

# Memorandum



**Date:** September 3, 2024

**To:** Honorable Chairman Oliver G. Gilbert, III,  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor *Daniella Levine Cava*

**Subject:** Anti-Camping Legislation and People Experiencing Unsheltered Homelessness

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## Executive Summary

Enclosed in this memo are recommendations from the Miami-Dade Homeless Trust to respond to Florida House Bill (HB) 1365 which was signed into law earlier this year. HB 1365 prohibits counties and municipalities from authorizing or allowing individuals to regularly sleep or camp on public property, at public buildings or their grounds, or on public rights-of-way within their jurisdictions. The law includes two significant effective dates:

- On October 1, 2024, cities and counties will be required to enforce this State ban on camping or sleeping on public property within their jurisdictions, including the beach, sidewalks, bus stops and parks.
- On January 1, 2025, cities and counties could face legal action from any resident or business owner within their jurisdictions or the Florida Attorney General for failing to comply with the new State ban. Prior to filing a legal action against the County, five business days' written notice must be provided to this Board. If the resident or business owner prevails, the court could enjoin the County from violating the State ban and award reasonable attorney's fees and costs, including investigative costs.

This new State law brings a renewed sense of urgency to humanely assist those on our streets, and serves as a call to action to strategically and compassionately tackle the issue of homelessness together as a community. The law also threatens to overwhelm our corrections facilities which are already struggling with overpopulation. Miami-Dade County is proud to operate a coordinated system of care responsive to those experiencing homelessness through the Homeless Trust. Our homeless Continuum of Care model (CoC) has successfully reduced unsheltered homelessness by nearly 90 percent over the past three decades even while many other communities across the state and nation have seen significant increases. Even so, the affordable housing crisis has compounded the challenge of homelessness, and more than 1,000 people remain on the streets of Miami-Dade County on any given night and close to three times that number are in emergency shelters or other temporary settings.<sup>1</sup> This is truly a call to our collective humanity to help our most vulnerable – the fastest growing population of unsheltered people are seniors 55 and over, and families with young children make up a significant portion of the population that we shelter.

Critically important to tackling the issue of homelessness is tackling the issue of affordable housing and prioritizing permanent housing. We need more extremely affordable and supportive housing –

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<sup>1</sup> January 25, 2024 - Point in Time Count enumerated 1,033 persons experiencing unsheltered homelessness and another 2,767 were temporarily sheltered.

at least 1,000 new units in the next year – to respond effectively to households in crisis and to create pathways to permanent housing for those in shelters or on the street. We must work together to increase affordable housing capacity countywide to ensure all our residents are housed, and to better integrate those experiencing homelessness into existing housing options.

Attached to this memo is a comprehensive action plan of recommended strategies prepared by the Homeless Trust to reduce public camping without criminalization. By implementing a mix of short- and long-term strategies, with an emphasis on permanent housing, we can mount an even more effective and coordinated local response to homelessness. These solutions include:

- 1) effective and comprehensive engagement
- 2) limited investments in innovative short-term crisis housing solutions
- 3) large scale investments in permanent housing for persons experiencing homelessness, including leveraging existing resources, and
- 4) targeted state and local advocacy.

We are also working with law enforcement to identify all possible short-term strategies to prevent an influx of residents into our jails. We look forward to working with and hearing input from the Board on how best to meet these needs as the law goes into effect imminently and will magnify the challenges many already face due to the high cost of housing. We must work together to find effective, humane solutions that avoid criminalizing people for lack of resources, while accelerating proven strategies to respond to homelessness.

### **Accelerating Solutions to Permanent Housing**

The evidence-based model to end homelessness, particularly amongst those who are chronically homeless, is Housing First. Housing First quickly places unhoused people into housing without preconditions and offers voluntary supportive services. We must bring supportive and extremely low-income housing to scale, and while we have made progress in recent months, the projects currently in the pipeline are not sufficient to address the need.

In September 2023, the Homeless Trust acquired Mia Casa, a former Assisted Living Facility, which is currently serving as bridge housing for 128 seniors (ages 65 and over) experiencing homelessness. A former youth forensic facility in western Miami-Dade is being re-envisioned to provide up to 190 single room occupancy units for adult men experiencing homelessness. A 10-unit property in south Miami-Dade is being conveyed to the Homeless Trust, per Resolution 487-24. A purchase and sale agreement has been signed with a seller on another 8-unit property in the City of Miami with inspections and environmental reviews underway in anticipation of bringing an item to the Board. A modular home pilot project, which could bring new housing online more quickly and cost efficiently than traditional affordable housing developments, is being explored. The Homeless Trust is working to purchase a property in South Dade to provide at least a hundred new units of housing for seniors.

Last year, the County made a significant financial investment to further tackling homelessness, setting aside \$20 million in the Fiscal Year 2023-2024 budget to allow the Homeless Trust to acquire and renovate properties to serve as permanent housing for formerly homeless households. This

funding was in addition to \$5 million in HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) funds provided to the Homeless Trust pursuant to Resolution No. R-685-21. We successfully leveraged County funding to secure additional financial commitments, including \$15 million from the City of Miami and \$2.75 million from the State of Florida, among others. The Homeless Trust continues to actively pursue financial commitments in support of the plan to scale up permanent housing through adaptive reuse and other measures.

Along with additional financial resources, we need collective support and advocacy for projects to create new housing and utilize existing housing to care for those in our community facing barriers that lead to homelessness.

### **Encampments**

House Bill 1365 does offer the option of sanctioned encampments, which authorizes a county, by majority vote of the county's governing body, to designate property owned by the county or by a municipality within the county to be used for public camping or sleeping for no more than one year. If the designated property is within a municipality, the designation is contingent upon concurrence of the municipality, by majority vote of the municipality's governing body. The designation is also contingent on certification by the Florida Department of Children and Families (DCF).

Sanctioned encampments are fraught with concerns, including: a standard of care that is less than dignified with little evidence that it will ultimately reduce homelessness; minimum standards embedded in HB 1365 which are likely to screen out households who need assistance the most; the dangers of mixing disparate households experiencing homelessness; and the complex logistical challenges and cost-prohibitive exercise of opening, operating, closing and potentially moving an encampment all within 365 days. HB 1365 requires maintenance of sanitation, including operable restrooms and running water; prohibition of and enforcement of illegal substance use and alcohol use; ensuring security; and providing access to behavioral health services. Further, designated property cannot be contiguous to existing or planned residential property and cannot adversely affect the property value or safety and security of other existing residential or commercial property.

### **Conclusion**

Miami-Dade is proud of the more than 30 years of progress we have made as a community toward ending homelessness. Now, we must double down on proven solutions to accelerate pathways to housing stability and even more effectively coordinate our resources. The Homeless Trust will continue to lead the implementation of strategies to support individuals and families experiencing homelessness to obtain permanent housing and provide individualized wrap-around supportive services. Scaling up housing inventory and utilizing existing resources with prioritization, set-asides and dedicated housing stock for households experiencing homelessness, along with greater coordination and a focus on shared outcomes, will improve the quality of life for all residents.

Attachment

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Honorable Chairman Oliver G. Gilbert, III  
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Page 4

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## **Recommended Strategies to Address HB 1365 Prepared by the Homeless Trust**

Many of the action plan strategies are embedded in the five-year housing and homelessness plan directed by the BCC as part of R-441-23 and R-411-23, which is currently in draft form. As part of the development of this plan, the Homeless Trust and Miami-Dade Public Housing and Community Development (PHCD) have sought the Board of County Commissioner's input and ideas.

### **1) Enhance Engagement**

- a) Reinforce working relationships with municipalities and local police departments regarding issues of public camping and sleeping, and ensure they are aware of available resources.
  - i) Create written procedures that provide direction on the actions to take if informed of violations of existing ordinances addressing public camping or sleeping and educate on available pathways.
  - ii) Utilize Geographic Information System (GIS) software to allow municipalities and the public to identify systematically where persons are publicly camping to alert Homeless Trust contracted outreach teams who will subsequently engage persons and offer a menu of service options.
- b) Encourage hospitals, the jail and courts to utilize the Homeless Management Information System (HMIS) or create a shared data system to identify high utilizers of the healthcare and criminal justice systems with histories of homelessness.
- c) Create a multi-disciplinary diversion/navigation team to reduce shelter inflow and facilitate:
  - i) A negotiated return to previous housing
  - ii) Short-term, non-shelter accommodations
  - iii) Returns to family
  - iv) Shared housing

*Note: The Homeless Trust regularly engages, both proactively and in response to requests, homeless individuals across the entire geographic area of Miami-Dade County. Persons experiencing homelessness are encountered on the street, at designated access points, or by calling the Homeless Helpline. In FY 2022-2023, 51,151 contacts were made by Homeless Trust outreach teams.*

### **2) Scale Up Short-Term Crisis Housing and Temporary Solutions**

- a) Urge existing providers contracted by the Homeless Trust to identify additional emergency shelter capacity utilizing creative solutions.
- b) Engage and fund faith-based organizations to create interim crisis housing solutions within their existing footprints providing emergency space for sleeping.
- c) Create indoor low-barrier housing navigation center(s) using publicly owned facilities.
- d) Operationalize Mental Health Recovery Center/Diversion Facility, and during initial occupancy and thereafter, allow the Homeless Trust to coordinate referrals of persons experiencing unsheltered homelessness with severe mental illness.
- e) Ensure that detox and substance use treatment beds funded through the Managing Entity or by the County prioritize persons experiencing homelessness who choose treatment.

*Note: Currently, more than 2,700 individuals are in emergency shelters or other temporary settings within the Continuum of Care each day. Nearly three times as many people are sheltered than unsheltered. Miami-Dade's per capita unsheltered homeless numbers are among the lowest in the nation.*

- 3) Make better use of existing resources and prioritize persons experiencing homelessness**
- a) Prioritize households experiencing homelessness referred by the Homeless Trust for available units of public housing.
  - b) Expand voucher set-asides and improve flexibilities with area housing agencies (Miami-Dade, Hialeah, Miami Beach, Homestead).
    - i) Prioritize households experiencing homelessness for Housing Choice Vouchers (HCV) and other Special Purpose Vouchers (Mainstream).
    - ii) Ensure Project Based Vouchers (PBV) issuance or turnover, including set-asides for clients referred by the Homeless Trust.
    - iii) Allow voucher households to more easily add family members connected by blood or marriage to a household.
  - c) Establish Multifamily Homeless Preference in all HUD-assisted properties allowing the Homeless Trust to make coordinated referrals to units as they become available for tenancy.
  - d) Require developers receiving local Surtax funding to set aside additional Extremely Low Income (ELI) units for referral by the Homeless Trust.
  - e) Operationalize 10 units at Village of Old Cutler by October 1, 2024.
- 4) Invest in new permanent housing with prioritization of persons experiencing homelessness**
- a) Fund modular/pre-fabricated tiny home pilot utilizing Surplus County-owned land. The pilot would include 75 two-bedroom units at a discounted price, plus an additional 100 units.
  - b) Finalize the acquisition of a South Dade property to provide housing for seniors.
  - c) Expedite Blue Village renovations to create 190 rooms.
  - d) Expedite purchase of Wynwood Norte and operationalize 8 units.
  - e) Encourage and promote acquisition and adaptive reuse of existing properties throughout Miami-Dade County to create additional Permanent Supportive Housing (PSH) with on-site supportive services for persons experiencing homelessness.
    - i) Ensure adaptive reuse projects are geographically diverse.
    - ii) Ensure projects are transit oriented.
    - iii) As PSH generates savings to public health and the criminal justice system, encourage those systems to reinvest savings into PSH.

For Strategies 3 and 4, leverage support services to expand affordable housing supply.

For all subsidized housing units:

- Eliminate project-based waitlists.
- Require uniform tenant selection criteria lowering barriers to entry.

*Note: The average Length of Time homeless for persons experiencing homelessness was 157 days in FY 22-23, up 8 percent from the prior year. The average length of time homeless has been on the rise since 2017, as a result of a lack of affordable housing options and prioritized access for clients served by the CoC. The rental housing crisis disproportionately impacts persons experiencing homelessness as they are the least likely to effectively navigate systems. Also lacking is low barrier entry. Current tenant selection protocols among developers, property owners and landlords, many of whom benefit from government subsidies, are designed to screen vulnerable households out, rather than in.*

## 5) Advocacy

### a) State

- i) Organize a coordinated appeal to the state for an extension of when enforcement of the new anti-camping law begins.
- ii) Seek additional state funding for CoC's and Florida Department of Children and Families dedicated Managing Entities dedicated to combatting unsheltered homelessness.
- iii) Advocate that Florida Housing Finance Corporation (FHFC) set aside a larger percentage of funds for homeless/special needs developments. *Note: Typically, only 3 of 15-18 RFA's serve homeless households, and only one funding opportunity is "Housing Credit/SAIL Financing for Housing for Homeless Persons." These are the larger housing deals where 50-percent of the housing is set aside for homeless persons. Ensure FHFC is monitoring commitments made by developers.*
  - (1) Allow for rehab, not just new construction.
  - (2) Put more money into small PSH and Disabling PSH projects to ensure those developments are financially viable in major urban areas.
  - (3) Ensure FHFC is monitoring commitments made by affordable housing developers, including adherence to tenant selection commitments, ensuring that persons experiencing homelessness are not screened out.
  - (4) Ensure special needs set-asides are available to referral agencies at initial lease-up.
  - (5) Require that 100-percent of Extremely Low Income (ELI) units developed by with financing from FHFC receive referrals from Continuums of Care.
- iv) Strengthen civil commitment laws to enable Continuums of Care to further assist persons who are self-neglecting on the streets.

### b) Local

- i. Cultivate political will and a collective realization among county and municipal leaders that homelessness touches all segments of our community, and solutions must be as comprehensive as the problem itself.
- ii. Work to include exempted communities in the Food and Beverage Tax (Miami Beach, Surfside, Bal Harbour).
- iii. Further encourage entitlement communities and participating jurisdictions that receive federal and state funding to braid their funding with the Homeless Trust to facilitate the development of projects that combat homelessness (HOME Investments Partnership Program, Community Development Block Grant, State Housing Initiatives Partnership).
- iv. Approach philanthropic leaders in Miami-Dade to make targeted investments to reduce homelessness.
- v. Build capacity so that developers, together with service providers, take greater advantage of FHFC tax credit opportunities for Special Needs Households, including:
  - a. Housing Credit/SAIL Financing for Housing for Homeless Persons (priority)
  - b. SAIL Financing for Smaller Permanent Housing for Persons with Special Needs
  - c. Financing for Housing Persons with Disabling Conditions/Developmental Disabilities