



# BOARD OF SUPERVISORS

## COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 18-146

### RESOLUTION DECLARING A SHELTER CRISIS IN BUTTE COUNTY

**WHEREAS**, California's Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to combat homelessness; and

**WHEREAS**, the Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 (Housing) and the 2018-19 Budget Act (Chapter 48, Statutes of 2018); and

**WHEREAS**, the Governor and Legislature require jurisdictions seeking an allocation through the Homeless Emergency Aid Program to declare a Shelter Crisis pursuant to Government Code section 8698 *et seq.*; and

**WHEREAS**, Butte County has participated with the Continuum of Care in the development of a homelessness plan and undertaken multiple efforts at the local level to combat homelessness; and

**WHEREAS**, Government Code section 8698 *et seq.* permits a Board of Supervisors to declare a shelter crisis upon a finding that a significant number of persons located within the County are unable to find shelter, and that their inability to find shelter creates a threat to the health and safety of those persons; and

**WHEREAS**, upon a declaration of a shelter crisis, a Board of Supervisors may allow public facilities, which are defined as vacant or underutilized buildings that the County owns, leases, or otherwise controls, to be occupied by homeless individuals under conditions provided by other statutes; and

**WHEREAS**, the California Homeless Coordinating and Financing Council identified 1,195 homeless persons, from the 2017 Homeless Point in Time Census and Survey Report, located within Butte County who are homeless and many are living without shelter; and

**WHEREAS**, the Butte County Board of Supervisors finds that the number of homeless individuals located within Butte County is significant, and these persons are without the ability to obtain shelter; and

**WHEREAS**, the Butte County Board of Supervisors finds that the health and safety of unsheltered persons in Butte County is threatened by a lack of shelter; and

**WHEREAS**, the Butte County Board of Supervisors affirms its commitment to combatting homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities.

**NOW, THEREFORE, BE IT RESOLVED** by the Butte County Board of Supervisors as follows:

1. A shelter crisis pursuant to Government Code section 8698 *et seq.* exists in Butte County.
2. The County is authorized to participate in the Homeless Emergency Aid Program.
3. A *public facility* (County Designated Facility) is defined per Government Code section 8698(c) and includes, without limitation, vacant or underutilized facilities and properties which are currently owned, operated, leased, or maintained by Butte County, or any of its subordinate agencies, through money derived by taxation or assessment.

4. For the term of this Resolution, any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended for a County Designated Facility to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The County may enact local health and safety standards to be operative during the shelter crisis to ensure minimal health and safety.
5. The use of any County Designated Facility for emergency sheltering must be approved by the Board of Supervisors. If the County Designated Facility is within an incorporated jurisdiction, the affected jurisdiction must also have a declaration of a shelter crisis. The Board of Supervisors shall not consider or approve such a use without concurrence of the affected jurisdiction.
6. When requested by the County, organizations that provide homeless shelter services within the boundaries of Butte County may submit proposals to the Chief Administrative Officer (CAO) for consideration for the use of a County Designated Facility in jurisdictions that have declared a shelter crisis. The CAO may discuss viable proposals with the affected jurisdiction and may bring viable proposals to the Board of Supervisors for consideration, with concurrence of the affected jurisdiction. Upon Board of Supervisors approval and direction to the CAO, the County may enter into an agreement with the organization to operate a shelter, pursuant to Government Code section 8698 *et seq.*, in a County Designated Facility, no longer than the duration of the crisis.
7. Per Government Code section 8698 *et seq.*, the County shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2, limited to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing.
8. This resolution, and shelter crisis declaration, shall expire on June 30, 2021.

**PASSED AND ADOPTED** by the Butte County Board of Supervisors this 25<sup>th</sup> day of September, 2018, by the following vote:

**AYES:** Supervisors Connelly, Wahl, Kirk, Teeter, and Chair Lambert

**NOES:** None

**ABSENT:** None

**NOT VOTING:** None

  
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**Steve Lambert**, Chair  
Butte County Board of Supervisors

**ATTEST:**

**Shari McCracken**, Chief Administrative Officer  
and Clerk of the Board of Supervisors

By: 

Deputy