

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (revised January 10, 2022). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to mlinden@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Homelessness Task Force **Special Meeting Agenda**

(to be held during COVID-19 emergency)

Tuesday, February 1, 2022

2:00 P.M.

Various Teleconference Locations

**YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT
[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)**

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – January 31, 2022

1. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes – January 18, 2022

Recommended Action: Approve minutes for the Homelessness Task Force Regular meeting of January 18, 2022.

Staff Contact: Executive Assistant Linden, 456-2489, ext. 232

2. Old Business

A. Alternative Sleeping Locations (ASL) Recommendations (continued from January 18, 2022)

Recommended Action: 1) Review the revised ASL Recommended Action Plan, prepared by the Emergency and Temporary Services Ad Hoc Committee and revised by the Legal Analysis Ad Hoc Committee, and provide edits, if appropriate; and 2) Approve the revised ASL Recommended Action Plan for submittal to the City Council.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

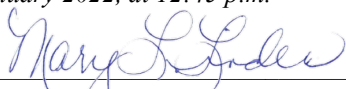
Adjournment

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, State of California, and a federal emergency declared by the President of the United States. In order to reduce the risk of spreading COVID-19, the Homelessness Task Force meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. This way the public, the staff, and the Council will not be physically in the same place.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Public Safety office, and available upon request by emailing MLinden@MalibuCity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Yolanda Bundy, Environmental Sustainability Director, at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 31st day of January 2022, at 12:45 p.m.



Mary Linden, Executive Assistant



Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Mary Linden, Executive Assistant

Approved by: Steve McClary, Interim City Manager

Date prepared: January 27, 2022 Meeting date: February 1, 2022

Subject: Approval of Minutes – January 18, 2022

RECOMMENDED ACTION: Approve minutes for the Homelessness Task Force Regular meeting of January 18, 2022.

DISCUSSION: Staff has prepared draft minutes for the Homelessness Task Force January 18, 2022 Regular meeting and hereby submits the minutes to the Task Force for approval.

ATTACHMENTS: Draft January 18, 2022 Homelessness Task Force Regular Meeting Minutes

MINUTES
MALIBU HOMELESSNESS TASK FORCE
REGULAR MEETING
JANUARY 18, 2022
TELECONFERENCED – VARIOUS LOCATIONS
2:00 P.M.

The following meeting was held pursuant to AB 361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Chair Roven called the meeting to order at 2:03 p.m.

ROLL CALL

The following persons were recorded in attendance via teleconference by the Recording Secretary:

PRESENT: Chair Ian Roven; Vice Chair Bill Winokur; and Task Force Members Deborah Benton, Wayne Cohen, Paul Davis, Terry Davis, Scott Dittrich, Chris Frost, Kelly Pessis, and Bill Sampson

ALSO PRESENT: Susan Dueñas, Public Safety Manager; Luis Flores, Public Safety Liaison; Parker Davis, Media Technician; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Chair Roven led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Task Force Member Terry Davis moved, and Task Force Member Frost seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on January 13, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. STAFF UPDATES

Public Safety Manager Dueñas announced the County's Homeless Count was postponed to February 23. She stated pallet shelter shelters in Redondo Beach were recently visited.

Public Safety Manager Dueñas discussed the impacts of staff turnover during the past few months at The People Concern. She stated they were in the process of hiring a new outreach worker and housing navigator.

Public Safety Liaison Flores stated The People Concern was working around staffing issues and pandemic impacts. He stated City staff worked closely with them to make sure contracted services were provided. He invited Task Force members to join him and members of the Homelessness Working Group on a visit to see a Baldwin Park pallet shelter ~~shelter~~ site this Thursday.

Public Safety Manager Dueñas discussed lessons learned by observing the pallet shelter sites. Public Safety Liaison Flores stated the cities visited had been very helpful in providing information and offering future assistance.

Public Safety Manager Dueñas stated she recently met with the Los Angeles Homeless Services Authority (LAHSA) and County Supervisor's office. She stated they expressed interest in partnering with the City on any strategy the City chooses.

ITEM 2.C. TASK FORCE MEMBER COMMENTS

Task Force Member Terry Davis encouraged all Task Force members to join one of the upcoming pallet shelter site visits to learn more about various types of housing.

ITEM 3 CONSENT CALENDAR

MOTION Chair Roven moved, and Task Force Member Dittrich seconded a motion to approve the Consent Calendar. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes – December 21, 2021

Staff recommendation: Approve minutes of the Homelessness Task Force Regular meeting of December 21, 2021.

ITEM 4 OLD BUSINESS

None.

ITEM 5 NEW BUSINESS

A. Alternative Sleeping Locations (ASL) Recommendations

Recommended Action: 1) Review the ASL Recommended Action Plan prepared by the Emergency and Temporary Services Ad Hoc Committee and provide edits, if appropriate; and 2) Approve the ASL Recommended Action Plan for submittal to the City Council.

Vice Chair Winokur presented the report. He stated the Emergency and Temporary Services Ad Hoc Committee (Committee) recommended the City take steps to provide an ASL, with the priority that it be located outside the City. He stated an ASL in Malibu was only a backup plan if one outside the City was not possible or would not allow the City to enforce its ordinances. He discussed potential services that could be included with an emergency bed. He stated providing services would help reduce the number of homeless. He stated the Committee suggested the City consider either a modular/cellular approach or a single facility.

Task Force Member Pessis provided a presentation summarizing location and management issues she had studied and detailed the modularized housing concept.

Task Force Member Paul Davis commended the members of the Committee for their contributions and open mindedness during this process. He stated presenting two options, single unit or modular would give the Council the opportunity to determine which was more appropriate and easier to establish in or near Malibu. He stated the single-unit approach was implemented in Laguna Beach. He agreed with Vice Chair Winokur about the importance of adding transitional services. He stated having someone who cares, a purpose in life, and whole education, including life skills, personal management skills, and financial skills, were key human needs. He stated the ultimate goal was to place them in more permanent housing as quickly as possible.

Vice Chair Winokur stated the decision to recommend establishing an ASL was based on input from many sources about what was needed to mitigate homelessness and enforce ordinances.

Task Force Member Sampson expressed opposition to establishing an ASL. He stated the City should avoid supposed requirements of *Martin v. Boise*. He stated it was a substantial commitment to solve a problem the City did not create.

Task Force Member Cohen stated some Task Force Members may be unsure about their support for an ASL without additional information.

Task Force Member Dittrich thanked the Committee for its report. He stated he would not support an ASL located in Malibu.

Vice Chair Winokur reiterated that the primary objective would be to establish the ASL outside the City with a location inside the city limits considered only as a backup if the outside location was deemed impossible.

Task Force Member Sampson stated he would never support an ASL located in Malibu.

Task Force Member Dittrich expressed support for an ASL outside the city limits and adjacent to needed services.

Task Force Member Frost stated the proposed plan was very complete. He stated the options should be presented to law enforcement for input. He stated the 20-mile distance from a Sheriff's station was too far.

Vice Chair Winokur stated the plan included a recommendation of vetting the details with the Sheriff's Department.

Task Force Member Pessis confirmed the distance recommended was 20 miles from either the Lost Hills Station or the new Sheriff's Substation in Malibu.

Task Force Member Paul Davis stated services offered would be addressed in cooperation with service providers.

Vice Chair Winokur explained transitional services would require individuals to follow established rules and participate in what was necessary to move toward more permanent housing.

Task Force Member Pessis stated the ASL would provide a location where it was easier for outreach workers to provide services currently offered in the field.

Task Force Member Dittrich stated the main safety goal was to allow enforcement of the City's no camping ordinances. He suggested starting with a three-day maximum stay.

Vice Chair Winokur stated transitional services would be provided with emergency beds or transitional beds.

Task Force Member Terry Davis stated LASD Captain Becerra advised that he could begin enforcement if he had beds. She stated the outreach workers told her there were 25 individuals ready to begin transitioning if they had somewhere to stay. She stated outreach workers were better able to do their work if they knew where people would be.

In response to Vice Chair Winokur, no Task Force Members expressed opposition to providing transitional services along with the emergency beds.

In response to Task Force Member Frost, Public Safety Manager Dueñas stated there was no formula used by all agencies in determining the best number of beds for homeless populations.

Task Force Member Paul Davis stated the Committee considered input that indicated how many of Malibu's homeless population would be willing to work with the workers as opposed to those who would not.

Task Force Member Pessis discussed the County of Los Angeles budget and number of beds it provided.

In response to Task Force Member Dittrich, Task Force Member Paul Davis discussed staffing in Laguna Beach for its 40-person ASL. Task Force Member Pessis added that there were two staff onsite at all times in Laguna Beach.

In response to Task Force Member Frost, Task Force Member Pessis discussed zoning requirements for an ASL, including a duplex or property with an accessory dwelling unit (ADU).

In response to Task Force Member Cohen, Task Force Member Pessis stated an ASL would not be a short-term rental. Task Force Member Cohen suggested the housed individuals would be establishing tenancy.

Task Force Member Paul Davis stated tenancy was discussed by the Committee but would be left to the City Council to resolve when choosing which option it may implement.

Task Force Member Cohen suggested the tenancy issue be reviewed by this Task Force before submitting the recommendation to the City Council.

Chair Roven and Vice Chair Winokur agreed with Task Force Member Cohen that the issue should be vetted prior to making a recommendation to the Council.

Public Safety Manager Dueñas stated any legal issues had to be vetted by the City Attorney.

Task Force Member Dittrich stated an ASL would fall under disability regulations, not short-term rental regulations.

Task Force Member Terry Davis agreed with Task Force Member Dittrich. She stated she and Task Force Member Pessis were going to meet with someone who had experience related to those regulations.

MOTION Task Force Member Paul Davis moved, and Task Force Member Terry Davis seconded a motion to approve the ASL Recommended Action Plan prepared by the Emergency and Temporary Services Ad Hoc Committee for submittal to the City Council.

Task Force Member Cohen suggested not voting on the plan until the outstanding issues were discussed.

Task Force Member Dittrich requested the recommendation to Council include that there were objections within the Task Force to an ASL within the city limits.

Public Safety Manager Dueñas suggested the City Attorney be asked to review the recommendation before it was approved for presentation to the City Council.

Vice Chair Winokur suggested the motion be withdrawn, so the Plan could be reviewed by the City Attorney and brought back to the Task Force at a Special meeting to be held prior to the next Regular meeting date.

Task Force Member Pessis stated she would want to work on the language related to the backup option of an ASL in Malibu.

Task Force Member Cohen suggested the Legal Analysis Ad Hoc Committee review the document in addition to or with the City Attorney.

Task Force Member Paul Davis withdrew the motion.

MOTION Task Force Member Pessis moved, and Task Force Member Dittrich seconded a motion to refer review of the item to the Legal Analysis Ad Committee. The question was called, and the motion carried unanimously.

Chair Roven suggested a Special meeting be scheduled on February 1.

B. Future Agenda Items

Recommended Action: Review items tentatively scheduled for upcoming meeting agendas and provide feedback to staff.

Public Safety Manager Dueñas presented the report.

ADJOURNMENT

MOTION At 4:02 p.m., Chair Roven adjourned the meeting.

Approved and adopted by the Homelessness Task Force of the City
of Malibu on _____.

IAN ROVEN, Chair

ATTEST:

MARY LINDEN, Executive Assistant



Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Luis Flores, Public Safety Liaison

Reviewed by: Susan Duenas, Public Safety Manager

Approved by: Steve McClary, Interim City Manager

Date prepared: January 27, 2022 Meeting date: February 1, 2022

Subject: Alternative Sleeping Locations (ASL) Recommendations (continued from January 18, 2022)

RECOMMENDED ACTION: 1) Review the revised ASL Recommended Action Plan, prepared by the Emergency and Temporary Services Ad Hoc Committee and revised by the Legal Analysis Ad Hoc Committee, and provide edits, if appropriate; and 2) Approve the revised ASL Recommended Action Plan for submittal to the City Council.

TASK FORCE ASSIGNMENT: Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL).

DISCUSSION: During the Homeless Task Force (HTF) Regular meeting on January 18, 2022, members of the Emergency and Temporary Services Ad Hoc Committee (ETS) presented a Draft ASL Recommended Action Plan, which was included as an attachment to the agenda report (Attachment 1) as a guide to implement a primary, secondary or tertiary plan for the establishment of an ASL. The HTF voted to refer review of the item to the Legal Analysis Ad Hoc (LAAH) Committee. The Task Force may also refer to the discussion of that item in the draft minutes from the January 18, 2022 meeting that are included as Item No. 1.B.1. in this Special meeting agenda.

A report from the LAAH stated the following:

“The LAAH Committee met on January 27, 2022 to review the feasibility of utilizing single family dwellings to house persons experiencing homelessness, as proposed by the initial

ASL Recommended Action Plan. The LAAH recognizes that there are attendant complex zoning issues that may impact the viability of the proposal. A request was made for input from the Assistant City Attorney to participate in our LAH meeting, but schedules could not be reconciled. There is a regulatory framework from which the Task Force needs to operate and that needs to be further explored by the City Attorney’s office and/or outside land use counsel as the Council may determine.”

The Revised ASL Recommended Action Plan (Attachment 2) reflect the suggested edits from the LAAH.

Staff recommends that the Task Force review the revised Action Plan, providing input and edits, if appropriate, and adopt a final Plan to be submitted to the City Council for consideration.

ATTACHMENTS:

- 1) January 18, 2022 ASL Recommendations Staff Report with ASL Recommended Action Plan
- 2) Revised ASL Recommended Action Plan



Homelessness Task Force Agenda Report

To: Chair Roven and Members of the Homelessness Task Force

Prepared by: Susan Dueñas, Public Safety Manager
Luis Flores, Public Safety Liaison

Approved by: Steve McClary, Interim City Manager

Date prepared: January 7, 2022 Meeting date: January 18, 2022

Subject: Alternative Sleeping Locations (ASL) Recommendations

RECOMMENDED ACTION: 1) Review the ASL Recommended Action Plan prepared by the Emergency and Temporary Services Ad Hoc Committee and provide edits, if appropriate; and 2) Approve the ASL Recommended Action Plan for submittal to the City Council.

TASK FORCE ASSIGNMENT: Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL).

DISCUSSION: In July 2021, the City Council established the Homelessness Task Force (HTF) with an initial charter that included a review of the concept, need and possible implementation of an Alternative Sleeping Location (ASL) as a response to the growing homelessness concerns in the City. At its Regular meeting on October 19, 2021, the HTF created the Emergency and Temporary Services Ad Hoc Committee (Ad Hoc Committee) to provide recommendations to the City Council on the feasibility of establishing an ASL within or around the City. After review of publicly available information derived from many sources and discussions with subject matter experts, the Ad Hoc Committee compiled its findings into an ASL Recommended Action Plan (Action Plan) that provides a general consensus of the group's collective ideas.

The Draft ASL Recommended Action Plan (Attachment 2) is designed as a guide to implement a primary, secondary or tertiary plan. Those three plan options are described below:

Primary Plan

The Primary Plan recommends that an ASL be established outside the Malibu city limits and within approximately 20 miles of the Los Angeles County Sheriff's Department (LASD) Lost Hills Station to permit full LASD enforcement of the City's no-camping and similar ordinances. The ASL would provide short-term sleeping arrangements and transitional support services to those who agree to, and continue to abide by, certain behavioral standards. The Ad Hoc Committee proposes that the beds could be in one larger facility or distributed across one or more residential modules, with either option having unique advantages.

The advantages of the one or more residential module option include, without limitation:

1. Utilizing existing single family dwelling (SFD) units, eliminating the need for permitting or additional municipal or community approvals
2. Scalability of bed quantity by bringing additional modules online
3. The City may be able to implement at least one or two modules (and thus have available beds) within 60 to 90 days of approval.
4. A low-cost threshold to initial implementation if units are rented or leased. The modules can also be strategically placed in areas that are transit-friendly to Social Security or mental and medical health facilities, as well as to jobs, shopping and other basic life services.

The advantages of the one larger facility option include, without limitation:

1. A lower per bed cost of staffing and operating
2. The scalability of fixed costs
3. Greater efficiency in managing and administering services, including meals
4. The increased ability to monitor participant compliance and prevent illicit behaviors, particularly if an open plan structure is used

Secondary Plan

The Secondary Plan recommends that an ASL be established within the Malibu city limits if, and only if, the Primary Plan of establishing an ASL outside the City is determined to be unfeasible. If the ASL were to be established within Malibu, the Ad Hoc Committee recommends setting forth certain restrictions and covenants, including a maximum bed count, a "zero tolerance" zone, prohibition of loitering, and more. The zero tolerance zone is to be within a substantial radius of the ASL with enhanced security and enforcement to prevent the sale or use of drugs, loitering, camping, smoking (unless in safe, designated areas), and violation of nuisance laws.

Tertiary Plan

The Tertiary Plan recommends the City explore opportunities to utilize beds at one or more existing facilities outside the Malibu city limits, provided that, at the City's expense, the City would provide reasonable transportation to the facilities and pass legal muster for law enforcement to enforce Malibu's no-camping related ordinances. By providing financial contributions to the facilities (in an amount as yet undetermined), the City would request that beds be reserved exclusively for the City's use.

Staff recommends that the Task Force review the Action Plan, providing input and edits, if appropriate, and adopt a final Plan to be submitted to the City Council for consideration.

ATTACHMENTS:

- 1) ASL Recommendations Cover Letter
- 2) Draft ASL Recommended Action Plan

MEMORANDUM

DATE: 8 January 2022

TO: THE TASK FORCE ON HOMELESSNESS (“HTF”)

FROM: THE ASL AD HOC COMMITTEE

RE: ASL RECOMMENDATIONS REPORT

Dear Fellow Task Force Members:

Under separate cover (or elsewhere in a City staff-prepared document), you should be receiving a Report prepared by our ASL Ad Hoc Committee entitled, ASL RECOMMENDATIONS REPORT. It is being presented in the “format” of a letter addressed by the entire HTF (or at least a majority) to the City Council. Please do not be put off by the “presumptuousness” of this format, or its use of language like the HTF “believes” or “recommends” since we realize we haven’t yet gotten feedback from the remaining members who were not on the Ad Hoc. We completely understand that the attached will have additional modifications to reflect the viewpoints of all other HTF members, however, by the time we, as a group, are comfortable with the Report, then the use of these phrases would have become more accurate.

The goal is to discuss the Report, modify it as needed after such discussions, then to approve (by vote) its submission to the City Council on behalf of the HTF.

Please understand that a lot of work, research, discussion, negotiation, compromise and word-smithing has gone into this draft, and while not purporting to contain unanimity of agreement with every single word and concept—it does reflect a workable consensus of its five members (1/2 of the entire Task Force). We hope our colleagues can review the attached in that spirit.

The final Report will have a place where individuals who strongly disagree with any part of the Report (or simply have additional comments they feel need to be included) can add such verbiage. As we have maintained all along, contrarian viewpoints can be immensely valuable. That said, please consider balancing the benefits of having everyone’s individual opinions “heard” with the “downside” of making the Report confusing or unreadable.

To that end, it would be great if you could have ready your comments and/or questions for our next Regular Meeting. If possible, we suggest articulating your critical concerns in some concise written form.

We look forward to your thoughtful feedback.

Respectfully,

William Winokur on behalf of the
ASL Ad Hoc Committee

RECOMMENDED ACTION PLAN

DATE: [to be added]
TO: THE MALIBU CITY COUNCIL
FROM: TASK FORCE ON HOMELESSNESS
RE: ALTERNATIVE SLEEPING LOCATION(S)

TASK FORCE CHARTER

On July 21st, 2021, the City of Malibu (the “City”) created the Task Force on Homelessness (“HTF”), with an initial charter (“Charter”) as follows:

1. **Review the draft updated goals and objectives of the Homelessness Strategic Plan.**
2. **Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL).**
3. **Develop a plan to mitigate public safety and environmental impacts, particularly fires, related to homeless encampments.**
4. **Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu.**
5. **Develop a robust public engagement and outreach plan to obtain community input on proposed strategies to protect the health, safety, and welfare of the community from the dangers of homelessness and provide assistance to Malibu residents experiencing homelessness.**
6. **Make recommendations to the City Council on all of the above.**

EXECUTIVE SUMMARY

It is in the spirit of this Charter that the HTF submits the following Recommendations (the “Report”), which will be discussed in greater detail below.

- Establish an Alternative Sleeping Location (“ASL”) for short-term transitional use by homeless individuals who are willing to work towards greater self-reliance.
- Locate the ASL outside of, but within reasonable proximity to, the City.

- Provide appropriate supportive services to help ASL participants transition expeditiously to sustainable housing solutions.
- Provide additional overnight-only “emergency beds” for LASD referrals to allow full enforcement of no-camping and similar ordinances throughout the City.
- Cap the total ASL capacity at thirty (30) beds, initially deploying “six (6) bed” modules in contiguous (or closely proximate) single family residential units, while simultaneously pursuing a larger single facility that can accommodate up to thirty (30) individuals.
- Provide appropriate transportation to such ASL as needed.
- Work with organizers of existing meal programs to redirect their efforts towards supporting the ASL program.

This Report reflects, as best as possible, the opinions and recommendations of a majority of the HTF, and is followed by a section outlining alternate/dissenting opinions and recommendations of a minority of the HTF. It is the result of a review of work products provided by various HTF Ad Hoc committees, open discussions at HTF Public Meetings and publicly available information derived from many sources, including without limitation, the Homeless Working Group.

It is important to note that even the “majority” portion of this Report does not perfectly reflect 100% of every viewpoint, opinion, priority or verbiage of any one HTF member, but rather is a general consensus of the majority and includes many compromises of individual ideas and opinions. The City Council is urged to take all the viewpoints presented herein into consideration when deciding on future courses of action.

In addition, please note that this Report does not necessarily reflect all the potential current or future findings of the HTF, nor is it intended as its final work product. The HTF shall continue to work on the above Charter unless or until such time as the City Council moves to terminate its existence, or modifies its objectives.

INTRODUCTION

The number of individuals living without homes has continued to grow in California and in many municipalities across the United States. Malibu residents have a wide variety of opinions on why this is occurring, just as there are equally diverse opinions on how to resolve and/or deal with this problem. These varying viewpoints range from minor or semantic in nature to very divergent, emotionally charged and polarizing ones.

Since the HTF believes that the existing homeless “problem” is well known to the members of the City Council and to the community at large, this Report will not elaborate further on the problem, except to note that not only do the numbers of “homeless” remain elevated, and the incidents of reported theft, violence, fires and other safety issues has increased in both volume and severity.

This Report shall put forth an action plan the City can adopt to begin reducing the number of unhoused individuals within the City and to increase the entire community’s safety from health, fire, crime and other issues which have been exacerbated by individuals “living” on the streets, sidewalks, parks, brush and in other public spaces.

While there may be divergent and controversial issues surrounding homelessness, including its causes, effects and solutions, there are several things that the HTF believes would be agreed upon by the vast majority of Malibu’s citizens—and we believe it beneficial to identify these points of agreement:

1. The homelessness problem continues to be extensive.
2. Previous efforts have yielded measurable results, but further decisive action is clearly needed.
3. Hand-outs are rarely as effective as hand-ups, so any actions the City takes should always be geared towards helping those who are ready, willing and able to put in personal effort to regain—not only housing—but dignity, productivity, self-esteem and independence.
4. There continues to be a large subset of unhoused individuals who are resistant to housing solutions—especially when such solutions require structure, potential behavioral modification and expectations that such individuals seek (or be willing to accept) suitable employment and substance abuse/mental health treatment (if applicable).
5. A variety of court rulings have limited law enforcement’s ability to “remove” homeless individuals and/or their encampments from public spaces without other “minimum” conditions being met—specifically the existence of viable alternative sleeping location(s).
6. Malibu has a small population with limited resources and services, and simply cannot be responsible to find or create shelter or housing for everyone who may happen to be within the City limits, and a vast majority of the transient/homeless population (especially those without a reasonable nexus to the City) will not be able to secure long term housing within the City.
7. The rights of the entire community to live, work, visit, and peacefully and safely enjoy the City should outweigh unreasonable expectations of the few who may choose to remain unhoused, unemployed and/or untreated.
8. While the City should continue efforts to assist as many “homeless” individuals to become “housed” as may be willing and able as well as practical (within the resources available) the primary objective of the City Council must be to ensure the health, safety and welfare of the entire community and no homeless initiative(s) should be implemented that violate, disregard or diminish the primary objective.
9. Malibu is located in a State Mapped High Fire Severity Zone (HFSZ) and has experienced a significant increase in homeless-related arson fires. These threaten the environment, property, businesses, and more importantly—the lives of citizens, unhoused individuals, firefighters and other first responders, thus increasing the urgency of solutions to reducing the homeless population.

10. DOING NOTHING AND HOPING THAT THINGS WILL IMPROVE IS NOT A VIABLE OPTION.

TERMINOLOGY

Words and their meanings are important, however, sometimes discussions on issues can become hindered by varying interpretations of what certain words or phrases actually mean. It is the hope of the HTF that semantics will not prohibit active and healthy discussion, compromise and action. The City Council is urged to request clarification of any term or phrase used herein where such term or phrase causes confusion or any unintended or adverse consequence.

A relevant example of this is often the use of the word “homeless” or “homelessness” which can invoke feelings that range from sympathy and concern to fear and resentment. Nothing in this Report should be construed as implying that “homeless” people as a “class” are “lesser” human beings or the sole cause of society’s ills. The HTF is focused on assisting those individuals who are willing to receive transitional support services and work towards greater self-reliance, while protecting the community from the adverse impacts created and exacerbated by “unhoused” individuals “occupying, camping and/or temporarily residing” in public spaces.

While it is not a crime to be homeless, and there are those who are unhoused through external circumstances beyond their reasonable control, it is not fair for an unhoused individual: (i) to resist mental health or substance abuse treatment (if available), (ii) to refuse to seek or maintain employment (commensurate with such individual’s abilities), (iii) to disclaim being subject to the same laws and boundaries imposed on everyone else, (iv) to select *any* place they want to “live” despite the adverse effects on others (and often on themselves as well), (v) to believe that they should be exempt from all of the work, sacrifices and financial compromises that all others have to contend with when choosing a place to live.

“Alternative Sleeping Location” or “ASL” – this term may be used as a singular or plural term, but the actual number of beds and/or location(s) may vary as the context below implies. For the purposes of this Report, an ASL would include additional transitional services to participants.

“Beds” – this term simply means something to sleep on; it may be a mattress on a frame, a cot, an inflatable “bed” or some other form of sleeping mat.

“Emergency Beds” – while any “beds” technically fall under the term “ASL,” for the purposes of this Report “Emergency Beds” refers to an overnight solution exclusive of meals or transitional services that would be offered to “fully-enrolled” ASL participants. These exist only to provide a night’s “shelter” for those who otherwise may sleeping outside. This would be utilized mainly by law enforcement to allow LASD to compel individuals to move from where they have encamped. Such individuals will still be expected to observe the behavioral conduct “Rules” established for such temporary shelter for the safety of law enforcement, staff, other participants and themselves, and may be considered for full enrollment in an ASL program subject to availability and the conditions of full enrollment.

“Homeless” – the population of unhoused individuals is not a homogenous group. There is a broad range of how, why and where such individuals are present in the City, why they are currently without a physical “home” and there are often divergent goals of such individuals to seek housing, employment and (when applicable) substance abuse treatment and mental health services. Within the

homeless population, there is a spectrum of individuals, ranging from those who are ready, willing and able to do anything it takes to “rejoin” the ranks of the “employed and housed,” to those who currently are unwilling to do so.

For the purposes of this Report, the terms “homeless,” “unhoused,” or “transient” may be used, seemingly interchangeably, however, the HTF recognizes that these terms may have different connotations and we urge the City Council to not dwell on the “form” of these phrases, or other terms often used in discussions involving homelessness, but rather the “substance” of the entire Report.

RECOMMENDATIONS

I. IDENTIFY AND/OR CREATE A VIABLE ASL.

The HTF firmly recommends that the City Council take immediate steps to establish an Alternative Sleeping Location (“ASL”) to help willing homeless individuals transition to sustainable housing solutions and greater self-reliance. The ASL would provide short-term sleeping arrangements and transitional support services to those who agree to (and continue to abide by) certain basic behavioral standards and demonstrate continuing efforts to become sustainably housed and increasingly self-reliant (to the extent of their capacity to do so). ASL participants would be expected to engage during the day in certain activities furthering that objective. The ASL would also provide certain overnight-only “emergency beds” (as discussed below) that will allow LASD to enforce no-camping and similar ordinances throughout the entirety of the City.

Noting the current homeless count of approximately 140 individuals, the experience of other cities, and the advice of local experts regarding the Malibu homeless population, the HTF firmly recommends that the City Council take immediate steps to identify and/or create an Alternate Sleeping Location (“ASL”) that can accommodate at least six (6) and no more than thirty (30) beds. The HTF believes this range of beds will be sufficient to accommodate those individuals who would accept assistance and be willing to abide by the conditions for participation. In establishing the ASL, the HTF recommends that the City immediately seek to establish a single facility that can accommodate up to thirty (30) individuals, while simultaneously seeking to establish up to four 6-person modules located in contiguous single family residential units if such can be accomplished before and until a 30-person facility can begin operations.

The HTF is well aware that the choice of location(s) for any ASL has always been one of the most challenging and potentially contentious of issues. No location would be without unique challenges, but the HTF has weighed many factors, including without limitation, speed of implementation, Community support (or opposition), practicality, where the participants “go” when they are not in the ASL and an ASL’s proximity to the following (in no particular order):

- (i) Public transportation.
- (ii) Hospital and Other Medical Facilities.
- (iii) Treatment Services (Mental Health and/or Substance Abuse Facilities).
- (iv) General Life Services (food, laundry, etc.).

- (v) Potential Employment Opportunities & Affordable Housing.
- (vi) Continuing Education/Vocational Training.
- (vi) Residences, schools, and other more vulnerable areas (including, without limitation, fire hazard zones).

Based upon the above criteria, which is driven by proximity of an ALS(s), it may be better for homeless individuals to have an ASL located outside the City if such a location would provide more ready access to medical, mental health and addiction treatment options, employment and associated affordable housing opportunities and so forth.

It is with these, and other factors, in mind that the HTF recommends that **the ASL be situated outside of Malibu** in a jurisdiction within reasonable proximity to the City (See Section II, “PRIMARY PLAN”). The HTF also recommends that some form(s) of transportation be offered/provided, and this will be discussed further below.

II. PRIMARY PLAN: ESTABLISH THE ASL OUTSIDE MALIBU.

A. LOCATION. The HTF recommends that the primary location for an ASL should be outside the City of Malibu and within approx. twenty (20) miles of the LASD Lost Hills Station, preferable in Los Angeles City or in unincorporated Los Angeles County. Prior to choosing any specific location(s) outside of Malibu, the City should take the necessary steps to verify that such location(s) will permit full LASD enforcement of the City’s no-camping and similar ordinances.

The City should diligently explore options in these other jurisdictions (even if marginally more costly) BEFORE any ASL is ever considered inside the City (see Section III, “SECONDARY PLAN”).

B. Pros of an ASL Outside the City:

(i) Proximity to the Above Services. It may be better for homeless individuals to have an ASL located outside the City if such a location would provide more ready access to public transportation, medical, mental health and addiction treatment options, employment and associated affordable housing opportunities and so forth.

(ii) Malibu Community Support. The HTF expects that there may be more public support for an ASL outside vs inside the City. The HTF also believes that Malibuites are generally very caring and compassionate about the plights of homeless individuals and want to see as many of these individuals get better and become employed and housed, and this would be a beneficial way to achieve that objective.

C. SINGLE FACILITY vs “MULTIPLE UNIT” MODEL. The HTF has discussed various ways to create the number of beds it believes necessary to accomplish the goals set forth in its Charter as well as taking into consideration previous goals and objectives established by the City regarding reducing homelessness. The beds could be in one larger facility or distributed across one or more “modules”—with either option having unique advantages, as well as disadvantages.

Since the HTF believes that the time frames to implement the foregoing may vary (and one or more of these options may prove to be more viable than the others), it therefore recommends that the City immediately take the parallel steps to pursue implementing both of the following options:

1. Modularized/Residential Option. The HTF recommends that the City implement one or two modules, each accommodating a maximum six (6) beds (or twelve (12) beds with an auxiliary dwelling unit (“ADU”)) in residential (preferably mixed-use) settings outside the City (via a series of contiguous or closely proximate single family dwellings “SFDs”) within twenty (20) miles of the Lost Hills Sheriff’s Station (or Malibu Sub-Station once established) in areas that are transit friendly to Social Security, mental and medical health facilities as well as to jobs, shopping and other basic life services.

The initial implementation would involve a single unit or “module” of six (6) beds and would be scaled up as needed. Each module would be designed for up to six (6) unrelated individuals who would be obliged to share rooms (“six” being our understanding of the maximum to avoid special zoning or permitting). Gender issues will have to be addressed at some point, but it is currently beyond the scope of this Report.

Such accommodations could be used as stand-alone emergency housing or as part of a transitional services model. The “pros” of this option include, without limitation: (i) utilizing existing SFDs, eliminating the need for permitting or additional municipal or community approvals, (ii) scalability of bed quantity by simply bringing additional modules online, (iii) the City may be able to implement at least one or two modules (and thus have available beds) within 60-90 days of approval, and (iv) a low-cost threshold to initial implementation if units are rented or leased. Please note that this option should not be implemented inside the City should the Secondary Plan be adopted (as described below).

2. Single Unit Option/Accommodating Thirty (30) Beds. The HTF also recommends the creation of a single unit facility which would house up to thirty (30) individuals. The “pros” of such an option include, without limitation: (i) a lower per bed cost of staffing and operating, (ii) the scalability of fixed costs, (iii) greater efficiency in managing and administering services (including meals), and (iv) the increased ability to monitor participant compliance and prevent illicit behaviors, particularly if an open plan structure is used.

3. Summary. By pursuing both options, the City can maximize its ability to have viable “beds” online in the shortest period of time. The HTF recommends that should one of these options be “up and running” with sufficient number of beds before the other *or* should either of these options prove to be more optimal, practicable or viable than the other, the City could elect to: (i) cease pursuing or eliminate the “beds” created by such “lesser” option, or (ii) or maintain beds in both types of facilities (possibly utilizing them for different purposes or “levels of assistance” as that term will be discussed in more detail below).

III. SECONDARY PLAN: ESTABLISH ASL WITHIN THE CITY. The HTF recommends that if, and only if, the Primary Plan (i.e. locating an ASL outside the City) is found to be untenable, not economically feasible *or* that it can be demonstrated that, after applying all reasonable legal efforts, the adoption of the Primary Plan will not, or has not, satisfied the need for the enforcement discussed herein, then, and only then, should the City consider creating an ASL inside the City.

A. Minimum Restrictions. While the HTF has recommended that an ASL be located outside the City, the HTF wishes to set forth some minimum restrictions and covenants that should be established if the City ever considers locations within the City:

(i) **Temporary & Mobile.** It should be as “temporary” and “mobile” in nature as zoning, construction, space and other constraints allow. The main reason is for speed of implementation, but the second reason is that the City may need to dismantle or relocate this ASL should it not solve issues of enforcement or, worse, create more problems than it is intended to resolve.

(ii) **As “Unobtrusive” as Possible.** It should be located in such a way as to not be readily visible from main streets, offices, residences, retail businesses or other commonly used public spaces.

(iii) **Green Zone/Zero Tolerance.** A “Zero Tolerance” zone should be established within a substantial radius of the ASL which will have enhanced security and enforcement of other drug sales (or use), loitering, camping, smoking (unless in safe, designated areas) and nuisance laws.

(iv) **No Loitering.** It should prohibit, to the maximum extent possible, loitering. One of the greatest concerns that the HTF has, and it believes may be shared by Malibu residents (especially those who live or work near where such an ASL might be located) is that many of the ASL’s participants will loiter all day long in or near the businesses, parks, bus stations, sidewalks and/or residences near the ASL, and with so much “idle” time, will potentially participate in negative actions detrimental to themselves, as well as the community. In order to alleviate this concern of the community, any local ASL must have some combination of mandatory participation in employment, treatment and/or counseling services during the day so the ASL’s participants have some “obligation” to work on becoming sustainably housed and/or “give” something back to the community in return for the community’s helping them.

(v) **Maximum Bed Count Set by City Policy.** The HTF believes that a significant concern of the Malibu community is uncertainty over whether any ASL in Malibu can truly remain “limited” in size, or will it constantly expand if more homeless individuals are identified in the City. The HTF strongly recommends that a “cap” of 30 beds be placed on any ASL inside Malibu (including Emergency Beds). Such a cap could be tied to an agreement by the City that any expansion of bed counts within the City would not only require a majority vote of the City Council, but possibly a referendum approved by a majority Malibu voters. While this would certainly hamper the City Council’s ability to unilaterally expand a “local” ASL, but it may assuage the concerns of the Community who are concerned about allowing any ASL lest it quickly grow unchecked.

B. Pros of Locating the ASL Inside the City. Though the recommendation is for a location outside the City, the following are presented as some advantages of a location inside the City:

(i) **Transportation.** Any ASL, whether outside or within the City, will likely necessitate providing some form of transportation to the ASLs. That said, locations outside the City may involve greater transportation-related costs and additional logistical issues than an ASL within the City.

(ii) **LASD Enforcement.** The HTF has used the best feedback available to it when concluding that an ASL outside the City may allow for LASD enforcement. While no

individual’s opinion on this matter is “gospel,” we have taken into consideration the recent comments made by LASD representatives in public and private meetings. Our interpretation of these dialogues has been that the LASD is willing to enforce as long as there is some ASL, “somewhere” and that if it is, indeed, outside the City, its proximity should be “reasonable.” The HTF is also aware that terms like “reasonable” are highly subjective, and may require additional adjudication - please refer to the section entitled “Legal Clarity” below. Nonetheless, it is self-evident that a location within the City would remove that subjectivity in the context of the County’s (and thus LASD’s) evaluation of whether the ASL’s location will satisfy criteria adjudicated in *Martin v Boise*.

(iii) Mentor Support, Meals & Other Services. With a locally situated ASL, meal services provided by local charitable groups may be redirected to the ASL, reducing the cost of operating the ASL and ending the current provision of meals to the homeless population at large. In addition, a locally situated ASL would facilitate Malibu residents serving as volunteers and mentors to ASL participants (similar to Big Brother/Big Sister programs), providing much-needed emotional support and other services to participants, greatly facilitating their transition to sustainable housing.

(iv) Self-Governance. Management of a location within the City would be simpler to manage from a governance perspective. Managing an ASL in another jurisdiction may subject the ASL to policies and statutes beyond the City’s control, and may present conditions, procedures and requirements that would render the ASL more costly to run, less adaptable to changes in conditions and less effective in its mission.

C. Single Centralized Location. To be clear, the “multi-Unit” (de-centralized/distributed”) model described in Section II above would only be considered outside the City, not within the City should the Secondary Plan ever be considered. Only a single centralized facility should be considered in any future consideration of an ASL within the City.

IV. GENERAL MAKE-UP OF AN ASL. The following standards and guidelines should be adhered to, regardless of an ASL’s ultimate and specific location(s):

A. FACILITIES. Regardless of location, an ASL should adhere to the following minimal standards/characteristics:

(i) it should be “communal” in nature, and it should never deploy individual tents, “tiny homes,” pallet houses, pods or similar forms of shelter—the HTF believes that “recovery” in all of its forms is better accomplished with fellowship rather than isolation.

(ii) it should be clean and dignified, but never viewed as a long-term solution or preferable to being employed and obtaining true “housing.”

B. LEVELS OF ASSISTANCE. Another question that the HTF has considered is the level of assistance. It is the recommendation of the HTF that the ASL include both (i) a small number of “Emergency Beds” (see below) and (ii) beds with some form of transitional services for those individuals who agree to participate and abide by the conditions for such assistance (discussed further below under the section entitled, “Rules”). While an Emergency Beds “only” model may be easier to implement and less costly in the short term to operate than a “transitional services” model, the disadvantage is that providing only a “place to sleep” does little to break the “cycle-of-dependency”, the net result of which will be that over time the numbers of unhoused individuals will simply continue to grow, arguably requiring more beds.

The HTF recommends that the “transitional services” beds (with meals and other services) be contingent upon an individual’s: (i) willingness to participate in the ASL’s self-improvement programs, (ii) continued efforts towards increasing one’s own self-reliance, and (iii) continued compliance with the Rules (described below) of the ASL. Priority should be given to those individuals who can demonstrate a “nexus” to the City.

(i) Emergency Shelter Beds. These would be the most basic, “no-frills” cot, bivouac or sleeping mat in a communal space. There would be access to simple lavatory facilities, (possibly porta-potties) and no evening meals would be offered. Individuals will: (i) have to vacate each morning, (ii) only be able to bring into the ASL personal items that they can carry, (iii) not be able to store belongings, and (iv) be subject to all of the Rules discussed below. These “emergency beds” are also for use by law enforcement as a means to “move” individuals from less appropriate locations by giving them this alternative sleeping option as well as to begin the “intake” into more transitional options (if such individual “qualifies”).

(ii) Transitional Services. Transitional Services are geared towards assisting individuals in their pursuit of employment, housing and substance abuse and mental health treatments. Only those individuals who qualify for and are willing to abide by the terms for participation in the ASL may be enrolled in Transitional Services. It is understandable that an individual who has spent an extended length of time sleeping on sidewalks, under overpasses or in the brush may not immediately be able to start seeking employment and housing opportunities with success. This is generally even more true if such individual has mental health, trauma or substance abuse issues. The beginnings of transition living must begin the process of substance detox, trauma treatment, treatment of acute medical needs (i.e. lacerations, wounds, mites, etc.), improved body, hair and nail hygiene, haircuts, clean (donated) change of clothes, nourishment, sense of safety, reconnection with family and/or friends (if available) or the establishment of other trusted relationships, mental health services and/or identifying proper medications, etc.

Continued effort and compliance on their part will allow them to enter the next phase, which would have individuals working more closely with outreach professionals to identify and improve skill sets (including life skills, personal financial management skills and employment skills), create viable career and housing goals, while continuing to work on medical, mental health and substance issues. The “final” transitional level should contain the highest amount of focus on the next steps in terms of housing and employment and other governmental or private social services available. Participants at this level should enjoy the maximum privileges and “trust” and should be encouraged to consider assisting those who have recently “arrived.”

C. RULES FOR PARTICIPANTS. Rules, requirements and/or responsibilities (collectively “Rules”) are things that all members of the community adhere to, and the unhoused population should not be an exception, especially within the ASL—this is for their well-being and safety as well as for the well-being and safety of all staff and other participants. Any and all Rules will be administered with dignity and consistency, and with the ultimate goal of giving such individuals a far better chance of re-entering permanent housing than they currently have when they are sleeping in random public spaces. The HTF recommends that the City Council (utilizing the City Attorney) should carefully review the ASL’s Rules so as not to run afoul of the Ninth Circuit’s Ruling in *Martin v. Boise*, other relevant statutes as well as simple common sense.

It is recommended that the ASL review and adapt rules and policies that have been used successfully by other jurisdictions with ASLs, but at a minimum, the following should be adopted by the ASL (subject to appropriate vetting by the City Attorney):

(i) Registration. Any and all individuals who spend even one night in the ASL should be expected to “register.” Such registration is not intended to be overwhelming or, in and of itself, an impediment to providing access to the ASL. It will also serve as the beginnings of an “in-take” of such individual to see whether they are ready, willing and able to make changes and work towards “normalizing” their lives.

(ii) Curfews & Hours of Access. To maintain the ASLs ability to function effectively and safely, there should be a reasonable curfew, so as not to have individuals coming and going after hours, which is not fair to the staff or other participants. In addition, the ASL must not become a place to “hang out all day,” and thus participants must be utilizing their time during the day either working at existing employment, finding employment or working with staff on developing life skills, personal financial management skills, employment skills or other housing and health related issues.

(iii) General Deportment. While subjective in nature, all staff and participants must maintain themselves at all times in a civil manner and refrain from actions that are detrimental to others who are either working/volunteering at the ASL or are participants who are trying to work towards housing and employment goals. Offensive and vulgar language, harassment or intimidation of others, smoking (unless in designated areas), excessively loud noises or criminal behaviors should not be tolerated and, after warning (if applicable), should result in expulsion from the ASL. The ASL should have the ability to remove or deny entry to any individual who is, or who in the past, has demonstrated behaviors that make them a danger to themselves or others.

(iv) Drug Use. Not all participants in the ASL have substance abuse issues (whether from illegal drugs or an abuse of “legal” pharmaceuticals), but those that do must be willing to accept substance abuse treatment and consider alternatives to continued substance abuse. That said, it is simply not possible for the ASL to make abstinence (away from the ASL) a requirement, PROVIDED HOWEVER, that there must be a zero-tolerance policy of substance use or possession inside the ASL or its surrounding “Green Zone.” Participants must consent to having their persons and/or belongings searched to ensure that they are in compliance with this policy. In addition, the ASL should have the right to deny entry to any person who appears to be intoxicated and/or “under the influence” when such appearance is accompanied by behaviors that may be unsafe for staff and other participants. The HTF understands that this may require a “judgment call” by a staff member, and some protocols should be put in place to ensure that this is meted out fairly, and in such a way as to not place the ASL or any of its staff in actual danger or other legal jeopardy.

(v) Participation in Services. As discussed above, the ASL isn’t intended to be housing, but rather, a temporary place for a homeless individual to sleep and obtain services that will allow such individual to become sustainably “housed.” Remaining homeless without putting in any effort to becoming sustainably housed, employed and “healthier” is not an option for participants in the ASL. They must work a program with their assigned staff member or outreach worker in order to stay in the ASL.

(vi) Maintaining Cleanliness of the ASL. Not only must participants in the ASL have an obligation to keep their own “space” clean and reasonably organized, but all must share in the general safety, security and cleanliness of the entire ASL and the surrounding area. The ASL’s staff is

not there to clean up after participants, but rather must meet out tasks in a fair and consistent manner, and not as “punitive” measures. Specific accommodations may be made for those individuals with physical or psychological handicaps as appropriate, but all participants must do something to pitch in commensurate with their abilities.

D. TRANSPORTATION. Malibu is a small city in terms of population, but is extensive in terms of its land area and unique topography. As mentioned elsewhere, there are point-to-point distances within the City that are farther from each other than certain of the above external locations are from the center of Malibu. Even if an ASL were to be located inside the City, it is possible that an unhoused individual being asked to “move” might claim an inability to get to an ASL, and thus the City might theoretically be obligated to provide some “intra-city” transportation. It is envisioned that this transportation will have limited hours of operation.

Whether or not this would happen is beyond the scope of this Report, but it is recognized that transportation out of the City (even if “closer”) may be a requisite for such an ASL strategy. Such transportation could be in the form of a private (City paid for) van, “vouchers” for ride-shares or some other third-party transportation, or possibly even provided in certain situations by LASD (if the location is within a reasonable radius of the above referenced Sheriff’s Station).

The HTF is aware that there are legal, liability and logistical issues relating to transportation, however, we are also aware that other municipalities have dealt successfully with this issue and the City should review carefully what those other jurisdictions did to mitigate these issues. Please see Subsection I.I below for a discussion of cost estimates.

E. MANAGEMENT. The HTF is acutely aware of the need to have any ASL run safely, cost-effectively and constructively. To that end, the HTF recommends that the City appoint a “board of directors” or some other management/oversight committee to oversee the operation of the ASL, to ensure both the high-quality operation of the ASL and operational compliance with the “hand up” philosophy discussed below. The board’s oversight would include selecting, reviewing, and overseeing third parties who may be contracted to run and/or provide services for the ASL and its participants.

The following aspects of ASL management should be considered:

1. Philosophy. The operator of the ASL should be committed (including explicitly by contract) to a “hand-up” rather than a “hand out” approach. This means emphasizing self-reliance to the extent of an individual’s capacity, on a case-by-case basis, with all activities of the ASL designed to further that goal. Each ASL participant should agree to, and the ASL operator should proactively promote, constructive employment as the intended primary means of such individual’s support, to the extent of such individual’s capacity, family support as a secondary means, and reliance on government and other third-party support only as a tertiary measure to provide for necessities in excess of what the individual and/or their family is able to provide.

In furtherance of this philosophy, the ASL should offer resources designed to give each individual (1) purpose, whether through employment, service opportunities or other means, (2) whole education, including life skills, employment skills and personal financial management skills, and (3) real friendship, for example through a mentorship program that connects ASL participants with established members of the local community (in a safe environment). The HTF believes these three “human needs” to be critical to an individual’s success in being sustainably housed.

2. Execution. In both the selection and the ongoing evaluation and retention of an operator, the City should diligently evaluate such operator’s expertise, experience and capacity to enact a successful program consistent with the above philosophy. In addition to the diligent work of City staff in this regard, a board of directors comprised of knowledgeable and engaged citizens should be established to work with the City in overseeing successful operations. Historical results of the ASL operator, both in respect of its ongoing contract with the City and in respect of its work elsewhere, should be evaluated, including such periodic metrics as: (i) the number of people housed, (ii) the number of people remaining housed after one year and three years, (iii) the number of people reunited with friends and/or family, (iv) the number of people achieving gainful employment, and (v) the number of people retaining gainful employment after one year and three years.

In assisting ASL participants, a coordinated care model should be followed, in which all elements of each participant’s transition are evaluated in periodic (e.g. weekly) case conferences. Such conferences should include providers of the various aspects of support, so that all such elements of support work in unity to ensure the proper type and amount of support throughout the participant’s progression. Such support should be tailored to each individual based on such individual’s specific strengths and needs, subject to core fundamental principles of self-reliance, compassion, and accountability. Key elements of successful operation would include case management, clinical case management, housing coordination, program management, and redundant 24/7 staffing adequately trained in conflict management, de-escalation and emergency procedures. Services may be provided by the ASL operator directly, by third-party contract, by subcontract, or by local individual or group volunteers.

F. COSTS. The following are offered as “estimates” only. The actual costs of various solutions will depend upon many factors, including without limitation, location(s), changing costs of real estate and staffing wages, the number of beds required and whether the ASL’s real estate is purchased or leased.

1. Single Unit Facility. To establish a single facility of up to 30 beds, it is anticipated that the annual cost of running such a facility will vary depending on facility type (mobile construction or fixed) and whether such a facility is owned or leased, and will benefit from the scaled costs of centrally shared services.

2. Multiple Unit Facilities (Outside the City only). Preliminary research indicates that leases for single family homes (comprised of a minimum of three bedrooms) are available in the range of \$3,500 - \$7,000 per month. Adding additional units will scale accordingly, or a bit less as some economies of scale may be obtained with overlapping staffing and other services.

3. Transportation. Preliminary estimates are that an operational van (if needed, regardless of who owns and operates it) will cost approximately \$90,000 to \$200,000 per year depending on ASL location, excluding the initial cost of the vehicle (which may be leased) but including the costs of drivers, maintenance, gas, insurance, cleaning, parking/garaging, etc. The farther from the City that an ASL is located will have some marginal increase in cost (i.e. gas, hours of operation, etc).

H. LEGAL ISSUES. The HTF recommends that the City Council direct the City Attorney to analyze certain legal issues that may arise relating to the ASL, including its impact on the full enforceability of the City’s no-camping and similar ordinances, avoiding tenancy issues, or matters such as accessibility, liability and the enforceability of ASL rules. In addition, the HTF recommends that the City Council task the City Attorney with analyzing the various and optimal “ownership

structures” of such an ASL, i.e. whether it is directly owned, leased and/or managed by the City, or whether it is owned, leased and/or run by a third-party (i.e. a non-Profit) which has contracted with the City for its beds and other services.

Should concerns arise about immediate enforcement of Malibu’s existing laws and whether an ASL outside the City satisfies legal concerns, the HTF recommends that the City Council consider some additional proactive course (such as the filing of a Motion for Declaratory Judgment or similar action) to give better judicial clarity and allow for more robust enforcement.

V. TERTIARY PLAN: RESERVED BEDS OUTSIDE THE CITY. As a non-mutually exclusive option, the City may also explore opportunities to “acquire” rights to utilize beds which may be available in one or more existing facilities outside the City, regardless of distance, PROVIDED that: (i) the City is willing to provide, at the City’s expense, reasonable transportation to such facilities, and (ii) providing access (and transportation) to such beds would pass legal “muster” for law enforcement to enforce Malibu’s “no-camping” related ordinances. This option, if viable, would most likely require the City to make financial contributions to such facilities (in an amount as yet undetermined) in order to have such beds “reserved” exclusively for the City’s use. An advantage of this option, besides expediency and scalability, is that these would be owned and operated by others (contracted by other jurisdictions) and the City would have no management responsibilities.

The HTF is currently unaware of any specific viable options in other existing facilities, however, should they be identified *and* should they pass legal “muster” *and* be contractually available in sufficient quantities *and* be cost-feasible, the HTF would recommend that the City consider this option as part of a long term solution, possibly in lieu of some of the other recommended actions discussed above.

VI. EXISTING SERVICES & MEAL PROGRAMS.

A. Evaluation of Existing Providers. With the implementation of an ASL, the HTF recommends that the City should evaluate the current “homeless” services contracted by the City to determine whether those contracts such services can be effectively performed by or in concert with the ASL and, accordingly, whether those contracts should be renewed, cancelled or modified in their scope and cost. The latter may allow the City’s resources to be better allocated when implementing the plan(s) referenced herein.

B. Meal Programs. Few Good Samaritan efforts get more support or vehement opposition than local meal programs. There are many within the Malibu community who have great compassion yet view these programs as counter-productive, creating continued dependency and of attracting more homeless individuals to Malibu (who then simply elect to remain here). Those who organize these meal programs would respond that they are also compassionate people who truly want to help in conjunction with alternative services as part of a larger outreach, specifically by: (i) helping establish trusting relationships, (ii) identifying and determining real needs that can be addressed, and (iii) providing invaluable aid in the next steps with appropriate homeless service providers.

The establishment of an ASL (in or near the City) offers the organizers and volunteers of these meal programs to continue their good work while mitigating the perceived unintended consequences. The HTF has received commitments from several meal program sponsors, upon the establishment of an ASL, to re-direct their activities towards assisting those individuals who are participating in an ASL,

rather than to the homeless population at large, provided the location of the ASL is reasonably accessible. Accomplishing this would be a potential win-win for the meal program organizers, for the entire community *and* for the homeless individuals' participation in the ASL's program(s) who are earnestly working hard to constructively change their lives.

VII. PUBLIC SAFETY.

While the establishment of a viable ASL may be an integral part of increasing the enforcement of local “camping/loitering/vagrancy” laws, the HTF strongly recommends that the City continue its efforts to ensure that these existing laws are enforced by the LASD. In addition, the City should strenuously encourage the Office of the Los Angeles County District Attorney to prosecute crimes by repeat offenders, and even first offenses that directly or indirectly threaten the health and safety of Malibu's residents (including the unhoused), guests, employees and visitors.

VIII. FURTHER CITY COUNCIL ACTIONS.

The HTF recommends that City Council adopt these recommendations and instruct City staff to conduct such analysis and review as may be prerequisite, and develop a plan to implement such recommendations as soon as practicable.

Furthermore, the HTF would request that if the City Council elects to pursue establishing an ASL, and gives clearer guidance on the location as recommended above, that the City tasks the HTF to proceed forward, working closely with City staff, to further identify and evaluate specific potential locations within the “chosen” area(s).

ADDITIONAL COMMENTS

The following section is intended to allow individual HTF members to express any additional comments, recommendations or disagreements with any portion of the Report:

[TO BE ADDED AS NEEDED]

END OF REPORT

The Task Force thanks the City Council for its thoughtful consideration of this RECOMMENDED ACTION PLAN and invites the City Council to request anything from the HTF that it believes would further assist it in its analysis and/or implementation of the above.

Respectfully,

Task Force on Homelessness

RECOMMENDED ACTION PLAN

DATE: [to be added]
TO: THE MALIBU CITY COUNCIL
FROM: TASK FORCE ON HOMELESSNESS
RE: ALTERNATIVE SLEEPING LOCATION(S)

TASK FORCE CHARTER

On July 21st, 2021, the City of Malibu (the “City”) created the Task Force on Homelessness (“HTF”), with an initial charter (“Charter”) as follows:

- 1. Review the draft updated goals and objectives of the Homelessness Strategic Plan.**
- 2. Review the concept, need and possible implementation of an Alternative Sleeping Location (ASL).**
- 3. Develop a plan to mitigate public safety and environmental impacts, particularly fires, related to homeless encampments.**
- 4. Explore new ideas to address homelessness, research strategies used by other jurisdictions, and identify best practices that could be implemented in Malibu.**
- 5. Develop a robust public engagement and outreach plan to obtain community input on proposed strategies to protect the health, safety, and welfare of the community from the dangers of homelessness and provide assistance to Malibu residents experiencing homelessness.**
- 6. Make recommendations to the City Council on all of the above.**

EXECUTIVE SUMMARY

It is in the spirit of this Charter that the HTF submits the following Recommendations (the “Report”), which will be discussed in greater detail below.

- Establish an Alternative Sleeping Location (“ASL”) of up to thirty (30) beds for individuals experiencing homeless.

- Such ASL will provide a limited number of overnight-only “emergency” beds for LASD referrals to allow full enforcement of no-camping and similar ordinances throughout the City as well as a certain number of additional beds accompanied by appropriate supportive services to help ASL participants transition expeditiously to sustainable housing solutions.
- Provide appropriate transportation to such ASL, as needed.
- Work with organizers of existing meal programs to redirect their efforts towards supporting the ASL program.

This Report reflects, as best as possible, the opinions and recommendations of a majority of the HTF. It is the result of a review of work products provided by various HTF Ad Hoc committees, open discussions at HTF Public Meetings and publicly available information derived from many sources, including without limitation, the Homelessness Working Group.

It is important to note that this Report does not perfectly reflect 100% of every viewpoint, opinion, priority or verbiage of any one HTF member, but rather is a general consensus of the majority and includes many compromises of individual ideas and opinions. The City Council is urged to take all the viewpoints presented herein into consideration when deciding on future courses of action.

The HTF shall continue to work on the above Charter unless or until such time as the City Council moves to terminate its existence, or modifies its objectives.

INTRODUCTION

The number of individuals living without homes has continued to grow in California and in many municipalities across the United States. Malibu residents have a wide variety of opinions on why this is occurring, just as there are equally diverse opinions on how to resolve and/or deal with this problem. These varying viewpoints range from minor or semantic in nature to very divergent, emotionally charged and polarizing.

This Report puts forth an action plan that the City can adopt to begin reducing the number of unhoused individuals within the City and to increase the entire community’s safety from health, fire, crime and other issues which have been exacerbated by individuals residing on the streets, sidewalks, parks, brush and in other public spaces.

While there may be divergent and controversial issues surrounding homelessness, including its causes, effects and solutions, there are several things that the HTF believes would be agreed upon by the vast majority of Malibu’s citizens:

1. Homelessness continues to be an extensive problem.
2. Previous efforts have yielded measurable results, but further decisive action is clearly needed.
3. Hand-outs are rarely as effective as hand-ups, so any actions the City takes should always be geared towards prioritizing helping those who are ready, willing and able to put in personal effort to regain—not only housing—but dignity, productivity, self-esteem and independence.

4. There continues to be a substantial subset of unhoused individuals who are resistant to housing solutions—especially when such solutions require structure, potential behavioral modification and expectations that such individuals seek (or be willing to accept) suitable employment and substance abuse/mental health treatment (if and when applicable).

5. A variety of court rulings have limited law enforcement’s ability to displace individuals experiencing homelessness and/or their encampments from public spaces without other conditions being met—specifically the existence of viable alternative sleeping location(s).

6. Malibu, with its small population and limited resources and services, is simply not able to facilitate shelter for everyone who may happen, at any given time, to be within the City limits—and a vast majority of the transient/homeless population (especially those without a reasonable nexus to the City) will not be able to secure long term housing within the City.

7. The rights of the entire community to live, work, visit, and peacefully and safely enjoy the City should outweigh unreasonable expectations of the few who may choose to remain unhoused, unemployed and/or untreated.

8. While the City should continue efforts to assist as many individuals experiencing homelessness to become “housed” as may be willing and able as well as practical (within the resources available) the primary objective of the City Council must be to ensure the health, safety and welfare of the entire community and no homeless initiative(s) should be implemented that violate, disregard or diminish the primary objective.

9. Malibu is located in a State Mapped Very High Fire Hazard Severity Zone (VHFHSZ) and has experienced a significant increase in homeless-related arson fires. These threaten the environment, property, businesses, and more importantly—the lives of citizens, unhoused individuals, firefighters and other first responders, thus increasing the urgency of solutions to reducing the homeless population.

10. DOING NOTHING AND HOPING THAT THINGS WILL IMPROVE IS NOT A VIABLE OPTION.

TERMINOLOGY

Words and their meanings are important, however, sometimes discussions on issues can become hindered by varying interpretations of what certain words or phrases actually mean. It is the hope of the HTF that semantics will not prohibit active and healthy discussion, compromise and action. The City Council is urged to request clarification of any term or phrase used herein where such term or phrase causes confusion or any unintended or adverse consequence.

A relevant example of this is often the use of the word “homeless” or “homelessness” which can invoke feelings that range from sympathy and concern to fear and resentment. Nothing in this Report should be construed as implying that “homeless” people as a class are lesser human beings or the sole cause of society’s ills. Often HTF members may have used words or phrases that may be offensive to some—that was clearly never the goal of the HTF or any of its members. The true goal was to facilitate open dialogue, encourage diverse ideas, while not “missing the forest for the trees” when discussing this issue within the HTF. The HTF is focused on assisting those individuals who

are willing to receive transitional support services and work towards greater self-reliance, while protecting the community from the adverse impacts created and exacerbated by individuals “occupying, camping and/or temporarily residing” in public spaces.

While it is not a crime to be homeless, and there are those who are unhoused through external circumstances beyond their reasonable control, it is not fair for an unhoused individual: (i) to resist qualified mental health or substance abuse treatment (if diagnosed needed and available), (ii) to refuse to seek or maintain employment (commensurate with such individual’s present abilities), (iii) to disclaim being subject to the same laws and boundaries society imposes on itself, (iv) to select *any* public place they want to camp and/or reside despite the adverse effects on themselves and others, and (v) to believe that they should be exempt from all of the work, sacrifices and financial compromises that all others have to contend with when choosing a place to live.

“Alternative Sleeping Location” or “ASL” – this term may be used as a singular or plural term, but the actual number of beds and/or location(s) may vary as the context below implies. For the purposes of this Report, an ASL would include additional transitional services to participants.

“Bed” – this term simply means something to sleep on; it may be a mattress on a frame, a cot, a bivouac sac, an inflatable bed or some other form of sleeping mat.

“Emergency Bed” – while any beds technically fall under the term “ASL,” for the purposes of this Report “Emergency Beds” refers to an overnight solution exclusive of meals or transitional services that would be offered to “fully-enrolled” ASL participants. These exist only to provide a night’s “shelter” for those who otherwise may sleeping outside. This would be utilized mainly by law enforcement to allow LASD to compel individuals to move from where they have encamped. Such individuals will still be expected to observe the behavioral conduct “Rules” established for such temporary shelter for the safety of law enforcement, staff, other participants and themselves, and may be considered for full enrollment in an ASL program subject to availability and the conditions of full enrollment.

“Homeless” – the population of unhoused individuals is not a homogenous group. There is a broad range of how, why and where such individuals are present in the City, why they are currently without a physical “home” and there are often divergent goals of such individuals to seek housing, employment and (when applicable) substance abuse treatment and mental health services. Within the homeless population, there is a spectrum of individuals, ranging from those who are ready, willing and able to do anything it takes to “rejoin” the ranks of the “employed and housed,” to those who currently are unwilling to do so.

The HTF is very sensitive to interpretations of terms such as “choice,” “ability” and “willingness” when used in connection with unhoused individuals. When used herein, these should not be construed as being condescending, judgmental or having negative connotations. We recognize that individuals who suffer from mental health issues, struggle with substance addiction and/or who have experienced severe trauma (exacerbated by living on the streets for extended periods of time), may have inhibited capacity to make better “choices” without appropriate assistance, support and treatment.

The terms “homeless,” “unhoused,” or “transient” may be used, seemingly interchangeably, however, the HTF recognizes that these terms may have different connotations and we urge the City Council to not dwell on the “form” of these phrases, or other terms often used in discussions involving homelessness, but rather the “substance” of the entire Report.

RECOMMENDATIONS

I. IDENTIFY AND/OR CREATE A VIABLE ASL.

The HTF firmly recommends that the City Council take immediate steps to establish an Alternative Sleeping Location (“ASL”) to help willing individuals experiencing homelessness transition to sustainable housing solutions and greater self-reliance. The ASL would provide short-term sleeping arrangements and transitional support services to those who agree to (and continue to abide by) certain basic behavioral standards and demonstrate continuing efforts to become sustainably housed and increasingly self-reliant (to the extent of their capacity to do so). ASL participants would be expected to engage during the day in certain activities furthering that objective. The ASL would also provide certain overnight-only “emergency beds” (as discussed below) that will allow LASD to enforce no-camping and similar ordinances throughout the entirety of the City.

Noting the current homeless count of approximately 140 individuals, the experience of other cities, and the advice of local experts regarding the Malibu homeless population, the HTF firmly recommends that the City Council take immediate steps to identify and/or facilitate an Alternate Sleeping Location (“ASL”) that can accommodate at least six (6) and up to a maximum of thirty (30) beds. The HTF believes this range of beds will be sufficient to accommodate those individuals who would accept assistance and be willing to abide by the conditions for participation.

The HTF is well aware that the choice of location(s) for any ASL has always been one of the most challenging and potentially contentious of issues. No location would be without unique challenges and the HTF has weighed many factors, including without limitation, speed of implementation, Community support (or opposition), practicality, where the participants “go” when they are not in the ASL and an ASL’s proximity to the following (in no particular order):

- (i) Public transportation.
- (ii) Hospital and Other Medical Facilities.
- (iii) Treatment Services (Mental Health and/or Substance Abuse Facilities).
- (iv) General Life Services (food, laundry, etc.).
- (v) Potential Employment Opportunities & Affordable Housing.
- (vi) Continuing Education/Vocational Training.
- (vi) Residences, schools, and other more vulnerable areas (including, without limitation, fire hazard zones).

A. LOCATION. Based upon the above criteria, which is driven by proximity of an ASL, it seems that it would be better for individuals experiencing homelessness to have an ASL located outside the City if such a location would provide more ready access to medical, mental health and addiction treatment options, employment and associated affordable housing opportunities and so forth. The HTF recommends that the primary location (“Primary Location”) for an ASL should be outside the City of Malibu and within approximately twenty (20) miles of the LASD Lost Hills Station or the Malibu Substation (when such substation comes online). The HTF also recommends that some

form(s) of transportation be offered/provided (as discussed further below). Prior to choosing any specific location(s) outside of Malibu, the City should take the necessary steps to verify that such location(s) would permit full LASD enforcement of the City’s no-camping and similar ordinances.

The HTF recommends that if, and only if, the Primary Location (i.e. locating an ASL outside the City) is found to be untenable, economically unfeasible *or* that it can be demonstrated that, after applying all reasonable legal efforts, the Primary Location cannot satisfy the need for the enforcement discussed herein, then, and only then, would the HTF recommend that the City Council consider establishing an ASL inside the City.

Pros of an ASL located outside the City:

(i) Proximity to the Above Services. It may be better for individuals experiencing homelessness to have an ASL located outside the City if such a location would provide more ready access to public transportation, medical, mental health and addiction treatment options, employment and associated affordable housing opportunities. The HTF believes that Malibuites are generally very caring and compassionate about the plights of individuals experiencing homelessness and want to see as many of these individuals get better and become employed and housed, and this would be a beneficial way to achieve that objective.

(ii) Short Term “Fix” vs Long Term “Solution.” The HTF believes that while there would be certain expedient advantages of establishing an ASL within the City limits, it would not be to the advantage of individuals experiencing homelessness as the ultimate goal is to assist them to obtain long term housing and employment, reconnect them with families and other supportive services, restore self-confidence and dignity and thus ending the cycle of despair and homelessness. Given the City’s limited services, employment opportunities and affordable housing, providing “beds” in Malibu may provide an extremely temporary “sleeping accommodation” but may actually result in prolonging the homeless experience of these individuals.

Though the recommendation is for a location outside the City, the following are presented as some advantages of a location inside the City:

(iii) Transportation. Any ASL, whether outside or within the City, will likely necessitate providing some form of transportation to the ASLs. That said, locations outside the City may involve greater transportation-related costs.

(iv) LASD Enforcement. The HTF has used the best feedback available to it when concluding that an ASL outside the City may allow for LASD enforcement. While no individual’s opinion on this matter is “gospel,” we have taken into consideration the recent comments made by LASD representatives in public and private meetings. Our interpretation of these dialogues has been that the LASD is willing to enforce as long as there is some ASL, “somewhere” and that if it is, indeed, outside the City, its proximity should be “reasonable.” The HTF is also aware that terms like “reasonable” are highly subjective, and may require additional adjudication - please refer to the section entitled “Legal Clarity” below. Nonetheless, it is believed that a location within the City would mitigate that subjectivity in the context of the County’s (and thus LASD’s) evaluation of whether the ASL’s location will satisfy criteria adjudicated in Martin v Boise.

(v) Mentor Support, Meals & Other Services. With a locally situated ASL, meal services provided by local charitable groups may be redirected to the ASL, reducing the cost of operating the ASL and ending the current provision of meals to the homeless population at large. In

addition, a locally situated ASL would facilitate Malibu residents serving as volunteers and mentors to ASL participants (similar to Big Brother/Big Sister programs), providing much-needed emotional support and other services to participants, greatly facilitating their transition to sustainable housing.

(vi) **Self-Governance.** Management of a location within the City may be simpler from a governance perspective. Managing an ASL in another jurisdiction may subject the ASL to policies and statutes beyond the City’s control, and may present conditions, procedures and requirements that would render the ASL more costly to run, less adaptable to changes in conditions and less effective in its mission.

B. NUMBER OF BEDS. The HTF recommends an ASL of at least six (6) and up to thirty (30) beds, PROVIDED THAT, if feasible, the City should commence with the smaller number and scale up to the maximum only as needed. Should an ASL be situated inside the City, it should have a Maximum Bed Count (“Cap”) of thirty (30) beds established by a City ordinance or statute. Given limited availability of services, municipal property and local zoning ordinances, the HTF believes that this Cap is the maximum that could be feasibly supported within the City. Should more beds be required, they would, by ordinance or statute, have to be located outside the City.

C. FACILITIES. Regardless of location, an ASL should adhere to the following minimal standards/characteristics:

(i) **ASL vs Housing.** The ASL is not intended to be housing. It is, as its name implies, an alternative sleeping location. As such, it should be “communal” in nature, and it should never deploy individual tents, “tiny homes,” pallet houses, pods or similar forms of shelter—the HTF believes that progress in all of its forms is better accomplished with fellowship rather than isolation. It should be clean and dignified, but never viewed as a long-term solution or preferable to being employed and obtaining true “housing.”

(ii) **Temporary & Mobile.** It should be as “temporary” and “mobile” in nature as zoning, construction, space and other constraints allow. The main reason is for speed of implementation, but the second reason is that the City may need to dismantle or relocate this ASL should it not solve issues of enforcement or, worse, create more problems than it is intended to resolve.

(iii) **As “Unobtrusive” as Possible.** It should be located in such a way as to not be readily visible from main streets, offices, residences, retail businesses or other commonly used public spaces.

(iv) **Green Zone/Zero Tolerance.** A “Zero Tolerance” zone should be established within a substantial radius of the ASL which will have enhanced security and enforcement of other drug sales (or use), loitering, camping, smoking (unless in safe, designated areas) and nuisance laws.

(v) **No Loitering.** It should prohibit, to the maximum extent possible, loitering. One of the greatest concerns that the HTF has, and it believes may be shared by Malibu residents (especially those who live or work near where such an ASL might be located) is that many of the ASL’s participants will loiter all day long in or near the businesses, parks, bus stations, sidewalks and/or residences near the ASL, and with so much “idle” time, will potentially participate in negative actions detrimental to themselves, as well as the community. In order to alleviate this concern of the community, any local ASL must have some combination of mandatory participation in employment,

treatment and/or counseling services during the day so the ASL’s participants have some “obligation” to work on becoming sustainably housed and/or “give” something back to the community in return for the community’s helping them.

D. SINGLE FACILITY vs “MULTIPLE UNIT” MODEL. The HTF has discussed various ways to create the number of beds it believes necessary to accomplish the goals set forth in its Charter as well as taking into consideration previous goals and objectives established by the City regarding reducing homelessness.

An option that was considered involved implementing one or more “modules” (each accommodating a maximum of six (6) individuals) within residential settings, inside or proximate to the City, via a series of contiguous or closely proximate single-family dwellings (“SFDs”). The HTF tasked a special ad hoc to review some of the legal issues that such an option could create. After reviewing their findings, which contained substantive legal concerns, and after considering other ethical and economic challenges, the HTF has determined not to recommend this option.

E. LEVELS OF ASSISTANCE. The HTF has also considered the level of assistance an ASL should provide and/or facilitate. The HTF recommends that the ASL include both (i) a small number of Emergency Beds and additional beds with some form of transitional services for those individuals who agree to participate and abide by the conditions for such assistance (discussed further below under the section entitled, “Rules”).

The HTF recommends that the transitional services be contingent upon an individual’s: (i) willingness to participate in the ASL’s self-improvement programs, (ii) continued efforts towards increasing self-reliance, and (iii) continued compliance with the Rules (described below) of the ASL. Priority for these transitional beds should be given to those individuals who can demonstrate a “nexus” to the City.

(i) Emergency Beds. These would be the most basic, “no-frills” cot, bivouac sac or sleeping mat in a communal space. There would be access to simple lavatory facilities, (possibly porta-potties) and no evening meals would be offered. Individuals will: (i) have to vacate each morning, (ii) only be able to bring into the ASL personal items that they can carry, (iii) not be able to store belongings, and (iv) be subject to all of the Rules discussed below. These emergency beds are also for use by law enforcement as a means to relocate individuals from unsafe, unsanitary and inappropriate locations by giving them this alternative sleeping option.

(ii) Transitional Services. While emergency-only beds provide a necessary and humane function, they do little to create sustainable housing opportunities. The net result of which may be that over time the numbers of unhoused individuals will simply continue to grow, arguably necessitating and ever-growing number of emergency beds. Transitional Services are geared toward assisting individuals in their pursuit of employment, housing and substance abuse and mental health treatments. Only those individuals who qualify for and are willing to abide by the terms for participation in the ASL may be enrolled in Transitional Services.

It is understandable that an individual who has spent an extended length of time sleeping on sidewalks, under overpasses or in the brush may not immediately be able to start seeking employment and housing opportunities with success. This is generally even more true if such individual has mental health, trauma or substance abuse issues. The beginnings of transition living must begin the process of substance detox, trauma treatment, treatment of acute medical needs (i.e. lacerations, wounds, mites, etc.), improved body, hair and nail hygiene, haircuts, clean change of clothes, nourishment,

sense of safety, reconnection with family and friends or the establishment of other trusted relationships, mental health services and/or identifying proper medications, etc.

Continued effort and compliance on their part will allow them to enter the next phase, which would have individuals working more closely with outreach professionals to identify and improve skill sets (including life skills, personal financial management skills and employment skills), create viable career and housing goals, while continuing to work on medical, mental health and substance issues. The “final” transitional level should contain the highest amount of focus on the next steps in terms of housing and employment and other governmental or private social services available. Participants at this level should enjoy the maximum privileges and “trust” and should be encouraged to consider assisting those who have recently “arrived.”

F. RULES FOR PARTICIPANTS. Rules, requirements and/or responsibilities (collectively “Rules”) are things that all members of the community adhere to, and the unhoused population should not be an exception, especially within the ASL—this is for their well-being and safety as well as for the well-being and safety of all staff and other participants. Any and all Rules will be administered with dignity and consistency, and with the ultimate goal of giving such individuals a far better chance of re-entering permanent housing than they currently have when they are sleeping in random public spaces. The HTF recommends that the City Council (utilizing the City Attorney) should carefully review the ASL’s Rules so as not to run afoul of the Ninth Circuit’s Ruling in Martin v. Boise, other relevant statutes as well as simple common sense.

It is recommended that the ASL review and adapt rules and policies that have been used successfully by other jurisdictions with ASLs, but at a minimum, the following should be adopted by the ASL (subject to appropriate vetting by the City Attorney):

(i) Registration. Any and all individuals who spend even one night in the ASL should be expected to “register.” Such registration is not intended to be overwhelming or, in and of itself, an impediment to providing access to the ASL. It will also serve as the beginnings of an “intake” of such individual to see whether they are ready, willing and able to make changes and work towards “normalizing” their lives.

(ii) Curfews & Hours of Access. To maintain the ASLs ability to function effectively and safely, there should be a reasonable curfew, so as not to have individuals coming and going after hours, which is not fair to the staff or other participants. In addition, the ASL must not become a place to “hang out all day,” and thus participants must be utilizing their time during the day either working at existing employment, finding employment or working with staff on developing life skills, personal financial management skills, employment skills or other housing and health related issues.

(iii) General Department. While subjective in nature, all staff and participants must maintain themselves at all times in a civil manner and refrain from actions that are detrimental to others who are either working/volunteering at the ASL or are participants who are trying to work towards housing and employment goals. Offensive and vulgar language, harassment or intimidation of others, smoking (unless in designated areas), excessively loud noises or criminal behaviors should not be tolerated and, after warning (if applicable), should result in expulsion from the ASL. The ASL should have the ability to remove or deny entry to any individual who is, or who in the past, has demonstrated behaviors that make them a danger to themselves or others.

(iv) Drug Use. Not all participants in the ASL have substance abuse issues (whether from illegal drugs or an abuse of “legal” pharmaceuticals), but those that do must be willing to accept substance abuse treatment and consider alternatives to continued substance abuse. That said, it is simply not possible for the ASL to make abstinence (away from the ASL) a requirement, PROVIDED HOWEVER, that there must be a zero-tolerance policy of substance use or possession inside the ASL or its surrounding “Green Zone.” Participants must consent to having their persons and/or belongings searched to ensure that they are in compliance with this policy. In addition, the ASL should have the right to deny entry to any person who appears to be intoxicated and/or “under the influence” when such appearance is accompanied by behaviors that may be unsafe for staff and other participants. The HTF understands that this may require a “judgment call” by a staff member, and some protocols should be put in place to ensure that this is meted out fairly, and in such a way as to not place the ASL or any of its staff in actual danger or other legal jeopardy.

(v) Participation in Services. As discussed above, the ASL isn’t intended to be housing, but rather, a temporary place for an individual experiencing homelessness to sleep and obtain services that will allow such individual to become sustainably “housed.” Remaining homeless without putting in any effort to becoming sustainably housed, employed and healthier is not an option for participants in the ASL. They must work a program with their assigned staff member or outreach worker in order to stay in the ASL.

(vi) Maintaining Cleanliness of the ASL. All participants in the ASL must share in the general safety, security and cleanliness of the entire ASL including the surrounding area. The ASL’s staff is not there to clean up after participants, but rather must meet out tasks in a fair and consistent manner, and not as punitive measures. Specific accommodations may be made for those individuals with physical or psychological handicaps as appropriate, but all participants must do something to pitch in commensurate with their abilities.

G. TRANSPORTATION. Malibu is a small city in terms of population, but is extensive in terms of its land area and unique topography. As mentioned elsewhere, there are point-to-point distances within the City that are farther from each other than certain of the above external locations are from the center of Malibu. Even if an ASL were to be located inside the City, it is possible that an unhoused individual being asked to “move” might claim an inability to get to an ASL, and thus the City might theoretically be obligated to provide some “intra-city” transportation. It is envisioned that this transportation will have limited hours of operation.

Preliminary estimates are that an operational van (if needed, regardless of who owns and operates it) may cost approximately \$100,000 to \$200,000 per year depending on ASL location, excluding the initial cost to purchase or lease the vehicle, but including the costs of drivers, maintenance, gas, insurance, cleaning, parking/garaging, etc. The HTF encourages the City to also explore other options, including without limitation, “vouchers” for ride-shares or other third-party transportation.

The HTF is aware that there are legal, liability and logistical issues relating to transportation, however, we are also aware that other municipalities have dealt successfully with this issue and the City should review carefully what those other jurisdictions did to mitigate these issues.

H. MANAGEMENT. The HTF is acutely aware of the need to have any ASL run safely, cost-effectively and constructively. To that end, the HTF recommends that the City appoint a “board of directors” or some other management/oversight committee to oversee the operation of the ASL, to ensure both the high-quality operation of the ASL and operational compliance with the “hand up”

philosophy discussed below. The board’s oversight would include selecting, reviewing, and overseeing third parties who may be contracted to run and/or provide services for the ASL and its participants.

The following aspects of ASL management should be considered:

(i) Philosophy. The operator of the ASL should be committed (including explicitly by contract) to a “hand-up” rather than a “hand out” approach. This means emphasizing self-reliance to the extent of an individual’s capacity, on a case-by-case basis, with all activities of the ASL designed to further that goal. Each ASL participant should agree to, and the ASL operator should proactively promote, constructive employment as the intended primary means of such individual’s support, to the extent of such individual’s capacity, family support as a secondary means, and reliance on government and other third-party support only as a tertiary measure to provide for necessities in excess of what the individual and/or their family is able to provide.

In furtherance of this philosophy, the ASL should offer resources designed to give each individual (1) purpose, whether through employment, service opportunities or other means, (2) whole education, including life skills, employment skills and personal financial management skills, and (3) real friendship, for example through a mentorship program that connects ASL participants with established members of the local community (in a safe environment). The HTF believes these three “human needs” to be critical to an individual’s success in being sustainably housed.

(ii) Execution. In both the selection and the ongoing evaluation and retention of an operator, the City should diligently evaluate such operator’s expertise, experience and capacity to enact a successful program consistent with the above philosophy. In addition to the diligent work of City staff in this regard, a board of directors comprised of knowledgeable and engaged citizens should be established to work with the City in overseeing successful operations. Historical results of the ASL operator, both in respect of its ongoing contract with the City and in respect of its work elsewhere, should be evaluated, including such periodic metrics as: (i) the number of people housed, (ii) the number of people remaining housed after one year and three years, (iii) the number of people reunited with friends and/or family, (iv) the number of people achieving gainful employment, and (v) the number of people retaining gainful employment after one year and three years.

In assisting ASL participants, a coordinated care model should be followed, in which all elements of each participant’s transition are evaluated in periodic (e.g. weekly) case conferences. Such conferences should include providers of the various aspects of support, so that all such elements of support work in unity to ensure the proper type and amount of support throughout the participant’s progression. Such support should be tailored to each individual based on such individual’s specific strengths and needs, subject to core fundamental principles of self-reliance, compassion, and accountability. Key elements of successful operation would include case management, clinical case management, housing coordination, program management, and redundant 24/7 staffing adequately trained in conflict management, de-escalation and emergency procedures. Services may be provided by the ASL operator directly, by third-party contract, by subcontract, or by local individual or group volunteers.

I. LEGAL ISSUES. The HTF recommends that the City Council direct the City Attorney’s Office to analyze certain legal issues that may arise relating to the ASL, including its impact on the full enforceability of the City’s no-camping and similar ordinances, avoiding tenancy issues, or matters such as accessibility, liability and the enforceability of ASL rules. In addition, the HTF recommends that the City Council task the City Attorney with analyzing the various and optimal “ownership structures” of such an ASL, i.e. whether it is directly owned, leased and/or managed by

the City, or whether it is owned, leased and/or run by a third-party (i.e. a non-Profit) which has contracted with the City for its beds and other services.

Should concerns arise about immediate enforcement of Malibu’s existing laws and whether an ASL outside the City satisfies legal concerns, the HTF recommends that the City Council consider some additional proactive course (such as the filing of a Motion for Declaratory Judgment or similar action) to give better judicial clarity and allow for more robust enforcement.

II. IDENTIFY “BEDS” AT EXISTING SHELTERS. As a non-mutually exclusive option, the City should also immediately explore opportunities to “acquire” rights to utilize beds which may be available in one or more existing facilities proximate to the City, PROVIDED THAT: (i) the City is willing to provide, at the City’s expense, reasonable transportation to such facilities, (ii) such facility operates in a manner consistent with the philosophy described above, and (iii) providing access (and transportation) to such beds would pass legal “muster” for law enforcement to enforce Malibu’s “no-camping” related ordinances. This option, if viable, would most likely require the City to make financial contributions to such facilities (in an amount as yet undetermined) in order to have such beds “reserved” exclusively for the City’s use. An advantage of this option, besides expediency and scalability, is that these would be owned and operated by others (contracted by other jurisdictions) and the City would have no management responsibilities.

The HTF is currently unaware of any specific viable options in other existing facilities, however, should they be identified *and* should they pass legal “muster” *and* be contractually available in sufficient quantities *and* be cost-feasible, the HTF would recommend that the City consider this option as part of a long-term solution, even possibly in lieu of some of the other recommended actions discussed above.

III. EXISTING SERVICES & MEAL PROGRAMS.

A. EVALUATION OF EXISTING PROVIDERS. With the implementation of an ASL, the HTF recommends that the City should evaluate the current “homeless” services contracted by the City to determine whether those contracts such services can be effectively performed by or in concert with the ASL and, accordingly, whether those contracts should be renewed, cancelled or modified in their scope and cost. The latter may allow the City’s resources to be better allocated when implementing the plan(s) referenced herein.

B. MEAL PROGRAMS. Few Good Samaritan efforts get more support or vehement opposition than local meal programs. There are many within the Malibu community who have great compassion yet view these programs as counter-productive, creating continued dependency and of attracting more individuals experiencing homelessness to Malibu (who then simply elect to remain here). Those who organize these meal programs would respond that they are also compassionate people who truly want to help in conjunction with alternative services as part of a larger outreach, specifically by: (i) helping establish trusting relationships, (ii) identifying and determining real needs that can be addressed, and (iii) providing invaluable aid in the next steps with appropriate homeless service providers.

The establishment of an ASL (in or near the City) offers the organizers and volunteers of these meal programs to continue their good work while mitigating the perceived unintended consequences. The HTF has received commitments from several meal program sponsors, upon the establishment of

an ASL, to re-direct their activities towards assisting those individuals who are participating in an ASL, rather than to the homeless population at large, provided the location of the ASL is reasonably accessible. Accomplishing this would be a potential win-win for the meal program organizers, for the entire community *and* for the individuals participating in the ASL's program(s) who are earnestly working hard to constructively change their lives.

IV. PUBLIC SAFETY.

While the establishment of a viable ASL may be an integral part of increasing the enforcement of local “camping/loitering/vagrancy” laws, the HTF strongly recommends that the City continue its efforts to ensure that these existing laws are enforced by the LASD. In addition, the City should encourage the Office of the Los Angeles County District Attorney to prosecute crimes by repeat offenders, and even first offenses that directly or indirectly threaten the health and safety of Malibu’s residents (including the unhoused), guests, employees and visitors.

V. FURTHER CITY COUNCIL ACTIONS.

The HTF recommends that City Council adopt these recommendations and instruct City staff to conduct such analysis and review as may be prerequisite, and develop a plan to implement such recommendations as soon as practicable.

Furthermore, the HTF would request that if the City Council elects to pursue establishing an ASL, and gives clearer guidance on the location as recommended above, that the City tasks the HTF to proceed forward, working closely with City staff, to further identify and evaluate specific potential locations within the “chosen” area(s).

ADDITIONAL COMMENTS

As pointed out in the Executive Summary, while the above Report reflects the opinions and recommendations of a majority of HTF members, it should not be construed as representing unanimity. The following are several key areas where a minority of HTF members expressed a dissenting or alternate opinion:

A. NO ASL. One HTF member was opposed to the creation of an ASL, regardless of location, size or make-up.

B. LOCATION. Two HTF members believed that the City should consider locations inside the City first. While the remainder (except for the individual referenced in “A” above) were supportive of a location inside the City (as a secondary option), all expressed concerns about where such a Malibu ASL might be located. They highlighted the need for limitations on size and that the challenges of a local ASL must be offset by a commensurate increase in enforcement of the laws intended to provide for the health, safety and well-being of the entire community.

C. MODULARIZED MODEL. One HTF member believed that the option discussed above in Section I.D (SINGLE FACILITY vs “MULTIPLE UNIT” MODEL) was not only viable, but a better solution than the single “centralized” facility recommended above.

END OF REPORT

The Task Force thanks the City Council in advance for its thoughtful consideration of this RECOMMENDED ACTION PLAN and invites the Council to request anything from the HTF that it believes would further assist it in its analysis and/or implementation of the above.

Respectfully,

Task Force on Homelessness