

APPENDICES

APPENDIX I

Sources of Information used in the Report

Public Documents	<ul style="list-style-type: none">• Ten –Year Plan to End Homelessness• Orange County Homeless Count & Survey Report• Commission to End Homelessness Consolidated Application to HUD• Public records on enforcement of ordinances banning sleeping, camping, or resting in public and storage of private property in public• County budget• Orange County Annual Action Plan• HUD's Continuum of Care Assistance Programs Funding Awards• Memoranda
Interviews	<ul style="list-style-type: none">• Persons experiencing homelessness• Activists and advocates• Service providers in the Continuum of Care• Homeless Outreach Team officers• County service providers, public officials, elected officials
Public meetings attended	<ul style="list-style-type: none">• Commission to End Homelessness Board meetings• Commission to End Homelessness executive committee meetings• Commission to End Homelessness implementation group meetings<ul style="list-style-type: none">○ Prevention and outreach○ Improving emergency shelter and the transitional housing system○ Permanent housing options○ Data systems/social policy/systemic change○ Coordinated intake.• Homeless provider forum• Community forums

Research literature	<ul style="list-style-type: none">• Causes and consequences of homelessness• Best practices for ending homelessness• Criminalization of homelessness
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APPENDIX II

Permanent Supportive Housing Beds: Planned/In Progress and Needed to End Chronic Homelessness by the End of 2017*

Funding Source	Planned/In Progress	Total
MHSA Housing	Funding for three projects (must secure tax credits to move forward)	35
HUD VASH	44 VASH Vouchers allocated by the Orange County Housing Authority (OCHA) in 2015	44
Housing Choice Vouchers	50 Housing Choice Vouchers reserved by Santa Ana Housing Authority for permanent supportive housing.	50
Permanent Supportive Housing **	An anticipated 53 placed during 2016 through the 2015 CoC Bonus Project; approval in October 2015 by Board of Supervisors for issuance of Permanent Supportive Housing NOFA in January 2016 with 100 Project-Based Vouchers to support development of extremely low-income housing units.	153
***Total number of units planned or in progress (funding secured)		282
****Additional units needed to end chronic homelessness by end of 2017		~460

*Commission to End Homelessness 2015 Action Plan Update.

** In 2016 the county announced a Permanent Supportive Housing Notice of Funding Availability (NOFA) which provides up to \$8 million in Orange County Housing Successor Agency funds and Federal HOME Investment Partnership Program funds. The NOFA will certainly help jumpstart the development of permanent supportive housing. This said, it is unclear how many units will be generated, and how long it will take to build them. This is because the funding is meant to fill financial gaps in existing projects' feasibility, and the other sources of funding that applicants are expected to obtain to demonstrate a competitive application, such as Low Income Housing Tax Credits, are scarce and are highly competitive (see Appendix III). Unfortunately, OC Housing Successor Agency funds are not a sustainable source of funding. The Housing Successor Agency was established to wind down all remaining

financial obligations of the Orange County Redevelopment Agency, which was eliminated in 2011; thus funds are temporary and are disappearing. HOME funds are capped at low amounts (HOME funding allocations over a five-year period from 2010-14 totaled a little over \$6 million).

***The 2015 Action Plan Update also includes plans for 163 units of permanent supportive housing. They are not included in this table because no funding has been secured for them.

****Based on calculation using the USICH Supportive Housing Opportunities Planner Tool.

APPENDIX III

Description of Current Federal, State, and Local Funding Streams

Continuum of Care (CoC)

Renewal, not expansion: HUD largely *renews* CoC funding on an annual basis without allowing CoCs to request additional funding. Each year, CoCs are eligible for an *Annual Renewal Amount* which is the amount that a grant can be awarded on an annual basis when renewed. The maximum award amount includes funds only for those eligible activities (operating, supportive services, leasing, rental assistance, HMIS, and administration) that were funded in the original grant (or the original grant as amended), plus minor adjustments administrative costs (e.g., Continuum planning; Unified Funding Agency (UFA) costs) and operating and rental assistance expenses based on changes to Fair Market Rent (FMR). The CoC applies for an *Annual Renewal Demand* (ARD), which is the sum of all annual renewal amounts.

The potential amount available for *new* projects is the difference between HUD's predetermined Preliminary Pro Rata Need (PPRN) and the ARD. If the ARD is equal to or above the PPRN, no additional funds are available for new projects with the exception of permanent housing bonus projects and/or new funds made available through reallocation of existing project funding. As of 2012, the Orange County CoC Annual Renewal Demand exceeded the Preliminary Pro Rata Need leaving no funds to allocate to new projects. For 2012 the PPRN for Orange County was \$1,813,230, while Renewal Eligible Projects included 22 agencies with a total of 45 renewal projects totaling \$14,794,134 (based on the 2012 Grant Inventory Worksheet). For 2014 the PPRN for the Orange County CoC was \$2,093,907. Given the difference between the PPRN and the ARD, Orange County CoC will never qualify for funding for new projects under this mechanism.

As inadequate as it is, renewal is by no means assured for individual CoCs. Recently, Congress has indicated a swing away from automatic renewal and toward more competition for scarce resources. In 2013, for example, a report by the House Committee on Appropriations asserted that "The Continuum of Care is supposed to be a competitive grants program. However, a "renewal burden" is

antithetical to the concept of competition. Competition for scarce resources is what drives better performance and spurs innovation. Automatic renewals are just the opposite—creating inefficiencies and removing all incentives to perform better.” The report also stated that the Committee “does not view the Department’s “renewal” estimate as something that must be funded each year.” In response, HUD has asserted that it will rank the applications and provide funding based on the quality of the application, the performance of the local homeless assistance system, the need for homeless assistance, and the local rankings of individual programs. To make matters worse, in 2013 HUD asked CoCs to reduce their Annual Renewal Demand by 5% due to sequestration. In the 2014 funding cycle, it asked CoCs to reduce their Annual Renewal Demand by 2%.

Reallocation: Instead of increasing the funding of CoCs to meet the need, HUD encourages *reallocation*, which involves shifting funds in whole or part from existing renewal projects to create one or more projects reflecting HUD’s new priorities. CoCs may use the reallocation process to shift funds from existing renewal projects to new project applications without decreasing the CoC’s annual renewal demand. We agree that CoCs should follow the lead of HUD and devote more of their resources to permanent supportive housing. Yet because funding cannot exceed the renewal amount, reallocation as a means of increasing permanent supportive housing constrains CoCs in their effort to meet the permanent housing needs of chronically homeless persons.

We also note that reallocation, while freeing up resources to develop affordable housing for the chronically homeless population, will not expand the stock of permanent affordable housing for homeless persons who are not classified as chronic, and may in fact reduce the availability of shelter for them. By HUD’s definition, people in transitional housing projects do not qualify for permanent supportive housing. The extreme affordability gap for rent in Orange County coupled with a shortage of Housing Choice Vouchers (discussed below) means that people currently placed in transitional housing will be displaced by reallocation with little chance of being placed in housing that they can afford. Also, homeless people with disabilities who have not lived on the streets long enough to qualify as “chronically homeless” are not eligible for permanent supportive housing beds. In

this sense, reallocation creates winners and losers in the effort to end homelessness. It also increases the risk that without additional affordable housing, the displaced non-chronic homeless will indeed become chronic homeless.

Matching funds: All eligible funding costs, except leasing, must be matched with no less than 25 percent cash or in-kind match by the Continuum. Per the HEARTH Act, the match is Continuum-wide. The matching requirement puts an additional burden on CoCs which must ensure that the additional funding is raised.

Permanent Supportive Housing Bonus Projects: The funding mechanism that HUD uses to expand permanent supportive housing—Permanent Housing Bonus Projects—is both highly competitive and very limited in dollar amount. According to the HUD website, The Permanent Housing (PH) Bonus amount is capped at 15 percent of the continuum’s PPRN amount or \$6 million, whichever is less. If a PH Bonus project is submitted that is requesting more than is allowable, the project budget will be automatically reduced.

MHSA Housing Program

The MHSA Housing Program requires counties to develop three year plans. Orange County’s three-year plan (2014-17) includes using an original \$33 million from the MHSA Housing Program that was allocated to California Housing Finance Agency (CalHFA). To date the program has 183 units completed, in progress, or in planning. This is one-time funding.

The county also received \$9.4 million in MHSA Community Services and Supports (separate from MHSA Housing), which provided one-time funds to develop two projects representing 34 units. The one-time funding was used to establish permanent and transitional housing for individuals with mental illness.

A shortage of Housing Choice Vouchers

The county cannot rely on federal funding to expand its stock of affordable housing. The federal government, when it is not cutting benefits, typically renews existing Section 8 Housing Choice vouchers without expanding the program. Yet the program only serves about 1 in 4 eligible tenants nationwide. To make matters worse, the sequester forced funding cuts leading state and local housing agencies to

help about 100,000 fewer families in June 2014 than in December 2012, before the cuts took effect. Even if the cuts are fully restored, funding will still be woefully inadequate relative to the need for affordable housing, in Orange County and the nation.

The scarcity of Low Income Housing Tax Credits (LIHTCs)

The Orange County Annual Action Plan (2012-13) states that *Private sector developers are the main supplier of housing stock*. They are encouraged to participate in low income housing in a variety of ways, including through participation in the LIHTC program. Yet according to the Corporation for Supportive Housing,ⁱ demand for these tax credits exceeds supply by three to one. The California Tax Credit Allocation Committee (TCAC) awards these federal credits on a competitive basis, and includes a 2% set-aside of federal tax credits for special needs projects, including supportive housing for homeless households. Applicants for tax credits to create supportive housing compete with each other, rather than in the general pool.

Funding caps on other federal funding streams

According to the FY 2013/14 Annual Action Plan under the Urban County Consolidated Plan, to address homelessness the county relies on a number of additional federal funding streams to support homeless services. These sources include **CDBG** funding, which is allocated for housing and community development; the **HOME Investment Partnership Act (HOME CFDA-14.239)** funding, which is used for expanding affordable housing; and funds from the **Emergency Solutions Grant (ESG CFDA14.231)**, which is a grant to provide homeless persons with basic shelter, essential supportive services and Rapid Re-Housing opportunities. These funds are allocated on a formula basis with very low caps that constrain their capacity to make a substantial dent in homelessness; yet it is likely that more could be used to support the development and the cost of ongoing operations and services for permanent supportive housing. (See Table 2). For example, Orange County received \$3,042,788 in CDBG funds in 2014. CDBG Public Services Funds for programs that benefit low to moderate-income people, and are capped at 15% of total CDBG funding, or \$456,418 of the total allocation

in 2014, and are designated for services only. Orange County's emergency shelter program and other low-threshold emergency shelters located in participating cities receive CDBG Public Services funds. The **OC Annual Action Plan 2012-13** reports that \$50,000 in CDBG funds were allocated to full time emergency shelter in Laguna which provides 45 beds, while \$281,000 were allocated to Armory Shelter/Mercy House for services—together, around 11% of CDBG funding for 2012 (\$3,007,051).ⁱⁱ

Table 2. CDGB, HOME, and ESG Funding Caps for Orange County, 2014

	Funding for Homeless Services in OC	2014 Funding Cap (total funding including homeless services)
CDGB	Emergency Shelter	\$3,042,788
HOME	Administration	\$954,654
ESG	Rapid Re-housing	\$249,367

The exhaustion of state housing bonds funded by Propositions 1C and 46; the elimination of Redevelopment Funds; and cuts to the HOME and Community Development Block Grant programs have resulted in a 76% decrease in state and federal funding for affordable homes in Orange County since 2008.ⁱⁱⁱ Even if more of the funding were devoted to permanent supportive housing, however, it would fall short of meeting the need for housing in Orange County given the stringent funding caps.

County funds

Funds from the Housing Support Services (HSS) Program have not been used recently. In the past, these funds have been used for emergency, transitional and permanent housing-related activities. They are administrative savings from rental assistance programs operated by the county's Housing Assistance Division accumulated in the form of operating reserves when OCHA's administrative costs are less than the administrative fees paid by HUD to operate its rental assistance programs, and are therefore highly unpredictable. In 2014 the county also used no Strategic Priority Affordable Housing funds.

APPENDIX IV

Sample Resolution: Supporting the Intent to Establish an Orange County Housing Trust Fund.

WHEREAS, homelessness continues to be a growing crisis in communities across Orange County, with homelessness having risen by 5% on any given night and by 20% annually since 2013, and with more than 4,400 people experiencing homelessness in the county on any given night; and with about half of all persons experiencing homelessness living without any shelter at all; and,

WHEREAS, Orange County's skyrocketing cost of housing, along with its severe shortage of permanent supportive housing and affordable housing, is the main driver of homelessness in the county; and,

WHEREAS, Orange County is the fourth most expensive metro housing market in the nation; and,

WHEREAS, median rents in Orange County have increased by 19% from 2000 to 2012, while the median income declined by 10%; and,

WHEREAS, the hourly wage a family or individual would need to earn to afford rent in Orange County at the median market rental price is around \$25 an hour for a one-bedroom apartment, while the average wage for all renters is \$18 an hour, minimum wage is \$9 an hour, and General Relief, the primary form of cash assistance available to indigent adults who are not disabled, is \$317 per month, or about \$2 an hour; and,

WHEREAS, fewer than 20% of the nearly 86,000 extremely low income households (i.e., households with incomes less than 30% of Orange County's median household income) are living in affordable rental homes; and,

WHEREAS, only around 40% of the over 145,000 low income households (i.e., households with incomes less than 50% of Orange County's median household income) are living in affordable homes; and,

WHEREAS, the county's homeless services system currently has the capacity to provide permanent supportive housing to one-fourth to one-third of all persons who are chronically homeless; and,

WHEREAS, waiting lists for affordable housing for all of Orange County's four Public Housing Authorities are from four to eight years, and wait lists are usually closed and can remain so for years; and,

WHEREAS, studies consistently show that housing people is more cost effective than allowing them to remain homeless, with one analysis which averaged costs across thirteen cities showing that on average jail costs \$87 a day while permanent supportive housing/affordable housing costs \$28 a day, for a 68% cost savings; and,

WHEREAS, Orange County currently provides no funding for permanent housing options linked to a range of supportive services when appropriate, and instead, relies on stagnating, capped, and disappearing federal and state resources that do not come close to providing the funding needed to create the permanent housing solutions required to prevent and end homelessness in Orange County;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors pledges its good faith intent to establish a county Housing Trust Fund to be managed within the _____ Department, commencing at the time that new revenue sources are secured to cover the operating costs; that the Trust Fund resources will prioritize activities that prevent and end homelessness and promote housing stability for very low income households; that the county Board of Supervisors establish as an annual funding goal the amount of \$___ million dollars, and agrees that at least ___% of the program funds should be targeted to individuals

and households experiencing homelessness and that ___% of the program funds should be targeted to individuals and households whose incomes do not exceed 30% of the area median income; that the Board of Supervisors directs the county Administrator to review potential funding sources and make recommendations within ninety (90) days to the Board of Supervisors for on-going, dedicated revenue sources that will achieve the \$___ million dollar annual goal over time; that the Board of Supervisors directs the _____ to plan and prepare for the organizational framework to accommodate an Office of the Housing Trust Fund and to consider appropriate steps to begin operations once sufficient funding is secured for the trust fund; and,

BE IT FURTHER RESOLVED, that the county Board of Supervisors secure a dedicated revenue source, and to submit recommendations for the initial Housing Trust Fund Board to be appointed once an ongoing revenue source is established.

BE IT FURTHER RESOLVED, that the county Board of Supervisors will support an increase in the _____ fee of \$_____ as an initial on-going revenue source to support the housing trust fund and will support the passage of permissive state enabling legislation to enable the increase in the _____ fee.

BE IT FINALLY RESOLVED, that the county Board of Supervisors will communicate with the local elected officials, state representatives, and the Governor to encourage their support for the establishment of a local housing trust fund with dedicated revenue sources to help stabilize the housing insecure in our community.

APPENDIX V

Salt Lake City Municipal Code Regarding the City Housing Trust Fund

Chapter 2.80

HOUSING TRUST FUND ADVISORY BOARD

[2.80.010: GENERAL PROVISIONS:](#)

[2.80.020: PURPOSE:](#)

[2.80.030: DEFINITIONS:](#)

[2.80.040: FUND CREATED:](#)

[2.80.050: BOARD CREATED:](#)

[2.80.060: TERM:](#)

[2.80.070: MEETINGS:](#)

[2.80.080: POWERS AND DUTIES:](#)

2.80.010: GENERAL PROVISIONS:

The provisions of [chapter 2.07](#) of this title shall apply to the housing trust fund advisory board except as otherwise set forth in this chapter. (Ord. 67-13, 2013)

2.80.020: PURPOSE:

The mayor and the Salt Lake City council, hereinafter "council", declare it to be a policy of the city to address the health, safety and welfare of its citizens by providing assistance for affordable and special needs housing within the city. The purpose of this chapter is to create the Salt Lake City housing trust fund and the Salt Lake City housing trust fund advisory board to address these concerns for affordable and special needs housing in the city. (Ord. 67-13, 2013)

2.80.030: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

AFFORDABLE HOUSING: A. Rental housing for which the annualized rent does not exceed thirty percent (30%) of the annual income of a family whose income

equals sixty percent (60%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development; or

B. Non-rental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose income equals eighty percent (80%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development.

BOARD: The Salt Lake City housing trust fund advisory board created under this chapter.

CDBG: Federal community development block grant.

CITY: Means and refers to Salt Lake City, a municipal corporation of the State of Utah.

COUNCIL: The Salt Lake City council.

DIRECTOR: The person appointed by the mayor to serve as the director of the department of community and economic development, or its successor department.

ESG: Federal emergency shelter grant.

FUND: The Salt Lake City housing trust fund created by this chapter.

HAND: The division of housing and neighborhood development, or its successor.

HOME: Federal HOME grant.

HOPWA: Federal housing opportunities for people with AIDS grant.

HOUSING SPONSOR: Includes, but is not limited to, an entity which constructs, develops, rehabilitates, purchases, owns, or manages a housing project or program that is or will be subject to legally enforceable restrictions and covenants that

require that the housing assistance be provided to qualifying individuals as defined herein. A housing sponsor includes:

- A. A public entity;
- B. A nonprofit, limited profit, or for profit corporation;
- C. A limited partnership;
- D. A limited liability company;
- E. A joint venture;
- F. A cooperative;
- G. A mutual housing or cohousing organization;
- H. A municipal government;
- I. A local housing authority;
- J. A regional or statewide nonprofit housing or assistance organization.

MAYOR: The duly elected or appointed, and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is a duly qualified voting member of the board.

SPECIAL NEEDS HOUSING: Includes, but is not limited to, supportive housing for people who fit one or more of the following categories: homeless, elderly, persons with mental and/or physical disabilities, domestic violence survivors, and the chronically ill. (Ord. 67-13, 2013)

2.80.040: FUND CREATED:

There is created a restricted account within the general fund, to be designated as the "Salt Lake City housing trust fund" (the "fund"). The fund shall be accounted for separately within the general fund, and the fund shall be used exclusively to assist with affordable and special needs housing in the city. No expenditures shall be made from the fund without approval of the city council.

A. There shall be deposited into the fund all monies received by the city, regardless of source, which are dedicated to affordable housing and special needs housing including, but not limited to, the following:

1. Grants, loan repayments, bonuses, entitlements, mitigation fees, forfeitures, donations, redevelopment tax increment income, and all other monies dedicated to affordable and special needs housing received by the city from federal, state, or local governments;
2. Real property contributed to or acquired by the city under other ordinances for the purposes of preserving, developing, or restoring affordable housing;
3. Monies appropriated to the fund by the council; and
4. Contributions made specifically for this purpose from other public or private sources.
5. CDBG, ESG, and HOPWA monies only as designated by the city's community development advisory board and approved by the mayor and city council, and HOME monies only as designated by the city's housing advisory and appeals board and approved by the mayor and city council.

B. The monies in the fund shall be invested by the city treasurer in accordance with the usual procedures for such special accounts. All interest or other earnings derived from fund monies shall be deposited in the fund. (Ord. 67-13, 2013)

2.80.050: BOARD CREATED:

There is created the Salt Lake City housing trust fund advisory board (the "board"), which body shall consist of eleven (11) appointed members, at least one of whom has a household income which qualifies such person for affordable housing benefits or programs. Membership shall consist of residents of the city as follows:

- A. Seven (7) citizens, one from each city council district, with expertise or experience in affordable and/or special needs housing, which may include a full range of such expertise and/or experience from citizens who are considering purchasing their first home to citizens who have a strong background in affordable housing;
- B. Four (4) citizens at large who have experience or expertise in areas of business, real estate, or housing development generally.

The board may also consult with persons who have experience or expertise in areas such as finance, real estate, affordable housing development, and law as well as with representatives from other city boards and commissions in order to solicit advice on specific projects. (Ord. 67-13, 2013)

2.80.060: TERM:

All appointments of members of the board shall be made for a three (3) year term which shall expire on the applicable last Monday in December. (Ord. 67-13, 2013)

2.80.070: MEETINGS:

A. The board shall convene for regular quarterly meetings to be held at least four (4) times each year. Additional meetings may be held as needed in order to conduct the business of the housing trust fund. (Ord. 67-13, 2013)

2.80.080: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.

B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall, from time to time, deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.

C. Consult with experts in areas such as finance, real estate, and affordable housing development to obtain advice on specific projects.

D. Advise and make recommendations to the city administration and the city council on affordable housing and special needs housing issues which may include, but not be limited to:

1. The means to implement the policies and goals of this chapter and the city's community housing plan and policies;
2. Criteria by which loans and grants should be made, using the city's consolidated plan as a guide to determine housing gaps;
3. The order in which projects and programs should be funded;
4. The distribution of any monies or assets contained in the fund according to the procedures, conditions, and restrictions placed upon the use of those monies or assets by any government entity;
5. The distribution of all other monies from the fund according to the following guidelines:
 - a. Sufficient fund monies shall be distributed as loans to assure a reasonable stream of income to the fund from loan repayments. These may range from short term construction loans to long term acquisition loans;
 - b. Loans shall be recommended in accordance with the borrower's ability to pay, but no more than fifty percent (50%) of the per unit costs shall be recommended;
 - c. Fund monies and assets not distributed as loans shall be distributed as grants;
 - d. All fund monies and assets shall be distributed to benefit households earning one hundred percent (100%) or less of the area median income;
 - e. Not less than one-half ($\frac{1}{2}$) of all fund monies and assets shall be distributed to benefit households earning fifty percent (50%) or less of the area median income;
 - f. The board may recommend that the mayor, with the consent of the council, grant or lend fund monies or assets to housing sponsors. Housing sponsors must assure the term of affordability as follows:
 - (1) Rental Housing: The term of affordability for rental housing units will be fifty-five (55) years.
 - (2) Home Ownership Housing: The term of affordability for home ownership housing units will be as follows:

(A) Short term financing (less than 5 years) will require that the first homeowner to purchase the housing unit will meet the income requirement of eighty percent

(80%) or less of area median income as established by the U.S. department of housing and urban development.

(B) Long term financing (5 or more years) for new construction, rehabilitation or acquisition will be as follows:

Under \$15,000.00	5 years
\$15,000.00 to \$40,000.00	10 years
Over \$40,000.00	15 years

g. Fund monies and assets may be recommended by the board to be used to obtain matching funds from government entities or other sources, consistent with the intent of this chapter.

E. The board may recommend fund monies or assets be provided to any of the following activities:

1. Acquisition, leasing, rehabilitation, or new construction of housing units for ownership or rental, including transitional housing;
2. Emergency home repairs;
3. Retrofitting to provide access for persons with disabilities;
4. Down payment and closing cost assistance;
5. Construction and gap financing;
6. Land acquisition for purposes consistent with the purposes of this chapter;
7. Technical assistance;
8. Other activities and expenses incurred that directly assist in providing the housing for eligible households in the city, consistent with the intent of this chapter.

F. Fund monies shall not be used for administrative expenses.

G. The board shall develop an application process to be recommended to the mayor and council for approval. Said process may be reviewed from time to time by the council.

H. The board and HAND shall review and monitor the activities of recipients of grants and loans issued under this chapter on an annual basis, or more often as may be deemed necessary, to ensure compliance with the terms and conditions imposed on the recipient by the mayor and the council under this chapter and under any and all instruments and documents entered into between the city and the recipient pursuant to this chapter.

1. Entities receiving grants or loans shall provide to the board and HAND an annual accounting of how the monies or assets received from the fund have been used.
2. An annual report shall be prepared by the board and HAND which shall contain information concerning the implementation of this chapter. The report shall include, but is not limited to, information regarding the location and numbers of units developed or preserved, the numbers and incomes of households served, and detailing the income to and assets in the fund, and the expenditures and uses of fund monies and assets.
3. The annual report shall include the board's and HAND's assessment of housing needs in the city, barriers to affordable and special needs housing development and reservation, and barriers to the implementation of this chapter.
4. The annual report shall be submitted to the mayor and the council for review by March 31 of each calendar year.
5. Appropriations by the council to the fund shall be considered as part of the budget process.

I. Serve as a coordination body and resource for organizations interested in affordable and special needs housing issues affecting the city including, but not limited to, the housing authority of Salt Lake City, the Salt Lake City redevelopment agency, the housing and neighborhood development division, and other city departments as appropriate, as well as nonprofit and for profit housing developers. (Ord. 67-13, 2013)

APPENDIX VI

Sample Resolution: Criminalization of Homelessness^{iv}

RESOLUTION Recommended for Adoption

TITLE: Criminalization of Homelessness

PURPOSE: To discourage measures criminalizing homelessness and to promote the civil and human rights of homeless persons, including through homeless bills of rights

WHEREAS, the County of Orange is comprised of 34 cities and unincorporated areas;

WHEREAS, Orange County's mission is "Making Orange County a safe, healthy, and fulfilling place to live, work, and play, today and for generations to come, by providing outstanding, cost-effective regional public services;" and,

WHEREAS, homelessness continues to be a growing crisis in communities across the county, with homelessness having risen by 5% on any given night and by 20% annually since 2013, and with more than 4,400 people experiencing homelessness in the county on any given night; and with about half of all persons experiencing homelessness living without any shelter at all; and,

WHEREAS, 33 out of 34 cities have turned to criminalizing behavior associated with homelessness as a means to push individuals experiencing homelessness out of public view; and,

WHEREAS, Orange County provides minimal emergency shelter for persons experiencing homelessness, yet it criminalizes behavior associated with homelessness as a means to push homeless individuals out of land owned or managed by the county; and,

WHEREAS, criminalization measures penalize necessary, life-sustaining activities including sitting, sleeping, resting, loitering, begging, or storing belongings in

public, when individuals have no choice but to engage in such behaviors due to their homelessness; and,

WHEREAS, cities also criminalize homelessness through disparate targeting and enforcement of other laws, such as jaywalking or littering, against homeless persons; and,

WHEREAS, the county has only enough emergency and transitional housing to accommodate approximately half of all persons experiencing homelessness on any given night, leaving the rest with no choice but to sleep outdoors; and,

WHEREAS, the U.S. Department of Justice has recently taken the position that when a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless and is unconstitutional; and,

WHEREAS, criminalization misdirects government resources away from effective measures like permanent supportive housing and permanent affordable housing, which are more likely to represent an exit from homelessness and reduce the number of people living on the streets; and,

WHEREAS, criminalization of homelessness in the U.S. has been condemned as discriminatory, cruel, inhumane, and degrading treatment by the U.N. Special Rapporteurs on the right to adequate housing, on the right to water and sanitation, and on extreme poverty and human rights; and,

WHEREAS, the U.S. Interagency Council on Homelessness and Department of Justice 2012 report, “Searching Out Solutions,” recognizes that criminalization of homelessness is poor public policy and may “violate international human rights law, specifically the Convention Against Torture and the International Covenant on Civil and Political Rights;” and,

WHEREAS, the U.S. Conference of Mayors endorsed this report in a 2012 resolution and urged their members “to review and adopt the recommendations in the report [to] meet the needs of the larger community as a whole while also enhancing progress on efforts to end homelessness;” and,

WHEREAS, the U.S. Interagency Council on Homelessness 2015 report, “Ending Homelessness for People Living in Encampments,” recognizes that to end homelessness communities need to link people experiencing homelessness, including those living in encampments, to permanent affordable and permanent supportive housing with appropriate services, instead of giving them tickets and dispersing them without giving them anywhere else to go; and,

WHEREAS, the U.S. Department of Housing and Urban Development is now penalizing jurisdictions in their funding applications for failing to take steps to reduce the criminalization of homelessness, putting critical federal funding for permanent supportive housing at risk; and,

WHEREAS, numerous studies have documented cost savings to communities that implement permanent supportive housing and affordable housing programs instead of incurring costs to the criminal justice and health care systems by criminalizing homelessness; and,

WHEREAS, Rhode Island, Connecticut, and Illinois have demonstrated leadership in protecting the civil and human rights of individuals experiencing homelessness from discrimination in housing, employment, and government services by enacting homeless bills of rights at the state level, and numerous other states, including California, have introduced or are considering introducing such bills; and,

WHEREAS, as has been demonstrated in Washington, D.C., cities can protect the civil and human rights of individuals experiencing homelessness by including housing status as a protected class in their human rights ordinances;

THEREFORE, BE IT RESOLVED, the County of Orange believes that criminally punishing individuals experiencing homelessness for conducting basic life-sustaining activities in public, when they have no alternative, is in many cases discriminatory, cruel, inhumane, and degrading treatment, in violation of our constitutional and international human rights obligations; now,

BE IT FURTHER RESOLVED, the County of Orange opposes efforts to criminalize homelessness and supports efforts at the federal, state, and local levels

to affirm the human rights of homeless individuals through promoting the human right to adequate housing and other constructive solutions to homelessness; and,

BE IT FINALLY RESOLVED, the County of Orange encourages elected officials in their respective cities within Orange County to take other steps to publicly oppose criminalization measures and support constructive alternatives.

APPENDIX VII

Advocacy Toolkit: Preventing Criminalization of Homelessness in your Community

Here, we present strategies communities can use to prevent or reduce criminalization of homelessness.

- 1) Start early. Don't get caught off guard—ordinances that penalize necessary, life-sustaining activities including sitting, sleeping, resting in public, when individuals have no choice but to engage in such behaviors due to their homelessness, are becoming the rule rather than the exception. There was a stunning 60% increase in the number of U.S. cities with city-wide bans on camping in public from 2011-2014.^v But with foresight and planning, we can reverse this trend.
 - a. Be pro-active. If your city council is not yet considering passing an ordinance that criminalizes homelessness, encourage city council members to pass a resolution opposing the criminalization of homelessness [see sample resolution in Appendix VI].
 - b. Be vigilant. Know when your city council is considering passage of an ordinance that criminalizes homelessness and plan ahead.
 - c. Raise awareness. If your city council has proposed an ordinance to criminalize homelessness, do not wait. Engage the media. Write a letter to your city council members, laying out the argument against the ordinance [see sample letter in Appendix VIII].
 - d. Engage your partners at the ACLU. The ACLU will gladly sign onto a letter opposing criminalization or write/draft a letter on your behalf. To be most effective, give your ACLU partners as much lead time as possible for letter-writing.
- 2) Engage in public education. Ordinances that criminalize homelessness get their rationale from wide-spread myths, including the myth that homeless people are dangerous and need to be removed from public spaces used by housed persons; that criminalization is an effective and cost effective way to

reduce homelessness; and that homeless people are “service-resistant” or homeless by choice and need to be motivated to accept services and housing by threat of citation. Dispelling these myths removes the justification for ordinances that criminalize homelessness [See Appendix IX on myth-busters].

3) Use recent statements/positions by the federal government that oppose criminalization to support your position:

- a. Department of Housing and Urban Development (HUD): In their funding application for federal homelessness funding,^{vi} HUD now asks Continuums of Care to describe how they are reducing criminalization of homelessness. In the extremely competitive funding process, Continuums that are unable to show that they are reducing criminalization may lose federal funding.
- b. Department of Justice (DOJ): In a recent Statement of Interest of the United States, the DOJ has taken the position that when a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless and is unconstitutional.^{vii}
- c. U.S. Interagency Council on Homelessness (USICH): In the recent report *Ending Homelessness for People Living in Encampments*, the USICH recommends that communities need to link people experiencing homelessness, including those living in encampments, to permanent affordable and permanent supportive housing with appropriate services, instead of giving them tickets and dispersing them without giving them anywhere to go.^{viii}

4) Show the costs of criminalization. Numerous studies demonstrate that it costs more to criminalize homelessness than to house people. The Advocacy Manual in the National Law Center on Homelessness and Poverty’s report *No Safe Place: The Criminalization of Homelessness in U.S. Cities*^{ix} provides methods for calculating the costs of criminalization in your community.

- 5) Provide a better way. Use this report to educate people about alternatives to criminalization that are constructive, effective, and cost effective, such as permanent supportive housing and subsidized affordable housing.
- 6) Organize! Mobilize allies. City council members respond to constituent concerns. The more they hear from groups and constituents that oppose criminalization, the less likely they are to support ordinances that criminalize homelessness. Seek out non-traditional allies such as:
 - a. Law enforcement: Apart from people experiencing homelessness, no one is more aware of the failure of policies that criminalize homelessness and their costs than the people who implement them. Encourage your police chief and other top law enforcement officials to take a public stand against criminalization.
 - b. Business Improvement Districts, business councils, and other business groups: Like your traditional allies, businesses don't like homelessness. They want people off the streets. Use this common frame to bring these groups into your movement.
 - c. Human Rights Commissions: Human Rights Commissions uphold the human rights of all persons. Use this common frame to bring these Commissions into your movement.

APPENDIX VIII

Sample Letter: Oppose Proposed City Ordinance Criminalizing Homelessness

Date

Via Email

To: City council members

Re: Oppose: Ordinance Banning Camping and Storage of Personal
Property in Public Areas

Dear [name of city] City Council members,

We write to express our concerns about proposed ordinance ____ that will ban camping and storage of personal property in public areas. This ordinance would disproportionately impact persons experiencing homelessness who have no choice but to sleep and have their personal belongings in public.

We strongly oppose the proposed ordinance because it is potentially unconstitutional, would endanger the health and well-being of persons experiencing homelessness, is ineffective and counterproductive in ending homelessness, and would waste public resources that could be better spent on real solutions.

First, the U.S. Department of Justice has recently taken the position that criminalizing homelessness is unconstitutional. As the Department of Justice argues, “If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”¹

In Orange County, shelter and transitional housing can only accommodate about *half* of all people experiencing homelessness, leaving the other half—over two

¹ U.S. Department of Justice. (2015). *Statement of Interest of the United States. United States District Court for the District of Idaho*. (Civil Action No. 1:09-cv-540-REB Hon). Retrieved from <http://www.justice.gov/opa/file/643766/download>.

thousand people on any given night—sleeping out of doors. Given this shortage, homeless individuals living without shelter in [city name] have no choice but to sleep in public because they cannot access a legal place to sleep. Therefore, sleeping in public is “involuntary and inseparable from” their status or condition of being homeless, and the county’s criminalization of such violates the federal Constitution.

Second, enforcement of such an ordinance would endanger the health and well-being of people who are already at disproportionate risk for health problems. This is because the ordinance would direct police officers to order persons sleeping outdoors to take down their tents and discard their sleeping bags, leaving them with no protection from cold and inclement weather.

Third, such ordinances are ineffective in ending homelessness; thus, they are bad public policy. The federal government recognizes that criminalization does nothing to end homelessness, but rather simply moves people from one place to another. As noted by the United States Interagency Council on Homelessness, “The forced dispersal of people from encampment settings is not an appropriate solution or strategy, accomplishes nothing toward the goal of linking people to permanent housing opportunities, and can make it more difficult to provide such lasting solutions to people who have been sleeping and living in the encampment.”^x

Worse, enforcement of ordinances that criminalize homelessness can actually perpetuate homelessness. Citations can result in warrants, the accumulation of fines, time spent evading police instead of connecting to service providers, and time in court and jail. When people are swept up in the criminal justice system it is harder for them to find and keep housing, employment, and needed benefits. Citations can give people a criminal record, which perpetuates homelessness by preventing them from obtaining government benefits and housing. They may spend the little income they have paying back fines instead of putting it toward living expenses that could help them get off the streets, such as a down payment on a car or a deposit on an apartment.

Fourth, the proposed ordinance would waste significant public resources. Studies show that the costs of criminalizing homelessness are often much higher than the costs of permanent supportive housing.^{xi} Indeed, this public money can be better spent on affordable, permanent housing with wrap around services such as case management and mental health services—the best practice for reducing chronic homelessness promoted by federal guidelines.

We ask the City to reject the failed policy of criminalization. We look forward to working with the City to develop and implement policies that respect human dignity and civil rights, effectively protect the health and well-being of people living outdoors, and end homelessness for good.

Thank you for your careful consideration of this important topic.

Sincerely,

APPENDIX IX

Nine Myths about Homelessness

Six years into the economic recovery, the number of homeless persons in Orange County is increasing. Why? Part of the reason is that many of our policies are based on a series of long-standing and widespread myths about homelessness. Because they are based on fiction rather than fact, they are ineffective and will never end homelessness. Recent research debunks these myths and points the way to policies that will actually end homelessness. Here, we discuss nine common myths about homelessness with links to more extensive reviews of the research.

Myth #1: Homeless people are dangerous, and need to be kept away from the rest of us. This belief fuels fear of homeless persons and stokes “not in my backyard” politics that can derail plans for the development of homeless services such as shelter and housing. Yet studies show that homeless people are not more violent than the housed population, and perhaps even less so. They are more likely to be arrested for innocent behaviors, such as sitting, resting, sleeping, or having personal property in public, than for violent crimes. That is, they are jailed for what they are (homeless) rather than what they have done. [\[READ MORE\]](#)

Myth #2: People choose to be homeless, so there’s nothing we can do about it. People are homeless because they can’t afford a home. Skyrocketing rent, a diminishing stock of affordable housing, income inequality, the slashing of cash benefits for poor people, the underfunding of social services, community mental health services, and a reduction of long term hospitalization of severely mentally ill people all contribute to people’s inability to retain their housing. Clinging to the belief that people choose to be homeless may let us off the hook, but it won’t end homelessness. [\[READ MORE\]](#)

Myth #3: Homelessness creates blight. Cognitive research shows that we view homeless people as less than human—as blight—like a decaying building that has become an eyesore or hazard and needs to be removed from the community. This view is widely accepted, so we don’t question it. But it is dangerous: it becomes much easier to treat people inhumanely and to ignore their needs when we view them as things. As a first step, see the person, not the stereotype. [\[READ MORE\]](#)

Myth #4: Creating homeless services will attract more homeless people to our community, right? Wrong. Research shows that people who are homeless are no more mobile than people who are housed. When homeless people do move, it is usually because they are seeking jobs or connecting to family, rather than because they are seeking homeless services. They stay in place because they know that services in other areas fill up, and because they have ties to the community in which they are located. Yet the unfounded belief that homeless services will be a “magnet” for homeless people feeds “not in my backyard” politics and becomes one of the main rationales for doing nothing about the problem. [READ MORE]

Myth #5: The solution to homelessness is enforcement of anti-homeless laws. According to this line of reasoning, enforcement of laws that prohibit sleeping, sitting, resting, and having personal property in public places—that is, for being homeless—directs people to Homeless Outreach Court, where they can get connected to services and turn their lives around. But Homeless Outreach Court cannot end homelessness because there is not nearly enough permanent, affordable housing in Orange County to house all homeless people. And plenty of people who are ticketed are not diverted to Homeless Outreach Court. Instead, they get criminal records, fines, and jail time that violate their civil rights, damage their eligibility for benefits, employment, and housing, and saddle them with debt they cannot afford to pay. The solution is housing—not tickets, jail, and Homeless Outreach Court. [READ MORE]

Myth #6: Shelter with wrap around services—the “multi-service center” model—can end homelessness. So can other transitional models that provide services to make people “housing ready.” The objective of these models is to get people into shelter or programs quickly, provide them with services, and then connect them to housing they can afford—sometimes in as little as a month. But it won’t work in Orange County because this housing does not exist. Orange County is the 4th most expensive metro housing market in the nation, and its waitlist for subsidized affordable housing is closed. Moreover, the model misses an entire group of homeless people—chronically homeless persons—who cannot tolerate shelter living or transitional housing programs. Instead, research shows they need immediate, safe, permanent housing with supportive services. But this form of

housing is also unavailable for most people living on the streets in Orange County. “Emergency” and “transitional” programs will not end homelessness unless Orange County develops sufficient permanent, affordable housing with appropriate services to meet the need. [READ MORE]

Myth # 7: The private sector can end homelessness. Public officials and policymakers often avoid responsibility for homelessness by passing the buck to charities. But it won’t work because charitable giving never has and never will provide the resources necessary to end the homeless crisis. In fact, charitable nonprofits depend heavily on government funding, and would not be able to survive without it. A study by the Urban Institute shows that around 60% of nonprofit human services point to government grants and contracts as their single largest source of funding, while only 20% point to donations (including foundation and corporate giving) as their largest source. An analysis of data from a recent study of human service organizations in Los Angeles County shows that, on average, 28% of the budgets of housing and shelter programs came from government while only 3% came from foundations. To end homelessness, all levels of government, including Orange County, will need to take responsibility for the problem. [READ MORE]

Myth # 8: Better coordination among services, outreach, and referrals will end homelessness. Improving coordination among existing services and doing outreach won’t end homelessness because the system doesn’t have sufficient housing to refer people to. Currently, the county has funding to permanently house only between one-fourth and one-third of all chronically homeless people—that is, people experiencing long-term homelessness coupled with serious disability—in permanent supportive housing over the next two years. For homeless people who do not meet the official definition for chronic homelessness, the situation is even worse. They face waiting lists for affordable housing lasting from four to eight years—that is, if they can get on the lists, which stay closed for years. If sufficient units of permanent supportive housing and affordable housing are not developed, all the coordination and outreach in the world will not end homelessness.

Myth # 9: Orange County can’t afford to end homelessness. The truth is that it costs the county more to leave people on the streets than to house them. When

people live on the streets for extended periods of time their problems can become acute. They become heavy users of public services such as emergency departments and inpatient hospitalization. And the court and jail costs associated with enforcement of city ordinances that criminalize people for living out of doors is largely shouldered by the county. Multiple studies show that these costs exceed the cost of housing. For example, the Utah Housing and Community Development Division found that providing chronically homeless people with housing and services reduced jail and emergency costs for an average cost saving of 34% per person. [READ MORE]

ⁱ Corporation for Supportive Housing (January 2011). Approaches for ending chronic homelessness in California through a coordinated supportive housing program. Available at <http://www.csh.org/wp-content/uploads/2011/12/ApproachesforEndingCA.pdf>.

ⁱⁱ An additional \$149,000 in ESG funds were allocated to Armory Shelter for rapid rehousing of families in emergency shelter.

ⁱⁱⁱ California Housing Partnership Corporation. (August, 2014). How Orange County's housing market is failing to meet the needs of low-income families. <http://www.chpc.net/dnld/HousingNeedOrangeCountyFINAL.pdf>.

^{iv} Adapted from the 2013 International Association of Official Human Rights Agencies (IAOHRA) Conference Resolution #1, August 26, 2013 Denver, CO. Available at http://www.nlchp.org/documents/IAOHRA_Resolutions_2013

^v The National Law Center on Homelessness & Poverty. No safe place: The criminalization of homelessness in U.S. cities. Available at http://www.nlchp.org/documents/No_Safe_Place

^{vi} http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2015/HUDNo_15-116

^{vii} U.S. Department of Justice. (2015). Statement of Interest of the United States. United States District Court for the District of Idaho. (Civil Action No. 1:09-cv-540-REB Hon). <http://www.justice.gov/opa/file/643766/download>.

^{viii} United States Interagency Council on Homelessness. (August, 2015). Ending homelessness for people living in encampments: Advancing the dialogue. http://usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf

^{ix} http://www.nlchp.org/documents/No_Safe_Place

^x United States Interagency Council on Homelessness. (August, 2015). Ending homelessness for people living in encampments: Advancing the dialogue. Available at http://usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf

^{xi} Flaming, D., Burns, P., & Matsunaga, M. (2009). *Where we sleep: Costs when homeless and housed in Los Angeles County*. Los Angeles: Economic Roundtable; U.S. Interagency Council on Homelessness. (2010). Opening doors: Federal Strategic Plan to Prevent and End Homelessness. Available at http://usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf.