



The Week in Review Special Edition

City Manager Grace K. Leung
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Many members of the community have expressed their concerns regarding people experiencing homelessness in Newport Beach. This is the highest priority for the City Council, myself and the staff. In addressing the issue, we are operating in a challenging legal environment with multiple agencies involved, making any actions and solutions a complex endeavor. Please be assured we are working as fast we can to work through these challenges and implement solutions.

I wanted to take this opportunity to update you on what we are doing and share some of the challenges we have.

What's Happening This Week

- OCTA staff informed the City that they are concerned about individuals remaining at the OCTA Transit Center at 1550 Avocado Avenue (Transit Center) between the hours of 11:15 p.m. and 5 a.m., when the Transit Center is closed. Specifically, OCTA has experienced various negative secondary effects associated with individuals who remain on the Property after its posted hours. These effects include storage of trash and debris, public urination and defecation, and active interference with OCTA's personnel and/or contractors who are attempting to perform maintenance at the Property. Given the problems it is experiencing at the Transit Center, the OCTA is submitting a letter to the City, which will authorize the City to act as the OCTA's agent and enforce no trespassing laws at the Transit Center, and posting additional signage. Once we have the authorization letter and the signage is posted, we will begin enforcement.
- The OCTA informed us this week that it is going to move forward with a beautification project, which will require the closure of the area between the Transit Center and San Joaquin Hills Road. OCTA informed us that they are working with the Irvine Company on the improvement. I do not have a date from them yet on this, but we are hopeful that the site will be closed in the near future to accommodate the project.
- Working with several neighboring cities to determine if there is a regional approach that can benefit everyone.
- Evaluating potential sites within the City to set up a temporary shelter.

Visit the City's website for a complete listing of meetings and events at newportbeachca.gov/events.

- Brought in a public communication firm we have on contract to update our website with resources for residents and businesses, discuss what we are doing and to get regular communications out to the public. We are working to get updates on the website next week.
- Temporarily reassigned an employee as our full-time homeless coordinator to manage all of the work that is occurring internally.

What's Happening Next Week

The City Council will hold a Special City Council meeting on **Wednesday September 4, 2019 at 4 p.m.** in the City Council Chambers to discuss initiation of negotiations on three possible locations for a homeless shelter. This is the first step in evaluating the City's options as we consider private properties, City properties and regional solutions to obtain temporary shelter beds in the short term. There will be opportunities for the public to speak before the closed session. Following City Council direction, extensive community input will be solicited throughout the process and before any final decisions are made.

Public Safety Response

Our Police and Fire Departments are on the front lines of working with the homeless population. The Police Department makes multiple stops each day at the OCTA bus station and will cite and/or arrest for illegal activity. From January to July of this year the Police have responded 258 times and made 24 arrests on or near the OCTA property. During 2019 the Fire Department has responded 20 times to assist people experiencing homelessness.

Homeless Engagement Working to Move Individuals Off the Street

During the week of August 19-23 the City, Orange County Behavioral Health, OCTA, Orange County Sheriff Department, City Net (our social services provider) did intensive outreach at the Transit Center to determine how we could assist the people experiencing homelessness. During that week we made contact with 33 individuals. This is one of the many steps we need to take to get individuals to exit the street. It is a slow but effective process as we move toward housing.

Newport Beach Efforts – Last Several Months

Newport is not unique in having homeless in our community. To give you some perspective, in January of 2019, the City participated in the County's 2019 Point in Time Count and counted 6,860 homeless persons and 64 unsheltered here in Newport Beach.

The City has taken a number of steps to address this very complex issue. We work with each homeless individual on a case-by-case basis to see if we can get them the services they may be eligible for, including moving them into housing. Most don't accept outreach right away. Oftentimes, folks are resistant to seeing case workers or our police officer assigned to work with the homeless (one officer is assigned to this subject matter full-time).

Multiple visits can be required before we can gain someone's trust to even have them start talking with us to work on their solutions. That is why in addition to our full-time officer, who is assisted by a caseworker from the County's Healthcare Agency, the City has contracted with City Net to provide homeless outreach services. City Net also deploys staff to assist with street outreach

and case management services. Street outreach seeks to connect unsheltered homeless neighbors with emergency shelter, housing, or critical services, healthcare and providing urgent, non-facility-based care.

To best coordinate all of the City's efforts, in the spring of 2019, the Newport Beach City Council formed a Homeless Task Force. The Task Force is comprised of three Council Members and seven community members who are working to develop a plan to reduce or eliminate homelessness. The planning process includes: developing strategies to integrate all services needed; creating a list of community partners willing to assist with addressing the issues; reviewing and considering temporary housing solutions; and developing metrics to monitor the reduction of homeless.

To be informed of the Task Force meetings please sign up here: <https://www.newportbeachca.gov/government/open-transparent/sign-up-for-enotification>. I would encourage you to get involved. Our next meeting is September 17, 2019 at 4 p.m. in the City Council Chambers.

Background

Below are some of the State and Federal laws the City must follow when dealing with individuals experiencing homelessness.

State and Federal Laws

State and federal laws determine how we work with homeless individuals. Cities and counties are obligated to follow the state and federal laws that clearly define what can and cannot do when addressing the impacts of homelessness. Generally, case law precludes a city from enforcing its anti-camping laws if there are not places for the homeless person to go.

In September 2018, the United States Ninth Circuit Court of Appeals ruled in its *Martin v. City of Boise* that the Eighth Amendment precluded the enforcement of laws prohibiting sleeping outside against homeless individuals with no access to an alternative shelter. Specifically, the Ninth Circuit held that as long as there is no option for sleeping indoors, the government cannot criminalize indigent, homeless people from sleeping outdoors, on public property.

As a result, local human rights groups asked the federal judge overseeing Orange County's homeless issues to directly block cities from enforcing anti-camping laws when that city does not have adequate shelter beds or other housing for persons as an alternative sleeping location. Newport Beach has no such facilities, though it does have one, 12-bed home operated by a local non-profit. That home is at capacity.

It is important to note that the anti-camping laws apply to public property, not private property including the OCTA Transit Center. Private property owners can enforce trespassing violations on their property.

I know this issue is of deep concern to many in the community. I will continue to update you on a regular basis as we work through this issue.

