

Balancing Best Practices and New State Laws: A Report about Ending Homelessness from San Mateo County

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In 2007, California passed Senate Bill 2 (SB 2) to address concerns that jurisdictions had too many barriers to the creation of new emergency (homeless), transitional, or supportive housing. However, the law, which requires changes in local zoning code, created its own problems with regard to homeless policy because some best practices were no longer allowed. This article summarizes best practices in homeless prevention and management and comments on SB 2-compliant ways of regulating emergency shelters developed in San Mateo County. The article encapsulates two reports produced by 21 Elements, a multi-year project devoted to helping San Mateo County jurisdictions coordinate on housing policy. The full reports are available at www.21elements.com.

Best Practices in Ending Homelessness in San Mateo County

The past decade has seen the emergence of an exciting new policy direction, sometimes known as “Housing First,” or “Rapid Re-Housing,” which has demonstrated that homeless individuals and families benefit most when they receive assistance to move into permanent housing as quickly as possible. Under this approach, services and support systems are put in place to help most homeless people move directly from the streets into permanent housing, bypassing emergency shelter and transitional housing where possible.

The Housing First approach is backed by solid research. Numerous studies have documented that homeless people who move directly into permanent housing and who receive on-site services designed to help them maintain their housing have better results compared to those who must first move from the street into an emergency shelter, then into transitional housing before entering permanent housing. Housing First is also often a less expensive solution when compared it to the cost of emergency shelters, hospitalizations, and incarceration.

As the Housing First approach gained broad acceptance as the most effective way to end homelessness, many communities developed long-term plans to significantly expand the supply of permanent supportive housing. This focus on supportive housing has been accompanied by a de-emphasis on emergency shelters, with some communities developing plans to reduce their emergency shelter systems and others adopting a policy of sustaining but not expanding their inventory of shelter beds.

The City of San Mateo recently renovated the Vendome Hotel and turned it into an excellent local example of the Housing First approach, providing 15 units of supportive permanent affordable housing. Working with a local police officer and other partners, Shelter Network, a local nonprofit, targeted the toughest possible population, homeless individuals who had been on the street for many years and had a history of hospitalization

and arrests. The residents now have a safe place to live with support services. Downtown businesses are also pleased because there are few (or no) people living on the streets.

SB 2 Rules and Requirements

SB 2 strengthens existing requirements for the development of emergency shelters, transitional and supportive housing. While the law addresses both shelters and housing, it focuses in particular on how zoning impacts the development of emergency shelters, and requires communities to zone for the development of year-round emergency shelters sufficient to meet the community's identified need for shelter beds.

While SB 2's emphasis on zoning for emergency shelters would appear to run counter to the recent policy push for the development of supportive housing, it should be noted that SB 2 is actually compatible with and supportive of efforts to adopt a Housing First approach. While the legislation requires communities to zone for emergency shelters, it does not require that shelters be constructed, and does not prevent communities from adopting a Housing First strategy.

In fact, San Mateo County's Interagency Council (IAC), tasked with overseeing implementation of the community's 10-year plan to end homelessness, has adopted an official position that welcomes SB 2 as an opportunity to expand permanent supportive housing.

SB 2 also strengthens transitional and supportive housing requirements by specifying that these housing types must be treated as residential uses and strictly limiting the grounds under which cities may deny applications.

Complying with SB 2 Requirements Relating to Emergency Shelters

While best practices call for a focus on policies that support the development of permanent supportive housing, SB 2 still requires that communities zone for emergency shelters.

However, two important points about emergency shelters are worth highlighting. First, because emergency shelters require significant subsidies, it is unlikely that an emergency shelter will be built without the support of local decision makers. Second, emergency shelters can and should be places of hope. There are many local, well designed shelters that fit in with their neighborhood and are inspiring places for residents. Operators of emergency shelter facilities strive to be good neighbors because, among other reasons, they depend on volunteers and donations from the local community.

With that understanding, it is important to examine the specifics of SB 2. Among other things, it requires all cities to:

- Allow emergency shelters to operate in at least one zoning district without any discretionary permits.
- Only regulate the following topics relating to emergency shelter:
 1. Maximum number of beds
 2. Off-street parking

3. Waiting and client intake areas
4. On-site management
5. Proximity to other emergency shelters
6. Length of stay
7. Lighting
8. Security
9. Non-discretionary design standards
10. Voluntary or incentive based standards

The challenge is to shoehorn best practices in emergency shelter design into language that meets the new State law. For example, organizations that provide homeless services report that loitering is the number one issue that causes neighbor complaints, and is responsible for over 95 percent of community relation problems. However, the ways in which municipalities have historically regulated loitering— requiring referrals for new shelter residents and providing an (outdoor) smoking area— are not specifically permitted in the new law. If jurisdictions want to require outdoor smoking areas, they must include it in one of the permitted topics below.

Specific zoning standards for emergency shelters, as developed by 21 Elements and San Mateo County stakeholders, are discussed below. The original memos, upon which this article is based, can be found at www.21elements.com. Because this area of law is new, any standards should be vetted with local staff attorneys.

- **Development standards common to the zoning district.** The shelter may be subject to objective standards applied to other uses in the zone (FAR, setback, etc.)
- **Maximum number of beds.** Jurisdictions could choose a maximum facility size that is economically viable, (but any size shelter is feasible with enough subsidies). Alternately, jurisdictions with low demonstrated need could set the maximum shelter size the same as their need. Based on court cases, jurisdiction may be barred from regulating shelter size beyond what the Uniform Housing Code allows. A bed limit, especially if it is less than a jurisdictions needs, may also preclude a larger, highly desirable facility when one is proposed.
- **Off-street parking based upon demonstrated need.** Zoning standards may not require more parking for emergency shelters than for other residential or commercial uses within the same zone. One rule of thumb is one car per family or .35 cars per individual bed, plus one parking spot per staff member, but this varies significantly between jurisdictions and client populations.
- **Size and location of exterior and interior on-site waiting and client intake areas.**
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. Based

on experiences at Shelter Network, roughly ten square feet per bed is needed, in addition to office space.

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 tension between good practice and State law.

Jurisdictions may want to require an outdoor waiting area that can double as a smoking area.

- **The provision of on-site management.** Most ordinances require on-site management when the shelter is open. One useful tool for ensuring a thorough management plan is the Quality Assurance Standards recently produced by the San Mateo County HOPE Quality Improvement Work Group.
- **The proximity to other emergency shelters.** State law allows jurisdictions to require two emergency shelters to be at least 300 feet apart.
- **The length of stay.** A standard definition is 30 or 60 days, with an extension possible if there is no other housing available.
- **Lighting.** It is difficult to write a lighting ordinance that does not include some degree of subjectivity. One solution is to give shelters the option of using AB 244 rules, which govern lighting for ATM machines. Specifically, AB 244 sets minimum brightness at various distances from the ATM machine (or in this case the door to the shelter).
- **Security during hours that the emergency shelter is in operation.** Most shelters do not admit dangerous clients and will call the police if a client poses a threat. Best practices call for shelters to have a security/emergency plan.
- **Non-discretionary design standards.** Some specific design guidelines include:
 - 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.

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

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. Some best practices include:

- Laundry facilities or tokens for a local laundromat
- Safe storage for belongings

- Toiletries
- Phone to make free local calls and/or outlets to charge cell phones
- Classes or training for important life skills

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