



# Allegheny County Council

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## Legislation Text

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**File #:** 12710-23, **Version:** 1

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An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Code of Ordinances through the establishment of a new Chapter 300, entitled “Housing” in order to establish uniform procedures governing the closure or reduction in size of homeless shelters funded by Allegheny County.

**Whereas,** Allegheny County from time to time funds the operation of various shelters for homeless individuals within the County via contracts executed between the County and service providers; and

**Whereas,** some of the funded shelters are seasonal in nature, and are only in operation during periods of cold weather; and

**Whereas,** during the week of May 22, 2023, the Allegheny County Department of Human Services set the closure of the winter shelter in the gymnasium of the Smithfield United Church of Christ for the end of June, promising at that time to find space for the shelter’s residents; and

**Whereas,** during a subsequent meeting of the Homeless Advisory Board Andy Halfhill, the Department’s homeless services administrator, said the agency is working with Light of Life Rescue Mission, Second Avenue Commons and East End Cooperative Ministries to provide space for some of the 125 people who will be displaced by the closure; and

**Whereas,** as of the end of May, 2023, approximately 600 people had sought housing at the Smithfield shelter in the last 30 days, according to the shelter’s operator; and

**Whereas,** for that same timespan, the Department identified around 125 people who they consider to be regular residents, according to Director Erin Dalton, who attended the Homeless Advisory Board meeting; and

**Whereas,** this group of individuals with identifiable special needs, Dalton said, require another option after the Smithfield shelter closes, noting that “Ideally, we get on top of this issue in a way we haven’t in the last year.” Dalton continued: “Hopefully we bring on enough [emergency housing] capacity that’s safe for people.”; and

**Whereas,** also at the Homeless Advisory Board meeting, other individuals expressed concerns that alternative shelters would not be as “low barrier” as Smithfield, where couples can stay together in side-by-side cots whenever possible and being sober is not a prerequisite to getting a bed; and

**Whereas,** according to other comments offered at the Board meeting, Smithfield shelter residents were never given notice of the closure, and instead found out about it via media reports; and

**Whereas,** in a recent broadcast on KDKA AM radio, the Chief Executive expressly endorsed the concepts of finding alternative housing for individuals displaced by shelter closures, and of conducting public hearings in order to hear from interested stakeholders regarding potential shelter closures; and

**Whereas,** it is the judgment of Council that a significant amount of information regarding the County’s plans for mitigating potential deleterious effects of the closure of the Smithfield shelter has not been made available to the public; and

**Whereas,** it is further the judgment of Council that the particularly vulnerable nature of certain

homeless individuals - perhaps most notably victims of domestic violence, victims of human trafficking, individuals under the age of 18, members of the LGBTQIA+ community, and individuals suffering from physical or mental health or substance addiction conditions - mandates that the County have a clear, articulable plan for providing for the needs of individuals displaced by the closure of or reduction in services available at shelters; and

**Whereas**, it is further the judgment of Council that making the public aware of such plans would inure to the benefit of all County residents, insofar as doing so would provide a clear indication of the expected results of proposed closures or service reductions;

***The Council of the County of Allegheny hereby enacts as follows:***

***SECTION 1. Incorporation of the Preamble.***

The recitations contained within the Preamble to this Ordinance are hereby incorporated by reference herein.

***SECTION 2. Amendment of the Allegheny County Code of Ordinances.***

The Allegheny County Code of Ordinances is hereby amended and supplemented by the addition of a new Chapter 300, entitled “Housing”, as follows:

**Chapter 300**  
Housing

***Section 300.1. - Definitions.***

For the purposes of this Chapter, the following words and phrases shall be deemed to have the meanings established in this Section, unless the context clearly indicates otherwise:

- A. County Shelter shall mean any facility, regardless of whether such facility operates seasonally or continuously throughout the year, that both:
1. Provides any number of beds or other accommodations for homeless individuals within Allegheny County; and
  2. Is operated in whole or in part by Allegheny County, is funded in whole or in part by revenues paid or otherwise distributed by Allegheny County (regardless of whether such revenues are derived from taxes or fees imposed by Allegheny County itself or by any other public or private entity), or is operated pursuant to any contract, agreement, memorandum of understanding, or other contractual agreement with Allegheny County.

***Section 300.2. - Assessments Required.***

In the event that Allegheny County considers the closure or reduction in the number of beds or other accommodations that are available at any County Shelter, or considers the termination, re-negotiation, or taking

of any other action pursuant to a contractual agreement governing operation of a County Shelter in a fashion that would result in reduction of the number of beds or other accommodations that are available at such County Shelter:

- A. The County shall first ensure that any individual(s) displaced by the closure or reduction are provided with an opportunity to relocate to equivalent alternative locations, should they opt to do so; and
- B. Also prior to the proposed closure or reduction in services, the County Manager, utilizing County staff from the Department of Human Services or other County department(s), shall first conduct an assessment of:
  - 1. The number of beds or other accommodations at other facilities providing services equivalent to those available at the County Shelter, and which does so free of charge to the occupants;
  - 2. The specific needs of each individual who will be displaced by the reduction or closure of or reduction in space available at the County Shelter;
  - 3. In the event that special needs are identified in any individual(s) at a County Shelter, the number of beds or other accommodations at other facilities providing services for those individuals with special needs equivalent to those available at the County Shelter, and which does so free of charge to the occupants;
  - 4. The impact of any potential relocation(s) upon the ability of the individuals relocated to obtain necessities or services, employment or job training, health care, or education;
  - 5. The impact of any potential relocation(s) upon the ability of the individuals relocated to apply for or maintain necessary services or public benefits, including (but not limited to) child care, SNAP, tax credits, and Medicaid, and County plans for ensuring that no proposed relocation results in the termination or logistical impossibility of qualifying for or obtaining such services or benefits;
  - 6. The impact of any potential relocation(s) upon the ability of the individuals relocated to continue to have access to counseling, case management, or services, including mental or behavioral health services or referrals to mental or behavioral health programs that they are receiving at the County Shelter, and County plans for ensuring that no proposed relocation results in the termination or logistical impossibility of qualifying for or obtaining such services;
  - 7. The impact of any potential relocation(s) upon the individuals relocated to continue to have access to other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing, and County plans for ensuring that no proposed relocation results in the termination or logistical impossibility of qualifying for or obtaining such services;
  - 8. County plans to alleviate the high risk of homelessness faced by LGBTQ youth in light of the reduction or termination of services at any County Shelter;
  - 9. County plans to mitigate the impact of any proposed reduction or termination of services at any County Shelter upon individuals seeking shelter by reason of domestic violence, sexual assault, human trafficking, refugee status, or asylum;

10. County plans to mitigate the potential for any proposed relocation(s) to result in forcing couples or families that had been sheltering together to have to do so separately;
11. County plans to mitigate the impact of any proposed reduction or termination of services at any County Shelter upon children and youth under 18 years of age who are living apart from a parent or guardian, and all youth between the ages of 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, in transitional housing, or on the street; and
12. County plans to ensure adequate access to hygienic and sanitary facilities, protection from abuse and/or discrimination, access to acceptable nutrition, and safe and secure storage of personal belongings during and after any proposed relocation.

***Section 300.3. - Public Dissemination of Assessments; Public Hearing Requirement.***

- A. Upon completion of any assessment required pursuant to §300.02 of this Chapter, the County Manager shall provide the results to the Chief Executive and President of Allegheny County Council, and shall post such assessment on the Allegheny County website. Allegheny County Council may elect to conduct a public hearing regarding a proposed closure or service reduction within sixty (60) days of the delivery of an assessment by the County Manager to the president of Council.
- B. Under no circumstances shall Allegheny County finalize the closure of or reduction of services at a County Shelter within seventy-five (75) days of the latest in time of:
  1. Publication of assessment results on the County website; or
  2. Provision of assessment results to the Chief Executive; or
  3. Provision of assessment results to the President of Council.

***SECTION 3. - Effective Date.***

The provisions of this Ordinance shall become effective immediately upon the date of final approval.

***SECTION 4. - Severability.***

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

***SECTION 5. - Repealer.***

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.