

ORDINANCE NO. C-_____

An ordinance improving the standards for the City efforts to help unhoused people; amending sections 18.05.010, 18.05.020, and 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, even during normal weather conditions, the lack of available housing for all people who need shelter and related services persists in Spokane; and

WHEREAS, at times, Spokane faces extreme conditions, such as smoke from wildfires which make the air unsafe to breathe, and dangerously low or high temperatures, which create a risk to the lives of those without shelter; and

WHEREAS, temperatures in Spokane are expected to stay at or above 100° F. for the next week, and are expected to stay at or above 70° F. each night, creating a serious risk to everyone's health and safety, particularly those who are unhoused; and

WHEREAS, there exists in Spokane an emergency condition causing a threat to the public health and safety, which requires 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 18.05.010 of the Spokane Municipal Code is amended to read as follows:

Section 18.05.010 Legislative Findings and Purposes

- A. Centers for the protection of homeless individuals and families during inclement weather is vital, whether due to extreme cold, extreme heat, poor air quality conditions, severe storms, or other types of civil emergencies.
- B. The City Council has, from time to time in the past, passed resolutions stating the guidelines and triggering conditions for the activation of emergency warming centers in the City of Spokane, noting that extreme weather conditions can create an extreme danger for homeless people in Spokane and puts a great strain on service providers.
- C. This chapter is intended to codify and supersede those prior resolutions, including, most recently, Resolution No. 2014-0018 (Feb. 24, 2014).
- D. The City Council finds that gaps in shelters and services have been a recurring problem during extreme heat, cold, and poor air quality events, in addition to the continuous public health and safety problem of homelessness in our community.
- E. The City Council also finds that the City must approach this issue with the foresight, increased resources, and prior planning which is a characteristic of prepared and resilient cities around the world, so that Spokane is ready at all

times to handle the types of conditions that require the provision of emergency shelter for all people in Spokane who need it, including securing written agreements with private and government entities to provide additional shelter on short notice.

- F. Providing protection to City of Spokane residents from extreme heat, cold and smoke is an essential government function no less than is the provision of water, wastewater, police, fire, and emergency medical services.

Section 2. That section 18.05.020 of the Spokane Municipal Code is amended to read as follows:

Section 18.05.020 Activation Criteria

- A. The activation criteria for inclement weather centers beyond existing homeless shelter capacity in the City of Spokane as follows:
1. Warming centers sufficient to shelter the need of currently unsheltered homeless individuals seeking shelter within the City will be activated on each day during which the temperature is predicted by the National Weather Service to be 32 degrees Fahrenheit or lower and designated low barrier shelter space was at ninety percent (90%) capacity or greater during the previous night. The City may, by contract with its center provider, raise the activation temperature for warming centers, but in no event will the activation temperature be ~~((higher))~~ lower than thirty-two (32) degrees Fahrenheit.
 2. Cooling centers sufficient to shelter the need of currently unsheltered homeless individuals seeking cooling shelter within the City and sheltered individuals who lack air conditioning will be activated between 10:00am and 8:00pm when the temperature is predicted by the National Weather Service to be ~~((40))~~95 ~~((one hundred))~~ninety-five degrees Fahrenheit or higher for ~~((three))~~two ~~((3))~~2 consecutive days or more. The City may, by contract with its center providers to extend the hours of operation and/or lower the activation temperature for cooling centers.
 3. Safe air centers sufficient to shelter the need of currently unsheltered homeless individuals seeking clean air shelter within the City will be activated for any day on which the Spokane Regional Clean Air Agency forecasts the current air quality index to reach 250 or higher.
 4. Emergency centers may also be activated by the Mayor or the Mayor's designee on any day in which a civil emergency or extreme storm or weather condition exists or is predicted to occur and which, in the determination of the Mayor or the Mayor's designee, poses a severe threat to the health or safety of unsheltered homeless individuals and families in the City of Spokane.
- B. The Community Health and Human Services ("CHHS") Department shall implement the appropriate policies and procedures, including without limitation making funding requests; recommendations regarding center providers; the designation of specific locations to be used as warming, cooling, and safe air

centers; ~~((and))~~ the arrangement of other appropriate measures to the City Council in order to carry out the specific provisions and intent of this section; and shall continuously maintain contracts scable to the need for emergency ~~((shelter))~~warming, cooling and safe air center provider services, with no lapse in coverage at any point in time throughout each year, regardless of whether the services are provided under contract or by city staff.

- C. No later than September 30 of each year, and annually thereafter, the City shall publish and disseminate the City's plan for emergency warming, cooling and safe air centers for the coming year, which shall provide details of the name(s) and location(s) of center providers, the capacity and scalability of all emergency centers, by type and population(s) focus (if any), activation criteria, cost, funding source(s), and the communications and publicity plan to ensure that people experiencing homelessness will know where they can obtain these services.

Section 3. 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 section to meet the sheltering needs of homeless individuals within the City of 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. Only if there is excess low- or no-barrier shelter capacity available will City funds then be used to provide higher-barrier or conditional shelter space in Spokane.
3. ~~((The City as a minimum standard within))~~At no time shall the ((City's limits shall not))City reduce night-by-night shelter 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))~~without first having in place the ability to provide an equivalent capacity and service level for the beds or capacity being reduced unless the need is demonstrated to have fallen below the existing 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))~~.
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. 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 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.

Section 4. 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 _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

DRAFT