

Inclement Weather Program Update, Zoning Use, and Consideration of One- Site Winter Plan

**Housing & Homelessness
Solutions Committee
January 14, 2020**

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City of Dallas

Overview

- Summary
- Proposed Zoning Use
- Proposed Chapter 45 & CHC Subcommittee Feedback
- Potential Winter 2019/2020 “One-Site” Considerations & CHC Subcommittee Feedback
- Summary & Lessons Learned from 2019 IWS at Convention Center
- Action for Consideration
- Next Steps

Summary

- Two processes (zoning use and program chapter creation) running concurrently.
 - Establishment of new accessory zoning use is led by the Department of Sustainable Development and Construction
 - Establishment of inclement weather shelter program is led by Office of Homeless Solutions
- The establishment of an inclement weather shelter use is necessary as Chapter 51A does not allow interested parties to legally operate.
- New Chapter will contain the process and procedure in which interested parties may participate, operate, and be permitted
- New Chapter will contain definition of inclement weather, periods of operation, temperature and other weather conditions, required coordinated intake and assessment, and any potential spacing requirements from other temporary inclement weather shelters and overnight general purpose shelters

Proposed Zoning Use

Sec. 51A-4.217 Accessory Uses

(b) Specific accessory uses

(11.1) Temporary inclement weather shelter

(A) Definition: A facility that offers shelter during times of inclement weather in compliance with Chapter 45

(B) District restrictions: This accessory use is not permitted in Parking (P)

(C) Required off-street parking: None required

(D) Required off-street loading: None required

(E) Additional provisions:

(i) This use must comply with regulations in Chapter 45

(ii) This use may only operate in conjunction with a Certificate of Occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

(iii) The area restrictions in Subsection (a)(3) do not apply to this use

Proposed Chapter 45: Weather Definitions

Inclement weather defined by meeting the following weather conditions as forecasted by the National Oceanic and Atmospheric Administration's National Weather Service and not limited by specific months of the year:

- Cold weather advisory when nighttime temperatures are 32 degrees Fahrenheit or below or any amount of freezing rain or with 2-4 inches of snow (alone or in combination with freezing rain/sleet)
- Heat advisory when heat index value temperatures are 100 degrees Fahrenheit or higher

CHC Ad Hoc Subcommittee feedback:

Insert “nighttime” into heat definition. *OHS agrees with this recommendation.*

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Proposed Chapter 45: Permit Process & Issuance

- Provisions are cumulative of all city ordinances, building, electrical, food establishment, fire safety, and all other permits and licenses required by ordinance or other law
- Applicant must submit permit to shelter coordinator at least 45 days prior to operation along with following:
 - Valid Certificate of Occupancy
 - Project Plan (including site and floor plan for shelter operations)
 - Operation Plan in compliance with Section 45-7
- Passed building and safety inspection required prior to issuance of final permit
- DFR and DPD notified of approved permit at least 10 days prior to operation and provided with approved site and floor plans
- Permits are valid for a twelve-month period and expires on September 1 each year

CHC Ad Hoc Subcommittee Feedback:

Add language that would give IWS Coordinator discretion to prioritize applications/permits based on unmet needs in geographic locations. *OHS agrees with recommendation and is in discussion with CAO on how to implement and evaluate to eliminate claims of discrimination.*

Proposed Chapter 45: Operation Plan

Operation Plan must include the following:

- Community notification and outreach
- Supportive services
- Emergency management and fire evaluation
- Infection control policies
- Privacy measures for vulnerable subpopulations

Proposed Chapter 45: Operation Plan continued

Operation Plan must include the following:

- On-Site monitoring plan to include training methods of staff/volunteers
- Hours of operation, including intake and discharge times
- Maximum number of shelter guests, shelter beds, and bathroom facilities
- Coordinated intake and assessment in accordance with City of Dallas guidelines per Continuum of Care
- Safety and security measures

CHC Subcommittee feedback:

- OHS to provide best practices for volunteer/guest ratio. *OHS agrees.*
- Training methods should include medical personnel. *OHS agrees.*
- Can City add a no proselytizing clause? *OHS does not agree with adding this due to constitutional issues per CAO feedback.*

Proposed Chapter 45: Sleeping Space Requirements

- Minimum of 40 square feet per shelter guest
- Minimum of 100 square feet for guest with supportive equipment such as wheelchair, lift equipment, or service animal
- All designated sleeping areas must provide walkway of four feet between each shelter bed to provide emergency access

CHC Subcommittee feedback:

Operator should consider privacy and security of guests when setting spacing requirements. Also, consider as much spacing as possible to assist guests who are dealing with trauma. *OHS agrees.*

Proposed Chapter 45: Permit Denial or Revocation

Shelter Coordinator may deny or revoke for the following:

- Falsified information or incomplete application
- Operator fails to maintain public order in or around shelter location
- DFR or DPD declares structure or property a threat to public's health, safety, and welfare
- History of noncompliance or previous revocations
- Noncompliance regarding city ordinance, state, or federal law
- Noncompliance with Chapter 46 "Unlawful Discriminatory Practices" relating to sexual orientation and gender identity and expression
- Any violation of city ordinance, state, or federal law by shelter guests while on shelter premises

CHC Subcommittee feedback:

- Noncompliance with any provision of Chapter 46 including but not limited to sexual orientation and gender identity and expression. *OHS does not agree with this recommendation as City ordinances do not use "but not limited to" language per CAO.*
- Would like spacing and concentration to be handled through discretion of OHS by adding language in this section. *OHS working with CAO to determine if this is possible.*
- Ability to deny permits based on oversaturation in certain areas. *OHS working with CAO to determine if this is possible and how to fairly evaluate.*

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Proposed Chapter 45: Denial or Revocation Appeal Process

- Shelter Coordinator will notify by certified mail and inform of appeal process
- Appeal filed in accordance with Section 2-96 “Appeals from Actions of Department Directors” of this code
- Applicant/permit holder may reapply once conditions are met upon inspection by appropriate city department

Winter 2019/2020 Plan: City Considerations

- Centralized location
- Capacity to serve 300-400 guests
- Suspension of zoning
- DFR Fire Watch
- DPD for security
- Selection of Operator
- Volunteer Coordination
- FY19-20 budget of \$200,000

CHC Short Term Solutions Subcommittee Feedback

- **Overarching Concerns with One-Site Concept**
 - Risk assessment
 - Religious organization participation/required City nondiscrimination and welcoming atmosphere
 - Procurement process and approval of any necessary contracts on a tight timeframe
 - Capacity management
 - Not sure if logistics will be possible to implement by January

CHC Short Term Solutions Subcommittee Feedback

- **Minimum Threshold**

- Locations that are ready to house and require less (heat, handicap accessible, restroom, showers, etc.)
- Locations approved by City Attorney related to liability concerns

- **Other Considerations**

- Consider partner sites
- Don't pay organizations for services they are going to provide whether City participates or not
- Staffing: What will be City participation?
- Analyze best practices locally and nationally

Summary of November 11-16 & Dec 10 Inclement Weather Shelter

- City Manager direction to activate inclement weather shelter due to projected evening temperatures less than 36 degrees
- Kay Bailey Hutchinson Convention Center
- Supporting departments: Office of Emergency Management, Convention & Event Services, Dallas Police, Dallas Fire and Rescue, Animal Services, Parkland Health System, Dallas Right Care
- Volunteers utilized from City staff, homeless service providers, and faith-based community
- City served approximately 1,300 persons (605 unduplicated) over six night period

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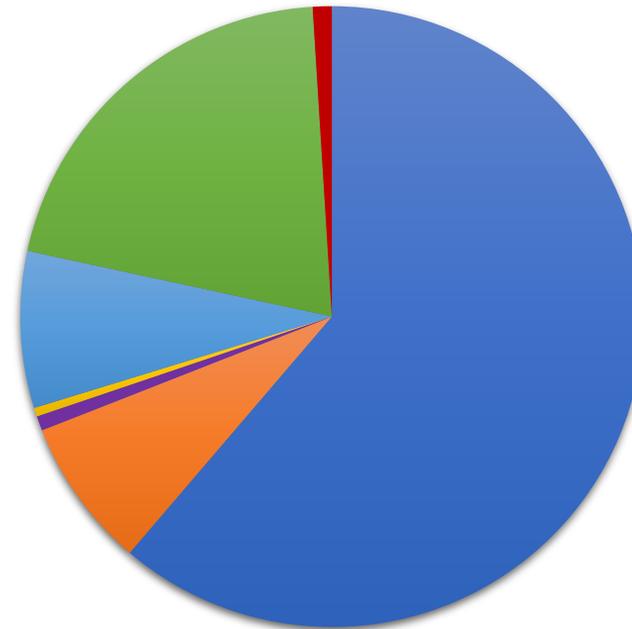
Inclement Weather Shelter Statistics (Nov 11-16, 2019)

- 73% Living in places not meant for human habitation
- 26% Between ages of 45-54
- 27% (159 persons) 55+
- 66% African-American
- 79% Male
- 98% Last known address in Dallas
- 22% (128 persons) experienced shelter for the first time

Inclement Weather Shelter Costs - 11/11/19 through 11/16/19

Inclement Weather Shelter Costs

Category	Cost
Labor	\$185,755.07
Food	\$23,633.76
Materials/Supplies	\$2,307.50
Rentals	\$1,375.00
Contracts	\$24,742.79
Leased Space/Potential Revenue Loss	\$62,537.50
Volunteer Hours FMV	\$2,987.25
Total	\$303,338.87



- Labor
- Food
- Materials/Supplies
- Rental
- Contracts
- Leased Space/Potential Revenue Loss
- Volunteer Hours FMV

Lessons Learned

- Timing of cold temperatures affects guest participation
- To maximize limited fiscal and staff resources, City activation should align with other providers to truly function as overflow shelter
- Importance of partnerships for services, food, donations, and volunteers
- Simplify intake process for improved customer service to guests
- Opportunity to link to shelters and services is critical
- Need for emergency clothing and shoes

Future Considerations

- Outsource operations
 - Limited staff capacity and overtime expenses
 - Addition of at least one (1) Shelter Ops Manager to oversee coordination of activated sites and services (Estimated salary of \$65,000 year)
- Full-service shelter vs. warming center
 - Determine service levels based on need
- Temperature/weather threshold for activation revisions
 - City operated facilities must be last resort
- Convention Center availability is significantly limited
 - No availability January-March of 2020
 - Staff will need to identify sites for City Council approval

Action Items for Consideration

- Provide feedback on proposed accessory zoning use and Inclement Weather Shelter Program/Chapter 45
- Provide recommendations on Winter 2019/2020 Plan
 - Activation temperature/weather conditions
 - Potential locations to pursue
 - Service provision
 - Operations and necessary contracted services

Next Steps

- Projected full City Council approval of Chapter 45 and accessory zoning code use Spring 2020

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