



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

December 9, 2015

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of December 9, 2015;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

**12:00 p.m. A. WORK SESSION:
Joint Session on Homelessness with Human Rights Commission**

**time approximate*

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El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Joint Session with Human Rights Commission on Homelessness

Meeting Date: December 9, 2015
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Michael Kinnison
 Contact Telephone Number: 541-682-5009

ISSUE STATEMENT

Councilor Greg Evans, as the City Council liaison to the Human Rights Commission (HRC), requested this work session.

The HRC is interested in strategically aligning its efforts on the issue of homelessness with the priorities of the council. By having a conversation on this complex topic it is hoped that a shared understanding of desired policy objectives related to homelessness can be reached and direction given to how the HRC can best serve as a resource to achieving those objectives.

BACKGROUND

Homelessness has been a focus for the HRC for years. The council-approved Human Rights Commission FY2016 Work Plan contains the following objective: *Respond to and advocate on community issues of economic inequality, poverty and homelessness*. The HRC has formed a workgroup comprised of commission members and community representatives who meet regularly to implement action items related to homelessness. There is a high interest and appreciation among the HRC to be able to have this opportunity for dialogue with the council and to find ways to increase their effectiveness as a citizen advisory body on this particular issue.

The HRC is greatly appreciative of the steps taken thus far by the City of Eugene in concert with the broader community to address some of the pressing needs of those who are homeless (see Attachment A). The HRC is active with national organizations working on the issue of homelessness, strongly supports the Housing First Model (see attachment B) and has done extensive research on best practices for local governments seeking alternatives to criminalization (see attachment C). Through this research, and community conversations with advocates, stakeholders and impacted communities, the HRC can be a valuable resource to the council on complex issues such as homelessness.

The Human Rights Commission is asking the council to consider endorsing the following policy principles (see Attachment D):

1. The City of Eugene will seek to eliminate barriers that have unintended and negative human rights consequences, including making it more difficult for people who are

homeless to access housing and jobs.

2. The City of Eugene is committed to working with other jurisdictions and the Eugene community to provide safe and legal places to be for all who lack shelter as well as those who have the capability of self-sheltering.
3. The City of Eugene is committed to the Housing First Model. This model prioritizes placement of all homeless persons in permanent housing, thereby recognizing the human right to housing.

The Human Rights Commission also suggests a motion of the council to request the City Manager return with a resolution declaring the City of Eugene's commitment to a Housing First Model.

RELATED CITY POLICIES

Council Goal for Safe Community: A community where all people are safe, valued and welcome.

Resolution Declaring the Urgency of the Housing and Homelessness Crisis and the Need for State Assistance to Address It (Ordinance #5142)

STAFF ATTACHMENTS

- A. Update on Efforts to Address Homelessness

ATTACHMENTS FROM HUMAN RIGHTS COMMISSION

- B. What is Housing First?
- C. Criminalization Undermines Real Solutions
- D. Human Rights Commission Proposed Policy Principles

FOR MORE INFORMATION

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Memorandum

Date: November 24, 2015

To: Mayor and Council and Human Rights Commission

From: Stephanie Jennings, Grants Manager
 Michael Kinnison, Human Rights & Neighborhood Involvement Manager

Subject: Update on Efforts to Address Homelessness

Over the past few years, the City of Eugene along with governmental and community partners have taken a number of steps to address the needs of persons currently experiencing homelessness and to also prevent homelessness. The following memo includes summaries of: 1) ongoing services; 2) specific actions that have occurred over the past few years resulting in expanded capacity; 3) regional opportunities and actions under development; and 4) future decisions and actions to expand access to safe, affordable housing.

Summary of Ongoing Services

Community partners continue to operate a range of core services to assist homeless persons and those at risk of homelessness. These services are summarized below.

- Continued Support for Social Services – Eugene committed over \$1.2 million in CDBG and General Fund dollars to the Human Services Commission to support critical social services for people in poverty. These resources are combined with other federal, state, and local sources to support a range of general and specialized social services including: 1) Community Service Centers in four locations for low-income persons; 2) three homeless access centers for singles, families, and youth; 3) hunger relief services including food box distribution and meal sites; 4) early childhood programs; and 5) cultural and linguistic access.
- Shelter Services and Rapid Rehousing – A range of emergency, transitional and rapid rehousing services are provided by Eugene Mission, ShelterCare, St. Vincent de Paul, Looking Glass, Catholic Community Services, Laurel Hill, Hosea Youth Services, and WomenSpace. A list of programs and contact information is provided in Attachment A – Housing and Shelter Services.
- Egan Warming Center – For single persons and couples without children, Egan Warming Center has offered shelter on nights when the temperature drops below 30 degrees. This service receives support through Human Services Commission (HSC) and relies heavily on a cadre of volunteers and donated spaces for overnight shelter. In 2014-15, 948 unique

individuals were served over 10 nights, with 5,500 hot meals provided using 9,000 volunteer hours.

- Interfaith Night Shelter Program – For families with children, the Interfaith Night Shelter Program provides overnight shelter and access to a daytime service center. The program is made possible through a collaboration of over 30 faith communities and serves as many as 10 families per night throughout the school year.
- Car Camping Program - The City of Eugene’s Car Camping program, run in partnership with St Vincent de Paul, currently hosts 67 single spaces and 11 family spaces, both public and private. Sites are available for camping vehicles, tents and Conestoga huts.
- Emergency Home Repair Program – Eugene continues to offer emergency assistance to very low-income homeowners and manufactured unit owners for critical electrical, plumbing, and roofing repairs. In the past year, over 30 households received assistance through this program and most recipients of this assistance are at risk of homelessness.

Summary of Recent Actions by the City of Eugene

Over the past few years, governmental and community partners have taken a number of specific steps to address the community’s capacity to address the needs of homeless persons. Additional capacity was created to provide emergency temporary shelter for 60 people. In addition, 168 units of permanent and transitional housing were completed and 68 units are under development. Each activity is summarized below.

- Opportunity Village – In December 2012, Council took action to locate a pilot project for low-cost micro housing on City owned property. The site was developed with 29 micro temporary housing units and common bath, kitchen and gathering spaces. The site has capacity to serve up to 35 people at any one time and has served 85 residents since its creation.
- Rest Stops – In September 2013, Council took action to create the rest stop pilot program on city- owned sites located at the intersections of Garfield & Roosevelt and Chambers & Northwest Expressway. Additional sites have been created at the Eugene Mission and County-owned property. The four rest stops in operation are managed by local non-profits and offer overnight shelter in Conestoga huts and tents for up to 80 people at any one time and have served 210 residents since their creation, many of whom have transitioned to more stable, permanent housing.
- Bothy Cottage – Sponsors completed the development of Bothy Cottage, a five bedroom group home for female ex-offenders with children, using \$281,290 in HOME funds provided by the City of Eugene. This population is at extreme risk for homelessness following incarceration due to limited employment opportunities, no recent rental history, poor credit, and no money for deposits.
- Stellar Apartments – Developed by St. Vincent de Paul with an array of local and state subsidies, Stellar Apartments adds 54 units to the affordable housing stock including 14 units set aside for persons who served in the armed forces or National Guard.

- Willakenzie Crossing – Developed by Cornerstone Community Housing with an array of local and state subsidies, Willakenzie Crossing adds 56 units of affordable housing including 16 units set aside for persons with developmental disabilities.
- Bascom Village – St. Vincent de Paul and Housing and Community Services of Lane County are working in partnership to develop 101 units of affordable housing on the County Farm Road landbank site. The first phase of the project with 53 units opened in October 2015. The second phase is under construction and scheduled to open in October 2016.
- Polk Street Apartments – NEDCO acquired and rehabilitated a 12 unit apartment building in Whiteaker to house youth aging out of the foster care system. The acquisition was completed in March and the rehabilitation will be completed in December. Multiple units have already been completed and occupied by foster care youth at risk of homelessness.
- Delta Court Apartments – Cornerstone Community Housing was awarded funds to acquire and rehabilitate an 8 unit apartment building to house homeless families. The acquisition is expected to occur by the end of December and the rehabilitation of the roof and accessibility improvements will be complete by July 2016.
- Lindholm Service Station – The City of Eugene granted St. Vincent de Paul almost \$190,000 to make critical improvements to the Lindholm Center Service Station to improve the Center’s ability to prepare and serve hot meals. Additional funds in the amount of \$194,000 have been allocated to remodel the lavatory, shower and laundry facilities. Construction is expected to begin in January.
- Looking Glass New Roads – The City of Eugene granted Looking Glass almost \$250,000 for acquisition and rehabilitation of property located at 931 West 7th to expand services for homeless youth. The property was acquired in 2010 and the rehabilitation was completed in September 2012.

Summary of Regional Projects and Actions under Development

A number of regional efforts are currently underway to augment existing services. Every five years, Eugene and Springfield must adopt a plan to direct the use of federal Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds. These funds have been largely used to support affordable housing, human services, economic development/job creation, and improvements to low-income neighborhoods. Staff estimates Eugene will be eligible to receive about \$9.5 million in CDBG and HOME funds over the next five years. The Poverty and Homelessness Board (PHB) has provided an opportunity for many community agencies to form teams to advance new projects and programs. Current or planned initiatives resulting from these interjurisdictional and interagency efforts are described below:

- Eugene-Springfield 2015 Consolidated Plan –The Cities of Eugene and Springfield adopted the current plan in April 2015, which includes the following goals:
 - Creation of 500 permanent affordable housing units (125 units underway)
 - Rehabilitation of 350 units of affordable housing (174 units underway)

- Emergency home repairs to 150 homes occupied by seniors, persons with disabilities, and other low-income persons to prevent homelessness (30 units underway)
- Investment in 15 facilities that provide services, emergency housing, or transitional housing (2 projects underway)
- 2015 Winter Strategies - The Human Services Commission approved spending \$55,000 to support additional winter strategies for unsheltered homeless persons including:
 - Dusk to Dawn camping program that would authorize overnight sleeping from 4:30 pm to 7:30 am in pre-approved locations. Ordinance allowing the program was approved by City Council on November 23rd;
 - Motel vouchers to target homeless families with children;
 - Safe parking program that allows overnight sleeping in vehicles in pre-approved locations.
- Housing First Project – Current services and housing options are quite limited for chronically homeless persons with dual diagnoses of mental health and substance abuse. A facility to serve this population, with no preconditions to occupancy, requires significant operating resources to fund the necessary services. A committee has formed under the auspices of the PHB to create a harm- reduction facility with a goal of serving 50 individuals.
- Veterans Homelessness – A number of entities have started to more closely coordinate efforts to address homelessness among veterans. Additional grant resources awarded to St. Vincent de Paul, including a \$3,000,000 Supportive Services for Veteran’s Families grant, offer a new set of opportunities for reducing homelessness among this population. A committee has formed under the auspices of the PHB to coordinate efforts. Between November, 2014 and October, 2015, 248 homeless veterans were housed, and another 51 vets at imminent risk of losing their homes received rental assistance and case management from St. Vincent DePaul, the V.A., the Housing and Community Services Agency, and Housing Our Veterans.
- Homeless Medical Respite Care – Following the loss of funding for Royal Avenue Crisis Respite, ShelterCare has announced that the facility will be used for the Homeless Medical Respite Program. This is a partnership between ShelterCare, PeaceHealth, and Trillium to provide housing and services to recently discharged homeless persons who have experienced an acute medical crisis. The facility will serve up to 19 people at any one time for up to 30 days. The City Eugene previously provided CDBG funds for the rehabilitation of the Royal Avenue facility. In addition, the PHB strategic plan calls for creation of a 16-35-bed emergency shelter for medical assessment and care (infirmiry beds) to provide immediate medical care and triage medical problems.

Future Decisions and Actions

In coming months there are several items that will come before Council for decision and action. These items are summarized below.

- 2016 Affordable Housing Request for Proposals – This RFP will be released in December and will solicit proposals for use of federal HOME Investment Partnership Program funds, CDBG rehabilitation funds, and City System Development Charge grants and tax exemptions. Staff anticipate coming to Council in April with a recommendation for project funding.

What is Housing First?

Housing First is an approach that centers on providing homeless people with housing quickly and then providing services as needed. What differentiates a Housing First approach from other strategies is that there is an immediate and primary focus on helping individuals and families quickly access and sustain permanent housing. This approach has the benefit of being consistent with what most people experiencing homelessness want and seek help to achieve. Housing First programs share critical elements:

- There is a focus on helping individuals and families access and sustain rental housing *as quickly as possible and the housing is not time-limited*;
- A variety of services are delivered primarily following a housing placement to promote housing stability and individual well-being;
- Such services are time-limited or long-term depending upon individual need; and
- Housing is not contingent on compliance with services – instead, participants must comply with a standard lease agreement and are provided with the services and supports that are necessary to help them do so successfully.

A Housing First approach rests on the belief that helping people access and sustain permanent, affordable housing should be the central goal of our work with people experiencing homelessness. By providing housing assistance, case management and supportive services responsive to individual or family needs (time-limited or long-term) after an individual or family is housed, communities can significantly reduce the time people experience homelessness and prevent further episodes of homelessness. A central tenet of the Housing First approach is that social services to enhance individual and family well-being can be more effective when people are in their own home. While there are a wide variety of program models, Housing First programs all typically include:

- Assessment-based targeting of Housing First services
- Assistance locating rental housing, relationship development with private market landlords, and lease negotiation
- Housing assistance – ranging from security deposit and one month's rent to provision of a long-term housing subsidy
- A housing placement that is not time-limited
- Case management to coordinate services (time-limited or long-term) that follow a housing placement.

Housing First is an approach used for both homeless families and individuals and for people who are chronically homeless. Program models vary depending on the client population, availability of affordable rental housing and/or housing subsidies and services that can be provided. Housing First programs often reflect the needs and preferences of each community, further contributing to the diversity of models.

(Source: National Alliance to End Homelessness, Solutions Brief, November 27, 2006)

Criminalization Undermines Real Solutions

Reflecting the frustration of business owners, community residents, and civic leaders who feel that street homelessness infringes on the safety, attractiveness and livability of their cities, some communities around the country are using, or considering using, the criminal justice system to minimize the visibility of people experiencing homelessness. In these instances, formal and informal law enforcement policies are adopted to limit where individuals who experience homelessness can congregate, and punish those who engage in life-sustaining or natural human activities in public spaces. Examples of such criminalization strategies include the following:⁵

- Legislation that makes it illegal to sleep, sit, or store personal belongings in public spaces ;
- Ordinances that punish people for begging or panhandling in order to move people who are poor or homeless out of a city or downtown area;
- Local measures which ban or limit food distribution in public places in an attempt to curb the congregation of individuals who are homeless;
- Sweeps of areas in which people who are homeless are living in order to drive them out of those areas;
- Selective enforcement of neutral laws such as jaywalking, loitering, and open container laws against people who are homeless;
- Public health ordinances related to public activities and hygiene (e.g. public urination) regardless of whether public facilities are available

These law enforcement measures do not solve the underlying causes of the problem. These measures punish people who currently live on the street and do nothing to reduce the factors contributing to homelessness. Rather than helping people to regain housing, obtain employment, or access needed treatment and services, criminalization creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back.⁶ Sweeps can also result in the destruction of the personal property of people experiencing homelessness, including identification documents and medication. It can be much more difficult to secure employment, benefits, and housing with a criminal record. Many of these measures include criminal penalties for their violation; therefore, they actually exacerbate the problem by adding additional obstacles to overcoming homelessness.⁷ In addition, these measures are costly, using critical public resources for law enforcement activities.

Class actions brought on behalf of individuals experiencing homelessness and service providers have successfully challenged criminalization ordinances and food sharing prohibitions in federal court. For example, ordinances that place restrictions on begging have been in some cases found to violate the individual's First Amendment right of expression or speech. Homeless individuals who have been forced to leave an area or whose belongings have been confiscated by law enforcement during sweeps of homeless encampments have successfully brought civil rights challenges on the grounds that law

enforcement violated their Fourth Amendment rights to be free from unreasonable search and seizure and their due process rights. The Fourth Amendment also serves as a basis to challenge government actors who confiscate an individuals' property during sweeps and either destroy, or fail to provide meaningful procedures to reclaim seized property.⁸ Laws imposing criminal penalties for engaging in necessary life activities when there are no other public options that exist have been found to violate the Eighth Amendment.⁹ Certain loitering and vagrancy measures have also been struck down for vagueness. In addition to violating domestic law, criminalization measures may also violate international human rights law, specifically the Convention Against Torture and the International Covenant on Civil and Political Rights.¹⁰ Therefore, enforcement of these laws can open jurisdictions to extended and costly litigation.

⁵The National Law Center on Homelessness and Poverty and the National Coalition for the Homeless, *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*, (July 2009).

⁶Caterina Roman and Jeremy Travis, *Taking Stock: Housing, Homelessness and Prisoner Reentry*, The Urban Institute, (March 2004).

⁷The National Law Center on Homelessness and Poverty and the National Coalition for the Homeless, *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*, (July 2009).

⁸See, e.g., *Pottinger v. City of Miami*, 810 F. Supp. 1551 (S.D. Fla. 1992) (holding that sweeps and ensuing property destruction violated homeless individuals due process and Fourth Amendment rights); *Johnson v. Board of Police Comm'rs*, 351 F. Supp. 2d 929 (E.D. Mo. 2004) (enjoining the intimidation, arrest, and relocation of homeless individuals who were lawfully in public areas as part of efforts to "clean up" downtown St. Louis); *Kincaid v. Fresno*, 2006 WL 3542732 (E.D. Cal. Dec. 8, 2006) (holding that seizing and immediately destroying property of homeless individuals arrested in parks violated their due process rights).

⁹J.M. Charles. "America's lost cause: The unconstitutionality of criminalizing our country's homeless population." (Public Interest Law Journal: 2009) 18, 315-346, available at

<http://www.bu.edu/law/central/jd/organizations/journals/pilj/vol18no2/documents/18-2CharlesNote.pdf>

¹⁰The National Law Center on Homelessness and Poverty and the National Coalition for the Homeless, *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*, (July 2009). p. 26

See International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976 [hereinafter "ICCPR"]; Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

(Source: Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness by U.S. Interagency Council on Homelessness, 2012)

Human Rights Commission Proposed Policy Principles

The Human Rights Commission (HRC) welcomes the opportunity to meet with the City Council in the December 9, 2015, work session and, in accordance with our mandate, to present a human rights perspective on ways the City can move forward toward the goal of eliminating homelessness in Eugene.

We are greatly appreciative of the steps thus far taken by the Council in concert with the broader community to address some of the pressing needs of those in Eugene who are homeless. Despite these efforts there is no doubt that much more needs to be done, that homelessness in Eugene and across the state has been at crisis proportions for some time, and that it is indeed a statewide emergency situation as the Mayor has stated. From the HRC’s perspective, the continued existence of homelessness is not only a violation of the fundamental human right to housing, but is also a violation of human rights to personal security, health, and life itself.

It is in that spirit that the HRC urges the Council to consider formally adopting the following policy principles, principles that we believe are consistent with the City’s avowed commitment to the human rights framework:

1. The City of Eugene will seek to eliminate barriers that have unintended and negative human rights consequences, including making it more difficult for people who are homeless to access housing and jobs.
2. The City of Eugene is committed to working with other jurisdictions and the Eugene community to provide safe and legal places to be for all who lack shelter as well as those who have the capability of self-sheltering.
3. The City of Eugene is committed to the Housing First Model. This model prioritizes placement of all homeless persons in permanent housing, thereby recognizing the human right to housing.

1. The City of Eugene will seek to eliminate barriers that have unintended and negative human rights consequences, including making it more difficult for people who are homeless to access housing and jobs.

City ordinances, codes, and policies intended to guide the behavior of all residents can and do at times have disproportionately negative consequences for people who are homeless. This disparate impact is often inadvertent and yet is harmful in its human impact. The U.S. Department of Justice and the U.S. Department of Housing and Urban Development have asked that cities eliminate practices that even unintentionally punish unhoused people for engaging in necessary life-sustaining activities, such as sleeping and sheltering from the elements, activities that must be carried out in public spaces in the absence of alternatives. A police record of citations and arrests for such necessary activities functions as a barrier to individuals’ acceptance by potential employers and landlords.

The City needs to implement alternatives to what international human rights and U.S.

Federal agencies are calling the “criminalization of homelessness.” Besides greatly expanding shelter opportunities while pursuing permanent housing for all (see 2 and 3 below), such alternatives should include taking steps to progressively modify and lift the camping ban. Other City actions could include the establishment of additional homeless day centers so more people have a safe and legal place to be; creation of a specialty court that can cleanse minor offenses from individuals’ records and offer referrals to assistance in lieu of punishment for “quality of life” offenses; enhancing collaboration between service providers and law enforcement in conducting outreach to individuals who are homeless so as to limit arrests for non-violent offenses; mandating specialized homeless crisis intervention training for EPD officers; and, contracting with Cahoots as a 24/7 service provider. In addition, we urge the Council to pass a motion requesting that the City Manager call upon experts, including those associated with the National Law Center for Homelessness and Poverty, for advice on creating a smooth glide path for implementing such alternatives to criminalization so that the City of Eugene stands out as a national human rights model in this regard.

2. The City of Eugene is committed to working with other jurisdictions and the Eugene community to provide safe and legal places to be for all who lack shelter as well as those who have the capability of self-sheltering.

Placing people who are homeless in permanent housing in the face of a shortage of low income or affordable housing in Eugene promises to be a slow process. In the interim, our community needs to find as well as create additional safe and legal places to be for those who lack shelter or who can self-shelter, e.g. in tents or vehicles. In addition, the benefits of a public shelter located in Eugene must be assessed, the public informed, and action taken to implement a public shelter plan. The Lane County Poverty and Homelessness Board (PHB), which has representatives from three jurisdictions, can help by acting as a coordinating body to make sure that the County, Eugene, and Springfield are all involved in this process. The City of Eugene can display leadership by working more proactively with local businesses, our spiritual communities, and neighborhood associations so that there is much wider participation in providing opportunities for shelter and this participation becomes a community norm. Providing such safe and legal places to be will also reduce the vulnerability of people who are homeless to being punished for performing necessary life-sustaining activities in public spaces.

3. The City of Eugene is committed to the Housing First Model. This model prioritizes placement of all homeless persons in permanent housing, thereby recognizing the human right to housing.

Members of the Lane County PHB, of which Mayor Piercy is a member, are pursuing funding for projects that would expand implementation of the Housing First Model in Eugene, and the Mayor has frequently spoken of the importance and value of using this model in our city. However, the City Council has not to date formally endorsed use of the Housing First Model as a policy principle. Doing so would aid the PHB, City staff, the HRC, and other groups in presenting and explaining this model to the broader community and thereby facilitate its implementation in Eugene. We thus urge the Council to adopt a resolution endorsing implementation of the Housing First Model as a priority for Eugene.