

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
CHAPTER 5.14, "SERVICE PROVIDERS", TO TITLE 5 OF THE
CHULA VISTA MUNICIPAL CODE TO ESTABLISH
REGULATIONS, STANDARDS, AND A PERMITTING
PROCESS FOR SERVICE PROVIDERS

WHEREAS, the hotel/motel voucher program is a program implemented by service providers to provide immediate, emergency housing for individuals and families experiencing homelessness or a temporary displacement from their permanent housing; and

WHEREAS, since 2020 there has been a steady increase in the number of unsheltered persons in the City and the County, which has correlated with in a rise in the number of hotel/motel rooms in Chula Vista being utilized for emergency shelter via the voucher program; and

WHEREAS, the increase in persons and families placed by service providers operating in the City has been accompanied by a correlating increase in crime-related calls for service and criminal activities at or around the six to eight hotels/motels participating in the voucher program, as well as an increase in the number of persons and families from outside Chula Vista in need of housing services in Chula Vista upon placement in the City; and

WHEREAS, the placement of persons or families in hotels/motels or other immediate, emergency housing in the City is more likely to lead to increased need for emergency and housing services and associated resources from the City; and

WHEREAS, the City has a legitimate governmental interest in mitigating the impact of service provider activity on City's resources and neighborhoods through enactment of service provider oversight regulations in order to enhance the quality of life for City's residents and visitors; and

WHEREAS, the City wishes to mitigate the impact of the voucher program and other service provider activity on City's resources and neighborhoods, including measures to reduce the likelihood of persons and families becoming newly homeless in the City, by enacting service provider oversight regulations.

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Chapter 5.14 is added to the Chula Vista Municipal Code to read as follows:

Chapter 5.14
SERVICE PROVIDERS

Sections:

- 5.14.010 Purpose.**
- 5.14.020 Definitions.**
- 5.14.030 Permit required.**
- 5.14.040 Permit application.**
- 5.14.050 Term of permit.**
- 5.14.060 Permit renewal.**
- 5.14.070 Operational standards.**
- 5.14.080 Operational reporting.**
- 5.14.090 Violation.**
- 5.14.100 Enforcement.**
- 5.14.110 Permit modification, suspension, and/or revocation.**

5.14.010 Purpose.

It is the purpose and intent of the City Council of the City, through the adoption of this chapter, to provide for the orderly regulation of Service Providers in order to adequately protect and promote the health, safety, and general welfare of the community.

5.14.020 Definitions.

When used in this chapter, the following words and phrases shall have the meanings ascribed to them below. Words and phrases not specifically defined below shall have the meanings ascribed to them elsewhere in this Code, or shall otherwise be defined by common usage. For definitions of nouns, the singular shall also include the plural; for definitions of verbs, all verb conjugations shall be included. Any reference to state or federal laws, including references to any California or federal statutes or regulations, is deemed to include any successor or amended version of the referenced statute or regulations promulgated thereunder consistent with the terms of this chapter.

“Bridge Housing” means any transitional, emergency, or temporary housing and serves as a bridge before placement into permanent housing.

“City Manager” means the City of Chula Vista City Manager or their designee.

“Director of Housing and Homeless Services” means the City of Chula Vista Director of Housing and Homeless Services or their designee.

“Domestic Violence Services” means assisting individuals to access emergency, transitional, and long-term housing, crisis hotlines, medical and legal advocacy, and other services to survivors of domestic violence, dating violence, sexual violence, and stalking.

“Housing Navigation” means assisting individuals in need of housing, including but not limited to: help with searching for housing; identification of an individual’s barriers to housing; guidance and advocacy to overcome those barriers; information and referral to community resources to address concerns related to housing (employment and training, mainstream benefits, etc.); developing a housing plan; and assistance in filling out housing applications.

“Housing Placement” means the placement of individuals into bridge or permanent housing solutions.

“Other Support Services” means supportive action that connect homeless individuals with diversion, treatment for substance abuse, mental health, or healthcare services.

“Outreach Services” means efforts to help identify, screen, and refer individuals that are experiencing homelessness or who are at risk of homelessness to critical services, Bridge Housing, or permanent housing solutions.

“Participant” or “Individual” means a person receiving Outreach Services, Housing Navigation, Domestic Violence Services, Rapid Rehousing, Housing Placement, or Other Support Services from a service provider.

“Rapid Rehousing” means providing immediate rental assistance and services to individuals experiencing literal homelessness.

“Service Provider” means an agency or organization that provides Outreach Services, Housing Navigation, Domestic Violence Services, Rapid Rehousing, Housing Placement, housing retention, and Other Support Services for individuals experiencing homelessness, who are at risk of homelessness, or who are temporarily displaced from their homes.

“Service Provider Personnel” means a person or individual working or volunteering on behalf of the service provider.

“Static-99R” means a revised sexual risk offender tool that is the commonly used empirical-actuarial risk scale for male sexual offenders (both parolees and probationers) and likelihood of sexual recidivism; is recognized by the State of California, which has mandated the use of Static-

99R when judges sentence sex offenders; and rates of sex offenders by scores associated with each sex offender, on a scale ranging from -3 to 1 (low) to 6 to 12 (high).

5.14.030 Permit required.

A. It shall be unlawful for any person to act as a Service Provider in the City without first obtaining and maintaining a valid Service Provider permit pursuant to this chapter.

B. No person shall engage in or carry on as a Service Provider in the City without first having applied for and secured a Service Provider permit, paid the applicable permit fee, and complied with the City's business license requirements (Chapter 5.02 CVMC).

C. Nothing in this chapter shall be construed to grant any person obtaining and maintaining a Service Provider permit any status or right other than the right to act as a Service Provider in the City.

5.14.040 Permit application.

An application for a Service Provider permit shall be submitted in the name of each Service Provider proposing to conduct Outreach Services in the City, shall be signed by an authorized agent thereof, and shall be accompanied by the Service Provider permit application fee as presently designated, or as may be in the future amended, in the master fee schedule of the City. It is the responsibility of each Service Provider to be informed of the laws affecting the issuance of a Service Provider permit. A Service Provider permit that is issued in error or on the basis of false or misleading information supplied by a Service Provider may be revoked pursuant to section 5.14.110 of this chapter. All applications shall be submitted on a form supplied by the City and shall contain the following information:

A. The name, address, and contact information of the Service Provider, including local contact information.

B. A copy of the Service Provider's business entity certification of status from the California Secretary of State or the Service Provider's current registration form with the California Department of Justice.

C. The name of the agencies, organizations, or governments for which the Service Provider is under contract to provide services.

D. The name(s) and address(es) of all Bridge Housing and permanent housing locations in the City where individuals may be placed; provided, however, that the location of Bridge Housing and permanent housing in which victims of domestic violence are being served shall be listed on a separate sheet, submitted to the City along with the application in a sealed envelope marked “Confidential – DV Housing”, to be opened only at the direction of the City Manager, and only for the purpose of investigations to consider approval of the application or (if approved) enforce compliance with this chapter.

E. A discharge/transportation plan for all participants of Service Provider programs.

5.14.050 Term of permit.

A. A Service Provider permit or renewal thereof issued under the authority of this chapter shall be valid from the date of its issuance until the first to occur of the expiration date set forth on the permit or the revocation or suspension date. A Service Provider permit shall be of no further force, validity, or effect, and Service Provider services shall cease, upon the first to occur of the expiration date set forth on the permit or the revocation or suspension date.

B. Prior to expiration of the Service Provider permit, the permittee may voluntarily cancel the permit by notifying the Director of Housing and Homeless Services in writing of the intent to cancel the permit. The permit shall become void upon the earlier to occur of the date specified by the permittee or the expiration of the permit.

5.14.060 Permit renewal.

A. If a permittee desires to renew a Service Provider permit, the permittee must apply for and renew the Service Provider permit annually. Permittee’s request for renewal shall indicate any changes to the information or requirements set forth in section 5.14.040 above.

B. The application for renewal must be filed no later than 30 days prior to the expiration date set forth on the permit.

C. The application for renewal shall be submitted to the Director of Housing and Homeless Services upon forms provided by the City and signed by the permittee under penalty of perjury and shall be accompanied by the permit renewal fee as presently designated, or as may be in the future amended, in the master fee schedule of the City.

D. The Director of Housing and Homeless Services shall review each application for renewal of a duly issued permit for completeness and accuracy before it is accepted as being complete and officially filed. In the event that the Director of Housing and Homeless Services determines that an application for renewal is incomplete or fails to provide the information and documentation required by this chapter, the Director of Housing and Homeless Services shall notify the permittee in writing, and the permittee shall have 30 calendar days (or longer as authorized by the Director of Housing and Homeless Services) in which to submit needed supplemental information or documentation as specified by the Director of Housing and Homeless Services. The City reserves the right to request additional information and documentation from the permittee regarding an application for renewal of a Service Provider permit, and to accept responses to requests for supplemental information or documentation. Failure to submit the required information within the 30 day period may be cause for denial of a renewal.

E. As part of the approval of a renewal application, the Director of Housing and Homeless Services may impose such conditions in connection with the permit as he or she deems reasonably necessary in order to fulfill the purposes of this chapter, and may require reasonable guarantees and evidence that such conditions will be satisfied.

F. If a timely and complete application for renewal of a Service Provider permit is submitted, the Service Provider permit previously and duly issued, valid and in effect prior to its expiration date, shall be automatically extended until the date a determination is made by the Director of Housing and Homeless Services to approve or deny such application for renewal.

G. The Director of Housing and Homeless Services may deny the renewal of a Service Provider permit for any of the following reasons:

1. At the time of submission of the application for renewal, the application does not meet the renewal requirements of this section, including payment of the required fees.

2. The Service Provider has violated any of the operational requirements of sections 5.14.070 and 5.14.080 below during a previous permit term.

H. Renewal of a Service Provider permit shall be subject to all terms, conditions, and requirements of this chapter and all applicable laws, and may be conditioned upon and subject to compliance with the conditions identified by the Director of Housing and Homeless Services on the renewal.

I. If an application for renewal of a Service Provider permit is denied, the Director of Housing and Homeless Services shall notify the permittee in writing. The notice will set forth the reasons for denial and the procedures for an appeal of the denial in accordance with CVMC 1.40.

5.14.070 Operational standards.

All Service Providers shall conform to all of the following operational standards:

- A. That activities do not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.
- B. That activities do not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. That service provider placement activities include a criminal background check completed for each participant placed in the City.
- D. That not less than 48 hours prior to placing any participant who is a registered sex offender with a Static-99R score of 4 or greater (i.e., Moderate-High to High) the Service Provider will notify the Chula Vista Police Department Family Protect Unit of the proposed placement by calling (619) 691-5214 and identifying where the participant will be housed or accommodated, but shall not identify the participant or his Static-99R score, unless otherwise allowed by law.
- E. That Service Provider personnel shall accompany participants to any placement location.
- F. That Service Providers will have a discharge and transportation plan that, among other things, does not discharge or allow the discharge of participants into homelessness. This plan must be submitted as part of the Service Provider permit application and be approved by the City as part of the review and approval process of the permit.

5.14.080 Operational reporting.

Each Service Provider operating within the City shall report monthly to the Director of Housing and Homeless Services on the effectiveness of their efforts by providing the following information:

- A. Number of individual participants served (individual participant is a person).

B. The address of each Bridge Housing or permanent housing location used to place a participant, including the date of entry. Provided, however, that the location of Bridge Housing and permanent housing in which a victim of domestic violence is being placed shall be listed on a separate sheet, submitted to the City along with the application in a sealed envelope marked “Confidential – DV Housing”, to be opened only at the direction of the City Manager, and only for the purpose of investigations to consider approval of the application or (if approved) enforce compliance with this chapter.

C. The location where each individual participant was most recently homeless prior to being placed in Chula Vista.

D. Number of new, existing, and discharged participants.

E. Number of participants discharged or transported to another Service Provider.

F. The average daily rate paid for the housing of each individual participant.

5.14.090 Violation.

A. It shall be unlawful for any Service Provider to violate any provision or fail to comply with the requirements of this chapter.

B. A violation of this chapter is a public nuisance and may be abated by the City, or the City Attorney on behalf of the people of the state of California, as a nuisance in any manner provided for in this code or otherwise provided by law or equity, including a restraining order, injunction, or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City, or the City Attorney on behalf of the people of the state of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, this chapter or seek any other relief or remedy available at law or equity, including the imposition of monetary civil penalties. All expenses incurred by the City in connection with any action to abate a public nuisance will be chargeable as authorized by law to the Persons creating, causing, committing, or maintaining the public nuisance.

C. A violation of any provision of this chapter by any permittee shall constitute grounds for modification, suspension, or revocation of the Service Provider permit.

5.14.100 Modification, Suspension, and/or Revocation of Service Provider Permit.

A. In addition to any other penalty authorized by law, a Service Provider permit may be modified, suspended, or revoked for any violation of this chapter or any federal, state, or local law.

B. The Director of Housing and Homeless Services shall have the authority to modify a Service Provider permit to impose additional conditions or amend existing terms or conditions in the event of any violation of any condition of the permit or any violation of this chapter or any federal, state, or local law.

C. Any modification of conditions or suspension or revocation of a Service Provider permit shall be in accordance with the following procedures:

1. The Director of Housing and Homeless Services shall conduct an investigation whenever they have reason to believe that a Service Provider is in violation of, or has failed to comply with, any condition of the Service Provider permit, any requirements of this chapter, or any federal, state, or local law.

2. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Director of Housing and Homeless Services shall issue a written notice of intention to modify, suspend and/or revoke the permit. The written notice shall be served by certified mail on the Service Provider, shall specify the facts which, in the opinion of the Director of Housing and Homeless Services, constitute substantial evidence to establish grounds for modification, suspension and/or revocation, and state that the permit will be modified, suspended or revoked within 30 calendar days from the date the notice is given unless the Service Provider files with the City Clerk, before the modification, suspension or revocation becomes effective, a request for an administrative hearing to appeal the decision pursuant to CVMC 5.14.110 below.

5.14.110 Modification, Suspension, and/or Revocation of Service Provider Permit.

A. Any affected Service Provider may appeal a decision of the Director of Housing and Homeless Services modifying, denying, suspending, or revoking a Service Provider permit to the City Manager within 30 calendar days from the date the notice is given. Said appeal shall be in writing and filed with the City Clerk upon forms provided by the Department of Housing and Homeless Services, and shall specify therein that the decision of the Director of Housing and Homeless Services was in error and identify the specific facts and circumstances on which the claim of error is based. If an appeal is filed within the time limit specified, it shall automatically stay proceedings

in the matter until a determination is made by the City Manager. The City Manager shall set the matter for hearing before a hearing examiner and notify the parties in writing of the date and location of the hearing at least 10 business days prior to said date.

B. The fee to request an appeal pursuant to this chapter shall be in the form of a deposit, the amount to be determined by the City Manager in accordance with any applicable law based on the anticipated staff cost to conduct the hearing. If the cost of the hearing or appeal exceeds the deposited amount, the requesting party shall be responsible for payment of the additional costs incurred. If the hearing officer determines that the violation is not supported by the evidence, the entire deposited amount will be returned to the party that requested the appeal. The appeal hearing shall be conducted pursuant to CVMC 1.30.090 and 1.30.100.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on January 1, 2025.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Stacey Kurz

Marco A. Verdugo

Director of Housing and Homeless Services

City Attorney