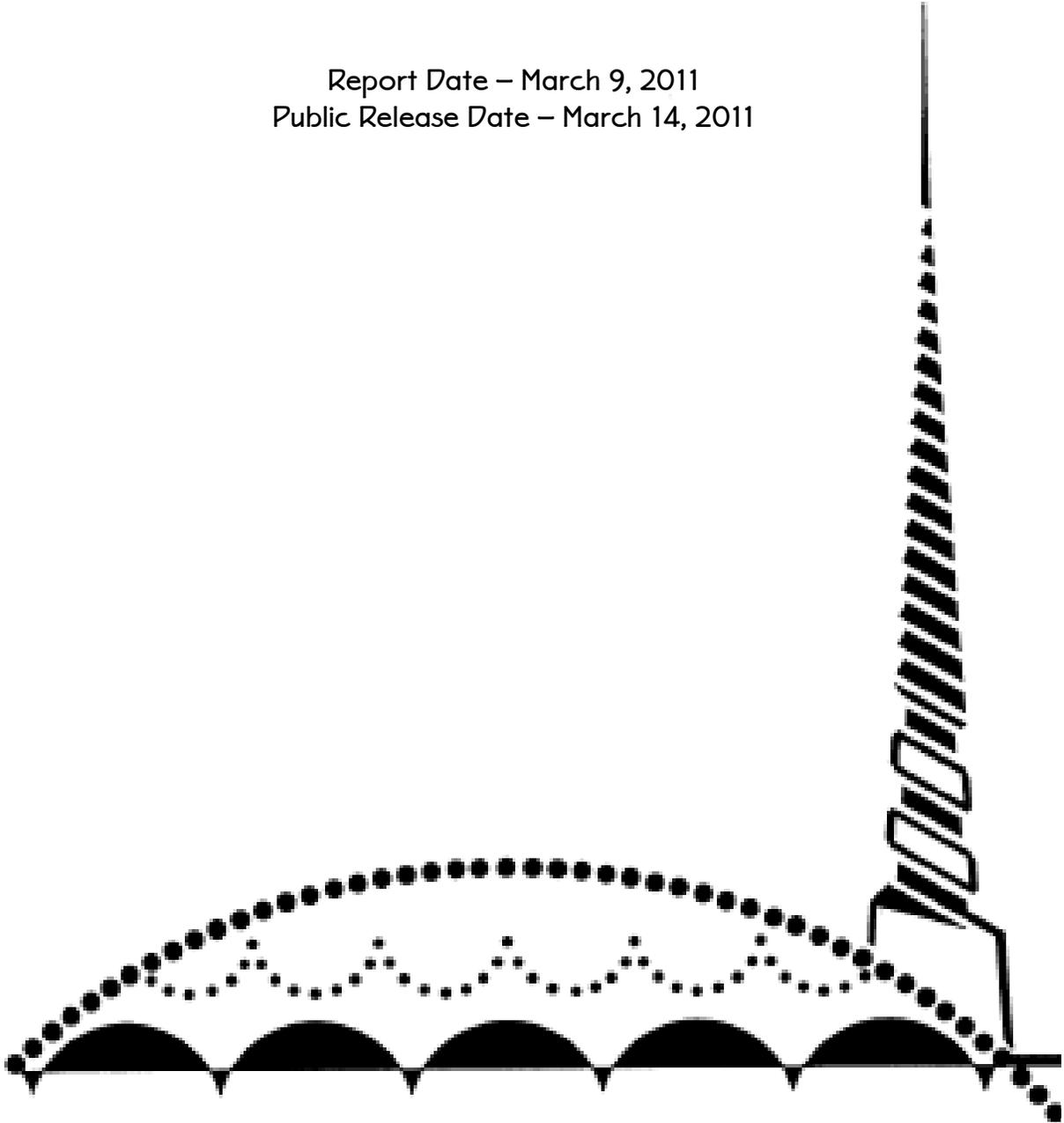
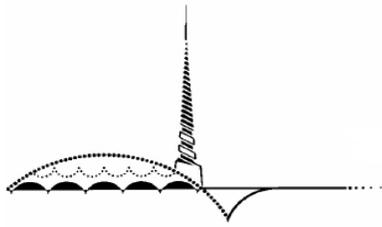


2010/2011 MARIN COUNTY CIVIL GRAND JURY

# Sheltering the Homeless: A Hole in the Safety Net

Report Date – March 9, 2011  
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## SUMMARY

Families and children represent the fastest growing segment of the homeless population in Marin County, but to date the County lacks a permanent emergency shelter program for the hundreds of families and homeless individuals who need it. Providing safety net services, especially to families and children who live in places unfit for human habitation, is one of the principal charges of county government. The County, however, has no plans to implement a permanent emergency shelter program for the foreseeable future. The Grand Jury believes that the County's current policies on this issue are misguided and misplaced.

In Marin County, the number of homeless families and individuals seeking emergency shelter far outstrips the supply of currently available shelter. In a 2009 Point-in-Time Count mandated by the U.S. Department of Housing and Urban Development (HUD), the County expanded HUD's definition of homeless, and identified 1,147 people as unsheltered, or those who live in a place not meant for human habitation. Within this category are 111 families and 169 children under the age of 15. Another 1,241 children were identified as at imminent risk of homelessness. Short-term emergency housing, however, currently exists for only 14 homeless families at the Family Emergency Center, operated by the nonprofit Homeward Bound. For unsheltered individuals, just 40 permitted spaces are available year round at the Mill Street Center in San Rafael, also operated by Homeward Bound. During the winter months, up to 65 women and men are sheltered nightly in churches and synagogues through a faith-based rotating shelter program. The County relies heavily on this program, but its sponsors may not be able to sustain it indefinitely.

The acute shortage of emergency shelter stems primarily from a lack of funding. This year the County has devoted just 0.13 percent of its annual budget to emergency shelter, all of which goes to Mill Street Center. The County provides no financial support to the Family Emergency Center or any other emergency shelter program for families and children.

In June 2010, the County appeared ready to commit up to \$400,000 to an expanded permanent emergency shelter program. By November 2010, however, the County changed course, and earmarked half of this amount to Housing First, a program that moves chronically homeless individuals directly into permanent supportive housing. The other half went to Homeward Bound's non-emergency housing programs.

Housing First will serve just a fraction of the homeless population for the foreseeable future. Only 12 individuals will participate in Housing First initially and only incrementally more in successive years. The County, however, has no plans to fund a countywide, permanent emergency shelter program for families or other homeless individuals during Housing First's long-term transition to full subscription.

Housing First and permanent emergency shelter should not be an "either/or" proposition. A comprehensive strategy for ending homelessness must include sufficient permanent

emergency shelter options as part of the vital continuum of housing services for homeless families and individuals. Citing the continued need for emergency shelters, the County's own consultant has pointed out that shelters cannot be reduced or eliminated until enough permanent supportive housing is in place.

The County should renew its commitment to an expanded permanent emergency shelter program, reorder its funding priorities to realize this goal, and provide leadership in partnership with community stakeholders to find appropriate sites so that sufficient emergency shelter options are in place, especially for families.

A County supervisor could not have said it better: "Having a place to call home is a basic human right." It is time for the County to step up and enforce it.

## **BACKGROUND**

In April 2009, the Marin County Civil Grand Jury issued a report on homelessness, "Marin Homeless: The 'Invisible' Problem That Won't Disappear." Among other things, the jury recommended that the County (1) appoint a full-time homelessness coordinator to oversee programs and services for the homeless throughout the County; and (2) provide permanent emergency shelter for homeless persons, at least during the winter season. To date, a homelessness coordinator is in place but a permanent emergency shelter program is not.

Since the 2009 Grand Jury Report, foreclosures are up, jobs have been lost, state funding has been cut, and charitable donations are down. Unemployment in the County rose from 6.6 percent to 9 percent from January 2009 to January 2010, and remained at 8.2 percent as of the November 2010 Bureau of Labor Statistic report. As the economy has worsened, so has homelessness, with steady increases in homeless families and children, both nationally and locally. In Marin, Homeward Bound reported a 30 percent spike in homeless families over the last two years. The number of families and others requiring emergency shelter, however, far exceeds the supply of currently available shelter. National estimates show that over one fourth of those seeking shelter are turned away.<sup>1</sup> A similar dynamic occurs in Marin County.

Against this backdrop, the 2010-2011 Civil Grand Jury investigated why the County, as lead coordinator among the municipalities, nonprofit organizations, businesses and other community stakeholders, has yet to put a county-coordinated permanent emergency shelter program in place.

## **METHODOLOGY**

The Grand Jury examined reports on Marin County containing data on homelessness; researched national, regional, and local studies on homelessness; reviewed numerous articles on homelessness; and consulted many websites dedicated to helping the homeless. In addition, the Grand Jury interviewed high-level officials within the County

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<sup>1</sup> National Public Radio, "New Face of Homelessness: The American Family." December 25, 2010, [www.npr.org](http://www.npr.org).

and the municipalities, directors and staff of nonprofit organizations serving the homeless, and several volunteer groups. The Grand Jury also visited emergency homeless shelters within the County.

## DISCUSSION

Currently, a homeless mother and her two children are on a list awaiting placement in an emergency shelter in San Rafael. They hope that Homeward Bound can offer an escape from the car they have been living in day to day. This mother and her children are not alone. Two dozen or so other families on Homeward Bound's wait list are also seeking to put a roof over their heads.

Last November, just days before Thanksgiving, with temperatures dropping to near freezing levels, a 30-something woman lined up at St. Vincent de Paul hoping to find shelter. The rotating shelter program had not yet begun, temporary housing at the Mill Street Center in San Rafael was full, and she had no friends and family to turn to. As a one-time emergency response, the County reimbursed St. Vincent's roughly \$4,000 in costs to allow some 44 women and men to sleep on the floor of its dining room. The County, however, made clear that unless the National Weather Service forecasted another day below freezing, the County would not step in again.

These families and individuals are just the tip of the iceberg. In 2009, Marin County's Point-in-Time Count of Homeless Persons (Point-in-Time Count) found that "families are the fastest growing segment of the homeless population," and Marin County "shares the problem of increasing family homelessness with the rest of California which ranks 40<sup>th</sup> in the nation in child homelessness."<sup>2</sup> Marin County defines the homeless more broadly than HUD.<sup>3</sup> Of the 1,770 persons identified as homeless in Marin County, nearly two-thirds, or 1,147 persons, are identified as unsheltered.<sup>4</sup> "Unsheltered" means any person that resides in a place not meant for human habitation, such as a car, park, sidewalk, open space or on the street.<sup>5</sup> Within this category are 111 families, including 169 children under the age of 15.<sup>6</sup> Another 1,241 children are considered precariously housed, defined as those without a permanent place to live, who are at imminent risk of homelessness.<sup>7</sup> Families who are doubling up with relatives fall within this definition.

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<sup>2</sup> Point-in-Time Count at 12, 39.

<sup>3</sup> *Id.* at 5-6, 19-20.

<sup>4</sup> *Id.* at 19.

<sup>5</sup> *Id.* at 6. "Sheltered" means a person who has a primary nighttime residence in a supervised shelter designed to provide temporary living accommodation, such as transitional housing for the mentally ill or a welfare hotel.

<sup>6</sup> *Id.* at 34.

<sup>7</sup> *Id.* at 37.

These figures are conservative. The County's Point-in-Time Count is simply a snapshot of the number of persons who are homeless on a single day. The report itself and those interviewed by the Grand Jury acknowledge that the actual number is significantly higher. The County, however, was unable to provide data from its 2011 Point-in-Time Count for this report.

Marin County mirrors the nation. According to a 2009 fact sheet by the National Coalition for the Homeless, families with children made up 23 percent of the homeless population.<sup>8</sup> The fact sheet also stated that 35 percent of homeless persons are members of households with children, and of these 65 percent are headed by women. These figures are undoubtedly understated. Lack of affordable housing and job loss – the two top reasons for homelessness – have significantly worsened during these last three years of severe economic downturn.

Marin County offers a number of facilities available to the homeless, but notably absent is a county-coordinated and funded permanent emergency shelter program that is part of a comprehensive approach to housing the homeless. While nonprofits and the faith-based community help meet the need, they cannot satisfy the significant demand for emergency shelter, and must regularly turn people away.

### **Where do families find emergency shelter?**

According to a recent preliminary study requested by the Marin Economic Forum, the majority of those who find themselves homeless in Marin County need only temporary or semi-permanent housing assistance.<sup>9</sup> A national study shows that most families who are homeless will find housing within six months and do not become homeless again.<sup>10</sup>

Currently, the Family Emergency Center in San Rafael, operated by Homeward Bound, provides 14 families with short-term emergency housing at a local motel with stays for up to six months. The Center for Domestic Peace, formerly known as Marin Abused Women Services (MAWS), provides emergency shelter for a total of 14 women and children who are victims of domestic abuse.

Homeward Bound also operates other facilities available to families but these are for longer-term occupancy. Homeward Bound's Family Resource Center, for example, provides space for nine families for stays up to two years. It is a transitional housing program that offers supportive services, such as job training, childcare, and health care. Permanent supportive housing is provided by Homeward Bound at Meadow Park (60 units), Family Park (serving eight families), and Fireside Apartments (10 units).

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<sup>8</sup> See National Coalition for the Homeless, "Who is Homeless," July 2009 Fact Sheet, [www.nationalhomeless.org/factsheets/who.html](http://www.nationalhomeless.org/factsheets/who.html).

<sup>9</sup> Isis Spinola-Schwartz, "Valuing Housing and Social Services in Marin County" at 14-15 (2010).

<sup>10</sup> The National Alliance to End Homelessness, "Family Homelessness in our Nation and Community: A Problem with a Solution" at 7, [www.endhomelessness.org/files/1224\\_file\\_FamiliesFMac.pdf](http://www.endhomelessness.org/files/1224_file_FamiliesFMac.pdf).

Today, all of Homeward Bound's facilities for families are full. Twenty-five families are currently on the waiting list just for Homeward Bound's short-term emergency housing. There is no county-coordinated contingency plan to place these families in stable shelter.

### **Where do single women and men find emergency shelter?**

As stated on Homeward Bound's website, Mill Street Center is the only year-round emergency shelter for single adults in Marin County. Located in San Rafael and also operated by Homeward Bound, Mill Street Center provides emergency shelter to 40 homeless single women and men as long as they appear to be substance-free. Space is available on a first come, first served basis. Individuals at Mill Street Center may potentially move into Homeward Bound's New Beginnings, an 80-bed shelter with supportive job training services, for stays up to six months if space is available.<sup>11</sup>

Like the placements available to families, Mill Street Center is oversubscribed every winter. Each day, from four to six people are turned away. There is no county-coordinated backup plan to meet this need.

Homeless single women and men, who are unable to stay at Mill Street and seek emergency shelter, have just one other option, the Rotating Emergency Shelter Team (REST) program.<sup>12</sup> The REST program consists of a coalition of faith-based entities facilitated by St. Vincent de Paul that provides nightly shelter at a church or synagogue from December 1 through March 31. Now in its third year, the program serves up to 20 women and 45 men seven days a week. Each day women and men who are homeless must appear at 4 p.m. at St. Vincent's in San Rafael, which selects and screens on a first come, first served basis individuals who are sheltered on a given night. The participants are then transported to one of 15 churches or synagogues that have agreed to provide temporary shelter for that night. The program operates from 6:00 p.m. to 6:00 a.m. Program participants are not allowed to stay during non-operational hours.

Although successful, the REST program as structured is necessarily limited. It operates only four months of the year, is open only overnight, and can serve no more than 65 individuals per night. It also does not accept families. In addition, participants must find their way to St. Vincent's each day. Last year, a total of 179 individuals were served. Currently, as many as twenty people are turned away each night. It is unknown where they go.

The REST program is not without controversy. This year, a church in Terra Linda was forced to withdraw its permit application to participate in REST when neighbors complained. In Ross, residents voiced opposition to the use of St. John's Episcopal Church for the REST

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<sup>11</sup> For those with mental illness, Homeward Bound also offers housing at its Voyager and Carmel programs. These programs provide a 24-hour supervised setting, and are not considered emergency shelters. In addition, the housing is mostly long-term, with only 10 beds available for terms from one to four months.

<sup>12</sup> Some individuals, for example, may be unable to pay the \$3.00 daily fee charged by Mill Street Center. Mill Street also requires individuals to agree to and follow a plan that will lead to stable housing.

program, causing REST's sponsors to bow out. That said, other communities, such as San Anselmo fully supported the First Presbyterian Church in operating an emergency shelter, agreeing to annually approve such use. In San Rafael, the city council has issued three-year permits to four churches with REST serving women with nightly shelter during the winter months.

### **Where does the County stand?**

Clearly, the few emergency shelters in place today cannot accommodate all or even most of the 111 families, including 169 children under the age of 15, who live in places not fit for human habitation, let alone the hundreds of women and men in similar straits. However, other than makeshift interventions, the County has no formalized contingency plan to address this vital need.<sup>13</sup>

The County's inaction, however, was not always so. Five years ago in 2006, when it released its 10-Year Plan to End Homelessness (10-Year Plan), the County recognized the need for permanent emergency shelter. At that time, a group of "visionaries," consisting of two members of the Board of Supervisors, nonprofits, and other community stakeholders, identified a wet emergency shelter – *i.e.*, a shelter accepting all without conditions – as its top short-term priority.<sup>14</sup> According to the 10-Year Plan, the County, as lead coordinator, committed to having a shelter in place in one to three years, or no later than 2009. The 10-Year Plan estimated the cost to launch and implement a shelter as between \$20,001 and \$100,000.<sup>15</sup>

In the meantime, the County provided temporary emergency shelter to the homeless on a stopgap basis. In 2007, the County opened the San Rafael National Guard Armory during the winter months. The next year, prompted by two near deaths of homeless individuals during a particularly frigid winter, the County scrambled to provide emergency short-term shelter at the Marin Center and the National Guard Armory. The shelter operated from December to mid-February, and housed about 60 people each night. Subsequently, a number of churches and synagogues stepped in to provide shelter through March 31. Neither the National Guard Armory nor the faith-based community offered shelter to homeless families.

The County's use of the Marin Center and Armory cost about \$53,000. However, cost was not the major impediment to its continued use. Because of strict requirements, including compliance with the Americans with Disabilities Act (ADA), the County dropped the Armory as a viable long-term site for a winter shelter. A high-level public official has confirmed that the County has no plans to use the Marin Center or any other County-owned facility in lieu of the Armory for the foreseeable future.

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<sup>13</sup> In contrast, Sonoma County provides over 504 emergency shelter beds, of which 177 are for families. 2009 Sonoma County Homeless Census and Survey at 15, [www.sonoma-county.org](http://www.sonoma-county.org).

<sup>14</sup> See 10-Year Plan at 54. The wet shelter item tied with centralizing and distributing data on homeless services. *Id.* at 53.

<sup>15</sup> *Id.* at 2, 54.

By 2009, the County's commitment to an emergency shelter, as envisioned in the 10-Year Plan, evaporated. In August of that year, the REST program stepped in to fill the void. Applauding REST's initiative, the County committed up to \$150,000 for the program. That amount was later redirected because of ADA accessibility and other concerns.<sup>16</sup> At that time, a County supervisor acknowledged the need to "extend beyond a temporary rotating shelter. The aim is to find a site for a permanent shelter. Not an easy task." The County's aim has missed the mark. Slated to last a year or two, REST is now in its third year. Several REST sponsors, however, consistently state that they do not intend to serve indefinitely, and cannot shoulder this responsibility alone. The County provides no funding to REST. It does, however, offer staff support to REST through the office of the Homelessness Coordinator of the Department of Health and Human Services (HHS).

As recently as June 2010, a County Supervisor reiterated the County's intent to provide additional funding for permanent emergency shelter. Citing the challenges in finding appropriate sites, the supervisor confirmed that "we do have \$400,000 set aside to invest into this."

The County's intent apparently was not shared by the Housing Solutions Workgroup, a subcommittee of the County's Homelessness Policy Steering Committee. The Homelessness Policy Steering Committee is a coalition of local government officials and community stakeholders, coordinated by HHS, which addresses housing issues for the homeless. Two months earlier, the workgroup's minutes of April 26, 2010, stated: "Emergency shelter: . . . Shelter is a low priority . . ."

In November 2010, the County publicly endorsed the workgroup's position. No longer earmarking a portion of the \$400,000 for permanent emergency shelter, a County supervisor stated, "We can't build a temporary shelter and infuse money into Housing First and salvage the programs that the state and feds are dismembering."

The County's commitment to fund an expanded permanent emergency shelter program is effectively a dead letter. "There is no official policy direction at this stage regarding winter shelter . . ." <sup>17</sup> The County's only "plan" is to offer financial support for a few days of shelter when a crisis is imminent. That is precisely what happened this past Thanksgiving. When temperatures dropped below freezing, the County gave St. Vincent's about \$4,000 to allow roughly 44 homeless individuals to sleep on the floor of its dining room for three nights. Public officials stated that they would step in again only if the National Weather Service predicted freezing temperatures on a given day or two. Rain and slightly above freezing temperatures, however, trigger no County response.

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<sup>16</sup> The money earmarked for REST instead went to Homeward Bound and Mill Street Center.

<sup>17</sup> Homelessness Policy Steering Committee, HHS Handout, 12-17-10.

### **Where did the money go?**

This fiscal year, the County awarded Homeward Bound \$550,000 to keep the 40-bed emergency shelter at Mill Street Center operational.<sup>18</sup> This award does not include funding for meals. Funding varies each year, and is not guaranteed. The County has allocated no money for the Family Emergency Center or for any other emergency shelter program for homeless families and individuals in Marin.

On December 14, 2010, the Board of Supervisors voted to place the funding previously earmarked for expanded permanent emergency shelter into a program called Housing First. Housing First is designed to move the chronically homeless – *i.e.*, those most difficult to place because of substance abuse and other issues – immediately into permanent housing with supportive services.<sup>19</sup> One stated benefit is that by moving the chronically homeless directly into stable supportive housing, emergency shelter space will become available to those who demand fewer services and are more apt to escape homelessness. The program has proven successful in Portland, Denver, and elsewhere. The County allocated \$200,000 to Housing First this year and hopes to commit similar funding going forward.<sup>20</sup>

Housing First does appear to work. In an ideal world, hundreds of chronically homeless individuals will leave the streets, cars, and encampments, freeing up space in existing emergency shelters for everyone in need. However, the ideal world is decades away. The County acknowledges that Housing First will provide permanent supportive housing to only 12 individuals this year, and only incrementally more in successive years. At this rate, no substantial dent in the number of homeless can be expected for twenty or thirty years. One County supervisor candidly conceded that during this multi-year transition, many people will suffer, but the County has no plans to fund permanent emergency shelter programs for families, who are not the focus of Housing First,<sup>21</sup> and other individuals who find themselves homeless.

No one contends that permanent emergency shelter is a solution to homelessness. Likewise, no one disputes that Housing First for the chronically homeless is an important and proven program that deserves County support. The two, however, are not mutually exclusive. A comprehensive strategy for ending homelessness must include a permanent emergency shelter program as part of the vital continuum of housing services for homeless families as well as individuals. As envisioned by HUD, the continuum begins by preventing

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<sup>18</sup> This amount is part of the approximately \$925,000 that the County gave Homeward Bound this fiscal year. The county also gave over \$500,000 to Homeward Bound's housing programs for the mentally ill.

<sup>19</sup> The "chronically homeless" refers to "any unaccompanied individual with a disabling condition who has either been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years." Point-in-Time Count at 7. HUD has recently expanded this definition to include families.

<sup>20</sup> The remaining \$200,000 went to Homeward Bound's non-emergency housing facilities.

<sup>21</sup> Homelessness Policy Steering Committee, HHS Handout, 12-16-10.

homelessness through rental subsidies and other supportive services to enable families and others to stay in their homes.<sup>22</sup> The continuum then moves those who are already homeless into permanent emergency shelter for a brief period, then on to transitional housing with supportive services, and finally into permanent housing. Under its new approach, the County provides financial support for the front and back ends, but does not financially support the emergency shelter system that links the two. By carving out an essential piece of this continuum, the County has created a gaping hole through which struggling families and other homeless persons will fall.

Likening Housing First to a hospital, one top official responded that resources are best spent providing hospital services that provide long-term care to the patient in lieu of emergency room services that treat the patient's immediate needs. Yet, that official acknowledged that a hospital would certainly not abandon its provision of emergency room services. Permanent emergency shelter is like the provision of emergency room services and should not be abandoned either. As one homeless advocate stated: "An emergency shelter can prove critical as part of a range of services . . . and can act as a triage center."

A co-founder of the REST program confirmed that "we need both" Housing First and permanent emergency shelter beds. Other homeless advocates state that investing so much in housing is "putting the cart before the horse . . . the problem is that we have so many more homeless people than we do resources for housing."

The County's own consultant, *HomeBase*, in fact agrees:

"Emergency shelters or 'interim' or 'short-term' housing is needed in all of our communities because we have not yet built up enough housing affordable to homeless people. Each community has a 10-Year Plan with specific housing goals and an interest in reducing or eliminating shelter. However, no one has reached yet the point of re-balancing housing resources to accomplish this goal."<sup>23</sup>

Notwithstanding the above, the County endorses Housing First in lieu of permanent emergency shelter based on two principal claims: (1) the County lacks the financial resources to fund both programs; and (2) the County is unable to find viable sites for emergency shelters. Each claim is considered below.

### **Funding emergency shelter options is low priority**

No one disputes that the County and cities face financial hardship during these tough economic times: general fund revenues are down, state cutbacks are severe, and social services are in peril. Tough decisions must therefore be made about where to allocate scarce

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<sup>22</sup> U.S. Department of Housing and Urban Development.  
[www.hudhre.info/index.cfm?do=viewESGDeskguideSec1#1-1](http://www.hudhre.info/index.cfm?do=viewESGDeskguideSec1#1-1).

<sup>23</sup> Memorandum, Regional Steering Committee on Homelessness and Housing, HomeBase, January 25, 2008, Re: SB 2 (Fair Share Zoning Bill).

funds. The real issue, however, is what priority public officials are willing to place on increasing the funding for permanent emergency shelter – a vital safety net service.

With history as a guide, the priority that the County places on this objective remains low. Over the last several years, the County has spent about \$13 million annually on targeted services for the homeless,<sup>24</sup> or less than three percent of the County's total budget each fiscal year. The annual amount devoted to permanent emergency shelter is significantly less. This fiscal year, the County has allocated no money to the Family Emergency Center or any other emergency shelter program for homeless families. The \$550,000 given to Mill Street Center for homeless individuals represents the total devoted to permanent emergency shelter, a mere 0.13 percent of the County's annual budget of \$437 million.<sup>25</sup>

Significantly, the County states that roughly 10-15 percent of homeless individuals consume 60 percent of the resources allocated to psychiatric care, detoxification, and other social services.<sup>26</sup> Those who are homeless also disproportionately utilize police services, emergency rooms, and jails. Based on this data, the County points out that on a strict cost/benefit basis, Housing First will save taxpayers substantial money by reducing all of these costs over time.<sup>27</sup>

The County, however, has not applied this same logic to a permanent emergency shelter program with supportive services, such as job training and childcare. Using the same economic analysis, one would also expect significant cost reductions and potentially significant savings.

Admittedly, funding is tight. Yet, it does not go unnoticed that last January the County found \$50,050 to fund the design of a logo for the County parks department.<sup>28</sup> Similarly, when the state cut childcare subsidies last fall, the County immediately stepped in with a \$100,000 infusion of money to continue support to mostly women and children.<sup>29</sup> Providing emergency shelter to the two dozen or more families of mostly women and children currently wait-listed at Homeward Bound should be an equal priority.

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<sup>24</sup> Marin County Draft Housing Element at II-29, November 2009; Isis Spinola-Schwartz, "Valuing Housing and Social Services in Marin County" at 8 (2010).

<sup>25</sup> The Marin Housing Authority, a separate and independent agency, receives funding for homeless people, including veterans. This funding, however, is for transitional and permanent housing, not emergency shelter. This year about 35 veterans were provided with housing.

<sup>26</sup> HHS RFP for Housing First, [www.co.marin.ca.us/depts/HH/Main/RFPs/](http://www.co.marin.ca.us/depts/HH/Main/RFPs/).

<sup>27</sup> Homelessness Policy Steering Committee, HHS Handout, 12-16-10; Isis Spinola-Schwartz, "Valuing Housing and Social Services in Marin County" (2010).

<sup>28</sup> Board of Supervisors, Minutes of January 11, 2011, Item CA 6-b.

<sup>29</sup> The discretionary fund available to the five members of the Board of Supervisors provides another potential source of funding. As of December 22, 2010, the Marin IJ reported that over \$671,834 remained in this account. Notably, this year's cost to operate the REST program for four months was about \$175,000. Questions about tapping this fund were met with polite but determined pushback.

To be sure, the cities are not exempt from providing assistance. However, cities generally do not fund permanent emergency shelters because they regard shelter service as one of the many social services traditionally funded by the County. Nevertheless, certain cities have taken responsibility for homeless families and others who live within their jurisdictions. In Novato, for example, the city leases the land to Homeward Bound for its housing facilities for just \$1.00 per year. San Rafael in turn is the hub for the Mill Street Center, Ritter House, the Family Resource Center, and St. Vincent de Paul, all of which serve the homeless population. In the last two years, Sausalito has given Homeward Bound a total of \$10,000 from parking meter revenue during the winter holiday season to help fund its housing programs.

When asked about implementing a permanent shelter program, both the County and the cities had similar responses: (1) each had done enough in providing shelter services for the homeless; and (2) providing additional services was the responsibility of others – *i.e.*, the County pointed to the cities, and the cities pointed to the County. One County Supervisor conceded that the County was responsible for safety net services countywide, but nevertheless felt accountable only to the homeless people who resided in unincorporated areas. Novato and San Rafael said that they had done their respective part by enabling various providers of homeless services to operate within their communities, including the REST program.<sup>30</sup>

The finger-pointing and lack of accountability make clear the need for strong leadership, cooperation, and collaboration among the governments within Marin to implement a permanent emergency shelter program. Providing safety net services, especially to families and children who live in places unfit for human habitation, is one of the principal charges of county government. The County must lead, but it cannot act alone. Municipalities must actively partner with the County if reducing homelessness is to become a reality.

### **Other sources of funding**

The County receives federal funding to house the homeless, but the federal grants that the County has specifically applied for and obtained do not apply to emergency shelter programs. In 2009-2010, for example, the County was awarded \$659,109 in federal stimulus funds under the Homeless Prevention and Rapid Re-housing Program (HPRP). With this funding, the County helped prevent 143 households from becoming homeless, and found housing for 65 other households. Pursuant to Title IV of the McKinney-Vento Homelessness Assistance Act (McKinney-Vento), the County this year received a \$2.5 million Continuum of Care Grant. This federal grant provided transitional and permanent housing support to homeless individuals and families. The Grand Jury commends the County's success in obtaining these grants.

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<sup>30</sup> See, e.g., City of San Rafael, Community Development Department - Planning Division, "Report to Planning Commission" at 3, 4 (12-08-09) (San Rafael deems it the County's responsibility to establish permanent shelter for the homeless).  
[www.cityofsanrafael.org/Assets/CDD/Planning+Commission+Staff+Reports/homeless+shelter](http://www.cityofsanrafael.org/Assets/CDD/Planning+Commission+Staff+Reports/homeless+shelter).

Funding for emergency shelter programs, however, appears to be available under the “Emergency Solutions Grant” (ESG) program, as part of the recently enacted HEARTH Act. This program, formerly known as the “Emergency Shelter Grant” program under McKinney-Vento, provides, among other things, grants to operate local emergency shelters and fund social services.<sup>31</sup> Eligible grantees include cities and urban counties, which then make grants to eligible recipients. Eligible recipients can be local government agencies or private nonprofit organizations.<sup>32</sup> The renaming of the ESG program under the HEARTH Act represents a shift towards “funding homelessness prevention and re-housing,” but it does not discontinue the program’s core function of funding emergency shelter services.<sup>33</sup>

Federal ESG grants are available from both HUD and the State. Unlike Sonoma County, however, Marin County has not sought grant funding under the ESG program.<sup>34</sup> Yet, according to the State of California 2010-2015 Consolidated Plan and 2010-2011 Annual Plan, Marin County is eligible for this program.<sup>35</sup>

No one doubts that obtaining federal grants is challenging. It takes a cooperative, collaborative effort by the County, cities, and other stakeholders to qualify. One public official stated that Marin County is too affluent to qualify for an ESG grant under the HEARTH Act. The County’s affluence, however, did not disqualify it from receiving rental subsidies under the HPRP program, which the HEARTH Act will similarly fund. Applying for funding, of course, does not guarantee funding, but there is no funding at all if no effort is made to obtain it.

### **Finding appropriate sites**

The other chief claim for why no countywide permanent emergency shelter program exists is the lack of viable sites. This claim merits further scrutiny.

Title V of McKinney-Vento requires federal agencies to identify and make available surplus or underutilized federal land and buildings at no cost to local governments and nonprofit

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<sup>31</sup> See U.S. Department of Housing and Urban Development, Homelessness Resource Exchange, [www.hudre.info/documents/GettingReadyforNewESG\\_presentation.pdf](http://www.hudre.info/documents/GettingReadyforNewESG_presentation.pdf).

<sup>32</sup> *Id.*, Emergency Shelter Grants Fact Sheet, [www.hudhre.info/index.do=viewESGProgram](http://www.hudhre.info/index.do=viewESGProgram).

<sup>33</sup> *Id.* (discussing ESG funding as the first step in HUD’s Continuum of Care) and [www.hudhre.info/documents/GettingReadyforNewESG\\_Presentation.pdf](http://www.hudhre.info/documents/GettingReadyforNewESG_Presentation.pdf).

<sup>34</sup> See First Program Year Action Plan for FY 2010-2011 at 4, 6, submitted by Sonoma County to U.S. Department of Housing and Urban Development.

<sup>35</sup> State of California, 2010-2015 Consolidated Plan and 2010-2011 Annual Plan, Appendices A and I, [www.hcd.ca.gov/hpd/hrc/rep/fed/2010-2015\\_conplan\\_final.pdf](http://www.hcd.ca.gov/hpd/hrc/rep/fed/2010-2015_conplan_final.pdf). It appears that the County coordinated and implemented ESG funding in the past. See notice of position for community development coordinator, Class Specification No. 0687 (2-13-90), Marin County Human Resources Department (citing oversight of ESG and other programs in duty statement).

organizations for sheltering the homeless. Homeward Bound, for example, leases formerly federal land at Hamilton at a nominal rent for its homeless facilities.

The federal government also administers the Community Development Block Grant (CDBG) program, which provides grants for eligible housing projects, including homeless shelters. The eleven cities in Marin County participate with the County in a single, joint CDBG program, which enables the County to qualify for annual grants that could fund emergency shelters.<sup>36</sup>

Through its EHAP-Capital Development Program (EHAP-CD), the State in turn provides funding for capital development activities for homeless shelters.<sup>37</sup> Under this program, local governments and nonprofits may obtain forgivable deferred loans to acquire, construct or rehabilitate sites for emergency shelters, safe haven facilities, and transitional housing for homeless persons.<sup>38</sup>

At the local level, SB 2, enacted by the state legislature, requires local governments to zone for emergency shelters without a conditional use or other discretionary permit. The intent of this bill is for counties and cities to enable vulnerable families and others who find themselves homeless to continue to live in their own communities. SB 2, however, also allows up to three communities to adopt a regional approach in providing emergency shelter.<sup>39</sup>

Despite these measures, it appears that only lip service is paid to them. To our knowledge, neither the County nor the cities are actively pursuing, separately or collectively, all options available under federal, state or local law. Although each municipality is required to adopt a housing element that includes zoning for at least one year-round emergency shelter, to date only Larkspur and Ross have adopted a final plan that identifies zoning for new shelter sites, notwithstanding SB 2's effective date of January 1, 2008.<sup>40</sup> Public officials acknowledge that SB 2 lacks political teeth to enforce it, but they also neglect to mention the lack of political will to do so voluntarily.

Several public officials have claimed that many do not want to site a large permanent shelter in their communities. This is a red herring. A permanent emergency shelter program need

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<sup>36</sup> County of Marin, Department of Community Development, [www.co.marin.ca.us/depts/CD/main/comdev/FEDERAL/index.cfm](http://www.co.marin.ca.us/depts/CD/main/comdev/FEDERAL/index.cfm).

<sup>37</sup> California Department of Housing and Community Development, [www.hcd.ca.gov/fa/ehap/ehapcd.html](http://www.hcd.ca.gov/fa/ehap/ehapcd.html).

<sup>38</sup> The State also offers financial aid to local governments under its Emergency Housing Assistance Program (EHAP), but apparently that program will not be funded in 2010-2011. *See* n.29, *supra*, at 108.

<sup>39</sup> Memorandum, Regional Steering Committee on Homelessness and Housing, HomeBase, January 25, 2008, Re: SB 2 (Fair Share Zoning Bill).

<sup>40</sup> Corte Madera, for example, has simply permitted three churches to offer emergency shelter as part of the REST program, a winter-only shelter. SB 2, however, calls for year-round shelter. Town of Corte Madera, Draft Housing Element at 72-73, 107 (October 2010).

not be centralized. Facilities that serve families, such as single-family houses like Homeward Bound's Family Resource Center, could be dispersed throughout the County and cities, just as the various churches and synagogues under the REST program are scattered throughout Marin.

Notably, the County has made sincere and concerted efforts to find sites for permanent emergency shelter. Each time, however, it has met steep resistance. For example, when the County considered the defunct honor farm detention facility as a potential site, the landlord would not enter into a lease. When the County approached San Rafael about using commercial space for an emergency shelter, it was again rebuffed. Most recently, the resistance by Terra Linda and Ross residents to the REST program illustrates the difficulty in finding viable sites for shelter.<sup>41</sup> The difficulties and challenges are large but they are not insurmountable. Finding appropriate sites for permanent emergency shelter will take determined political will and a coordinated, collaborative effort by the County, municipalities, businesses, nonprofits and other stakeholders.

### **What is missing and what can be done?**

At least three actions are necessary in order to make a county-coordinated, permanent emergency shelter program a reality in Marin County. First, this goal must be a top priority that is explicitly endorsed by the County. Providing emergency shelter and promoting Housing First should not be an "either/or" proposition. A comprehensive strategy for ending homelessness must include a permanent emergency shelter program as part and parcel of the vital continuum of homeless housing services that the County provides. The County must renew its commitment to implement such a program.

Second, sufficient funding must be allocated to achieve this goal. County funding priorities must be re-ordered, and the County, joined by the municipalities, must actively pursue all available sources of federal and state funding. Continued reliance on the generosity of the faith-based community and nonprofits to shelter the homeless during the winter months is not only unsustainable, it is not sufficient. In addition, the County must have a contingency plan in place to provide permanent emergency shelter options if the REST program ends this year. At the same time, the County should formulate a concrete plan to accommodate families seeking emergency shelter, including the 25 to 30 families currently wait-listed at Homeward Bound.

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<sup>41</sup> Marin County stands in contrast to Sonoma County. Years ago, the Sonoma County Board of Supervisors purchased and renovated an existing shelter, and funded its capital and operating costs with county general funds. Sonoma County also offered land to a women's emergency shelter at a nominal rent, and committed up to \$100,000 per year to operate another emergency shelter. Sonoma County further obtained federal ESG funding that it gave to the Committee on the Shelterless, a non-profit serving homeless families, and the Mary Isaak Center. This funding is in addition to HPRP and other federal funding from HUD. See First Program Year Action Plan for FY 2010-2011 at 4, 6, 25, 26, submitted by Sonoma County to U.S. Department of Housing and Urban Development.

Third, the County must provide the leadership, as envisioned in its 10-Year Plan, to coordinate and collaborate with the municipalities, nonprofits, and the community to find available sites for emergency shelter. The Homeless Policy Steering Group, that meets quarterly, shows promise. However, leadership must translate into concrete action. Milestones and deadlines must be set so that sufficient emergency shelter options, beginning with wait-listed families seeking help, are in place.

It is not enough to throw up one's hands and say no funding exists or no sites are available to support a countywide permanent emergency shelter program. It takes strong government leadership to achieve this goal, a firm commitment to prioritize the goal through all potential sources of funding, and the political will to find concrete, near-term, attainable solutions.

In the end, providing emergency shelter to homeless children, families, and others who otherwise face serious risk to their health or even death is neither a budget issue nor a site issue. It is an issue of humanity, embodied in the express mission of the County "to promote and protect the health, well being, self-sufficiency and safety of *all* people in Marin County."<sup>42</sup> The challenge is great, but so is the reward, both to those who are homeless and to the entire community.

## **FINDINGS**

The Grand Jury finds that:

- F1.** Families and children remain the fastest growing segment of the homeless population in Marin County.
- F2.** The number of homeless families and individuals seeking emergency shelter in Marin County far outstrips the supply of currently designated shelter options.
- F3.** For the last three winters, the County has relied on the REST program, a faith-based program of rotating shelters that serves up to 65 single men and women on any given day.
- F4.** The County has no known contingency plan in place in the event that the REST program ends after the winter of 2010/2011.
- F5.** The County currently provides financial support to the Mill Street Center that serves homeless individuals, but provides no financial support to the Family Emergency Center or any other emergency shelter program that serves homeless families and children.
- F6.** The County has recently redirected funding originally earmarked for permanent emergency shelter to Housing First, a program that in Marin will move primarily chronically homeless individuals, and not families, directly into permanent supportive housing.

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<sup>42</sup> [www.co.marin.ca.us/depts/HH/Main/index.cfm](http://www.co.marin.ca.us/depts/HH/Main/index.cfm) (HHS mission statement, emphasis added).

**F7.** The County has no plan to fund a permanent emergency shelter program for the hundreds of homeless families, children and others during Housing First's transition to full subscription.

**F8.** SB 2 requires municipalities to zone for emergency shelters for the homeless, but only two of the eleven cities in Marin County have adopted a Final Housing Element that identifies specific sites for this purpose.

**F9.** Marin County lacks a county-coordinated and funded permanent emergency shelter program that is part of a comprehensive approach to housing the homeless.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

**R1.** The County expressly endorse a county-coordinated permanent emergency shelter program as a top priority, and allocate sufficient local funding, which combined with federal and state funding, ensures that such a program becomes a reality.

**R2.** The County, in coordination with the municipalities, implement a permanent emergency shelter program that will be in place no later than winter 2011/2012.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing body:

- The Marin County Board of Supervisors: **All findings and recommendations.**

The governing body indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

California Penal Code Section 933 (c) states that "...the governing body of the public agency shall comment to the presiding judge on the findings and recommendations pertaining to matters under the control of the governing body." Further, the Ralph M. Brown Act requires that any action of a public entity governing board occur only at a noticed and agendized public meeting.

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