

Agenda Items: ID#21-267

Date: 2/14/2021

FRESNO CITY COUNCIL



Supplemental Document

Item(s)

Title: Actions pertaining to supplemental funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD) to prevent, prepare for, and respond to the Coronavirus:

1. ***RESOLUTION - Adopting Substantial Amendment 2019-06 to the 2019-2020 Annual Action Plan and COVID-19 Amendments to the Citizen Participation Plan to submit a request to HUD to program \$7,980,086 of Community Development Block Grant-Coronavirus (CDBG-CV) funds to prevent, prepare for, and respond to the Coronavirus (COVID-19); approving allocations to activities in accordance therewith; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney (Subject to Mayor's veto)
2. Approve first revision of ESG-CV Activity Allocations to allocate \$5,960,899 of Emergency Solutions Grant-Coronavirus, 2nd tranche (ESG-CV2) to activities to prevent, prepare for, or respond to the Coronavirus among homeless populations and persons at risk of homelessness; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney
3. ***RESOLUTION - Adopting the 59th amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$3,796,000 for COVID-19-related CDBG activities (Requires 5 affirmative votes) (Subject to Mayor's veto)

Contents: Revised - Public Comments and City Responses

Supplemental Information:

Public comments received during comment period, and city responses.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

Substantial Amendment 2019-06 and COVID-19 Amendments to the Citizen Participation Plan- Public Comments and City Responses

Public Review Period Written Comments Received – January 28, 2021 – February 3, 2021

The City received 3 Public Comment between January 28, 2021 and February 3, 2021.

- **Cindy Piombino:** Email requesting mobile medical clinics for the homeless, funding for warming & cooling centers, expressing concern about capacity at the Fresno County Behavioral Services, and expressing excitement for the help this amendment will provide the homeless.

[City Response: The City recommends that mobile resources related to the Medical Clinic allocation for substantial amendment 2019-06 be considered when evaluating potential subrecipients for funding subject to eligibility under federal regulations and balanced with the need to quickly deploy funds in the most impactful way. While warming and cooling centers are not appropriate uses of the Coronavirus relief funds on account of their congregate settings, the City agrees with the critical need for these facilities and will forward this comment for consideration to the appropriate City units. The City is working closely with Fresno County through the Joint COVID-19 homeless response, and funds from both organizations and the Fresno Madera Continuum of Care are being deployed to build capacity. The public comment has been considered and accepted.]

- **Brandi Nuse-Villegas:** Email requesting mobile medical clinics for the homeless, asking for clarification with regard to the number of rooms (in addition to the number of beds) that will be supported through this funding; requesting that some participants be allowed single-occupancy rooms based on their circumstances; requesting that a portion of rooms be reserved for walk-ins; expressing that there is still substantial need for additional housing for unsheltered individuals; requesting that the City make a more concerted effort to get feedback from unsheltered individuals; that any additional acquisitions of buildings be in safer, more resourced areas; noting that with regard to tenant/landlord counseling many tenants do not know their rights and have trouble finding housing with vouchers; and also asked that the opportunity for public comment for

amendments such as this be more widely communicated and with a longer comment period.

[City Response: The City recommends that mobile resources related to the Medical Clinic allocation for substantial amendment 2019-06 be considered when evaluating potential subrecipients for funding subject to eligibility under federal regulations and balanced with the need to quickly deploy funds in the most impactful way. The 387 beds identified for funding associated with the Fresno Housing Homekey sites and the City of Fresno's Travel Inn location represent the number of units (rooms) and will serve one household at a time which may represent one or more beds each. The request regarding reserving rooms for walk-ins and single-occupancy rooms will be forwarded for consideration in program design and implementation. The request that additional permanent housing be located in safer, more resourced areas is consistent with the City's 2020-2024 Consolidated Plan and 2020 Analysis of Impediments to Fair Housing Choice. While this amendment was expedited in light of the Coronavirus emergency consistent with a HUD waiver allowing for a 5-day comment period, the City recognizes the need to engage the public, especially beneficiaries of program funds, to the greatest extent possible and appreciates the feedback and suggestions for how to better accomplish this. The public comment has been considered and accepted.]

- **Karla Martinez, Leadership Counsel for Justice and Accountability & Alexandra Alvarado, Faith in the Valley:** Email expressing support for the proposal's allocation of \$480,000 to Tenant/Landlord Counseling and requesting additional funds be identified to fund a proposed 1-year pilot Right-to-Counsel program and indicates that Right-to-Counsel is proven to reduce displacement due to eviction, increase housing stability, and reduce inflows into homelessness.

[City Response: The City's 2020 Analysis of Impediments to Fair Housing Choice and 2020-2024 Consolidated Plan for HUD entitlement funding support the need for additional fair housing education, outreach, referral, and resolution services. The detailed pilot proposal is appreciated and The City will consider how its allocation for tenant/landlord counseling can potentially be coordinated with this or other legal support services for tenants throughout the City of Fresno, as well as in further refining its Fair Housing services as prioritized in the 2020-2024 Consolidated Plan. The public comment has been considered and accepted.

Edward Chinevere

From: Cindy Piombino [REDACTED]
Sent: Wednesday, February 3, 2021 2:23 PM
To: HCDD
Subject: Public comment

External Email: Use caution with links and attachments

Hi my name is Cindy Piombino, I am Ministry coordinator for Christ's Helping Hands. My volunteers and I Have been directly working with the homeless on a monthly basis for about 10 years.

Concerning today's HUD and Fresno City mtg I would like to suggest that supporting Medical Clinics, we have Clinic Sierra Vista and United Health Centers. Understandably I know we need to support them with more covid-19 monies BUT... We need a medical mobile bus to go out to meet our homeless where they are at.. This way Community Health needs can be met, vaccinations can take place, TB testing, etc I know Fresno County Health Department needs one, but we do need it we need that medical mobile bus.

Now something that wasn't mentioned in the allocation of funding was warming and cooling centers. I urge you to find some money to support those centers during the seasons they need to be open, they are a lifesaver literally.

I'm very excited after reading these plans and where the monies going and the long-term effects that it is going to have and the help it is going to give out to our homeless.

Is Fresno County Behavioral Services ready for the caseloads that are coming their way How are you going to help them Fresno City by getting more qualified social workers inand drug abuse social workers in.

Thank you for listening to my concerns I playfully submitted to you.

Cindy Piombino

Edward Chivevere

From: Brandi Nuse-Villegas <[REDACTED]>
Sent: Wednesday, February 3, 2021 3:39 PM
To: HCDD
Subject: Public comment on 2019-2020 Annual Action Plan Substantial Amendment 2019-06 and COVID-19 Amendment to the Citizen Participation Plan

External Email: Use caution with links and attachments

I am grateful for funding for medical care in underserved communities through clinics. I ask that this include considering how to bring medical care to those who are unsheltered, such as having mobile units with the clinic to serve those without shelter and plan for reaching those with whom it may be difficult to maintain contact due to inconsistent phone contact, forced movement by the homeless taskforce, etc.

Regarding the shelters. I had the opportunity to provide transportation to several people through We Are Not Invisible. It was a wonderful moment for those who had been waiting for sufficient shelter for years. There are several areas that I think need to be clarified. The document says that there will be 387 “newly added emergency shelter beds with supportive services and shelter operations.” It is important to state how many rooms are available, rather than beds, as this can be misleading. Some rooms may have two beds, but may house more than two people. Currently, there are two bedrooms that are housing a single occupant, which should not be changed and there should be allowance for single occupancy. Some people will not thrive and may leave the shelter if they are placed with a stranger in the same room, due to trauma, personal boundaries, and the lack of privacy and protection of belongings. However, this will result in a difference in the number of beds available. I am aware that these numbers do not reflect completely new beds. One of the low barrier shelters that opened in 2019 was to close and the occupants moved into the motels. This results in a lower number of actual new beds available to the unhoused community. And it is important to communicate that to the community for an accurate picture of what is available. This number is also important, as the city, the HTF, and other entities respond based on the numbers. It is also important to note the actual number of beds available to walk-ins, as we may be placing the burden of finding shelter to the unhoused community, when primacy is given to those referred or reserved by homeless assistance agencies.

I also want to voice concern that while this plan does provide needed low barrier shelter space for the community, this represents possibly 10% of the homeless community that is currently unhoused. PIT counts tend to be a substantially low number compared to the unhoused community. We have many more who are seeking shelter and permanent housing need it immediately. Once we fill these shelters, which will happen as immediately as these rooms become available, we will still have a substantial problem with the number of those seeking and needing housing. While this is an important step, especially to those who will get these rooms, it should not be considered “solving the homeless shelter problem,” because there will be at least 10x more people needing housing and shelter, including those who not on the street, but homeless, such as those living in their cars, living in motels, and living in temporary housing situations. If we are limited in funds for these beds., we need to immediately be looking up other options for shelter and housing. I request that the city makes a more concerted effort to get feedback from the unhoused community and plan in a way that will allow the greatest number to thrive.

I support the idea of creating permanent housing for our homeless community with these hotel with the idea of having services on site. I ask that the city look into developing the surrounding community area so that people in these units can thrive. I also ask that if any more building are acquired, they are in safer, more resourced areas, such as the County’s Cornerstone Villages and that the city work with the community to address concerns and get more buy in from the neighborhood. Some of the people going to the shelters expressed concerns about being in that neighborhood. We should not be looking at our unsheltered community members as unsafe, but rather seek to provide them a safe, supportive environment, including the neighborhood.

Regarding the tenant/landlord counseling, one of our major issues is tenants not knowing their rights and not having sufficient advocacy. We also have difficulty with people not finding housing with vouchers, due to landlord resistance. I hope this will address this issue.

I also ask that when items like these are brought to the public, the information is more widely distributed and more clearly explained to the community, and that there would be a greater effort to reach those who are affected, in this case, the homeless community, those in low income neighborhoods in need of improved access to medical care, and those who may face tenant issues and housing insecurity. I did note this item was posted in the City of Fresno page, but has no information in the post on February 29 or the document title explaining the plan and what the public was invited to do, with an image, as posts with images are more widely seen. I request that this be communicated in a way that helps the public quickly know what it is and why it's important and post it in more places including the Fresno subreddit on Reddit. The lack of engagement on these posts shows that people may have no idea what it is, whereas, the post that shared the community needs survey had greater engagement. This is especially important if the community is given only five days for input. I ask that greater effort be placed in giving more than 5 days.



February 3rd, 2021

Attn: Fresno City Council
Attn: Council President Luiz Chavez
2600 Fresno St.
Fresno, CA 93721

Public Comment RE: 2019-2020 Annual Action Plan Substantial Amendment 2019-06 and COVID-19 Amendment to the Citizen Participation Plan

Dear Council President Chavez and fellow Councilmembers,

Thank you for the opportunity to submit comments on the Substantial Amendment being made to the 2019-2020 Annual Action Plan. Leadership Counsel for Justice and Accountability works alongside some of the most impacted communities to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income, and place. At Faith in the Valley we work alongside community members, multi-faith leaders, and students to put our faith into action. We're working to advance a movement for racial justice and health equity, and prioritize people over profit for a future where everyone is treated as sacred, and has a chance to thrive and live a healthy decent life. Collectively, we work with community leaders throughout Fresno City on various issues such as affordable housing, essential services, and the right to live free from industrial pollution with infrastructure that supports healthy lifestyles.

The substantial amendment proposal in the 2019-2020 Annual Action Plan is necessary, and an essential step towards the priorities highlighted in the 2020-2024 Consolidated Plan. It is crucial that we work towards preventing homelessness during the coronavirus pandemic. We want to especially highlight the importance of preventing homelessness and evictions occurring during the COVID-19 pandemic by asking this Council to support funding a tenant legal aid program with CDBG-CV funds under the COVID-19 Tenant/Landlord Counseling project of the substantial amendment, which is to be allocated \$480,000.

RTC is proven to reduce displacement due to eviction, increase housing stability, and reduce inflows into homelessness. We must invest in a court of action to stabilize homes before they become homeless, especially during an unprecedented public health crisis. Evictions during a global pandemic put tenants' health and safety, and the wider community, in even greater harm. Investing in access to legal aid for tenants proves to be cost-effective and saves the city and its



constituents more money in the long run. Cost-benefit studies have shown that providing the necessary funding for a Right to Counsel reduces costs all across other sectors such as:

- The cost of providing public benefits when jobs are lost due to eviction or the eviction process;
- Certain additional costs associated with homelessness, such as law enforcement and incarceration costs;
- The cost of family, community, and neighborhood instability
- Over time, a reduction of the number of eviction cases filed, resulting in improved use of Fresno County court resources.

We urge this Council to allocate this CDBG-CV funding towards a tenant legal aid program. We ask that there be an additional \$520,000 allocated to this effort to fully fund a one year pilot to demonstrate this program's effectiveness (see Appendix A). A potential funding source is from the anticipated \$32.8 million coming to the City of Fresno from the Federal Emergency Rental Assistance. Another \$20 million allocation for legal aid across the country from this same Federal COVID Relief Package and Spending Bill. We must ensure that Fresno residents stay housed and safe during a global pandemic and provide them with the necessary resources and services to do so. We appreciate your time and consideration and willingness to accept our comments. If any questions arise, do not hesitate to contact me at kmartinez@leadershipcounsel.org.

Sincerely,

Karla Martinez

Leadership Counsel for Justice and Accountability

Alexandra Alvarado

Faith in the Valley



Appendix A

January 2021

The Fresno Right to Counsel Coalition Proposal to the City of Fresno

I. SUMMARY

RTC is proven to reduce displacement due to eviction, increase housing stability, and reduce inflows into homelessness. This is based on research in jurisdictions that passed RTC, meetings with key stakeholders who helped establish RTC in cities across the nation, and meetings with people who currently administer RTC programs in Los Angeles and San Francisco¹. Our proposal is scalable to encompass more staff and resources to support residential low-income tenants as they face legal battles during COVID, and we hope this becomes a permanent program to help for years to come. The pilot program will include:

- Outreach and education campaign
 - A city-wide, multi-language public awareness and targeted outreach campaign
 - Public education workshops and mobile clinics, in multiple languages, on tenant and landlord rights and responsibilities
- Legal aid
 - Legal assistance for low-income tenants encountering legal issues. This includes but is not limited to being served with a notice from their landlord (e.g. 3-day notice, notice of rent increase, etc.)
- Direct legal representation
 - Legal representation in court for low-income tenants facing eviction
 - Staff present at the Fresno County courthouse on eviction court days to provide legal aid and representation
- Evaluation
 - A comprehensive annual evaluation of the RTC program by Stout Inc. to determine its effectiveness

Moreover, the aforementioned programs will be leveraged with existing City policies, programs, and resources, and partnerships with non-government agencies to address our housing crisis as a whole. These programs include:

- Housing Retention Program

¹ The Fresno Right to Counsel Coalition is indebted to the Los Angeles Right to Counsel Coalition for the extensive research and planning they engaged in to produce “Stemming the Flow into Homelessness: A Proposal for a Tenants’ Right to Counsel in the City of Los Angeles” (February 6, 2019). The materials shared by the LA RTC Coalition, Strategic Actions For a Just Economy (SAJE), San Francisco’s Eviction Defense Collaborative, the Right to Counsel NYC Coalition, and the National Coalition for a Civil Right to Counsel guided the development of our proposal and thus vision for Fresno’s RTC program.



- Rental Housing Inspection Act
- Anti-Slum Enforcement Team
- Partnerships with community-based organizations, legal aid organizations, and other non-government agencies to outreach to tenants who are most at risk of housing instability

II. BUDGET

Table 1. Estimated Budget for Right to Counsel Pilot

Input	Description	Cost
Attorney	In hiring 3 attorneys, RTC can serve approx. 1,000 clients (one-third of the total number of cases filed through the Fresno County Superior Court pre-Covid).	\$375,000 (\$125,000 per attorney)
Legal Secretary	One full-time legal secretary to manage the administrative duties associated with RTC.	\$70,000
Legal Clerks	Stipends for 9-12 year-round part-time legal clerks to work under the supervision of RTC attorneys.	\$300,000 (\$25,000 per clerk)
Legal Interns	Stipends for third year law students to support RTC attorneys and legal clerks. Must work 4-12 hours per week.	\$30,000 (\$20/hour)
Misc. Expenses	Miscellaneous operating costs for RTC based on the City Attorney's proposal.	\$20,000
Public Outreach and Education	This will cover media, door-to-door, clinics, workshops, and other public outreach methods to inform the public of available resources. Contracting with community-based organizations, legal aid agencies, and other non-government organizations to support city-wide public outreach and work with RTC lawyers and legal clerks.	\$200,000
Evaluation	Contract with Stout Risius Ross, LLC for a comprehensive cost-benefit study of year one to assess RTC and to determine how much it would cost to scale the program to	\$5,000



	full capacity.	
Total		1,000,000

III. BENEFITS

A recent study conducted on San Francisco’s RTC program noted, “there is strong evidence that increasing access to legal aid is one of the most successful and cost-effective interventions to reducing homelessness².” Cost-benefit analyses conducted by Stout for New York³ (\$320 million), Los Angeles⁴ (\$370 million for the county and city combined), Philadelphia⁵ (\$45.2 million), and Baltimore⁶ (\$17.5 million) reveal significant returns on investment. In addition to the more quantifiable and reliable revenue savings that are included in the figures above, the following additional areas are where cities and counties can expect to reduce expenditures through investments in a Right to Counsel program:

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness and housing instability;
- The negative impact of eviction on a tenant’s credit score, ability to find new housing, and the potential loss of a subsidized housing voucher;
- The cost of providing public benefits when jobs are lost due to eviction or the eviction process;
- Certain additional costs associated with homelessness, such as other law enforcement and incarceration costs;
- The cost of family, community, and neighborhood instability;
- Preservation of financial and personal assets;
- The costs to the City of enforcing rent laws and regulations that could be avoided; and
- A reduction, over time, of the number of eviction cases, filed, resulting in improved use of Fresno County court resources.

IV. CONCLUSION

The FY21 Spending Bill that passed in December 2020 includes several funding sources for year one funding for RTC, including funding from the COVID relief package Emergency Rental Assistance

² Jona Boçari, “Life, Liberty and the Pursuit of Happiness When Evicted: Lessons from San Francisco’s Implementation of Tenant Right to Counsel” Independent Research March 2, 2020

<https://uncjourney.unc.edu/files/2020/05/UNC-JOURney-piece-FINISHED-REDACTED.pdf>

³ Stout report on The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings. Presented for: Pro Bono and Legal Services Committee of the New York City Bar Association Under Intro 214-A March 16, 2016

https://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf

⁴ Stout report on Cost-Benefit Analysis of Providing a Right to Counsel to Tenants in Eviction Proceedings Prepared for: The Los Angeles Right to Counsel Coalition December 10, 2019

https://info.stout.com/hubfs/PDF/Eviction-Reports-Articles-Cities-States/Los%20Angeles%20Eviction%20RTC%20Report_12-10-19.pdf

⁵ Stout report on Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants Prepared for: The Philadelphia Bar Association’s Civil Gideon and Access to Justice Task Force November 13, 2018 [Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants](#)

⁶ Stout report on The Economic Impact of an Eviction Right to Counsel in Baltimore City. Prepared for: The Public Justice Center May 8, 2020 <https://bmorerentersunited.org/rtc/stoutreport/>



Program⁷ (90% of award can be spent on rent and utility assistance and 10% of award can be spent on housing stability efforts such as legal assistance). Additionally, the Spending Bill provides new funding (\$20 million) for legal assistance through HUD's Housing Counseling account. Government entities are awarded funds through a competitive grant process⁸. An additional \$50 million in funding was allocated to Community Development Block Grant funding. CDBG funds can be used for legal assistance⁹.

⁷ US Dept. of the Treasury, \$25 Billion, Emergency Rental Assistance Program

<https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>

⁸ The legal assistance grant is similar to the Legal Assistance to Prevent Evictions Act of 2020, which was introduced in the House in February 2020. <https://www.nhlp.org/wp-content/uploads/NHLP-Relief-Package-Approps-Analysis.pdf>

⁹ National Low-Income Housing Coalition (NLIHC) allocation breakdown of \$25 Billion Coronavirus Relief Fund (Dec. 2020) <https://nlihc.org/sites/default/files/Estimated-Coronavirus-Relief-Fund-Allocations.pdf>