



Ben Metcalf
Director
California Department of Housing and Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

March 14, 2019

Dear Director Metcalf:

The American Civil Liberties Union Foundation of Southern California (“ACLU SoCal”) has conducted a yearlong investigation of conditions inside three Orange County emergency homeless shelters. The investigation has uncovered a dangerously unregulated emergency shelter system that subjects shelter residents to toxic living conditions, abuse, and discrimination. Today we publish a report outlining our findings and recommendations for reform and we enclose a copy of the report with this letter for your review. The horrendous living conditions outlined in the report violate the State Housing Law, municipal codes and minimum standards set forth by the U.S. Department of Housing and Community Development for federally funded emergency shelters. Our findings require your immediate attention and action. We call on the California Department of Housing and Community Development to initiate an independent investigation into the findings of our report and bring all necessary enforcement action against the county and shelter’s that do not maintain facilities that are fit for human habitation.

The widespread violations revealed by the investigation are especially troubling given the extreme mental and physical health vulnerability of the population the emergency shelter system serves. Shelter residents, many of whom are among the most economically disadvantaged, elderly, and disabled people in our communities, often have no alternative to living in shelters and no recourse when the shelters violate their rights and abuse them. Immediate action by the California Department of Housing and Community Development is warranted to ensure that the county and its shelter operators are held accountable to the highest possible standards when serving this vulnerable population.

Summary of our findings

Our report, *“This Place is Slowly Killing Me”*: Abuse and Neglect in Orange County Emergency Shelters, is based on more than 70 first-person interviews with residents, staff, and shelter volunteers at three facilities — the Courtyard Transitional Center and SAFEPlace in Santa Ana, and Bridges at Kraemer Place in Anaheim. Our investigation finds that living conditions at these shelters are inhumane and violate the civil and human rights of residents living in them. Residents are forced to endure conditions that fall below standards set forth in the State Housing

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Law (Cal. Health and Safety Code § 17920.3) and the State Housing Law Regulations (25 C.C.R. § 32, 34) and that jeopardize their health and well-being, including but not limited to:

- Decrepit and unsanitary shower and restroom facilities;
- Raw sewage seeping from porta potties;
- Severe shortages of showers and toilets for the number of residents;
- A lack of soap and other sanitation products;
- Lack of hot running water;
- Infestations of rodents, maggots, and insects;
- Lack of temperature control exposing residents to both extreme heat and extreme cold;
- Lack of weathertight walls/ceilings exposing residents to wind, rain and sun (one shelter is located inside an old bus terminal that lacks any walls at all);
- Overcrowding;
- Contaminated water supplies.

These conditions turn the shelters into breeding grounds for communicable diseases and put residents at imminent risk of harm. The living conditions we uncovered violated the State Housing Law, and the Orange County Municipal Code, as well as the standards set forth for emergency shelters by the United States Department of Housing and Urban Development.

The problems with learned about through our investigation were chronic. For example, several residents tracked access to toilets, showers and handwashing soap at one shelter for over a year. They noted when toilets were out of order or broken, when there was lack of soap or paper towels, and whether showers were inoperable or closed. They documented problems with restroom facilities every month between April 2018 and January 2019.

Residents also counted the number of toilets and showers in the shelters we examined, and in all three shelters there were far fewer than the required number of toilets and showers even under Orange County's own municipal code, which mandates one shower and toilet for every ten people residing in the shelter. See Orange County Municipal Code Sec. 7-9-148.8. The largest shelter in the county serves approximately 430 people and at last count there were only 16 toilets and 9 showers. This severe shortage of toilets and showers exposes residents requires drastic and immediate remediation.

None of the evidence we collected through Public Record Act requests or interviews with residents suggested that county or city agencies were engaged in any meaningful enforcement of minimum health and safety standards. Residents tired calling city hall to make a complaint or schedule an inspection of shelters, but were unable to lodge complaints to obtain inspections.

Immediate System-Wide Reforms Required

ACLU SoCal's report demonstrates the need for urgent and far-reaching reforms to protect the health and safety of people using Orange County's emergency shelters and to address all of the problems uncovered by this investigation. The pervasiveness of the problems we uncovered suggests that bad systems, not bad apples, are behind the mistreatment of shelter residents. It is a mistake to assume that closing down violators and opening new shelters will solve the problem.

To protect the health, mental health and dignity of shelter residents throughout the growing shelter system, the HCD should require the county to establish and implement systemic reforms that will hold all shelters to the highest possible standards.

ACLU SoCal makes ten critical recommendations to address the civil and human rights violations that currently go unchecked in the shelters we investigated. The first recommendation is that the county establish uniform health and safety standards for all shelters and hold shelter operators accountable to those high standards. Specifically:

- Develop uniform health and safety requirements for interim housing facilities and emergency shelters incorporating at minimum the standards set out by HUD for Emergency Service Grant recipients, codified at 24. C.F.R. § 576.403. Appendix VI of our report includes a model uniform health and safety standard ordinance patterned after the L.A. County Ordinance passed on November 27, 2018 and the HUD ESG standards.
- Establish a new countywide public health licensing process requiring compliance with these minimum standards.
- Create a new emergency shelter health and safety inspection program that will conduct routine inspections and complaint investigations at emergency shelters. Appendix VI of the report provides a model ordinance to establish uniform health and safety standards and a new public health permit requirement.
- Provide training to emergency shelter operators and stakeholders regarding minimum standards to support shelter compliance.
- Establish a confidential hotline to trigger inspection of violations.
- Revoke license or service contract agreements and/or impose fines when operators fail to comply with or remediate violations.
- Retrofit existing shelters to meet uniform standards.

We urge you, Director Metcalf, to stand with ACLU SoCal in demanding that Orange County implement these reforms immediately to create a safe emergency shelter system. We have also forwarded our findings to the Department of Fair Employment and Housing (DFEH), the Office of the Attorney General, and the Homeless Coordinating and Finance Council. We call on HCD, the Office of the Attorney General's Civil Rights Enforcement Section, DFEH to initiate independent investigations into the findings of our report and bring all necessary law enforcement action against perpetrators of abuse and discrimination against people experiencing homelessness in Orange County emergency shelters.

While our report focuses on the emergency shelter system in Orange County, we do not advocate for an expansion of the shelter system; even the best-run, accountable, and safe shelter system cannot end homelessness. To address the humanitarian crisis presented by homelessness, every county must develop sufficient affordable and permanent supportive housing for all those who need it. Orange County has the resources to do this. All it lacks is the political will. But while those in dire need wait for the county to develop enough affordable housing, they must have safe and habitable interim options. ACLU SoCal urges the CDHCD to launch an independent investigation into the substandard living conditions our investigation uncovered, and require

Orange County to adopt the recommendations detailed in our report to ensure that it provides safe and humane emergency services to people experiencing homelessness.

Sincerely,



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