

Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: planning@cob.org Web: www.cob.org

Second Amendment TEMPORARY SHELTER PERMIT USE2019-0016 – 210 McKenzie Avenue

Project Summary: Homes Now! operates a temporary tiny house encampment for people experiencing homelessness, "Unity Village," in the northwestern portion of the parking lot at 210 McKenzie Avenue. Unity Village provides up to 20 tiny houses for overnight shelter for up to 28 people ("guests") and includes amenities such as bathrooms, showers, drinking water, an outdoor kitchen, garbage and recycling containers, and human and social services. The encampment was applied for and operates under Bellingham Ordinance No. 2018-10-019 and a Temporary Shelter Permit (USE2019-0016). This permit allowed the encampment to operate from August 24, 2019, through April 30, 2020. In response to the COVID-19 outbreak, the City's Mayor declared a local public health emergency. To avoid moving HomesNOW!'s temporary tiny house encampment to another site during the public health emergency, the City issued the First Amendment to USE2019-0016 to extend the end date from April 30, 2020 to 90 days after the end date of the local public health emergency.

Project Location: A portion of the parking lot at 210 McKenzie Avenue, Bellingham, WA; Fairhaven

Neighborhood, Fairhaven Urban Village Zoning, Industrial Area 3

Applicant: HomesNOW!, 1441 St. Paul Street, Bellingham, WA 98229; contact Doug

Gustafson, 360-224-3727

Request: On August 7, 2020, City Staff discovered that HomesNOW! was willingly operating in noncompliance with a condition of USE2019-0016. Specifically, HomesNOW! was in violation of Condition #16, which requires no less than one HomesNOW! Board member or non-resident volunteer to be physically present at the temporary encampment at all times.

Doug Gustafson, Chairman of Homes NOW!, requested revisions to Condition #16 and Condition #53 of the Temporary Shelter Permit by e-mail on August 11, 2020 (Exhibit A).

I. FINDINGS OF FACT

1. A Temporary Shelter Permit (USE2019-0016 – 210 McKenzie Avenue) was issued on June 26, 2019. Due to the COVID-19 Emergency, this permit was amended on April 17, 2020 (Exhibit B) to avoid moving HomesNOW!'s temporary tiny house encampment to another site during the public health emergency, by extending the end date from April 30, 2020 to 90 days after the end date of the local public health emergency. Additional health/safety measures and precautions were also established.

2. The amended Temporary Shelter Permit contained fifty-seven (57) Conditions of Approval. Specifically, the Conditions included a requirement regarding non-resident supervision (Condition #16) which states:

No less than one Homes Now! board member or non-guest volunteer serving in a board member capacity (providing on-site supervision) shall be physically present at the temporary encampment at all times for the duration of the permit. The board member or non-guest volunteer shall serve as site manager and supervise the operation of the encampment. The site manager is the primary point of contact for public safety and emergency services at the encampment and shall address day-to-day operational and behavioral issues as they arise. A complete listing of all board members and non-guest volunteers who will serve as a site manager shall be submitted to the City before initial occupancy of the temporary encampment. Non-guest volunteers may be added to the site manager list after occupancy, as long as contact information is provided to the City. Homes Now! shall ensure that site managers are made aware of their duties, receive de-escalation training and understand to call 911 in an emergency. Guests of the temporary encampment who may become Homes Now! board members or volunteers after issuance of the temporary shelter permit cannot act as site managers.

- 3. Doug Gustafson, Chairman of HomesNOW!, requested the revision of Condition #16 and Condition #53 by e-mail on August 11, 2020 (Exhibit A). Specifically, Mr. Gustafson in his e-mail and social media post on Facebook (Exhibit C) supports the request with the following assertions:
 - HomesNOW! needed to violate Condition #16 due to the Governor's "Stay at Home Order."
 - They specifically had three options to address the requirements of the Condition and chose to
 follow the second option without any request (or notification) to the City to clarify or modify the
 Condition or provide notification to the City of their chosen action:
 - "1. We either had to have one board member live on-site and not allowed to leave in order to limit the exposure to the virus, in order follow the emergency COVID Protocol as well as the 24/7 non-resident board member requirement.

OR

- 2. We follow the COVID protocol as best as we can in a reasonable way and rely on leaders within the village to act as designated resident managers, similar to an Apartment or Dorm situation. Thus violating the 24/7 non-resident board member requirement in the process.

 OR
- 3. We violate the emergency COVID protocol in order to reasonably comply with the 24/7 non-resident board member requirement by letting an unnecessary number of people into the site on a regular basis, thus increasing the risk of virus spread.
- Out of those options, we chose the safest option. The option which would provide the highest amount of protection from a possible contagion with as few visitors and staff as possible acting as variables. The option which would also allow for self-empowerment and personal responsibility. We chose to limit the number of staff and volunteers going into the site to just one, me. We chose to rely on leaders within the village to act as designated resident managers."
- The Encampment has run well absent on-site non-resident supervision since they became non-compliant.
- Relying on resident managers to keep on-site supervision was the most reasonable way possible to minimize in-person interactions on and off-site due to the COVID-19 pandemic.

• They have:

"...proven that on-site resident managers work. It's worked with other groups, it works with our group. We ask that you change the permit to accommodate for this so that we can come into compliance. We are following the previous terms of the permit at the current time until a final decision is made."

Mr. Gustafson states in his Facebook post:

"This provision has always been extremely unreasonable, counter-productive, unnecessary, and difficult to deal with, but we did it because we didn't want the city to shut down the village and throw 18 people on the streets. The policy is classist because it assumes that people of lower income can't be trusted to manage or supervise a site like any other normal person. Before COVID hit in March, we were in compliance with this provision even though it was difficult. When you have to spend 2 or 3 days a week at a place that's not your home, where you're not allowed to leave, it causes burnout and a feeling of "being trapped there" in turn hinders job performance and attentiveness to the needs of the residents, especially if they need something on one of your days off. The policy is counter-productive and hinders the progress of the villagers."

- 4. Subsequent to the discovery by City staff of the non-compliance, HomesNOW! agreed to comply with the provision of Condition #16.
- 5. Mr. Gustafson further states in the Facebook post that HomesNOW! demonstrated that on-site supervision is not required by violating the conditions of approval:

"We've proven that it works, even though one line on piece of paper says it's not allowed and that we'll be shut down, and doing so and following that piece of paper to the letter has a worse result in this case. So we did what we thought would produce the best result, and yeah it was a risk to do so. But we had confidence that we could do it and we have had help from other experienced shelter operators in order to do this in a responsible way that works."

6. Mr. Gustafson states that he was aware that the course of action was inconsistent with the Conditions of Approval:

"I did not ask for permission on this policy because I knew that it would be next to impossible to fulfill under these conditions and that the answer would likely be "no", and that it says we will be shut down if we can't fulfill it, so I was afraid that by asking, we would have the risk of getting shut down if they knew we couldn't fulfill that provision."

7. Mr. Gustafson states that HomesNOW! informed City staff and the community that they were not following the subject Condition:

"I'm surprised it was only brought up now because we've had multiple meetings with Chief Doll and Planning Director Rick Sepler where we had an understanding that maintaining full staff was going to be an issue with COVID and stay at home order, but I guess things have changed. I have mentioned at multiple city council meetings that the village was largely self-governing and we were just there to support them. Markis even mentioned it at the Homeless Strategies Workgroup

meeting on May 29th while the Planning Director was present in the meeting. We thought that we had some more leeway on this because of the COVID-19 situation and wanting to maintain as little unnecessary contact as possible."

- 8. A review of the record from the Homeless Strategies Workgroup confirms that on each occasion when Mr. Dee brought the matter of resident-run encampments forward, Director Sepler indicated that the City was not supportive of that approach. It is unclear how this could be construed to constitute disclosure to the City.
- 9. In their email, HomesNOW! also requested a modification to the Conditions to clarify that guests, visitors and volunteers be allowed in with a negative result COVID-19 test.
- 10. In order to reduce potential exposure to COVID-19, Condition #53 of the amended permit prohibited the addition of new residents and guests to Unity Village. Specifically, the condition states:

To protect the guests, volunteers, and public from increased exposure to COVID-19, no new guests, new non-guest volunteers, new board members, or non-essential visitors shall be admitted to Unity Village until such time as the public health emergency has ended OR the Whatcom County Health Department lifts recommendations that limit group assembly. HomesNOW shall implement and adhere to protocols to minimize, as much as reasonably possible, in-person interactions on and off-site.

- 11. HomesNOW! agreed to the Conditions when the original temporary encampment permit was issued. Additionally, when the permit was amended to address issues associated with the COVID-19 emergency, HomesNOW! again agreed to the Conditions of Approval; neither permit was appealed.
- 12. Unity Village is a very small encampment (maximum occupancy has been 18) with very limited turnover of residents. There are currently 20 tiny homes on the site, though not all are occupied. Due to the COVID-19 emergency, placement of current residents into permanent housing has been very difficult to achieve, creating stability in the encampment. It is uncertain how new residents would affect the existing stability of the encampment.
- 13. Residents of Unity Village are closely screened by both HomesNOW! and the Bellingham Police Department. They agree to abide by the Code of Conduct established by HomesNOW! which prohibits alcohol and/or illegal drug use. The current resident population is not representative of the full spectrum of those who are unsheltered, and it is difficult to generalize on the efficacy of the management or of the program.
- 14. If Unity Village were to close, it is highly likely that the current residents would become unsheltered.
- 15. The COVID-19 pandemic places those who are unsheltered and/or living in a communal setting with shared facilities at greater risk than those who are housed and can independently shelter in place. However, as noted by Mr. Gustafson in his e-mail, implementing protocols that include

testing can minimize this risk and can allow guests, visitors and volunteers to safely enter the encampment.

- 16. Self-governing homeless encampments have an uneven track record in the region. In several cases, residents have been asked to leave due to conflicts with encampment leadership, case management has been suspended, case managers have been prohibited from entering sites and regulations have been subverted or outright ignored. The Condition for on-site non-resident management was designed to ensure accountability and consistency in on-site operation and decision making and avoid the development of personality conflicts among residents.
- 17. The primary purpose of land use enforcement is to ensure compliance with adopted regulations and conditions of approval.

II. CONCLUSIONS

- 1. It is uncontested that HomesNOW! deliberately chose to violate Condition 16 of the Conditions of Approval associated with non-resident, on-site supervision. No effort was made by HomesNOW! to seek revision of the Condition nor was the City apprised of the action by HomesNOW!. It is fair to conclude that if the City didn't discover the violation, HomesNOW! would have continued their non-compliant management of the encampment. This is a troubling indicator as it does not engender confidence in HomesNOW!'s ability to follow rules, regulations or processes into the future.
- 2. The asserted basis for the violation (to minimize exposure to the residents from on-site, non-resident volunteers and Board members) is internally inconsistent with HomesNOW!'s own request to allow that "guests, visitors and volunteers be allowed in with a negative result COVID-19 test." If the proposed protocols would allow access to residents, visitors and volunteers, then allowing access to on-site, non-resident supervision following the same protocols would be entirely possible.
- 3. HomesNOW!'s agreement to meet the requirements of Condition #16 (subsequent to discovery of the violation) was an appropriate response and achieved conformance with the condition and met the goal of land use compliance. No further enforcement action is required, provided that all Conditions of Approval (as amended) continue to be met.
- 4. Due to the size of the encampment, admission criteria and length of operation, it is not yet conclusive that the resident managed model works. The failure to follow the Conditions of Approval and the prior embezzlement of donated funds by a prior Board member do not support reaching this conclusion or a permanent decision at this time.
- 5. HomesNOW! is accurate in their assertion that the status quo is generally working for the residents. Additionally, it is fair to conclude that changing the status quo during the COVID-19 emergency at the Encampment would likely not be in the residents' best interest. However, testing for COVID-19 has increased since the condition was required and additional safety measures, as noted by state and local Health Departments and the CDC can decrease the probability of virus exposure to residents, guests and volunteers.
- 6. If additional protocols that include testing are implemented, the risk in allowing new guests, visitors and volunteers can be reduced. Permitting on-site residents during the COVID-19 emergency to

manage the encampment would present limited risk and be acceptable, provided that there is assurance of the on-going daily involvement of off-site, non-resident Board members to provide oversight and supervision.

7. Due to the existing number of tiny homes (20) located on site, it is reasonable to allow new residents to fill the existing structures.

II. DECISION

Therefore, after consideration of the aforementioned request by HomesNOW!, the Findings of Fact and Conclusions above, the Director or designee concludes that Condition #16 of USE2019-0016 and Condition #53 of the First Amendment to USE2019-0016t are replaced with the following:

- 1. A resident of the Temporary Encampment may be designated as the on-site manager and another resident as the on-site assistant manager. HomesNOW! must identify the individuals to the City and these positions shall not be assigned on a rotating basis. To ensure stability in the encampment, the on-site manager and assistant manager must have been successful residents of the encampment for no less than six months. Either the onsite manager or assistant manager shall be onsite 24/7.
- 2. Homes NOW! may add additional residents to occupy the existing (20) tiny homes but shall not add new tiny home structures without additional city approvals. Should additional residents be admitted, a Board member or non-resident volunteer shall be on-site 24/7 for no less than seven (7) consecutive days from the initial date of entry of the new resident to ensure the compatibility with pre-existing residents and maintenance of the status quo.
- 3. New residents shall not be allowed at the encampment without providing a negative COVID-19 test result from a test not more than 3 days prior to admission to the encampment. Board members, non-resident volunteers and residents shall wear mask coverings and practice social distancing at all times while at the encampment site. New Board members, non-new resident volunteers, and visitors are allowed at the encampment as long as they wear masks and practice social distancing at all times.
- 4. Board members and/or non-resident volunteers shall coordinate with the on-site manager and physically visit the site daily. An updated list of all HomesNOW! Board members and approved volunteers shall be submitted to the Planning and Community Development Department immediately and updated monthly (if necessary).
- 5. The City will monitor the effectiveness of the on-site resident manager and assistant manager. If any significant health or safety issues arise at the encampment, the City may, with written notice to HomesNOW!, reimpose Condition #16 of USE2019-0016.
- 6. The City will also monitor the impact on the encampment of adding new residents and allowing new Board members, new volunteers, and visitors in the encampment. If significant health or safety issues arise at the encampment, the City may, with written notice to HomesNOW!, reimpose the Condition #53 of the First Amended Permit. If no significant health or safety issues arise at the encampment for 90 days after admitting additional residents, the requirement for a Board Member or non-resident volunteer to be on-site 24/7 for no less than one week from the initial date of entry of the new resident shall expire.

All conditions of USE2019-0016 and the First Amendment to USE2019-0016, unless modified by this Second Amendment to USE2019-0016, shall continue in full force and effect.

III. Appeal

Any party aggrieved by this Type I decision may file an appeal, pursuant to BMC 21.10.250, at the City of Bellingham Permit Center at City Hall (210 Lottie Street) within 14 days of this decision date (August 13, 2020). The appeal forms and associated appeal fee are available at the Permit Center or online at: https://www.cob.org/services/permits. Please note, an appeal will not be accepted or considered filed until the required forms are submitted and the fees are paid 5 pm on August 27, 2020.

Any property owner who believes he/she is affected by this decision may request a change in valuation for property tax purposes, notwithstanding any program of revaluation, through the Whatcom County Assessor's office.

Approved By:

K. Null

Kurt Nabbefeld, Development Services Manager

Planning and Community Development Department

Date of Decision: August 13, 2020



----Original Message-----

From: Doug Gustafson <doug@homesnow.org>

Sent: Tuesday, August 11, 2020 6:46 AM

To: Sepler, Rick M. <rmsepler@cob.org>; Gedrath, Anya L. <algedrath@cob.org>

Cc: Homes Now! - Admin <admin@homesnow.org> Subject: Request for Change in Unity Village Permit

Thank you Rick and Anya for taking the time to meet with us yesterday to discuss a request to change some small elements of the Unity Village Permit in order for us to come into compliance under reasonable terms. I had to go out of compliance with the 24/7 board member requirement in the best interests of health and safety of the residents.

In order for me to comply with the Governor's "Stay at Home" order, I had to be out of compliance with the 24/7 Board Member requirement as written in our current Permit, however smooth operations of the site have continued without any issues.

In our revised permit (April 30th), it states:

"To protect the guests, volunteers, and public from increased exposure to COVID-19, no new guests, new non-guest volunteers, new board members, or non-essential visitors shall be admitted to Unity Village until such time as the public health emergency has ended OR the Whatcom County Health Department lifts recommendations that limit group assembly.

HomesNOW shall implement and adhere to protocols to minimize, as much as reasonably possible, inperson interactions on and off-site."

Relying on Resident managers to keep on-site supervision was the most reasonable way possible to minimize in-person interactions on and off-site. All of our staff including myself was not essential to the smooth operations of the site.

The reality though is that we've proven that on-site resident managers work. It's worked with other groups, it works with our group. We ask that you change the permit to accommodate for this so that we can come into compliance. We are following the previous terms of the permit at the current time until a final decision is made.

Another change that I might suggest, to help to keep us in compliance in another area, is that we were given authorization from you guys to let new residents in after COVID had been going on for a few months but the provision above states that no new guests or volunteers can enter. But I'd like to modify it slightly if we can to allow entry with a negative result COVID Test (this is how we've been letting new residents in, but I'd like to extend to volunteers or visitors too). That way we can let people in but we test them for COVID before entering. Of course it probably wouldn't be every time they entered, but at least once every week or something.

Either way, thank you for your consideration on this and I look forward to hearing back.

Thank You,

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Doug Gustafson Chairman - HomesNOW! 360-224-3727





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First Amendment TEMPORARY SHELTER PERMIT USE2019-0016 – 210 McKenzie Avenue

Project Description: On June 26, 2019, the City issued a Temporary Shelter Permit to HomesNOW's approving its proposal to operate a temporary tiny house encampment for people experiencing homelessness, "Unity Village," in the northwestern portion of the parking lot at 210 McKenzie Avenue from August 24, 2019, through April 30, 2020, provided the permit conditions were strictly followed. Unity Village provides up to 20 tiny houses for overnight shelter for up to 28 people ("guests") and amenities such as bathrooms, showers, drinking water, an outdoor kitchen, garbage and recycling containers, and human and social services. HomesNOW applied for and has been operating its Unity Village under Bellingham Ordinance No. 2018-10-019, which includes regulations for temporary shelters, and the Temporary Shelter Permit issued by the City. In response to the COVID-19 outbreak, the City's Mayor has declared a local public health emergency. To avoid moving HomesNOW's temporary tiny house encampment to another site during the public health emergency, the City amends the Temporary Shelter Permit (First Amendment) to extend the end date from April 30, 2020 to 90 days after the end date of the local public health emergency. Additional health/safety measures and precautions are needed for continued operations at Unity Village. The Temporary Shelter Permit USE2019-0016 is hereby amended with Findings of Fact, Conclusions, and Decision Conditions incorporated by reference, modified, and added, as described herein. References to "guests" in this First Amendment mean guests of HomesNOW, an independent Washington state non-profit corporation. HomesNOW is the managing agency of the encampment.

Project Location: A portion of the parking lot at 210 McKenzie Avenue, Bellingham, WA; Fairhaven

Neighborhood, Fairhaven Urban Village Zoning, Industrial Area 3

Applicant: Homes Now!, 432 W. Bakerview Road, Bellingham, WA 98226; contact Jim

Peterson, 360-319-2150 HomesNOW, 1441 St. Paul Street, Bellingham, WA

98229; contact Doug Gustafson, 360-224-3727

Decision: Approved with conditions on June 26, 2019.

Date of

Amendment: April 17, 2020

I. FINDINGS OF FACT

<u>Findings of Fact 1-34 from the Temporary Shelter Permit, USE2019-0016, are incorporated by reference into this First Amendment, except Findings of Fact 12 and 31 P, which are modified as follows:</u>

- 12. Unity Village will provide safe and stable shelter in up to 20 tiny houses for up to 28 people experiencing homelessness from August 24, 2019, through April 30, 2020, while they actively seek permanent housing. One additional tiny house will serve as the overnight shelter for the on-site supervisor. The April 30, 2020, end date will be extended to 90 days after the end date of the local emergency. The end date of the local emergency shall be determined by the issuance of a subsequent written proclamation or order by the City of Bellingham Mayor. Any subsequent extensions will not be authorized beyond August 23, 2021 (total duration of two years).
- 31. Comments and questions from 64 people (**Exhibit D**) were submitted by the public comment period deadline and have been thoroughly reviewed by City staff. Emails from two additional people were submitted after the public comment period deadline, which was June 14, 2019, at 5 pm. Issues raised in the public comments have been consolidated into key concerns and specific comments. Staff has responded to key concerns in A-C below and specific comments in D-P below.

<u>P.</u> What happens when the permit expires? There is no guarantee the encampment will leave the site once the permit expires.

The permit expires on April 20, 2020. The permit is not able to be extended at this location. In response to the COVID-19 outbreak and associated emergency, the end date will be extended. Per the requirements of this permit, guests are required to sign an acknowledgement that they are aware of the limited term of this approval and agree to leave the site on or before the date the permit or any subsequent extension(s) expires. Copies of each signed acknowledgement shall be provided to the City as soon as they are signed. The Unity Village proposal states that Homes Now! intends to find a new site to host its encampment after the Unity Village permit expires. In the event no property is identified, Lummi Nation has agreed to allow the tiny houses on their site. Homes Now! will also work with each guest to identify potential alternative housing options if another encampment site has not been secured by the Unity Village end date.

The following additional Findings of Facts are made:

- 35. Bellingham Municipal Code (BMC) 20.15.040 outlines the duration limits for temporary encampments and allows for extensions to be granted. The Unity Village permit allows the encampment from August 24, 2019, to April 30, 2020, provided the conditions of approval are strictly followed. The permit states that "the temporary shelter permit approval will not be renewable or able to be extended at this location beyond April 30, 2020."
- 36. On February 20, 2020, HomesNOW applied for a new temporary shelter permit to relocate Unity Village and operate a new temporary tiny house encampment ("Unity Village 2.0") in a portion of the City-owned former Clean Green site at the intersection of Woburn Street and Lakeway Drive at 1399 Woburn Street. The requested operation timeline was for two years from May 1, 2020 April 30, 2022.
- 37. On March 12, 2020, Mayor Fleetwood of the City of Bellingham signed a Proclamation of Local Emergency in response to the COVID-19 pandemic in Whatcom County.

- 38. Relocation of the temporary tiny house encampment to the proposed "Unity Village 2.0" site at 1399 Woburn Street would require residents and volunteers to work in very close proximity to facilitate the dismantling, transport and assembly of the tiny houses, supporting structures, and other site fixtures. This proximity would be contrary to social distancing and group assembly pandemic safety recommendations issued by the U.S., State, and Whatcom County Department's of Health.
- 39. After the emergency end date (date unknown) it will take time for the temporary shelter to either relocate or close. Providing a period of time after the end of the emergency will ensure the temporary shelter has adequate notice and transition time to relocate or cease operations after the end of the emergency.
- 40. The COVID-19 outbreak is a threat to public health, safety, and welfare. As such, additional related health/safety measures and precautions are needed to protect Unity Village guests, non-guest volunteers, board members, or other members of the public.
- 41. Guests and volunteers at Unity Village rely on shared facilities including wash stations, port-a-potties and an open-air kitchen. This environment by its very nature is more difficult to keep germ-free. Although the proponents have instituted a cleaning regime to avoid contamination and infection of common facilities, reducing variables such as limiting access to the community and self-isolation will be necessary to reduce risk to the guests, volunteers, and public.
- 42. HomesNOW has modified its operations due to COVID-19, by implementing a series of new protocols in response to U.S., State, and Whatcom County Department's of Health recommendations. These protocols include but are not limited to appropriate measures for disseminating information, ensuring social distancing and hygiene, and responding to potential COVID-19 symptoms and sickness in the encampment.
- 43. Since USE2019-0016 permit issuance, the City has identified other new conditions to protect public health/safety and to ensure the successful operation of the encampment for the duration of the permit extension(s).

II. CONCLUSIONS

<u>Conclusions of Law 1-7 from the Temporary Shelter Permit, USE2019-0016, are incorporated by reference into this First Amendment, and the following Conclusion of Law is made:</u>

8. <u>In response to the COVID-19 pandemic, it is in the public interest to extend the end date of USE2019-0016 for the duration of the proclaimed local public health emergency, with adequate notice and transition time for the temporary tiny house encampment after the end of the emergency.</u>

III. DECISION

The Decision Conditions 1-50 from the Temporary Shelter Permit, USE2019-0016, are incorporated by reference into this First Amendment, Conditions 4, 9, 11, 15, and 40 are modified as follows:

- 4. The City has concluded that appropriate standards, requirements and conditions have been established to protect public health/safety and to ensure the successful operation of the encampment for the duration of the approved permit. Violations of any of the required provisions of Ordinance 2018-10-019 and/or the conditions of the permit will be assessed by the City on a case-by-case basis with the expressed intent of seeking timely compliance. However, certain actions and activities that significantly increase risk to both encampment guests and the general public shall warrant the closure of the encampment. The temporary encampment will be subject to immediate closure for cause and revocation of the permit should any of the following occur:
 - a. Violation(s) of any conditions of approval (which cannot be immediately remedied by Homes Now!) that would present an adverse health and/or safety risk to Homes Now!'s guests, visitors, and/or the general public.
 - b. The required on-site supervision of the temporary encampment by a Homes Now! board member or non-resident volunteer is found not to occur.
 - c. The required on-site supervision is found to be inadequate to control behaviors occurring within the temporary encampment.
 - d. Obstruction of City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (e.g. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.), from having unrestricted access to the common areas of the site by Homes Now!'s board members, guests, or visitors.
 - e. Refusal by Homes Now! to provide a list of guests and visitors upon the request of the BPD or other City department.
 - f. Any series of events that the Chief of Police or Fire Chief deem to be a danger to the temporary encampment and/or surrounding community, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
 - g. Repeated violations of the code of conduct.
 - h. Criminal conduct or multiple violations of the permit conditions by Homes Now!'s board members, guests and visitors.
 - Demonstrated inability of Homes Now!'s board members and other site managers to operate the encampment consistent with Ordinance 2018-10-019, the temporary shelter application and the conditions of approval.
 - j. An outbreak of COVID-19 amongst Unity Village guests that poses a significant threat, as determined by the City in consultation with the Whatcom County Health Department, to the safe and successful operation of the encampment.
- 9. The temporary shelter permit shall be issued for the dates August 24, 2019 April 30, 2020, provided the conditions of approval are strictly followed. The temporary shelter permit approval will not be renewable or able to be extended at this location beyond April 30, 2020. The end date of permit USE2019-0016 will be extended to 90 days after the end date of the local public health emergency. The end date of the local public health emergency is unknown but shall be determined by issuance of a subsequent written proclamation or order by the City of Bellingham Mayor. Any subsequent extension(s) will not be authorized beyond August 23, 2021 (total duration of two years).

- 11. No visitors other than essential case workers, volunteers, and individuals in supporting roles shall be admitted to Unity Village. After the public health emergency has ended OR the Whatcom County Health Department lifts recommendations that limit group assembly. Homes NOW's guests may invite visitors to enter the temporary encampment, but in no case shall more than one visitor of a guest be admitted at one time. Visitors shall stay with their guests for the duration of the visit. Visitors shall not be allowed to stay overnight. No large gatherings of visitors are permitted.
- 15. Guests shall be required to sign an acknowledgement that they are aware of the limited term of this approval and agree to leave the site on or before the date the permit <u>or any subsequent extension(s)</u> expires. Copies of each signed acknowledgement shall be provided to the City as soon as they are signed.
- 40. A Homes Now! board member shall meet no less than weekly with representatives of the BPD and/or PCDD to review issues associated with the operation of the temporary encampment. The meeting shall occur every Friday at 11 am at City Hall or at the encampment site, unless a mutually agreed upon time or location change is approved. For the duration of the local emergency, the meeting shall take place using a virtual meeting platform. The purpose of this meeting is to develop and implement (as needed) strategies to address identified issues. Additionally, the meeting will review necessary accommodations and protocols in response to COVID-19.

The following additional Decision Conditions are added:

- 51. <u>All individuals and Unity Village operations shall adhere to up-to-date Whatcom County Health Department guidance and CDC guidance related to COVID-19, especially as it pertains to people experiencing unsheltered homelessness. Up-to-date guidance and information shall be posted in a visible location on site at all times.</u>
- 52. <u>HomesNOW shall immediately report to City staff any confirmed cases of COVID-19 amongst Unity Village guests.</u>
- 53. To protect the guests, volunteers, and public from increased exposure to COVID-19, no new guests, new non-guest volunteers, new board members, or non-essential visitors shall be admitted to Unity Village until such time as the public health emergency has ended OR the Whatcom County Health Department lifts recommendations that limit group assembly. HomesNOW shall implement and adhere to protocols to minimize, as much as reasonably possible, in-person interactions on and off-site.
- 54. The Board of Directors of HomesNOW shall approve and individually sign an agreement with the City that acknowledges the end date of the extension and that there will be no extension of time at this location beyond 90 days after the end date of the local emergency, unless authorized by the City through a subsequent amendment.
- 55. <u>HomesNOW shall prepare an individualized personal action plan for all guests. The plan shall identify goals for the guest and shall detail the agreed-upon steps that will assist the guest in finding permanent housing. These plans shall be prepared within 30 days of a</u>

- guest's entry into Unity Village 2.0. A case manager shall be assigned to each guest. A roster that identifies the guest and the assigned case manager shall be provided to the city on a monthly basis.
- 56. <u>Prior to issuance of the temporary shelter permit amendment, HomesNOW shall withdraw its permit application (USE2020-0010) to relocate Unity Village to a new location (Unity Village 2.0.)</u>
- 57. Prior to issuance of the temporary shelter permit amendment, HomesNOW shall sign a revised, extended license agreement granting HomesNOW the legal right to continue using City property, and the license agreement shall be maintained in full force and effect for the duration of the temporary shelter permit extension(s). The license agreement will contain terms and conditions in addition to the conditions imposed as part of the permit.

Approved By:

Kurt Nabbefeld

Development Services Manager





HomesNOW









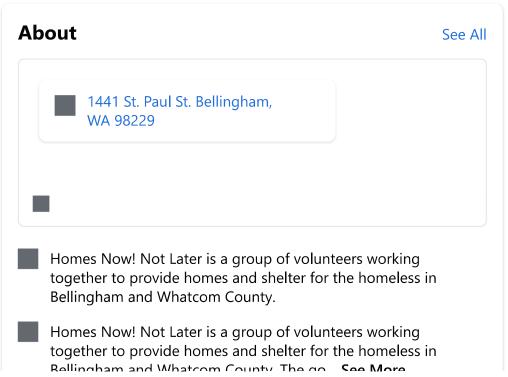


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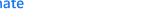


Rick's Birthday Fundraiser for HomesNow. Not Later.

Fundraiser for HomesNow. Not Later. by Rick Baunach

\$275 raised of \$200

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Mary's Birthday Fundraiser for HomesNow. Not Later.

Fundraiser for HomesNow. Not Later. by Mary Trask

\$462 raised of \$200

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HomesNow. Not Later. is **(Solution)** asking for donations.

UPDATE: We're in negotiations with the city, we'll know more in a few days. Thank you for all your support.

Hello this is Doug from HomesNOW Not Later. I have some shocking and disturbing news to report to all of you. The City of Bellingham will decide on Monday whether to shut down Unity Village or not. I just want to clarify that nothing major has happened at the village, nobody's been hurt, everybody is safe, nobody's sick. The village continues to run extremely smoothly and is a safe, happy, and stable place during this difficult time of pandemic, mass unemployment, and increased evictions nationwide and the millions more that are at risk of losing their housing.

I'm proud of the village, they've done an amazing job keeping their home at the highest standards of health and safety possible while making steady progress, getting cars, finding jobs, settling debts, saving money, getting physical/mental health in order, in other words, moving forward with their lives.

So if that's the case then why are we at risk of being shut down?











The condition within our permit that we were not able to follow was a requirement to have a non-resident board member on-site 24 hours a day, 7 days a week. This involved myself, Markis, Lizzy, Carol, and other volunteers to have to sleep at the village and stay there all day, multiple days per week.

After COVID-19 hit in March we were advised by the city, as well as having our own internal policy to minimize risk to the residents of Unity Village by limiting the number of staff and volunteers who enter and leave the site to as small of a number as possible, in order to minimize the risk of spreading the contagion, a spread of the contagion was still possible, but with fewer people coming and going, it would be a smaller chance.

In fact this policy was written into our emergency Permit under a provision which stated "To protect the guests, volunteers, and public from increased exposure to COVID-19, no new guests, new non-guest volunteers, new board members, or non-essential visitors shall be admitted to Unity Village until such time as the public health emergency has ended OR the Whatcom County Health Department lifts recommendations that limit group assembly. HomesNOW shall implement and adhere to protocols to minimize, as much as reasonably possible, in-person interactions on and off-site."

So with a Pandemic setting in at that time we had a few options.

1. We either had to have one board member live on-site and not allowed to leave in order to limit the exposure to the virus, in order follow the emergency COVID Protocol as well as the 24/7 non-resident board member requirement.

OR

2. We follow the COVID protocol as best as we can in a reasonable way and rely on leaders within the village to act as designated resident managers, similar to an Apartment or Dorm situation. Thus violating the 24/7 non-resident board member requirement in the process.

OR

3. We violate the emergency COVID protocol in order to reasonably comply with the 24/7 non-resident board member requirement by letting an unnecessary number of people into the site on a regular basis, thus increasing the risk of virus spread.

Out of those options, we chose the safest option. The option which would provide the highest amount of protection from a possible contagion with as few visitors and staff as possible acting as variables. The option which would also allow for self-empowerment and personal responsibility. We chose to limit the number of staff and volunteers going into the site to just one, me. We chose to rely on leaders within the village to act as designated resident managers.

I would still come to the village daily to empty the grey water, perform















Governor's order to stay at home, it would have required me to be non-compliant with the 24/7 non-resident board member requirement at Unity Village.

24/7 means 24/7 though, which means that even the on-site board member was not technically allowed to go to the grocery store right up the street, because it would have left the site "unsupervised" for a brief period of time, even a few minutes wasn't allowed.

This provision has always been extremely unreasonable, counterproductive, unnecessary, and difficult to deal with, but we did it because we didn't want the city to shut down the village and throw 18 people on the streets. The policy is classist because it assumes that people of lower income can't be trusted to manage or supervise a site like any other normal person. Before COVID hit in March, we were in compliance with this provision even though it was difficult. When you have to spend 2 or 3 days a week at a place that's not your home, where you're not allowed to leave, it causes burnout and a feeling of "being trapped there" in turn hinders job performance and attentiveness to the needs of the residents, especially if they need something on one of your days off. The policy is counter-productive and hinders the progress of the villagers.

The City thinks that we're asking for forgiveness, we're not. We didn't do anything wrong. Everything has been running smoothly and nobody has been hurt. We're asking the city to make a simple change to their permit so that we can come into compliance. I suggest they allow for on-site resident managers or allow for designated residents to become board members, either solution would work and is already working. Coming into compliance on the terms as they are currently written is unreasonable, both in terms of healh and public safety, as well as reducing the independence and hindering the progress of the people living there. We don't want to go backwards. This has been working well for a little less than half a year now. Focus on the results, don't shut down a working model over one line on a piece of paper. Make it work. If there's a specific safety concern that the city would like to mention about Unity Village, I'm listening. But if there's no safety concern, then why is this such a big deal?

All I cared about was that the village was stable, safe, and running smoothly and it's been working, that's what's important to me. We have been running the village this way since March 23rd, when the Governor ordered non-essential staff to stay home and limit travel. HomesNOW is an all volunteer organization and none of our staff is essential to assure safe operations of the site. All volunteers and staff maintain daily connections with the residents digitally, the staff and residents have access to an HD 16 camera security system and it helps to keep the village safe and well monitored. I have it on my screen daily. All of us at HomesNOW are always in close communication with the village and there is a high level of trust between residents, staff, and volunteers.













homelessness, or collect a paycheck. We do this work because we want to help people and provide housing in a cost-effective, self-sufficient, self-empowering way so that people don't have to sleep on the concrete or have to get caught in a constant limbo at an emergency shelter day to day and can finally get on with their lives.

However it's not like it's the wild west. We have designated leaders within the village who act in a staff capacity. We have Tina Hayes, the Mayor of the village the resident manager. David Morse is deputy mayor, resident manager. Either one of them are at the village at all times. If Tina isn't there, Dave is there, if Dave isn't there. Tina is there. The structure has worked very well and it gets better every day. I'd also like to add that in the 1 year's time that Unity Village has been in operation we have not had a single police call and major incident. Including the nearly 6 months of time that we were not following the 24/7 non-resident board member policy. We've proven that it works, even though one line on piece of paper says it's not allowed and that we'll be shut down, and doing so and following that piece of paper to the letter has a worse result in this case. So we did what we thought would produce the best result, and yeah it was a risk to do so. But we had confidence that we could do it and we have had help from other experienced shelter operators in order to do this in a responsible way that works.

Nick Lewis, a board member of HomesNOW, a sitting Lummi Council Member, and director of Lummi Stepping Stones (A sheltering agency for families which operates 2 shelters on Lummi Nation) has been a valuable adviser and asset in terms of providing a template and successful model of sheltering that has inspired multiple elements within our organization. Lummi Stepping Stones does not have non-resident staff members on site 24/7 either. He explained to us that they tried that at first and it worked better when they managed their own home.

It also wasn't a secret that we were violating the non-resident board member policy. I'm surprised it was only brought up now because we've had multiple meetings with Chief Doll and Planning Director Rick Sepler where we had an understanding that maintaining full staff was going to be an issue with COVID and stay at home order, but I guess things have changed. I have mentioned at multiple city council meetings that the village was largely self-governing and we were just there to support them. Markis even mentioned it at the Homeless Strategies Workgroup meeting on May 29th while the Planning Director was present in the meeting. We thought that we had some more leeway on this because of the COVID-19 situation and wanting to maintain as little unnecessary contact as possible.

This was on the record and nobody in the meeting seemed to have an issue with it. The remarks from City Council Member Dan Hammil in the meeting is also the response we sometimes get from the city. Sometimes it's hard to work with the city because we're just trying to













The reason cited by Planning Director Rick Sepler for the possibility of Unity Village being shut down is for the health and safety of the residents. He even mentioned that if it wasn't for COVID-19, we would be shut down. Both Rick Sepler as well as Police Chief Doll said that they haven't been to the village in a while because of COVID and that they were worried about the safety of the village in regards to us not having a board member on-site 24/7.

That's why I wanted to show you some interviews from our residents I did yesterday regarding their life at Unity Village, how they feel about the 24/7 staff policy, whether they feel safe, etc. I will also upload each of these separately as well.

I did not ask for permission on this policy because I knew that it would be next to impossible to fulfill under these conditions and that the answer would likely be "no", and that it says we will be shut down if we can't fulfill it, so I was afraid that by asking, we would have the risk of getting shut down if they knew we couldn't fulfill that provision. I take full responsibility for anything that happens at the Village, whether I'm on-site or not 24/7. With the Governor's orders, direct evidence of stable daily operations, minimization of contagion spread through keeping the number of staff to a minimum on-site, and continued progress for the villagers, changing this permit requirement should be a no-brainer. We want to come into compliance but with a more reasonable policy to come into compliance with in the right way, in the best interests of health and safety of the residents.

We can do this guys, let's not play games with people's lives, let's not discriminate against people just because they're homeless. Just because the Planning Director believes that villages can't manage themselves (which he stated at the last Homeless Strategies Workgroup Meeting), doesn't mean it's the reality. Bellilngham Municipal Code 20.15.020, Section N states that On-site supervision must be provided at all times. We know that. We do have on-site supervision, our resident managers. Other sheltering agencies in town are able to do this, why can't we? The code does not specify that the supervision has to be a non-resident board member, that's a stricter provision attached to our specific permit. I find it kind of ironic that with zero police calls, we might be shut down because we didn't have a board member on-site 24/7 as a babysitter for people without shelter, but the city and the police don't seem to have any supervision when their policies and their actions have the potential to put people's lives in danger, as is the case with homeless camp cleanups. We are still waiting to hear back about the policy around camp cleanups, and explanation for why the officers don't have the policy in the field, and the problem of the determination of cleanups happening or not going through one person to decide. I find the timing of this response from the city kind of odd, given that in the last few weeks Markis has been causing a fuss about this and now suddenly they find something on us to have an issue with. We know that it's a difficult job to administrate















under difficult conditions, that should be enough and we don't deserve to get shut down for keeping our residents safe.

The families of Lummi Stepping Stones don't need a babysitter, the residents of Unity Village don't need a babysitter, and our organization doesn't need a babysitter either. We're all adults here. This policy makes the implication that residents are untrustworthy. Also when any resident finds permanent housing, they wont have a babysitter either. Having our model work this way lines up more with the expectations of having your own place after transitioning out of the village into permanent housing. Let's make progress and solve problems and move forward. Trust us as an organization to not be total failures and exercising discretion in terms of how we operate Unity Village. We've proven that we're not causing any issues and that we're operating in a stable way and getting people into housing with few if any problems. We can all win here right? I hope so...Have a great night everybody, we'll know more on Monday. Wish us the best of luck. Thanks.

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Handbook/Rules:

https://homesnow.org/wp-content/uploads/2019/11/Unity-Village-Simplified-Handbook.pdf

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