



Councilmember  
Cheryl Davila  
District 2

ACTION CALENDAR  
April 2, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila and Kate Harrison

Subject: Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley

RECOMMENDATION

Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside.

The program could include:

- Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed.
- Creating a registration process that identifies any additional support needed.
- Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings.
- Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.).
- Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc.
- Providing pump-out services, waste disposal and social services as needed.
- Creating a pump-out station for use by RVs within the City of Berkeley.
- Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit.

- Piloting a Safe Parking program modeled after Oakland's pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.

#### FISCAL IMPACTS OF RECOMMENDATION

\$711,000 annually. \$300,000 for vehicle repairs; \$11,000 for a pump out station; \$300,000 to pilot a safe parking program; \$100,000 annually for outreach, waste pick-up and disposal services, and mobile pump-out. Funds from HEAP or Measure P could be used for the pilot and Measure P funds could sustain and/or expand the program if successful.

#### ENVIRONMENTAL SUSTAINABILITY

Reduces public health hazards and environmental pollutants and litter due to poor sanitation and a lack of sanitation services.

#### BACKGROUND

City Council and City staff receive consistent requests from housed residents, berthers and businesses to identify a place for people to live in their vehicles that does not block city streets and for which services are provided to reduce garbage or sanitation issues. Many Berkeleyans seek to find a solution without criminalizing or abandoning those living in vehicles but would like to see a place for them where support is provided. Living in a vehicle is often safer than living on the street. Without truly affordable housing to offer those without shelter, providing a vehicle dweller park is a relatively low-cost, low-impact solution. By expanding affordable housing options in Berkeley, the goal would be to transition people into permanent housing, if desired.

Furthermore, *Robert Wilson Inc. vs. the City of Boise* asserts that until a City can offer alternative housing, it cannot criminalize people for their attempts to shelter themselves and their children. Vehicles and RVs are the affordable option for those who live and work in Berkeley, where they call home. Among those living in vehicles in Berkeley are families with young children (many under the age of 5), BUSD elementary, middle-school and high-school students, UCB and BCC students, and people who are employed but cannot afford housing. Those living in vehicles are very diverse in ethnicity, age, ability, some are employed, and some suffer from chronic or acute illness, including mental health. Vehicle dwellers reflect the same diversity of our housed community and deserve to be treated with equal care and respect.

According to an [update given by City of Berkeley staff at the February 26, 2019 City Council meeting](#), On any given night in Berkeley, there are nearly 1,000 people experiencing homelessness. While the City has implemented a number of programs to respond to this crisis, data from the homeless point-in-time count indicate that, for the

past several years, homelessness has nonetheless steadily increased. Furthermore, over the course of a year in Berkeley, nearly 2000 people experience homelessness of some duration. This number has been steadily growing at an average rate of 10% every 2 years.

Moreover, the growth of homelessness is highly disproportionate in its racial disparity: since 2006, 65% of homeless service users in Berkeley identify as Black or African American, compared to a general population of less than 10%. Similar disproportionalities arise for the representation of American Indians (.4% general, 4% homeless) and people identifying with two or more races (6.2% general, 17% homeless). African American people are more likely to be unsheltered in Berkeley (48% of the unsheltered population) than any other race—and are more than twice as likely to be unsheltered as white people (23%). This racial injustice is a direct result of decades of housing policy choices that have limited new affordable housing supply and constrained housing access for people of color in Berkeley and the greater Bay Area.

Despite this growing population, Berkeley's homeless services beds<sup>1</sup> have been serving fewer unique households over time—even after accounting for the change in system bed capacity over time. The average number of unique individuals served per system bed has dropped from a high in 2011 of over 5 to under 3 by 2017.

[According to the January 30, 2017 point-in-time count](#) conducted by the City of Berkeley, a majority of Berkeley's homeless population (664 people, or 68%) is unsheltered (living in cars, on the streets, or other places not meant for human habitation). The most recent count placed those living in their vehicles at approximately 200. The rate of long-term homelessness in Berkeley underscores the difficulty in the local housing market. Berkeley has a large chronically homeless population (long-term homelessness with a disability), with a rate (27%) almost double the national average (roughly 15%).

Among those who are experiencing their first episode of homelessness, more than a third (35%) had been homeless for a year or more; research has estimated this rate to be only about 20% nationally. And more than half (52%) reported they had become homeless because of “money issues”—the top response. Since 97% of homeless Berkeleyans reported they would be interested in permanent, affordable housing if it were available, these data collectively demonstrate that homelessness is not a “choice” in Berkeley, but rather the direct result of a competitive, expensive, supply-constrained housing market: once people lose housing in Berkeley, gaining new housing on their own is more difficult here than in other parts of the country.

### **Program Components:**

**Permit Program:** Register RVs or vehicles for 3-6 month permits at an affordable sliding scale permit structure based on size, weight and number of wheels of vehicle. Parking permits for vehicle residence should be distributed equally across parking permit areas. The City would need to identify any streets or locations not available for

vehicle residence. A contract and good neighbor policy should be signed that outlined responsibilities and expectations for the permit holder and City of Berkeley. Permits are renewable as long as contracts have not been violated and no complaints have been filed and validated. A clear, consistent, transparent and well-documented process should be established for validating or invalidating complaints, starting with a call into 311, as well as for issuing warnings.

**Pump-out, Sanitation, Mechanical & Registration, and Social Service Support**

**Services:** Create a pump-out station for use by RVs and/or contract with mobile pump-out services for Safe Parking Program (see below). In addition, sanitation services should be provided at Safe Parking Program sites picked up at permitted RVs per the waste disposal schedule for the permit location. The registration process should include social service options for permit applicants to select from. Up to \$3,000 per a vehicle, for a total amount of no more than \$300,000, should be made available for mechanical and sanitation repairs as well as registration and a time period to get vehicles in working order and registered in order to apply for a permit should be offered.

**Safe Parking Program:** The City of Oakland and Alameda County are piloting a Safe Parking program like those operating in Palo Alto and Santa Barbara. The program is being coordinated by the Interfaith Council of Alameda County who has identified four sites to house 10 vehicles each from 7:30pm to 7:30am and has sub-contracted Project WeHOPE to provide mobile showers, toilets, laundry and case management. Case managers then coordinate with local programs for integrated services.

Berkeley should follow Oakland, Palo Alto and Santa Barbara and implement a Safe Parking Program. This requires the City of Berkeley to reach out to business, faith-based, community-based or school-based sites to pilot a similar program here. The City could look into incentives for businesses that offer their lots for the program.

**CONTACTS:**

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**ATTACHMENTS:**

- [Safe Parking Program – Oakland](#)
- [Safe Parking Program – Santa Barbara](#)
- [Safe Parking Program – Palo Alto](#)
- RV Dweller Program – sample from Berkeley Friends on Wheels
- Code of Conduct Contract – sample from Berkeley Friends on Wheels
- Environmental protection agreements – sample from Berkeley Friends on Wheels

## Berkeley Sanctioned Vehicle-Dweller Community Rules of Conduct

**Every resident must agree to these rules.**

1. A council of three people will officiate meetings for the community. They will run community meetings and post Agendas and hear of needs for “Special” meetings or reasons why no household member can attend.
2. Community Meetings will be held at least twice a month. At least one member of each household must be present at each meeting. If for some reason this cannot be feasible, it must be explained to the council at least 24 hours in advance of the meeting, except in cases of emergency.
3. No (street) drugs and/or alcohol to be used or seen in public areas of community, ever.
4. No physical, mental or emotional violence or abuse! You can rely on the community when you have conflict to support a resolution through a restorative justice process.
5. 10PM - 7AM noise curfew.
6. All **personal** gear must be kept in vehicles.  
*Exceptions:*
  - Bicycles (one bike per person) and bike trailers. (Bicycles and bike trailers should be kept either mounted on a vehicle, under a vehicle or near the door of a vehicle.
  - Outdoor furniture (tables, chairs, outdoor carpeting etc., which should instead be cleaned off each night before retiring)
7. Each home vehicle (RV, Live-in Trailer, etc.) may have up to 2 auxiliary vehicles (car, hauling trailer, etc.) associated with it.
8. All holding tanks and their valves must be in proper and legal working order (if in use/installed). There will be NO DUMPING, leaking or any other release of holding tank contents within the perimeter of the camp. (If you need help maintaining your vehicle's valves/tanks, let someone know.)
9. Clean up after yourself.
10. If we are parked somewhere that has clearly marked parking spaces, the least that we could do is to show them that we are civilized and respectful enough to park in a way that shows consideration for others and ability to maintain order.
11. Each resident is responsible for any/all of their guests that visit the community. If a problem occurs with a guest, it is up to the person/family hosting them to address it. If it persists and the behavior doesn't create an emergency or threat, it should be brought up

to the community at the next meeting. The community can then vote for a suspension of visitations for said guest/community member. If urgent, then the community can call for a special meeting.

12. Visiting hours will be. 8:00am to 8:00pm
13. Overnight guests are allowed 7 times in a 4 week period.
14. Each resident is responsible for their own pet's care and behavior. If your neighbor(s) help you to care for your pet(s), compensate them appropriately.
15. If the community observes a resident repeatedly neglecting or otherwise endangering the health/safety of their pet(s) (or the health/safety of members of the community as a result of the actions of their pet) and such behavior continues after no less than 2 prior warnings from neighbors, the community may contact Berkeley Animal Care Services to ensure the continuing health/safety of the pet(s) and/or the residents of the community.
16. Maintain a "Good Neighbor" policy.
  - Keep your personal area clean
  - Help your neighbors to keep your surrounding area clean
  - No major disturbances (i.e. loud pets/domestic disputes)
  - No human/animal waste left where others might step in it
  - DO NOT throw human waste away in nearby dumpsters!
  - Use non-violent communication
17. NO SHIT-STARTING!!! (Just what it sounds like.) There will be no harassment of fellow community members. If there is friction between two or more members of the community, then one/both/all of them should let one of the council members know so that they can be connected with appropriate mediation/support/conflict resolution services.
18. Do not call/threaten to call the police on members of the community. Exception: when the life or safety of a person (resident, or not) is in immediate danger.
19. Everyone must be considerate of their neighbors and their need for sleep. If a household has a personal problem to work out, they should do so without disturbing their neighbors. If the residents of any household (whether humans or pets) cause any of their neighbors to lose sleep or otherwise hinder their daily routine, the offending household's behavior will be discussed at the next community meeting, wherein their continued participation in the community will be reviewed.
20. Maintain a spirit of self-sufficiency and mutual aid. (Always be willing to help others. But, do not rely on/expect them to live your life for/with you.)

21. Each potential new resident is subject to a 5-day probationary period. After the 5-day period, there will be a community meeting to discuss making them a permanent resident or extending probation.
22. Breaking a rule constitutes a strike – three strikes and out (a minimum 30 day suspension or permanent expulsion).

**Internal governance will use the following modified consensus procedure:** Self rule with consensus. On items for approval, a desired 100% consensus is sought, with a graduated scale.

1. 70% minimum is required to approve an item, but it must be revisited monthly to revise and improve consensus percentage.
2. At 80% approval, an item gets revisited every two months to revise and improve consensus percentage.
3. At 90% approval, an item gets revisited every 6 months to revise and improve consensus.
4. If 100% approval is reached, the only way to revisit is with 51% approval to revisit.
5. If an item goes from above 70% approval to below 70% approval, it is dropped as an item unless resubmitted. [it is not part of the rules or no longer a resolution of the community.]
6. To submit, a proposal needs to be made with 10% community backing. To revisit an item earlier than scheduled requires 51% community support.
7. Items must be revised before being resubmitted.
8. Changes in the government can be made following these basic rules. Unpopular items can be revisited and lose consensus.

As the community evolves, these guidelines will allow for the government and community guidelines to evolve.

# Vehicle Dweller Proposal

## Berkeley Marina Friends on Wheels

### I. Recommendation

- a. Develop a green vehicle dweller park, similar to an RV park, for people living in their vehicles to stay without fear of harassment, displacement, fines or confiscation of their vehicles. The park would accommodate the following populations of currently unsheltered Berkeley residents:
  - Families with children
  - Single parents with children
  - Working couples and individuals
  - College Students
  - People with disabilities
  - Chronically Homeless
  - Veterans
  - People currently living in tent encampments if they acquire a vehicle <sup>11</sup>
  1. A suggested location is the vacant Hs. Lordships parking lot until another suitable location is found. Here, each household can be assigned four of the parking spaces, which is roughly 20 feet by 40 feet. Households with smaller vehicles, such as vans will only be assigned two spots, increasing occupancy. In a parking lot with 326 parking spots, there is space for roughly 81 “households.” Payment is subjected to a monthly charge between \$100 to \$300 max.
  2. Adopt self-governance rules the community has developed to establish order, as well as the pre-defined process for adding new community members. These are described in Attachment A.
- b. Develop new (or grant access to already existing) basic facilities available in the Berkeley Marina for use by residents of the Vehicle Dweller Park. These facilities include:
  - Access to drinking water
  - Public restrooms and showers
  - Laundry Room
  - Mobile Blackwater/septic tank pump-out service\*

\*Slipholders in the Berkeley Marina pay a \$25 monthly fee for this service
- c. In addition or as an alternative, adopt a vehicle-dweller on-street parking program, granting window stickers to mobile residents. The sticker fee contributes to a fund for managing street waste and preservation of public streets. The window sticker distinguishes travelers from local mobile residents. This program creates a database, ensuring the safety of all residents inside their homes and living inside vehicles on the public streets.
- d. In support of this alternative, develop a street map, marking safe parking areas for vehicle dwellers and tent intentional communities to live without harassment of police authority and the public. [An example of this map layout](#) was made in Los Angeles for each neighborhood—authored by their local police department. A map could begin to



# Vehicle Access Proposal

## Berkeley Marina Friends on Wheels

set an order for street parking and clearing busy public sidewalks, allowing recreational areas and shops have more available parking.

### **II. Eligibility/Membership**

The City will determine eligibility using education records, housing records, police/correctional records and employment records to verify residency or formal ties to Berkeley. Similarly to how clients of Pathways are pre-screened at local encampments, registered owners of vehicles which have already received citations for violations of Berkeley Municipal Code 6.20 will automatically be eligible for residency in the Park, rather than being asked to move to neighboring cities, where they may not have any ties. Only individuals who possess either a resident or guest Park permit and Park staff will be allowed on-site.

### **III. Fiscal Impacts of Recommendation**

1. Potential operating costs of an RV park are subjective to how many amenities and services will be provided. According to the [City of Lowell RV Park Feasibility and Development study](#), examples of these costs include, but are not limited to: security, garbage services, water, facility maintenance costs and employees' salary to work in the office, managing the RV park.
2. One or more of the residents of the Park could be trained to take on some of the administrative/maintenance duties, in exchange for a discount on their fee/rent.
3. Living inside a vehicle fosters a sense of self-sufficiency and independence. When a person has the ability to own their space, individuals can utilize their income to repay other financial debts such as credit card debt, pending collections, student loans, etc.

### **IV. Environmental Sustainability**

1. Adopting restoration and clean-up volunteer programs led by mobile residents can assist the shortage in hands at the East Bay Parks and Recreation to upkeep nature preserves. Free labor, and becomes part of our community culture.
2. Living inside a home with four wheels already has a greater impact in [reducing our personal carbon footprint more than half](#) compared to traditional households. We can help California create a model population, guiding other communities towards a path of environmental stewardship. This can bring us closer to our [California 2020 climate goals](#).
  - a. Landscape: Low-impact land development at RV parks holds a more intensely built environment at bay, even as parks weigh the conundrum of optimizing land for maximum RV sitting. *(Further Environmental Impacts, See attachment C)*
3. All vehicles in the Park must be registered with the Department of Motor Vehicles (DMV) and insured. Registered vehicles must pass smog, eliminating harmful emissions to the environment.

# Vehicle Dweller Proposal

## Berkeley Marina Friends on Wheels

### **V. Background**

At the vacant Hs. Lordships parking lot at the Berkeley Marina, families, students, elderly and disabled people have found a home: a safe place to park. The present privatization of land has defined parks, and natural preserves as the only places available for free to mankind. Economic refugees unable to earn enough cash to keep up with the present housing market have found sanctuary in these green spaces because it is often safer than parking on city streets.

Many citizens perceive the invasion of these spaces as a nuisance to the public and an environmental hazard. They only see the consequences of the problem: increased waste, safety hazards and people taking care of everyday tasks in public—such as cooking and sleeping.

California's lack of affordable housing is a major contributing factor to homelessness. The state has one of the nation's [highest rates of "poor renters,"](#) defined as people who spend at least 50% of their monthly income on housing. As a result, homeless Berkeley residents face more challenges finding housing here than elsewhere. Also, 1% of Berkeley residents are currently homeless, despite the fact that the vacancy rate in Berkeley is approximately 7.6%.

The United States Department of Housing and Urban Development (HUD) prioritizes funding for communities that can show that they have made progress in abolishing local laws that criminalize homelessness. (See Attachment B for an excerpt of EveryOne Home's Draft Strategic Plan to End Homelessness from the section regarding Homeless Policies.)

Without a sanctioned place for economic refugees to go, vehicles continue to be a form of sustainable housing for people who live on the streets, so that they can continue their roles in society. But without regulations and a safe parking place protecting these citizens from losing their only life possessions, whether inside backpacks or on wheels, the streets continue to be disorderly, unclean and unkempt. Where is this houseless population supposed to go?