



CITY OF MOUNTAIN VIEW

Office of the Mayor and City Council • 500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540
650-903-6304 • FAX 650-903-6039

August 7, 2019

The Honorable Marc Berman
Assemblymember, State of California
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0024

REQUEST FOR SUPPORT IN AMENDING GOVERNMENT CODE SECTION 8698.1 TO PROMOTE SAFE PARKING PROGRAMS

Dear Assemblymember Berman:

The City of Mountain View respectfully requests that you introduce legislation to amend Government Code Section 8698.1. This amendment would, in the event of a shelter crisis, exempt local agencies from regulations regarding the rights and obligations of mobile home park homeowners or tenants. These exemptions would only apply in the provision of emergency housing, and would be particularly helpful with safe parking programs.

The City of Mountain View views safe parking programs as an important temporary reprieve for the many people struggling to find stable housing. The City remains deeply invested in addressing and mitigating the risk of injury, illness, and harm experienced by unstably housed persons.

The passage of this amendment would significantly ease the process of administering safe parking programs on City property and underscore their emergent and transitional nature.

For over two years, Mountain View has committed nearly \$2 million and substantial staff time and resources to developing solutions to meet immediate needs, increase access to housing, and address the impacts of people living in vehicles. This includes ongoing support to community-based, non-profit organizations, including the Community Services Agency (CSA), Mountain View's largest service provider for people in need; MOVE Mountain View, a local safe parking program provider; Hope's Corner and the cold weather shelter at Trinity United Methodist Church; Graduate House transitional shelter; and the Quetzal House youth shelter.

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Despite these efforts, the Bay Area regional housing crisis remains an urgent issue. The Santa Clara County Homeless Census and Survey reported a 31% increase in persons experiencing homelessness from 2017 to 2019.

In Mountain View, homelessness increased from 416 homeless individuals in 2017 to 606 in 2019. Many of these individuals are using passenger or recreational vehicles for housing accommodation, with an average of 200-300 vehicles showing signs of habitation. Existing shelter capacity, which totals 95 persons across a variety of programs and shelters, cannot meet this acute need.

In light of this, the City Council declared a shelter crisis in March 2019, with the desire to simplify and accelerate the process of providing emergency housing, particularly with safe parking programs.

Certain cities, including the cities of San Jose and San Francisco, are expressly exempt from compliance with state laws regarding the rights and obligations of mobilehome park homeowners and tenants. This proposed amendment extends a general exemption to all local agencies with a declared shelter crisis from those state laws, and is vital to the success of the effort to provide emergency safe parking programs.

We appreciate your leadership on this pressing issue and look forward to furthering our partnership in addressing the region's housing crisis. Suggested statute language is provided in the Attachment.

Sincerely,



Lisa Matichak
Mayor

LM/KST/5/MGR
001-08-05-19L

Enclosure: Suggested Statute Language

cc: City Council

CM, CA, ACA, ACM/COO, CDD/ACM, PM/ZA, ATCM—Thomas, ATCM—Gillmore

Proposed Legislation to Address Safe Parking During a Shelter Crisis

Government Code Section 8698

Add subsections (f) and (g) to read as follows:

(f) "Emergency housing" shall include, but not be limited to, safe parking programs operated on a public facility.

(g) "Safe parking programs" shall mean programs that provide homeless individuals and families living in vehicles a safe place to park while accessing services to end their homelessness.

Government Code Section 8698.1

Amend as follows:

Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

(c) Emergency housing constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).