

2023 SEP 14 PM 3:38

Jonathan Hantes
CITY ATTORNEY'S OFFICE

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

13759

ORDINANCE NO. _____ C.M.S.

EMERGENCY ORDINANCE:

(1) **DECLARING A SHELTER CRISIS IN THE CITY OF OAKLAND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 8698 AND MAKING FINDINGS THAT A SIGNIFICANT NUMBER OF PERSONS ARE WITHOUT THE ABILITY TO OBTAIN SHELTER, AND THAT THE SITUATION HAS RESULTED IN A THREAT TO THE HEALTH AND SAFETY OF THOSE PERSONS;**

(2) **FOR THE DURATION OF THE SHELTER CRISIS, AUTHORIZING THE CITY ADMINISTRATOR TO:**

(A) **SUSPEND PROVISIONS OF STATE OR LOCAL REGULATORY STATUTES, REGULATIONS, AND ORDINANCES PRESCRIBING STANDARDS OR PROCEDURES RELATING TO HOUSING, HEALTH, OR SAFETY FOR SHELTER FACILITIES;**

(B) **ENTER INTO BELOW MARKET LEASES OR LICENSES WITH HOMELESS SERVICE PROVIDERS ON LAND OWNED OR LEASED BY THE CITY FOR THE PURPOSE OF PROVIDING EMERGENCY SHELTER OR TRANSITIONAL HOUSING,**

(C) **RENEW EXISTING PROFESSIONAL SERVICES AND/OR GRANT AGREEMENTS WITH HOMELESS SERVICE PROVIDERS IN AMOUNTS NOT TO EXCEED \$250,000 ABOVE PREVIOUS YEAR, IF PROVIDERS MEET PERFORMANCE OUTCOMES IN PREVIOUS YEAR;**

(3) **ACCEPTING AND APPROPRIATING FUNDS FOR EMERGENCY SHELTER OR TRANSITIONAL HOUSING FROM:**

(A) **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), ALAMEDA COUNTY, AND OAKLAND HOUSING AUTHORITY (OHA) UP TO \$20,000,000 FOR FISCAL YEARS 24/25 and 25/26; AND**

(B) CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) HOMELESS HOUSING, ASSISTANCE AND PREVENTION (HHAP) AND ENCAMPMENT RESOLUTION FUNDING (ERF) UP TO \$65,000,000 FOR FISCAL YEARS 24/25 and 25/26;

(4) AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

WHEREAS, the City acknowledges that it is facing a serious affordable housing crisis with thousands of residents living in unsheltered or in substandard housing conditions; and

WHEREAS, the number of homeless persons in the City of Oakland continues to increase, with the latest 2022 point-in-time count of 5,055 individuals experiencing homelessness in Oakland, an increase of 2,294 individuals from 2017, with the largest growth in people living in their RVs and cars, and this number is likely to increase given the substantial upward pressure of residential rents; and

WHEREAS, COVID-19, a highly infectious virus, was first identified in late 2019 and is marked by severe and acute respiratory illness that has overwhelmed hospitals across the world and whose mortality rates disproportionately impact older individuals and those with underlying diseases; and

WHEREAS, the Center for Disease Control has stated, in relation to COVID-19, that the “lack of housing contributes to poor health outcomes, and linkage to permanent housing should continue to be a priority;” and

WHEREAS, the shelter crisis exists substantially across the City of Oakland, and has been heightened by the COVID-19 pandemic; and

WHEREAS, the shelter crisis exposes homeless and often disabled elders, individuals, and families to the risk of death, illness and injury due to disease, physical threats, exposure to weather and rodents, lack of adequate sanitation and debris services, as well as regular involuntary removal and disposal of personal belongings, forced migration to other parts of the City or outside of the City, and extreme emotional trauma and other conditions that are detrimental to their health and safety; and

WHEREAS, this shelter crisis affects Oakland's citizens disproportionately with more African American, Latino and elderly individuals experiencing homelessness; and

WHEREAS, the long term and recent decreases in Federal and State funding for housing programs has resulted in an erosion of shelter options for the most vulnerable populations including the elderly, youth, victims of domestic violence, sexually exploited minors and persons suffering from mental illness, HIV/AIDS, substance abuse and disabilities; and

WHEREAS, the current number of homeless individuals in Oakland far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments have increased substantially across Oakland, within the public right of way, thus exposing homeless individuals to traffic hazards, increased vulnerability to crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services and other conditions that are detrimental to their health and safety; and

WHEREAS, Oakland residents are being affected by the increasing number of unsheltered individuals with regard to traffic and pedestrian safety, lack of sanitation and debris services; and

WHEREAS, analysis and evidence has demonstrated that providing decent, safe and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living; and

WHEREAS, the City Council has committed an increased number of resources to addressing this homelessness crisis in the adopted FY 2023-25 City Biennial Budget, and both the City of Oakland and Alameda County voters passed capital bonds devoted to housing, including providing more permanent supportive housing and transitional housing to serve the unsheltered population; and

WHEREAS, the City Council finds that urgent and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards, and that flexibility and broad-based approaches are essential to increase capacity, particularly given the funding and staff resources that have been committed; and

WHEREAS, the City Council previously approved Ordinance No. 13456 C.M.S. declaring a shelter crisis on October 3, 2017, expiring on October 3, 2019; and

WHEREAS, on October 1, 2019, the City Council passed Ordinance No. 13564, extending the previous declaration of a shelter crisis for another two years until October 1, 2021; and

WHEREAS, on September 21, 2021, the City Council passed Ordinance No. 13662, extending the declaration of a shelter crisis another two years; and

WHEREAS, Ordinance No. 13662 declaring a shelter crisis was adopted pursuant to California Government Code Section 8698 *et seq.*, and specifically section 8698.4, which allows the governing body of the City of Oakland to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis; and

WHEREAS, California Government Code Section 8698.4 provides that, upon a declaration of a shelter crisis, the City may apply reasonable local standards and procedures for the design, site development, and operation of homeless shelters and emergency housing that the

City adopts by an ordinance reviewed and approved by the State Department of Housing and Community Development (HCD); and

WHEREAS, California Government Code Section 8698.4(a)(2)(A)(ii) provides that during the period in which the City of Oakland has adopted a shelter crisis, and provided that the City has adopted and complies with such health and safety standards and procedures approved by HCD consistent with ensuring minimal public health and safety, the provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, and landlord tenant laws providing a cause of action for habitability or tenantability shall be suspended for homeless shelters; and

WHEREAS, California Government Code Section 8698.4 provides that during a declaration of a shelter crisis, the local and state law requirements for homeless shelters to be consistent with local land use plans and the General Plan shall be suspended; and

WHEREAS, on May 21, 2019, after review and approval by HCD, the City Council adopted an Ordinance for Emergency Building Standards Amendments to the 2016 California Building Standards Code that incorporated emergency building standards for emergency housing buildings and facilities, including health and safety standards for recreational vehicles, emergency sleeping cabins, membrane structures, and other emergency housing on property owned or leased by the City of Oakland; and

WHEREAS, Statewide building standards for emergency housing were incorporated into the 2022 California Building Code through Appendix P, and the 2022 California Residential Code through Appendix AZ, and on December 20, 2022, the City Council passed Ordinance No. 13717 adopting the Emergency Housing appendices, including local amendments that had been previously approved by HCD; and

WHEREAS, on June 4, 2019, upon recommendation from the City of Oakland Planning Commission, the City Council adopted an Ordinance Amending the Oakland Planning Code to allow “Emergency Shelter Residential Activities” and “Emergency Housing Facilities,” including recreational vehicles and other emergency housing, on property designated by the City Administrator and owned or leased by the City; and

WHEREAS, the City Council finds that the suspension of local laws within the meaning of California Government Code Section 8698.4 includes suspension of provisions in Oakland Municipal Code (OMC) Chapter 8.22 related to residential rent adjustments and evictions, in order to provide appropriate shelter without establishing tenancy; and

WHEREAS, other laws or procedures, such as requirements for issuance of building permits and/or certificates of occupancy for interim shelters and leasing requirements for City property have hindered or delayed the City’s efforts to mitigate the effects of the shelter crisis; and

WHEREAS, per Section 219(6) of the Charter and Chapter 2.42 of the Oakland Municipal Code, all leases of City-owned real property must be authorized by an ordinance enacted by the City Council, which may establish general leasing or licensing parameters whereby the City Administrator may enter into leases and licenses without further City Council approval,

and also must be at a fair market rent unless the City Council makes findings that a below market rate would be in the best interests of the City; and

WHEREAS, during the declared shelter crisis, the City Administrator may designate land or facilities suitable for emergency shelter programs, but previous shelter crisis ordinances did not specifically authorize the City Administrator to enter into licenses with homeless service providers except as otherwise authorized by OMC Section 2.42.100.C; and

WHEREAS, the City does not typically charge a rental fee for programs funded by the City because the project budget and City costs would need to be increased to cover the rental fee and therefore the City would have less funding to devote to program operations; and

WHEREAS, this declaration of continued shelter crisis will allow the City Administrator to enter into leases and/or licenses with nonprofit organizations for emergency shelter or transitional housing programs at below market rents on City-owned or City-leased land or within City facilities that the City Administrator designates as suitable for emergency shelter activities at no additional cost to the service providers or the City; and

WHEREAS, OMC Section 2.04 requires that City Council approve professional services agreements and amendments over \$250,000, or \$500,000 during a Council recess, except that the City Administrator has existing authority to enter into emergency services contracts under OMC Section 2.04.020F and 2.04.020G, without bidding and in any amount using previously appropriated funds, in “a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety”; and

WHEREAS, the City Administrator has determined that the shelter crisis is an emergency within the meaning of OMC Section 2.04.020F and 2.04.020G and therefore the City Administrator may enter into contracts for goods or services including but not limited to, construction contracts to build shelters, professional services agreements for new shelter operators and supportive services such as healthcare services and workforce development contracts, when prior Council authorization would hinder or delay the mitigation of the shelter crisis; and

WHEREAS, existing professional services agreements and grant agreements with homeless service providers routinely lapse after the end of the fiscal year because of the administrative burden of the contracting process, and providers must choose between providing services without payment during the period of lapse or pausing services; and

WHEREAS, staff seeks City Administrator authority to renew professional services agreements and grant agreements with service providers that were originally approved by the City Council and that meet their performance outcomes in the previous fiscal year, in amounts not to exceed \$250,000 above the previous fiscal year amount; and

WHEREAS, such authority would alleviate staffing constraints and prevent lapses in service, and would provide a valuable incentive for providers to meet performance outcomes specified in the contracts; and

WHEREAS, each year, the City receives funding from HUD, Alameda County, and OHA to provide over 300 beds for the homeless population through the Continuum of Care (CoC) and

Oakland PATH Rehousing Initiative (OPRI) programs; and

WHEREAS, for fiscal year 2023-2024, the City Council adopted Resolution No. 89854, granting such funding to the following service providers to operate the City's CoC transitional housing programs: Bay Area Community Services (\$5.2 Million), East Oakland Community Project (\$650,000), Covenant House California (\$1,000,000); and

WHEREAS, for fiscal year 2023-2024, the City Council adopted Resolution No. 89851, granting such funding to the following service providers to operate the City's OPRI programs; Abode Services (\$2,000,000), First Place For Youth (\$500,000), Cornerstone Community Development Corporation d/b/a Building Futures for Women and Children (\$1,380,000), and Roots Community Health Services (\$1,380,000); and

WHEREAS, in fiscal years 2024-2026, City staff expects to receive approximately \$10,000,000 from HUD, \$1,000,000 from Alameda County, and \$8,400,000 from OHA to continue these successful CoC and OPRI programs; and

WHEREAS, additionally, the City receives funding from State HCD through the Homeless, Housing, Assistance, and Prevention (HHAP) program and the Encampment Resolution Fund (ERF) to establish and operate over 700 beds in the City's emergency community cabin and safe RV programs; and

WHEREAS, State HCD funds are integral to the City of Oakland's homeless intervention system to maintain existing emergency homeless interventions; and

WHEREAS, in past years, the City has received between \$9 million and \$26 million per year from State HCD through HHAP, and an additional \$8.3 million through ERF; and

WHEREAS, for fiscal year 2023-2024, the City Council adopted Resolution No. 89777, accepting over \$18.2 million in HHAP funding for the City's interim shelter interventions; and

WHEREAS, the State has announced they will continue the HHAP funding program, therefore if current funding levels remain, staff expect to receive an additional \$52,000,000 in HHAP over the next two fiscal years; and

WHEREAS, staff also intend to apply for additional State funding opportunities including the next round of ERF funding for additional shelter options up to approximately \$13,000,000; and

WHEREAS, the City expects to apply for additional sources of federal and state funding for existing and future emergency shelter programs during the term of this Emergency Ordinance; and

WHEREAS, acceptance of federal and state funding is time sensitive and usually with little lead time for staff to prepare a staff report and resolution for City Council approval, which can risk loss of funds for new programs and/or delay of funding for existing interventions; and

WHEREAS, City staff would seek City Council approval for new contracts with new

providers using this funding, but renewals of contracts with providers meeting performance outcomes and not exceeding the amounts authorized herein would not need further City Council approval; and

WHEREAS, staff has determined that the actions authorized by this Emergency Ordinance are exempt from review under the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq.) under CEQA Guidelines Section 15303 (New Construction of Conversion of Small Structures), Section 15304 (Minor Alterations to Land), Section 15311 (Accessory Structures), Section 15332 (In Fill Development Projects), and/or under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4); and

WHEREAS, pursuant to section 213 of the Oakland City Charter, an ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Emergency Ordinance.

SECTION 2. The City Council hereby finds that a significant number of persons in Oakland are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above and in the staff report accompanying this Ordinance. The Council therefore hereby declares a shelter crisis in the City of Oakland under the authority set forth in California Government Code Section 8698, et seq.

SECTION 3. The City Council hereby authorizes the City Administrator to allow persons unable to obtain housing to occupy designated facilities or land owned or leased by the City as shelters during the period of this crisis.

SECTION 4. For the term of this Emergency Ordinance, the City Administrator is hereby authorized in their discretion to suspend provisions of state and local standards or laws prescribing standards or procedures relating to housing, health, or safety as needed for the establishment of emergency housing to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis, provided that the City complies with the adopted health and safety standards approved by HCD.

SECTION 5. The City Council determines that the emergency provisions of Section 15.04.3.2095 of the Oakland Building Code, Section 15.04.3.25130 of the Oakland Residential Code, and Section 17.07.060 of the Oakland Planning Code apply for the duration of this declaration of shelter crisis, as appropriate for emergency housing activities and facilities.

SECTION 6. The City Council hereby finds that the use of City-owned or City-leased land for less than fair market rental value by non-profit service providers for homeless programs is in the best interest of the City.

SECTION 7. The Council hereby authorizes the City Administrator to designate sites appropriate for emergency housing activities and facilities, including for safe parking of recreational vehicles and/or passenger vehicles, on properties owned or leased by the City and to enter into licenses or leases of such properties with homeless service providers at below market rent and with no administrative fees, for terms extending through the duration of the declared shelter crisis, in order to facilitate the use of public land for emergency shelter operations and/or transitional housing.

SECTION 8. For the duration of this Emergency Ordinance, the City Council hereby authorizes the City Administrator to renew existing professional services agreements and/or grant agreements with homeless service providers that meet the performance outcomes specified in such agreements, in amounts not to exceed \$250,000 above the previous fiscal year amount, using funding sources appropriated for emergency shelter or transitional housing programs; and

SECTION 9. The City Council hereby accepts and appropriates funds from HUD, Alameda County, and OHA for emergency shelter and/or transitional housing, at the times awarded and in the amounts awarded not to exceed \$20,000,000 total for Fiscal Years 24/25 and 25/26 combined, and authorizes the City Administrator to (a) enter into agreements for receipt of said funds, (b) shift amounts between funding sources as necessary to achieve the purpose of this Ordinance, and (c) adjust the appropriation in the City's financial system to reflect the actual amounts awarded; and

SECTION 10. The City Council hereby accepts and appropriates funds from State HCD for emergency shelter and/or transitional housing, at the times awarded and in the amounts awarded not to exceed \$65,000,000 total for Fiscal Years 24/25 and 25/26 combined, and authorizes the City Administrator to (a) enter into agreements for receipt of said funds and (b) adjust the appropriation in the City's financial system to reflect the actual amounts awarded; and

SECTION 11. Prior to execution, all agreements and amendments shall be reviewed and approved as to form and legality and consistency with this Emergency Ordinance by the City Attorney, and executed copies shall be filed with the City Clerk.

SECTION 12. The Council directs the City Administrator to report to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development the information required by California Government Code Section 8968.4(a)(6), including but not limited to the total number of residents in homeless shelters in the City of Oakland, the estimated number of permanent supportive housing units, the number of residents who have exited the system, and new actions the City is taking to better serve the homeless population.

SECTION 13. To the extent this Emergency Ordinance is inconsistent with any other provisions of the Oakland Municipal Code or the Oakland Planning Code, this Ordinance shall apply. This Ordinance suspends contrary regulations in the Oakland Municipal Code or Planning Code or requirements of the General Plan or implementing regulations.

SECTION 14. The City Council hereby finds and determines, after independent review and consideration, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the CEQA and the CEQA

Guidelines (Cal. Code Regs., title 14, section 15000 et seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), Section 15304 (Minor Alterations to Land), Section 15311 (Accessory Structures), Section 15332 (In Fill Development Projects), and/or under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4). Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 15. The Council hereby declares that this Emergency Ordinance is necessary for preserving the public health and safety for the reasons stated herein, and there is a necessity to immediately pass this Emergency Ordinance pursuant to the powers given to the City Council under Section 213 of the City Charter. This Ordinance shall be effective immediately upon its adoption by an affirmative vote of six members of the City Council pursuant to City Charter section 213.

SECTION 16. This Emergency Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein.

SECTION 17. This Emergency Ordinance shall remain in place for a period of two years from the date of passage.

SECTION 18. If any section, subsection, sentence, clause or phrase of this Emergency Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Emergency Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **SEP 19 2023**

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID AND
PRESIDENT FORTUNATO BAS 8

NOES 0
ABSENT 0
ABSTENTION 0

Introduction Date

SEP 19 2023

ATTEST: 
ASHA REED
City Clerk and Clerk of the
Council of the City of Oakland,
California

Date of Attestation: October 2, 2023

NOTICE AND DIGEST

EMERGENCY ORDINANCE: (1) DECLARING A SHELTER CRISIS IN THE CITY OF OAKLAND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 8698 AND MAKING FINDINGS THAT A SIGNIFICANT NUMBER OF PERSONS ARE WITHOUT THE ABILITY TO OBTAIN SHELTER, AND THAT THE SITUATION HAS RESULTED IN A THREAT TO THE HEALTH AND SAFETY OF THOSE PERSONS;

(2) FOR THE DURATION OF THE SHELTER CRISIS, AUTHORIZING THE CITY ADMINISTRATOR TO: (A) SUSPEND PROVISIONS OF STATE OR LOCAL REGULATORY STATUTES, REGULATIONS, AND ORDINANCES PRESCRIBING STANDARDS OR PROCEDURES RELATING TO HOUSING, HEALTH, OR SAFETY FOR SHELTER FACILITIES; (B) ENTER INTO BELOW MARKET LEASES OR LICENSES WITH HOMELESS SERVICE PROVIDERS ON LAND OWNED OR LEASED BY THE CITY FOR THE PURPOSE OF PROVIDING EMERGENCY SHELTER OR TRANSITIONAL HOUSING, (C) RENEW EXISTING PROFESSIONAL SERVICES AND/OR GRANT AGREEMENTS WITH HOMELESS SERVICE PROVIDERS IN AMOUNTS NOT TO EXCEED \$250,000 ABOVE PREVIOUS YEAR, IF PROVIDERS MEET PERFORMANCE OUTCOMES IN PREVIOUS YEAR;

(3) ACCEPTING AND APPROPRIATING FUNDS FOR EMERGENCY SHELTER OR TRANSITIONAL HOUSING FROM: (A) UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), ALAMEDA COUNTY, AND OAKLAND HOUSING AUTHORITY (OHA) UP TO \$20,000,000 FOR FISCAL YEARS 24/25 and 25/26; AND (B) CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) HOMELESS HOUSING, ASSISTANCE AND PREVENTION (HHAP) AND ENCAMPMENT RESOLUTION FUNDING (ERF) UP TO \$65,000,000 FOR FISCAL YEARS 24/25 and 25/26; AND

(4) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

This Emergency Ordinance would declare a shelter crisis in the City of Oakland pursuant to California Government Code section 8698 et seq. and authorize the City Administrator in their discretion to suspend provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards or procedures relating to housing, health, or safety for additional public shelter facilities to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis. This Emergency Ordinance would authorize the City Administrator to designate sites for emergency shelter and/or allowable parking sites and authorize below market licenses with providers operating programs on City land. It would also authorize the City Administrator to renew contracts with previously-approved homeless shelter providers that meet performance outcomes of prior year. The Emergency Ordinance also accepts

and appropriates up to \$85,000,000 of Federal, State, County, and Oakland Housing Authority funding for emergency shelter and transitional housing programs. Finally, this Emergency Ordinance makes exemption findings under the California Environmental Quality Act. This Emergency Ordinance would be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members of the City Council pursuant to Section 213 of the City Charter.