

**Resolution to Address Homelessness with Immediacy
and Strategic Planning**
Athens-Clarke County Unified Government

WHEREAS, housing is a human right, and the current housing crisis faced by Athens-Clarke County (ACC) has contributed to an elevated number of community members who are unsheltered; and

WHEREAS, stable housing is a necessary precursor to the wellbeing of individuals and communities, and Housing First-informed interventions such as Permanent Supportive Housing (PSH) and Rapid Re-Housing (RRH) have been proven effective in improving the lives of individuals experiencing homelessness;¹ and

WHEREAS, individuals and families who face evictions currently encounter a scarcity of options in ACC, and people evicted from informal encampments are currently given no legal options for a place to where they may relocate within ACC; and

WHEREAS, on December 16, 2019, the United States Supreme Court denied a petition for writ of *certiorari* in City of Boise, Idaho v. Martin, et al., 140 S.Ct. 674 (2019),² letting stand the ruling of the Ninth Circuit Court of Appeals in Martin v. City of Boise, 902 F.3d 1031 (9th Cir. 2018),³ which held that it is a violation of the Eighth Amendment's prohibition on cruel and unusual punishment to prosecute people criminally for sleeping outside on public property when those people have no home or shelter to go to; and

WHEREAS, it is reasonably foreseeable that many unsheltered persons residing in encampments on private land will soon be forced on to public lands under threat of criminal prosecution, such that the Athens-Clarke County Unified Government (ACCUG) must move expeditiously to plan for the inevitable relocation of unsheltered persons onto public land; and

WHEREAS, homelessness is a complex issue that requires a multisectoral approach and integrated responses, cutting across fiscal, economic, labor, housing, health, social protection, urban development, and environmental policies; and which necessitates policies that are inclusive of and responsive to the needs and aspirations of individuals, especially those in disadvantaged or vulnerable situations;⁴ and

¹ <https://endhomelessness.org/why-housing-first-why-not-housing-second-or-third>

² https://drive.google.com/file/d/1sx9G9U6dA63XT8r_0NfO3wA6TunB0wRC/view?usp=sharing

³ https://drive.google.com/file/d/1sx9G9U6dA63XT8r_0NfO3wA6TunB0wRC/view?usp=sharing

⁴ Adapted from the United Nations Resolution on Homelessness, 2020

WHEREAS, individuals experiencing homelessness have differing and distinct needs from families experiencing homelessness, and while differing situations vary in their visibility to the public, there is a large and increasing need for support of both populations; and

WHEREAS, a designated encampment where unsheltered community members are safe to reside can promote their stability, safety, wellbeing and dignity as we work toward longer term strategies to address homelessness and its related issues, including but not limited to provision of permanent shelter, employment programming, a transformed and compassionate approach to public safety, and the expansion of healthcare initiatives, including mental healthcare, among other interventions; and

WHEREAS, similar projects utilizing sanctioned encampments as part of a continuum of shelter and care have been implemented with success in Seattle, Washington;⁵ Santa Rosa⁶ and Sacramento, California; ⁷ Denver, Colorado;⁸ Douglas County⁹ and Savannah, GA;¹⁰ and other peer communities;¹¹ and

WHEREAS, many people currently experiencing homelessness in ACC have expressed an interest in utilizing a sanctioned encampment space;¹² and

WHEREAS, establishment of a designated encampment provisioned with basic sanitation, security, and other services is in alignment with ACCUG's strategic goals for creating a safe and prepared community as well as a healthy, livable, sustainable community; and

WHEREAS, we recognize the important and effective work being done by numerous community organizations, many of whom manage to achieve significant outcomes despite working with scarce resources, including Advantage Behavioral Health Systems, Alliance Recovery Center, The Ark, Athens Alliance Coalition, Athens Area Homeless Shelter, Athens Homeless Coalition, Athens Mutual Aid Network, Bigger Vision, Family Promise of Athens, Project Safe, Salvation Army, Sparrow's Nest, and others; and

⁵ <https://www.seattle.gov/homelessness/city-permitted-villages>

⁶ <https://www.latimes.com/california/story/2021-04-08/santa-rosa-neighborhood-went-from-fighting-to-embracing-tent-city-for-homeless>

⁷ <https://www.sacbee.com/news/local/homeless/article250507364.html>

⁸ https://www.coloradolitics.com/denver/denvers-second-sanctioned-homeless-camp-is-now-open-and-at-full-capacity/article_d63e68bd-8189-5384-a8cf-ac96ad846d7d.html

⁹ <https://www.gpb.org/news/2021/03/16/legal-homeless-camps-proposed-in-general-assembly-bill>

¹⁰ <https://fox28media.com/news/local/first-group-of-homeless-to-move-into-citys-sanitary-homeless-camp-monday>

¹¹ See also https://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf at 44.

¹² Structured Encampment Field Research Report, November 2020, ABHS Street Outreach Team, Envision Athens, and Backpack Project of Athens

WHEREAS, ACCUG is committed to growing partnerships and improving relationships with the above-mentioned organizations, recognizing the lingering and growing need for the Athens community to invest more in collaborative work to meaningfully address homelessness; and

WHEREAS, funds from the 2021 American Rescue Plan (ARP) are allocated to ACCUG via the Coronavirus State and Local Fiscal Recovery Funds to enable response to and recovery from the COVID-19 pandemic; and

WHEREAS, ARP guidelines allow expenditure of these funds on programs including but not limited to: “Addressing health disparities and the social determinants of health,” “services to address behavioral healthcare needs exacerbated by the pandemic,” and “services to address individuals experiencing homelessness”;¹³

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens-Clarke County, Georgia, as follows:

SECTION 1. ACC staff, in consultation with nonprofit agencies, shall identify a suitable site (hereafter referred to as “the site”) for establishment of a sanctioned encampment and return a recommendation (hereafter referred to as “the proposal”) to the Mayor and Commission for consideration of formal adoption at the Special Called Session on Tuesday, July 20, 2021, or at such other date as may be subsequently designated by the Mayor. Staff is encouraged to consider the precedent of one person per 100 square feet, as set forth in Seattle Ordinance 124747,¹⁴ in determining site capacity during their site selection process. The ACC-owned property at 395 Willow Street consisting of a vacant warehouse, parking lot, and trees shall be among those considered.

SECTION 2. ACC staff shall prepare a Request for Proposals (RFP) or a Request for Qualifications (RFQ) for the purpose of identifying qualified nonprofit agency(ies) to assist ACCUG with the development and operation of a sanctioned encampment and return a recommendation (hereafter referred to as “the proposal”) to the Mayor and Commission for consideration of formal adoption on a date to be subsequently designated by the Mayor. The proposal shall include specifications on how the site will be provisioned with basic sanitary and health supplies, serviced by solid waste pickup and public transit, and connected to functional water, sewer, electricity, and Wi-Fi. Portable toilets and/or water cubes will be on-site until fully functioning restrooms, wash stations, or shower facilities are constructed. Common social areas (e.g., tables, grill), pallets or tent pads, a bike rack and repair station, laundry facilities, and security measures (e.g., lockers or fencing) shall also be provided as able.

¹³ <https://home.treasury.gov/system/files/136/SLFRP-Fact-Sheet-FINAL1-508A.pdf>

¹⁴ http://clerk.seattle.gov/~archives/Ordinances/Ord_124747.pdf

SECTION 3. The proposal shall include a budget for operating costs, for any site improvements or amendments to meet the above needs, for liability insurance, and for periodic cleaning, provisioning, and monitoring of the site.

SECTION 4. The proposal shall include an action plan, in accordance with Section 5 below, that defines how the site will be periodically cleaned, provisioned, and monitored to ensure the safety and wellbeing of people utilizing the site and living in adjacent properties. Staff are encouraged to consider the precedent established in Seattle Ordinance 124747,¹⁵ which calls for a committee composed of members of neighboring communities and the site manager to be formed to discuss and give feedback on issues that may arise at the site.

SECTION 5. In evaluating the responsive proposals as part of the RFP/RFQ process, ACCUG shall seek to select qualified nonprofit agencies that will be beneficial in helping to ensure that the site is part of a continuum of available shelter and housing.¹⁶ The RFP/RFQ shall include as a component of the evaluation matrix some consideration of the degree to which responding Agencies have demonstrated commitment to and established relationships with individuals in the existing unsanctioned encampments.

SECTION 6. The proposal shall include a proposed budget for approval by the Mayor and Commission providing for the allocation of sufficient funds from ACCUG's ARP allocation to adequately support engagement in the following activities, (as may be legally authorized under the ARP and other applicable state and federal laws and regulations), by Agencies approved by the Commission as part of the RFP/RFQ process:

(a) provide management and supportive services sufficient to ensure the encampment serves as a safe, low-barrier alternative to sleeping on the streets;

(b) facilitate and help support a model of self-determination and trauma-informed dispute resolution within the encampment with due regard for the need for the autonomy and privacy of residents;

(c) offer intensive and persistent outreach and engagement services and supports that respect the experience, human dignity, and human rights of those receiving them, with a focus on locating permanent housing, including the provision of case management services, individualized and group counseling, assistance with benefit applications, assistance with finding and sustaining employment, and other supportive services;

¹⁵ http://clerk.seattle.gov/~archives/Ordinances/Ord_124747.pdf

¹⁶ See National Law Center for Homelessness & Poverty publication "Tent City, USA" at p. 66 (identifying factors contributing to success of 50-person encampment).

(d) develop individualized permanent housing plans in consultation with consenting residents to support their transition out of the encampment and into permanent, stable housing with both short-term objectives and long-term goals;

(e) provide on-site case management services to ensure implementation of individualized plans, which may include referrals for assistance with benefit applications, individualized and group counseling, and other supportive services;

(f) empower residents by facilitating meaningful work opportunities within the encampment;

(g) ensure residents have access to potable water, showers, laundry, toilets, common spaces for eating and meeting, access to mail and voicemail, lockers for storing belongings and meals, and solid waste collection; and

(h) provide temporary shelter materials for new residents as necessary, such as tents, pallets, tarps, ropes, or rain shields.

SECTION 7. Ingress and egress to the site and its essential amenities shall be wheelchair accessible.

SECTION 8. Subject to state and federal laws and regulations, there will be no costs or fees associated with use of the site or its facilities.

SECTION 9. The Mayor and Commission, in collaboration with ACC staff and partner agencies, shall work diligently to expand affordable housing stock and provide operational funding to partner agencies that manage shelters, transitional facilities, and long-term housing facilities for individuals and/or families experiencing homelessness. This expanded housing stock shall be made available to very low and extremely low income¹⁷ residents through a housing-first approach that operates in conjunction with continuum of care services,¹⁸ and for which residents will not be rendered ineligible by their current housing status, eviction history, or criminal record.

SECTION 10. A multi-year strategic plan to address homelessness (hereafter referred to as “the strategic plan”), including family homelessness and individual homelessness, shall be formulated by ACC staff in partnership with local organizations, including those nonprofit Agencies selected as part of the RFP/RFQ process. Staff shall share an update on a preliminary plan with the Mayor and Commission for review in a Work Session by September 2021.

SECTION 11. The strategic plan shall include measurable goals and a plan for evaluating outcomes.

¹⁷ 0-50% of area median income (AMI); <https://www.huduser.gov/portal/datasets/il/il2021/2021summary.odn>

¹⁸ <https://endhomelessness.org/resource/what-is-a-continuum-of-care>

Such goals shall include but are not limited to:

- (a) numbers of individuals to (re)house;
- (b) numbers of families to (re)house;
- (c) reductions in the overall number of individuals experiencing homelessness;
- (d) reductions in the overall number of families and/or children experiencing homelessness; and
- (e) reductions in the number of evictions for failure to pay.

SECTION 12. The strategic plan shall also outline or define policies for ACC staff, including ACCPD, Leisure Services, and Code Enforcement. These policies shall include but are not limited to:

- (a) methods and expectations for engaging with homeless encampments;
- (b) responding to 211, 911 or 988 calls related to homelessness or individuals perceived to be homeless; and
- (c) approaches to evictions of individuals or encampments from public and private lands.

SECTION 13. ACCUG will leverage ARP funds, grants, and other available monies to pay for the above, utilizing strategies outlined by Rethinking Homelessness to target programming and resources in a manner that addresses those with the highest needs first, while strategically using separate funding sources in conjunction as part of a unified funding strategy.^{19 20}

SECTION 14. In response to these good faith efforts by Athens-Clarke County Unified Government and non-profit partners, the Athens-Clarke County Mayor & Commission humbly request that CSX Transportation, Inc. delay until at least September 30, 2021 any evictions or removal of any individuals currently residing in or inhabiting parcel 163D1 A003 located at Willow Street in Athens-Clarke County, Georgia.

¹⁹ <https://www.dropbox.com/s/jx47tpwgwdtg7g/Rethinking%20Homelessness%20Webinar%20-%20Maximizing%20Resources%20t%20Solve%20Homelessness%20%26%20Support%20Vulnerable%20Communities%20%285.13.2021%29.pptx?l=0>

²⁰ <https://www.urban.org/features/where-prioritize-emergency-rental-assistance-keep-renters-their-homes>

SO RESOLVED, this 15 day of January 2021.

APPROVED:



Kelly Girtz
Kelly Girtz, Mayor

ATTEST:



Jean Spratlin
Jean Spratlin, Clerk of Commission