support services.
4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
5. A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Review Authority. The refuse enclosure shall be accessible to refuse collection vehicles.
6. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Temporary shelter shall be available to residents for no more than six months. No individual or household may be denied emergency shelter because of an inability to pay.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
7. No emergency shelter shall be located within three hundred feet of another emergency homeless shelter site.
8. The facility shall be in, and shall maintain at all times, good standing with Town and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed ten persons.

Standards from San Mateo Stakeholders

The standards are based upon the suggestions of stakeholders. They have not been vetted with legal council.

A. Applicability.

Where allowed by Article ___, emergency shelter facilities shall comply with the standards of this Section

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of ___ beds.

(c) **Minimum Parking Requirements.** Shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking spot for every family sheltered and .35 parking spots for each non-family bed. The Director of _____ shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking.

(d) **Size and location of exterior and interior on-site waiting and client intake areas.** Shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be two offices or cubicles for shelters with fewer than 20 beds. For every additional bed there shall be an additional 0.1 office, rounded up. At least 25 percent of the offices, rounded up, shall be private. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

(e) **Provisions of on-site management and security.** On site management shall be present at all times that the shelter is in operation. Before opening, shelters shall develop a management plan that addresses all points that pertain to emergency shelters in the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project. Shelters must maintain a security and emergency plan and train staff about the plan.

(f) **Proximity to other shelters.** No shelter shall be located within 300 feet of another shelter.

(g) **Length of client stay.** Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

(h) **Lighting.** There shall be a minimum of 10 candlefoot power at the door of the shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. These lighting requirements shall be in effect from 30 minutes after sunset until 30 minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the Director of _____. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

(h) **Nondiscretionary design review.** In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements: 1) Shelters shall have a designated outdoor smoking area not visible from the street. 2) There shall be no space for outdoor congregating in front of the building and no outdoor public telephones. 3) There shall be a refuse area screened from view.

Emergency shelters located in industrial zones are exempt from these additional design standards.

B. Definitions

Candlefoot power is defined as the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

Jurisdiction Emergency Housing Implementation Plans

At previous 21 Element meetings, representatives from jurisdictions have expressed interest in how other cities are meeting the SB 2 requirements. In response, 21 Elements staff conducted a short email survey in spring 2010. The survey asked jurisdictions:

- Which zone(s) will allow emergency shelters by right
- If there will be other locational criteria such as proximity to transit
- Additional steps the jurisdiction is planning on taking to meet the need for emergency housing, and
- Timing for implementation

See below for jurisdiction responses to the emergency housing survey.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Atherton	Public Facilities and Schools. Zoning is for a specific site owned by the Town, near the RR Station, El Camino and bus transportation.	No		Spring 2010
Belmont	Overlay District will apply to certain parcels within the C-3 (Highway Commercial) or C-4 (Service Commercial).	District will only include parcels with sufficient and reasonably available acreage (vacant or underutilized) to meet the City's identified need, including the potential for reuse or conversion of existing buildings. We have not yet established any specific location criteria.	We intend to continue working with Shelter Network to financially assist them in providing emergency housing.	January 2010
Brisbane	Southwest Bayshore Residential District R-SWB.	Area selected because of proximity to transit along Bayshore Boulevard and proximity to services offered in Central Brisbane.	Given the small city population, compact configuration of the city and limited demand for emergency housing, no changes are proposed at this time.	Upon adoption of Housing Element.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Burlingame	An overlay zone in the Northern portion of the Rollins Road (RR) zoning district (light industrial) which is closest to the Millbrae BART/Caltrain Intermodal Station.		Emergency shelters in conjunction with houses of worship are allowed by CUP in residential districts that also allow houses of worship by CUP. CUPs were granted for the Interfaith Hospitality Network program at several local churches, and the program operates in these churches on a rotating basis.	Within next year.
Daly City	C-R/O Commercial Retail and Office, located in the Sullivan Corridor Specific Plan Area.	Not yet.	No.	Within one year.
East Palo Alto	Light Industrial.	Not yet.	Temporary warming hut in use.	June 2011.
Foster City	Neighborhood Business (C-1), Central Business (C-2), the Pilgrim-Triton and Marlin Cove areas in the Commercial Mix (CM/PD) Zoning Districts commercial industrial and mixed use areas, and at churches/synagogues in the Public Facilities (PF) Zoning District based on the sitting criteria allowed in state law.	No	See comment to the left.	2010.
Half Moon Bay	Commercial General and Public Services (PS) zoning districts	Not until implementation (Code revision) is developed.	No.	Following State certification.
Hillsborough	One shelter in the Single Family Residential Zoning District at the Town Center.		The Town participates in the peninsula church alliance for homelessness.	May or June, 2010.
Millbrae	Industrial.	No.	By CUP in Commercial Zone	Done.
Portola Valley	As accessory uses to churches in the R-E District. The zoning will clearly state that emergency shelters are a permitted accessory use for churches.	Yes. Only 3 people were counted in the 2009 Homeless Census, which is indicative of the fact that there is not much need here. That is why this approach is reasonable.	No.	Summer 2010.

Jurisdiction	Zones Permitting Emergency Shelters	Other Locational Criteria	Additional Steps	Timing
Redwood City	Mixed use live work.	The identified emergency shelter sites are all within walking distance to downtown services and transit.	Financially supporting Interfaith Hospitality Network Rotating Church Shelter program since they came into existence years ago. Most of these churches are in/ near residential areas. Shelters are permitted in most or all residential, commercial and industrial zoning districts. Funding provided for supportive housing as well.	Once General Plan/EIR are adopted/certified (anticipated by Fall of 2010), we will begin to rezone properties.
San Bruno	General Plan Transit Oriented Development land use district.	No.	Not at this time.	In process.
San Carlos	Commercial Service District (C4) and Highway Service Commercial District (CS).	No.	No.	2010.
San Mateo City	Regional/ Community Commercial districts (C2 & C3).	Must be more than 300 feet from schools, parks, and residential districts.	Religious institutions may provide emergency shelter as an accessory use.	Done.
San Mateo County	PC and M-1 at minimum, possibly others.	No.	Not immediately, but we will evaluate additional strategies during this housing element cycle.	August through December 2010.
South San Francisco	M-1 Mixed Industrial.	Not specifically, but when the Zoning Ordinance Update was being completed, staff looked closely at the proximity of the M-1 District to public transit and commercial districts to make sure these areas were within a reasonable distance.	Emergency Shelters will be permitted with the approval of a Minor Use Permit in the B-C (Business Commercial) Zoning District. Currently home to the Safe Harbor Shelter, which is a 90 bed facility.	The Draft Zoning Ordinance is scheduled for adoption on April 21, 2010.
Woodside	Commercial and residential districts.	No.	None	Within one year.

Appendix A – Draft Quality Assurance Standards

These standards were developed by a San Mateo task force that involved the County, service providers and others. Most of these standards are concerned with operating procedures, and are therefore not well suited for use in zoning regulations. However, jurisdictions may want to require shelters develop an operating plan that address all of the standards or meets the minimum standards (marked with an *M*).

HOPE Quality Improvement Project

QUALITY ASSURANCE STANDARDS FOR HOUSING, SHELTER AND SERVICES SERVING HOMELESS PEOPLE AND PEOPLE AT-RISK OF HOMELESSNESS

April 21, 2010

A. Purpose of Standards

- Establish minimum standards for delivery of housing, shelter and services to people identified in HOPE (i.e. homeless people and those at-risk of homelessness)
- Ensure that new housing and services provided to homeless people and those at-risk of homelessness are of high quality
- Provides basis for assessing and improving quality of existing housing/services

B. Proposed Standards

The proposed standards are divided into six categories:

- (1) Access
- (2) Support Services
- (3) Tenant/Client Rights
- (4) Physical Environment/Property Management
- (5) Administration and Financial Management
- (6) Data and Evaluation

The standards are intended to cover all programs, services, facilities and housing designed to serve people who are homeless or at-risk of homelessness (based on the HOPE definitions). Many standards are applicable to all programs and facilities, but some are applicable only to certain types of programs or facilities and have been identified as such. For the purpose of this document, we have developed the following broad categories of programs and facilities:

Services: Non-residential programs that provide services to people who are homeless or at-risk of homelessness, such as information and referral programs, case management programs, behavioral health services, vocational services, etc.

Shelters: Emergency shelters, motel voucher programs, short-term and mid-term transitional housing (in which residents do not hold a lease), and other forms of short-term residential facilities that serve people who are homeless or at-risk of homelessness.

Housing: Long-term transitional housing (in which tenants hold a lease), supportive housing (permanent housing with on-site services) and affordable housing units restricted for people who are at or below 30% AMI.

The standards are further divided into the following two categories:

Minimum standards: These represent baseline, minimum requirements for a quality program. All providers should be able to meet these core standards. These are denoted with (M) following the standard.

Higher level standards. These are standards that are important for a quality program, but not all programs or facilities are currently meeting them. Organizations may require technical assistance and/or additional resources to meet these higher standards. These are denoted with (H) following the standard.

1. Access

Housing, shelter and services are easily accessible and are not restricted by discrimination or other barriers to full participation.

1.1 Admission Requirements

All Programs:

- a. There are clearly written eligibility and admission policies and procedures that are consistent with all federal, state and local requirements regarding non-discrimination. (M)
- b. If the program has a waiting list, there is a clearly written waiting list procedure that is made available to clients/tenants. (M)
- c. The waiting list procedure includes a fair and reasonable process by which clients/tenants may place their name on the list and a process for maintaining and updating the list which gives clients/tenants a reasonable opportunity to remain on the list. (M)
- d. Eligibility/admission/tenant selection criteria are designed to be as inclusive as possible (while conforming to all relevant regulatory requirements) and do not create unnecessary barriers for homeless people. (H)

Shelter and Services:

- e. There are clearly written admission and re-entry policies that are made known to all applicants requesting shelter. (M)
- f. Clients who are “banned” from shelters are informed of the reason and any condition for lifting the ban. (M)
- g. All clients who are denied access to shelter or services receive referrals to available options. (M)

Housing:

- h. There is a clearly written tenant selection plan that describes tenant selection criteria, application process, and screening process. (M)
- i. Tenant selection criteria and screening process are consistent with Fair Housing requirements. (M)

1.2 Affordability

All Programs:

- a. Services are provided on a sliding-scale basis or are free of charge. Delivery of services may not be denied because a client/tenant is unable to pay for the service. (M)

Housing:

- b. There is a clearly written procedure for calculating tenant rent and tenant rent calculations are documented in tenant files. (M)
- c. Tenants pay no more than 30% of their gross income for rent. If tenants pay more than 30% of income for rent, housing provider has a plan in place to ensure that tenant rent burdens do not cause housing de-stabilization. (H)

1.3 Physical and Programmatic Accessibility

All Programs:

- a. Program/facility complies with all applicable provisions of the American with Disabilities Act (ADA). (M)
- b. Information is clearly posted about dates and times that services are available. (M)
- c. There is a written plan for reasonable accommodation that covers both requests for physical and programmatic accommodations. (H)
- d. Services are available at times and locations that maximize accessibility to tenants/clients. (H)

Shelters:

- e. Rules regarding when clients may leave and return to the shelter are reasonable and do not cause undue restrictions on shelter access. (M)
- f. Rules regarding access times are made known to all clients at in-take and are posted in the facility. (M)
- g. Services are not limited to regular working hours (weekdays 9-5) but are also available during the evening and weekend hours. (M)

1.4 Outreach and Engagement

All Programs:

- a. Program provides information to the community about the availability of services/shelter/housing. (M)

- b. Program has developed strategies for reaching out to and engaging with clients who are considered “hardest to serve,” (such as chronically homeless people, people with co-occurring disabilities, etc.). (H)

1.5 Transportation

All Programs:

- a. Program provides information about available transportation services and programs providing financial assistance to cover costs of transportation. (M)
- b. Program provides transportation assistance or referral to transportation services (e.g. para transit, bus tokens, etc.) to those clients/tenants who need help accessing their offices or facilities. (H)

2. Service Delivery

Services are client/tenant-focused, effectively address client/tenant needs, foster client/tenant independence and housing stability, and are coordinated with other activities (e.g. property management activities, services from partnering organizations).

2.1 Comprehensive, Flexible Services

All Programs:

- a. Program staff encourage clients to avail themselves of needed services, provide information, and make referrals to appropriate support service providers. (M)
- b. Program makes written information about support services and housing options available to all clients/tenants. (M)
- c. Program helps all clients develop a plan to secure and/or maintain housing. (H)

Shelters:

- d. The Program conducts an assessment of each client and assists clients to develop individualized plans to secure stable housing. (M)
- e. The housing plan takes into account the client’s right to his or her own housing preference. (M)
- f. Case plans are updated with the client as needed and take into account the client’s changing or emerging needs. (M)
- g. Shelter staff assist clients in meeting their goals by advocating on their behalf, helping them to access needed services, and providing opportunities to learn needed skills. (M)
- h. Staff are available to respond to crises 24 hours a day, seven days a week. (M)

Supportive Housing:

- i. All tenants/clients have access to a flexible array of comprehensive services needed to help them achieve their goals (e.g. case management, life skills building; health, mental health and substance abuse services; vocational services; legal services; etc.). (M)
- j. Services that are critical to ensuring tenants’ housing stability are available on-site (e.g. case management). (M)
- k. Support service staff coordinates with property management staff with the goal of helping tenants to sustain their housing and preventing eviction. (M)

- l. Case management includes both initial and ongoing assessment. (M)
- m. Case management includes development of a tenant-driven case plan that emphasizes eviction prevention/preservation of the tenant's housing. (M)
- n. On-site services are available at times that maximize accessibility for those who need services during weekend or evening hours. (H)

2.2 Client/Tenant-Driven and Culturally Competent Services

All Programs:

- a. Services are tailored to meet specific needs, resources, abilities and preferences. (M)
- b. Clients/tenants are viewed in terms of their strengths and capabilities, rather than their problems or deficits. (M)
- c. Organization/program has the necessary cultural competence (attitude, knowledge and skills) to interact and work effectively with people from diverse backgrounds and experiences. (M)

2.3 Adequate Staffing and Supervision

All Programs:

- a. Staffing levels are consistent with the requirements of the program's funding sources. (M)
- b. Staffing levels are consistent with industry standards and/or best practices. (H)
- c. Staff providing case management to clients/tenants maintain an active caseload size that allows them to meet with each client on a regular basis. (M)

3. Tenant/Client Rights

Relationships are established between staff and tenants/clients that are characterized by dignity, respect and trust, and tenant and consumer rights are honored.

3.1 Conditions of Participation/Tenancy

Shelter and Services:

- a. The program has a clearly written statement of clients' rights and responsibilities. (M)
- b. The program has a process for making known clients' rights and responsibilities. Reasonable efforts shall be made to ensure that all clients understand their rights and responsibilities, regardless of disability or language. (M)
- c. When applicable, program rules are provided to clients in writing. Rules are signed by the client and kept in the client file. (M)
- d. Program rules (or a summary of the rules) are posted in the office or facility. (H)
- e. There is a written policy document outlining the consequences of rules violations or infractions. (H)
- f. Consequences of rules violations are consistently enforced. (H)

Housing:

- g. All tenants sign a lease and receive a copy of the lease. (M)
- h. Leases place no conditions on the length of tenancy (except for transitional housing programs, where leases may include a time limit on tenancy). (M)

- i. Participation in services is encouraged but voluntary. Tenants are not required to participate in services as a condition of tenancy. (M)
- j. Evictions are conducted in accordance with California landlord-tenant law. (M)

3.2 Grievance and Appeal Process

All Programs:

- a. Program has a grievance policy for addressing client/tenant complaints and concerns and a process for making the grievance procedure known to all tenants/clients. (M)
- b. Reasonable efforts shall be made to ensure that all tenants/clients understand the grievance process, regardless of disability or language. (M)
- c. Program has an appeals process for clients who are denied housing, shelter or services or who are asked to leave a program or shelter or evicted from housing. The person who decides the outcome of the appeal may not be the same person who made the initial decision that is the subject of the appeal. (H).
- d. Clients/tenants are involved in the development of the grievance and appeals processes. (H)

Services

- e. The written grievance policy is provided to clients upon request. (M)

Shelter and Housing:

- f. The written grievance policy is provided to all clients/tenants and is clearly posted in the facility. (M)

3.3 Tenant/Consumer Input

All Programs:

- a. All programs conduct an annual client/tenant satisfaction survey and use the survey results to make changes to ensure continuous quality improvement. (M)
- b. Clients/tenant have input into program planning and design. (H)
- c. There is at least one client/tenant member on the organization's Board of Directors or other advisory/oversight body. (H)

Shelter/Supportive Housing:

- d. Program staff assists in convening a resident's council or advisory committee. Tenants are informed of the council and encouraged to participate. (H)

3.4 Respect and Dignity

All Programs:

- a. Clients/tenants are valued and treated with respect and dignity. (M)

3.5 Confidentiality

All Programs:

- a. Program has a written policy on client confidentiality that conforms to applicable federal, state and local laws. (M)
- b. Files containing client/tenant information are maintained in a locked, secure location. (M)
- c. There are systems in place to ensure protection of electronic client files (e.g. password protected access). (M)

Supportive Housing:

- d. Tenant files do not contain clinical information. Clinical records are maintained in separate location from tenant files. (M)

4. Physical Environment/Property Management

The overall design, construction, appearance, physical integrity and maintenance of the facility provide an environment that is safe, secure, sustainable, functional, appropriate for the surrounding community, and conducive to tenant/client stability. In supportive and affordable housing, property management is coordinated with supportive services activities to foster tenants' independence and housing stability, and sustains the physical and financial viability of the housing asset.

4.1 Habitability

Shelter and Housing:

- a. Facility is maintained in safe and sanitary condition. (M)
- b. The facility conforms to all applicable State and local building codes, fire codes, occupancy standards and other relevant codes and regulations. (M)
- c. There is a written maintenance policy that includes how residents/staff may report maintenance problems, criteria for prioritizing requests, amount of time before problem is responded to. (M)

Housing:

- d. Facility meets all HUD Housing Quality Standards and applicable local housing codes. (M)
- e. Each tenant has his or her own unit. If housing is shared, tenants are involved in selecting their own roommates. (M)

Note: It is expected that in the future San Mateo County's Human Services Agency will develop specific physical quality standards for emergency shelters, which will be incorporated by reference into this document.

4.2 Property Management (only applicable for Supportive and Affordable Housing)

Housing:

- a. Property management staff have experience with the target population. (M)
- b. Property management policies have as their goal preservation of tenants' housing and preventing eviction. (M)
- c. Property management staff coordinate with support service staff to help maintain tenant stability. (M)

4.3 Health and Safety

All Facilities (including offices):

- a. The facility has a written health and safety plan that covers crisis management and planning. (M)
- b. The health and safety plan also covers:
 - Fire and earthquake safety, including evacuation plan (H)
 - Identification, treatment and control of medical and health conditions that implement Universal Precautions Procedures (H)
 - TB protocols (H)
 - Pandemic flu and other public health emergencies (H)
 - Hazardous waste management (H)
 - Lead testing (H)
 - Pest control (H)
 - Sanitary handling and safe storage of food (if facility provides food) (H)
 - Media communication plan (H)

Shelter and Housing

- c. There is a written policy governing whether and where smoking is allowed. (M)
- d. There is an incident report procedure and all staff receive training in incident reporting. (M)
- e. All staff receive training on personal safety procedures. (M)
- f. Residents and staff have access to telephones in case of emergencies. (M)
- g. The Program has written policies regarding:
 - client/tenant access to the facility (M)
 - tenant/client use of controlled substances (M)
 - tenant/client possession of weapons (M)
 - visitors (M)

Housing:

- h. There is written policy and procedure for entering units in case of emergency that is consistent with landlord-tenant law. (M)

4.4 Community Relations:

All Facilities:

- a. The organization promotes communication, trust and respect among neighbors, tenants/clients and staff of the facility. (H)
- b. Board and/or staff of the facility participate in relevant neighborhood associations or groups. (H)
- c. The organization has a procedure for communicating with the community and media. (H)

5. Administration and Financial Management

Organizations that provide housing, shelter, and services follow standard or required administrative and management practices in the areas for which they are accountable.

5.1 Regulatory Compliance

All Programs:

- a. Organization is in compliance with all applicable laws and regulatory requirements imposed by Federal, State and local government and/or funders. When there are conflicts between regulatory requirements (e.g. Federal versus State law on legality of medical marijuana), the program has a written policy stating how they are dealing with the conflict. (M)
- b. The organization is in compliance with all applicable Federal, State and local laws relating to non-discrimination and equal opportunity. (M)

5.2 Administrative Policies

All Programs:

- a. The organization has comprehensive written personnel policies and job descriptions for all staff. (M)
- b. The agency has a written employee and volunteer code of conduct that is distributed to and signed by all employees and volunteers. (M)

5.3 Staff Training

All Programs:

- a. Each staff person has education, training and/or experience that match the requirements of his or her position description. (M)
- b. Staff receive relevant, ongoing training in:
 - Emergency procedures (H)
 - Agency operating procedures (H)
 - Crisis intervention techniques (H)
 - Violence prevention and de-escalation (H)
 - Client engagement techniques (H)
 - Relevant community resources and social service programs (H)
 - Ethical client practices (H)

- Customer service techniques (H)
 - Cultural competence (H)
 - Relevant mandatory reporting requirements (H)
- c. The organization encourages and supports staff professional development (H)

5.4 Financial Management

All Programs:

- a. The organization has financial management systems in place that are adequate to ensure sound financial management and ensure compliance with all applicable regulatory entities (funders, IRS, etc.). (M)
- b. The organization produces financial reports on a regular basis. (M)
- c. The organization has an annual audit appropriate to the size of the organization and type of funds received. (M)
- d. The organization's Board of Directors or other administrative/advisory body regularly reviews agency financial report and audit. (M)

6. Data, Documentation, and Evaluation

The organization reliably captures accurate and meaningful data about the effectiveness, efficiency, and outcomes of the organization's activities and uses this data to improve services and operations.

6.1 Client Records

All Programs:

- a. Program staff maintain confidential client/tenant files. (M)
- b. Program staff maintain up to date case notes to record client contacts and progress. Case notes are factual, relevant and legible. (M)

6.2 Data Collection and Analysis

All Programs:

- a. Program has established quantifiable desired program outcomes and has put in place systems to collect and track the data needed to determine whether desired outcomes are being met. (M)
- b. Organizations receiving HUD Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) funding collects and enters all required data into San Mateo County's HMIS System and maintains all relevant required documentation on file (including consent forms). (M)
- c. Organization participates in relevant HOPE data collection systems (once these systems are established). (M)
- d. Program participates in bi-annual San Mateo County homeless census and survey. (M)

Housing:

- e. Organization reports data on new housing units created into the HOPE housing database hosted by the Department of Housing (once database is created). (M)

6.3 Evaluation

All Programs:

- a. The organization has a clearly defined evaluation process that ensures that all programs are regularly evaluated to measure effectiveness in meeting the needs of the population served. (M)
- b. The organization generates written evaluation reports on a regular basis. (H)

6.4 Client Input

All Programs:

- a. Client/tenant input and feedback are collected and analyzed on a regular basis. Results of the analysis are used as the basis for improving program design, modifying policies and procedures or making other types of changes to improve client satisfaction and/or client outcomes. (M)

6.5 Quality Improvement

All Programs:

- a. The organization has an agency-wide Quality Improvement process that contributes to the effective use of resources, efficient and effective service delivery and achievement of the organization's goals and mission. (M).