

## ORDINANCE NO. C-36082

An ordinance amending the policy framework for the City's homeless response system; amending section 18.05.030 of the Spokane Municipal Code; and declaring an emergency.

**WHEREAS**, homelessness continues to be an issue of public concern in Spokane; and

**WHEREAS**, at the same time, Spokane is in the midst of a severe shortage of available housing for all people, at all income levels, and this shortage is a crisis situation for those who need shelter and related services in Spokane; and

**WHEREAS**, this crisis situation is will continue unabated, and will become even more serious, unless we as a City come together on agreed policies and principles which will increase our ability to protect the health and safety of everyone, including vulnerable people, people suffering from mental health and addiction issues, and people who are unhoused; and

**WHEREAS**, all of these facts establish that there exists in Spokane an interrelated set of emergency conditions which present a threat to the public health and safety, and which require that this ordinance be made effective immediately pursuant to Section 19(A) of the City Charter.

**NOW THEREFORE**, the City of Spokane does ordain:

**Section 1.** That section 18.05.030 of the Spokane Municipal Code is amended to read as follows:

### **Section 18.05.030 Homelessness Response Policy**

#### **A. Findings and Purpose**

1. The City finds that each resident of Spokane is entitled to a basic level of dignity, respect and wellness, regardless of whether they are housed or unhoused.
2. The City also finds that historically, City policy regarding the response to homelessness in our community needing night by night shelter has been inconsistent and insufficiently transparent, collaborative, regional, or inclusive, and that process often resulted in harm to our community.
3. The purpose of this section is to set a baseline within the City's limits of providing night by night shelter as our City's minimum response to homelessness in our community as we collaborate with other jurisdictions and entities to create a regional solution via the 2020-2025 Strategic Plan to Prevent and End Homelessness, and any successor plans.

B. It is the official policy of the City of Spokane that its responses to homelessness will be undertaken in accordance with the following principles, without exception.

1. In all responses, a region-wide approach is the starting point and all regional stakeholders – government, nonprofit, and for-profit sectors – will be involved in the formation of a regional response policy. However, regardless of the degree to which a regional approach is actually achieved and implemented, the City of Spokane shall continuously, without lapse or gaps in service, provide the services and shelter that comply at all times with the requirements of this chapter to meet the shelter needs of homeless individuals and families in Spokane.
2. All night-by-night sheltering for people experiencing homelessness in Spokane, and funded with dollars either originating with or passing through the City of Spokane, will be low- or no-barrier shelter, to implement the preferred approach of housing first. Higher-barrier beds may be added to the shelter network funded by the City, but they may not supplant funding for or eliminate low-barrier beds unless there is no demonstrated further demand for the beds being considered for elimination. For purposes of this section, “low-barrier shelter” has the same meaning as described in the most recent Washington Department of Commerce Consolidated Homeless Grant, specifically:
  - a. All projects designed to serve families with children experiencing homelessness shall ensure equal access regardless of family composition and regardless of the age of a minor child;
  - b. All projects that operate gender-segregated facilities shall allow the use of facilities consistent with the person’s gender expression or identity;
  - c. Low-barrier projects have flexible intake schedules and require minimal documentation. At the minimum, homeless households are not screened out based on the following criteria:
    - i. having too little or no income;
    - ii. Having poor credit or financial history;
    - iii. Having poor or lack of rental history;
    - iv. Having involvement with the criminal justice system;
    - v. Having active or a history of alcohol and/or substance use;
    - vi. Having a history of victimization;
    - vii. The type or extent of disability-related services or supports that are needed;
    - viii. Lacking ID or proof of U.S. Residency Status;
    - ix. Other behaviors that are perceived as indicating a lack of “housing readiness,” including resistance to receiving services.

- d. Low-barrier projects must have realistic and clear expectations and rules and policies that are narrowly focused on maintaining a safe environment and avoiding exits to homelessness. Low-barrier projects do not have work or volunteer requirements and projects that require households to pay a share of rent shall allow reasonable flexibility in payment. Low-barrier projects shall not terminate households from the project for any of the following reasons:
- i. Failure to participate in supportive services or treatment programs;
  - ii. Failure to make progress on a housing stability plan; and
  - iii. alcohol and/or substance use in and of itself is not considered a reason for termination
2. ~~((The))~~At no time shall the City ((as a minimum standard within the City's limits shall not)) reduce or eliminate specific night-by-night shelter beds ((or ((warming center capacity whether measured by beds, square feet, locations, or by any other capacity measure))) without first having in place ((an agreed, published, and publicly disseminated plan which is compliant with the principles established in this section and which provides)) equivalent ((capacity or it is demonstrated that the amount of capacity being reduced is no longer needed based on vacant space for at least two weeks so there is no gap in service to people in our community who are experiencing homelessness and ill-equipped neighborhoods are not burdened with unsheltered persons)) additional replacement shelter bed capacity sufficient to meet the requirements of SMC 18.05 unless authorized by City Council resolution.
4. It is the intent of the City to implement this ordinance without interfering with the implementation of any existing plans or funding commitments derived from federal and state grants traditionally made pursuant to the Community Housing and Human Services and Continuum of Care Boards. Notwithstanding the foregoing, it is the policy of the City of Spokane to utilize all existing and potential sources of funding that are made available from the federal and state governments for the provision of services and shelter for homeless individuals.
5. Beginning on the effective date of this section, each new contract or contract renewal which the City enters into with any person or entity providing services for people experiencing homelessness shall include compensation for and a requirement that the provider fully participate in, and provide real time data into the City's HMIS, including homeless shelter utilization and available capacity. The City shall maintain a publicly facing web based dashboard regarding homeless shelter utilization and capacity using the best available data.

6. Each calendar quarter the City shall present to City Council and publish on the City's website a written report using HMIS and other reliable data sources to provide its estimate of the average number of homeless individuals in the City of Spokane and Spokane County who were unsheltered on a nightly basis over the previous quarter along with demographic information and key barriers identified by them to securing adequate shelter.
7. It is the official policy of the City of Spokane to eliminate chronic homelessness so that homelessness for individuals within the City of Spokane will be rare, short-term, and non-recurring. The City of Spokane will base its strategies to eliminate homelessness on the principle that providing immediate stable shelter appropriate to the unique behavioral, medical and mental health needs of individuals and families is the foundation for moving people out of homelessness into appropriate permanent housing. In order to accomplish these goals, the City of Spokane aspires to provide at least night by night shelter and appropriate services to each unsheltered homeless person within the City of Spokane as a means to reclaim lives, improve conditions for Downtown and all neighborhoods and save more money than the cost of providing shelter by avoiding other public health and safety costs.
8. All homeless housing projects in Spokane and funded with any dollars originating in or passing through the City of Spokane shall adhere to state and federal anti-discrimination laws by ensuring equal access for people experiencing homelessness regardless of race, national origin, gender identity, sexual orientation, marital status, age, veteran or military status, disability, or the use of an assistance animal.

**Section 2.** That the City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately, under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

**PASSED** by the City Council on July 26, 2021.

  
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Council President

Attest:

*Terri Elfgren*  
City Clerk

Mayoral Decision to Return Unsigned  
Returned after Mayoral Signature Deadline

Returned: 8/10/2021

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Mayor

Approved as to form:

*Michael J. Puro*  
Assistant City Attorney

\_\_\_\_\_  
Date

July 26, 2021  
Effective Date

