

Memorandum



CITY OF DALLAS

DATE May 26, 2020

TO Honorable Members of the Housing and Homeless Solutions Committee

SUBJECT **Amendments to Chapter 51A and Chapter 45 of the Dallas City Code to Allow for Temporary Inclement Weather Shelters**

Purpose:

Staff will provide an update to the Temporary Inclement Weather Shelter Program (TIWS) and related Municipal Code amendments. This was briefed to the Housing and Homelessness Solutions Council Committee on January 14, 2020. The Committee recommended the item be forwarded to City Council for consideration and possible action pending the additional outreach to faith-based communities and service providers. This item is scheduled for the City Council voting agenda on June 24, 2020.

Background:

According to the National Coalition for the Homeless, inclement weather accounts for the deaths of approximately 700 people experiencing homeless or persons who are at-risk of homelessness every year across the United States. Every day, street outreach workers in cities across the nation go out into communities to encourage people on the street to take shelter, but many people refuse, for a variety of personal and social reasons. The same remains true in Dallas.

On January 23, 2020, the Point in Time Count showed the number of unsheltered people in Dallas increased by 122 people from 1,452 to 1,619. That night, the temperature was in the 50s. The average overnight low temperature in January is in the mid-30s. Establishing predictable inclement weather shelters decreases the chances that a Dallas resident will die while experiencing homelessness. It also increases the chances of connecting a person experiencing homelessness with the services and shelter they need. These are the primary arguments that catalyzed staff's efforts to develop the Office of Homeless Solutions Strategy, which was approved by the City Council in August of 2018 and formalize temporary inclement weather shelters through the establishment of Chapters 45 and amendment of 51A of the Dallas City Code. These two Code revisions are intended to operate concurrently.

Why people choose street sleeping over shelter:

The reasons people choose to sleep on the street rather than going into shelters are as varied as the people themselves. For some, it is that they have had a bad experience in a shelter or have heard about the bad experiences of others. Many who experience homelessness are not alone but have pet companions that may not be allowed. As a loyal pet owner, these individuals will not leave their pet, and refuse to surrender to a shelter. They are afraid that shelters are dangerous places, and may risk having their personal

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belongings stolen. Unfortunately, none of these beliefs have to be true to convince someone to stay out of shelter.

For some people, a mental health condition magnifies the fear of going into shelter. It's a fear of the unknown, crowds, or the lack of ability to control their surroundings. Substance use disorders, criminal history, an unwillingness or inability to follow rules, and many other reasons contribute to the list of reasons that people choose to sleep outside. On the street, they may know where to find a blanket or a hot meal, but they don't necessarily know what they will find in shelter. Their space on a grassy area by the highway or under an overpass feels safer than a shelter, even when it is freezing outside. The street has become their home.

Establishing temporary inclement weather shelters provides immediate, potentially life-saving comfort to people who are resistant to staying inside, but it can also have a potentially much larger impact. Convincing an unsheltered person to come in from the cold, for even one night, can start them down a path to permanent housing. An unsheltered person can be shown that moving inside can be safe and that fears can be unfounded. Connections can begin to form that lead that unsheltered person to additional services and case management that are designed to lead to permanent housing. Inclement weather shelters are a critical piece of the overall strategy for ending chronic homelessness in Dallas.

City of Dallas Operations of Inclement Weather Shelters:

In 2019 and early 2020, while Chapters 45 and 51A were in development, it became clear that a gap in services needed to be filled. The Office of Homeless Solutions (OHS) was tasked with operating inclement weather shelters on three occasions, which include November 11 – 16, 2019, December 10, 2019, and February 4 – 5, 2020. The first two shelters were staged at the Kay Bailey Hutchison Convention Center and the third was staged at the J. Erik Jonsson Central Library.

These efforts were supported by the Office of Emergency Management, Convention and Event Services, Dallas Police, Dallas Fire and Rescue, Animal Services, Parkland Health System, Dallas Right Care, volunteers from City staff, homeless service providers, and the faith-based community.

Over the eight-night period, 1,300 people were served. 605 of those were unduplicated. As is generally the case with the City's unsheltered population, the overwhelming majority of people served were adult men of color. 98% of them has a last known address in Dallas and 22% of them were in shelter for the first time.

Issue:

OHS learned several important lessons while operating these temporary shelters. First, and most importantly, coordination with other service providers is critical. Temporary

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Inclement Weather Shelters (TIWS) are designed to function as overflow facilities. It is imperative that IWS operators communicate with traditional overnight shelters to ensure temporary shelter options are provided in areas where there is the most need and the ability to link guests to longer term shelters and services.

OHS also learned that there are organizations that are willing to donate services, food, other supplies, and volunteers but that coordination must be established well in advance of the need and deployable with little notice.

It became clear that a successful TIWS must be truly low barrier. Intake must be simple and fast. Many of the people who will come into an Inclement Weather Shelter may have been banned from a traditional overnight shelter. Creating barriers to entry will increase the chances that an unsheltered person will decide to take a chance on sleeping on the street.

The final lesson was that Temporary Inclement Weather Shelters are a significant unmet need in Dallas. Passage of Chapters 45 and 51A will allow external organizations to legally and effectively operate these shelters and fill the need in a way that does not deplete City resources.

Components of Chapter 51A Proposal:

Chapter 51A is amended to include specific accessory uses of facilities to operate as Temporary Inclement Weather Shelters. The revised Chapter 51A allows for the operation of a site as a Temporary Inclement Weather Shelter provided that the site operates under the policy established in the Chapter 45. Chapter 51A is clear that the provisions and definition of a Temporary Inclement Weather Shelter is not allowed in single family, duplex, townhouse, or disabled group dwelling units.

Components of Chapter 45 Proposal:

Chapter 45 is designed to work in conjunction with proposed changes to Chapter 51A. It establishes an inclement weather shelter program which will be administered by Office of Homeless Solutions.

Chapter 45 contains the process and procedure allowing in which interested parties may participate, operate, and be permitted. 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.

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Inclement Weather Definitions:

- **Cold weather advisory (CWA)** - means an advisory issued when the minimum nighttime temperature is forecast by the National Oceanic and Atmospheric Administration's National Weather Service to be 32 degrees Fahrenheit or below at any point from 4PM CST to 8AM CST (next day). A cold weather advisory is issued for any amount of freezing rain, ice or when two to four inches of snow (alone or in combination with sleet and freezing rain).
- **Heat weather advisory (HWA)** - means an advisory issued when the minimum nighttime temperature is forecast by the National Oceanic and Atmospheric Administration's National Weather Service to be 90 degrees Fahrenheit or higher at any point from 4PM CST to 8AM CST (next day).

Permit Process *(new information included related to COVID 19 And infection control policies)*

- 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
 - Community notification and outreach- operator's outreach and notification strategies to nearby residents, businesses, shelter participants, governmental agencies, stakeholders, and service providers. (email, social media post, signs, etc.).
 - Supportive services (if applicable) – supportive services, programs, and case management services offered to shelter participants.
 - Emergency management and fire evaluation- procedures for medical and other emergency events, including illness, injury, fire, flood, and other natural disasters. Procedures must include staff training log with first aid, CPR, and any additional medical training.
 - **NEW:** Infection control policies - policies and plans that comply with the guidelines of the Centers for Disease Control. (COVID-19, TB, etc.).
 - Privacy measures for vulnerable subpopulations- Privacy measures for shelter participants who are deemed a vulnerable sub-population or require supportive equipment, such as a wheelchair, lift equipment, or service animals.

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- 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 (OHS will notify).
- Permits are valid for a twelve-month period and expires on September 1 each year.

Permit Revocation

Under the proposed program, the Office of Homeless Solutions 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

Community Input:

Community input is critical to the success of all OHS efforts. OHS staff presented the plan to the Citizen Homeless Commission at several monthly meetings. Staff also held public meetings with homeless services partners and providers, members of the Continuum of Care, and the general public. The final meeting was held on March 6th and largely included members of the faith-based community.

Each of these meetings resulted in valuable improvements to the creation of Chapter 45. Some examples of those improvements include:

- The initial draft of Chapter 45 did not specify that the qualifying temperature applied to the nighttime forecast. Given that most days between the beginning of June and mid-September will reach 90 degrees, it was important to clarify that the *nighttime* temperature must be forecast to reach at least 90 days and that daytime temperatures are not applicable.
- The temperature threshold for a heat advisory was lowered from 100 degrees to 90 degrees.
- Language was added that gives the OHS Coordinator the discretion to prioritize applications and permits based on unmet need in geographic locations. As was pointed out in the lessons learned section, effective management of this program

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will involve ensuring the Inclement Weather Shelters are staged in areas of Dallas where they are most needed. Adding this provision means OHS can prioritize approval of applications in areas where there is truly unmet need.

- Language was added requiring volunteer to guest ratios and training methods for volunteers to be based on best practices.
- The initial draft of Chapter 45 did not require operators to consider privacy and security of guests when setting spacing requirements and there was no consideration for provision of additional spacing for guests who were experiencing trauma. The CHC Subcommittee suggested adding this language to the proposal.

Previous Committee Actions and Next Steps:

On January 14, 2020, the Housing and Homelessness Solutions Committee recommended this item be forwarded to full City Council for consideration and possible action following the conclusion of the additional community outreach requested by service providers. Both Chapters 45 and 51A will be referred to the full City Council for consideration on the June 24th City Council voting agenda.

Should you have any questions or concerns, please contact myself and Nadia Chandler Hardy, Assistant City Manager.



Kevin Oden, Director (I)
Office of Homeless Solutions

c: Dallas City Council
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors