

**SUMMARY OF THE
HOMELESS SHELTER LAND USE TASK FORCE**

JANUARY 29, 2010

Just Solutions Facilitators:

Janet Jernigan and Rosanne Kruzich

Members Present:

Tara Brinkmoeller
Dolores Delahanty
Madonna Flood
Markham French
Hank Hensley
Ken Herndon (alternate with Deb Delor)
Cathy Hinko
Lula Howard
Debby Levine
Victoria Markell
Christie McCravy (alternate with Ben Richmond)
Andy Patterson
Virginia Peck
Maria Price
Leah Stewart
Regina Warren
Stephanie Warren
Lee Weyland
Anna Wooldridge (alternate with Jack Francis)

Members Absent:

Ed Wronowski

Department of Planning and Design Services Staff Present:

Dawn Warrick, Assistant Director
Christopher French, Planning Coordinator
Chris Brown, Planner I
Chris Cestaro, Management Assistant (meeting summary)
Rebecca Fleischaker, Staff of Economic Development

Introductions

Facilitators Janet Jernigan and Rosanne Kruzich introduced themselves to the new members, and all the task force members introduced themselves. New members present for the first time included:

- Markham French, representing Plymouth Community Renewal Center
- Hank Hensley, small business owner
- Lula Howard, replacing Sue Ernst and representing the Louisville Metro Planning Commission
- Christie McCravy, alternate with Ben Richmond, representing the Louisville Urban League
- Andy Patterson, representing Phoenix Health Center

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Other Meeting Attendees

Janet Jernigan asked citizen attendees if they would like to voluntarily introduce themselves. Those who chose to were:

- Jack Francis, Alternate Task Force member with Anna Wooldridge, the Louisville Coalition of Neighborhoods
- Sean Rose, the Courier-Journal
- Marlene Gordon, Coalition for the Homeless
- Nina Moseley, Chief Operating Officer for Wayside Christian Mission.
- Jim Mims, Director, Metro Codes and Regulations.
- Joshua Poe, Intern with the Metro Housing Coalition
- Elizabeth Hoffman, Director for the Majority Caucus of the Metro Council

Call to Order – Facilitation Team

Ms. Jernigan briefly reviewed the agenda with the task force members. For the new members, she noted that Dawn Warrick had offered two “catch-up” sessions to review what was covered by the Task Force during the December 11th and January 15th meetings. The possible dates and times for the sessions are either:

- February 3rd from 3:30 p.m. to 5:00 p.m. or
- February 5th from 3:30 p.m. to 5:00 p.m.

Ms. Jernigan asked members to speak with Dawn Warrick at the end of the meeting to select the date and time that would work for them.

Ms. Jernigan pointed out the large poster listing the Ground Rules. For the benefit of new members she noted that these are the rules by which the task force has chosen to operate. She highlighted the “consensus decision-making model”, which the Task Force has chosen to use in making decisions. She mentioned that the Ground Rules are listed on the website, and hard copies can be provided to new members on request.

Finally, Ms. Jernigan reminded task force members of the importance of keeping their constituencies (members of the organizations which task force members represent) informed about task force proposals and about getting feedback from their constituencies throughout the process.

Process Roadmap “The Big Picture” – Dawn Warrick

Dawn Warrick distributed a copy of a flow chart which described the regulation development process beginning with the work of the task force through adoption of a new regulation that becomes part of the Land Development Code. The flow chart is posted on the website for reference.

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She explained that the Louisville Metro Council is not the only legislative body in Jefferson County that can adopt zoning regulations. The legislative bodies of some of the larger suburban cities within Jefferson County also have zoning authority, and can adopt zoning regulations. Each of these legislative bodies can adjust or amend a regulation. They can choose to make modifications or adopt it as is, like Metro Louisville.

There is no part of this process that involves the state. The County Attorney's Office will be involved once the regulation reaches the drafting process. Fair Housing laws could affect some of these regulations. Each city should have legal counsel available to assist the legislative body as it considers new regulations.

Ms. Warrick said that, from the time that a proposal gets to the Planning Commission, it could take about six weeks to the point that the Metro Council will have it in front of them to act on it. This includes deliberation at committees, public hearings, and decision making at both the Planning Commission and Metro Council.

Meeting Schedule

After the "big picture" presentation, Janet Jernigan asked task force members to keep in mind throughout the meeting the scope of work and the fact that there are currently four two-hour meetings scheduled. This topic will be revisited at the conclusion of the meeting for members to decide if the current schedule is adequate.

Continued Discussion: Definitions

(Bolded items in this section indicate Task Force decisions.)

After a review of terms and definitions which had been presented in handouts and background materials, the task force discussed the terms which they wish to focus on and define in their work.

The APA and HUD definitions for "homeless person" were reviewed. After some discussion, it was decided that the APA version was a good guide to use as work continued. **The group agreed that it would not be necessary to include a definition for homeless person in the LDC.**

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Homeless Shelter

It was determined that “permanent supported housing” is not a term that will be dealt with since these facilities are used by people who have reached a level of independent living and involve some type of lease.

The Task Force discussed the HEARTH Act, which is federal legislation designed to update HUD regulations dealing with homeless emergency services. It broadens the definition of homeless shelter and consolidates the definition used by many different government agencies. A summary of the HEARTH Act is posted on the web site.

The Task Force reviewed the HUD definition of “Emergency Shelter” and other terms that were used in the background materials to define or describe these facilities. After discussion, **the Task Force agreed that they preferred the term “homeless shelter” rather than “emergency shelter” as a more encompassing term**, but several elements of the language were retained as part of the definition.

The task force agreed to the following preliminary definition of Homeless Shelter:

- **Any facility the primary purpose of which is to provide temporary or transitional shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; does or does not provide meals and ancillary social, educational or health services. The facility is staffed.**

In addition, the Task Force noted several features which would need further discussion in the context of the homeless shelter definition:

- Size/density (# of beds and/or sq. ft. of facility). Possibly included in the regulation but not in the definition.
- Revisit Licensed and Non-Profit as descriptors.
- Decide how to address “intention” regarding length of stay.
- Note in the definition that although a fee may be assessed, no lease is part of the arrangement.

Transitional Shelter/Housing

Transitional Shelter or Housing describes a wide variety of facilities that tend to accommodate longer lengths of stay and are further along in the “continuum of care” for the homeless. There is often some type of charge or financial support for the stay, but there is not always a lease involved. **The Task Force agreed that “no lease” was a major factor in determining transitional housing.**

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The definition of Transitional Shelter could be similar in many ways to that of Rehabilitation Home. The Task Force will review this definition at the next meeting and determine how to amend it to include Transitional Shelter, or create a distinct definition.

Day Shelter

There was also much discussion about the need to define "Day Shelter", and the similarities and differences with the existing definitions of Day Care Center or Community Residence. Staff will provide these additional definitions and the Task Force will take up this discussion at the next meeting.

Pop up Shelter

"Pop-up" shelters were discussed. These are facilities that often consider themselves "transitional shelters" but have little or no regulation; they do not provide services to their clients. There are many of these "pop-up" shelters throughout our community and they rely on outside groups to provide support, assistance and services to their residents.

This may just be a licensing issue, although there may be some need to recognize this use within the Land Development Code. The Task Force will revisit this issue as it continues its work.

Other Related Aspects of the Definitions

Staffing. The presence of facility staff members could be part of the criteria and could help define the facility.

Size/Density. The task force considered if there was an ideal size for these facilities, that would provide the best services to the constituents in a shelter. Leah Stewart said BOZA had heard testimony both for and against large shelters; both currently exist, and both can provide excellent levels of service. However, the question of density becomes important when looking at land use.

In addition, there was additional discussion about the number of beds versus the physical size (square footage) of the facility. These issues will be considered more fully as the work of the Task Force continues.

Impact. The Task Force considered the impact of the use of property on adjacent properties. While smaller facilities could fit in a residential area, a larger occupancy use (like a commercial hotel) would not. Size and density could be relevant in the definition, and where the use could be located.

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Other definitions to review. The Task Force agreed to review in more detail the existing definitions of the following:

- Boarding and lodging home
- Multi-family residential use
- Rehabilitation Home
- Day Care Center
- Community Residence

Staff will provide additional information and include examples of appropriately designated facilities in the definitions [ie. Guardia Care, Brooklawn, etc].

Wrap Up

The facilitators reviewed the day's progress and asked about other resources or speakers the Task Force members would find helpful.

- The need for information regarding Fair Housing and Public Accommodation possibly via a speaker from the Kentucky Commission on Human Rights was discussed. The group decided that at this point it is not needed as attorneys will review the recommendations to determine that they conform with existing laws..
- A presentation on zoning basics was requested. Staff will present on this subject at the next meeting.

Upon review, **the task force decided to maintain the current meeting schedule.**

Parking Lot Topics. A list of topics that are not covered under the Task Force's scope of work, but that the members may want to review toward the end of the process include:

- Operational Issues
- Pop Up Shelters – Oversight/Regulation?
- Length of stay

The next meeting is scheduled for
Friday, February 12, 2010, 10:00 am to 12:00 pm.

The meeting adjourned at 12:05 p.m.