



# **Agenda**

## **Committee of the Whole Meeting**

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City of Kalamazoo

**Monday, November 15, 2021**

**5:00 PM**

**Electronic Meeting**

- A. CALL TO ORDER/ROLL CALL**
- B. COMMUNICATIONS**
- C. PUBLIC COMMENTS**
- D. SPECIAL AGENDA ITEMS**
- E. COMMITTEE OF THE WHOLE**
  - 1. Review of Items on Upcoming City Commission Agendas
- F. WORK SESSION**
  - 1. Emergency Temporary Housing Ordinance Presentation
- G. COMMISSIONER COMMENTS**
- H. ADJOURNMENT**

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 9, "BUILDINGS AND BUILDING REGULATIONS  
TO ADD ARTICLE VIII, "EMERGENCY HOUSING"

THE CITY OF KALAMAZOO ORDAINS:

**Section 1.** Chapter 9, "Buildings and Building Regulations" of the Kalamazoo City Code is amended to add Article VIII, "Emergency Housing" to read as follows:

**§ 9-351 Purpose.**

- A. The City Commission recognizes that homelessness is an ongoing problem within the City and that a need exists for places where persons experiencing homelessness can go for emergency shelter.
- B. The City Commission pursuant to § 13(b) of the City Charter, declares that addressing the problem of homelessness to be an emergency due to the rise in the number of homeless individuals in the Kalamazoo area, the lack of housing options for homeless individuals who choose to or cannot stay at traditional homeless shelters, a lack of safe temporary or transitional housing until more permanent options can be found.
- C. Nonprofit, religious, and other service providers within the City have demonstrated a willingness to provide temporary shelters to address this emergency need. To ensure that temporary emergency shelters provide a safe environment for those using them, certain fire and life safety matters must be addressed when providing or operating a temporary emergency shelter.
- D. The City, other governmental units and agencies, religious and nonprofit organizations, and homeless service providers need to work together to ensure that both those who are experiencing homelessness and utilizing temporary emergency shelters, and those property owners and residents neighboring the temporary emergency housing facility are safe, and potential negative effects are limited.

**§ 9-352 Definitions.**

*"Governmental unit or agency"* means a governmental unit or agency whose primary objectives are aiding and assisting homeless persons.

*"Homeless services provider"* means a charitable organization whose primary objectives are aiding and assisting homeless persons.

“Lot” means that term as it is defined in Section 12.3 of Appendix A, “Zoning Ordinance”,

“Nonprofit organization” means a charitable or other legal entity organized and operated for a collective, public, or social benefit that assists disadvantaged or homeless persons in obtaining housing.

“Property Owner” means the owner of property where a temporary housing facility is, or is proposed to be, located.

“Religious organization” means churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion, as well as engaging in charitable purposes including but not limited to aiding homeless persons.

“Service amenities” means restrooms, handwashing stations, shower and bathing or other amenities that are provided by the service provider as required by § 9-355(E).

“Service provider” means a nonprofit organization, religious organization, governmental unit or agency, or homeless service provider as those terms are defined in this Article.

“Temporary emergency shelter” or “shelter” means a small, enclosed structure, other than a tent, vehicle, recreational vehicle, or camping trailer, for the occupancy of one or more persons that meets the provisions of § 9-355, and which provides temporary living space that is capable of being dismantled and moved and is not permanently affixed to the ground or connected to the municipal water or sewer system through a connection other than a permitted temporary connection.

“Temporary emergency housing facility” or “facility” means 1 or more lots, within the City upon which is located one or more temporary emergency shelters by a service provider that complies with § 9-355 and is consistent with all other provisions of this Article.

“Temporary Service structure” means a structure that is capable of being dismantled and moved and is not permanently affixed to the ground or connected to the municipal water or sewer system through a connection other than a permitted temporary connection in which are provided service amenities. Service structure does not include a building that existed at the time a temporary housing facility is established and that is used to provide service amenities.

**§ 9-353 Permits**

- A. *Permit required.* Any service provider desiring to establish a temporary emergency housing facility shall obtain a permit from the City.
- B. *Application process.* Permit applications shall be submitted on forms provided by the Department of Community Planning and Economic Development.
- C. *Facility plan.* Applications shall be accompanied by a plan that includes a sketch or drawing of the proposed temporary emergency housing facility per the permit application requirements.

- D. *Cost of permit.* There shall be no cost for review of the site plan, nor for permits issued under this emergency ordinance. Costs may be assessed for other permits required under this Code of Ordinances.
  
- E. *Permit Review and approval.* The Director of the Department of Community Planning and Economic Development or his or her designee will review the permit application and accompanying materials and approve or deny the permit. Approvals are subject to:
  - (1) The service provider, the property owner, and the City entering a memorandum of understanding that complies with § 9-354.
  - (2) The service provider obtaining all building, mechanical, electrical, plumbing, or other permits that may be required by this Code of Ordinances.
  
- F. *Final Inspection.* Upon completion of construction of a temporary housing facility, the Director of the Department of Community Planning and Economic Development or his or her designee shall conduct a final inspection of the facility and issue a Certificate of Occupancy before the facility may open and begin operation.
  
- G. *Appeal of permit denial.* A service provider may appeal the denial of a permit to the City Manager by filing a written notice of appeal within 10 business days of the date of denial of a permit. The City Manager or his or her designee shall address the appeal within 10 business days from the date of receipt of the notice of appeal. The notice of appeal shall identify the reason or reasons for reversal of the permit denial. The City Manager will consider the appeal and make a decision affirming, rejecting, or modifying the denial being appealed. In considering any such appeal, the City Manager may consider the recommendations of City staff and the written comments of other persons having knowledge of the matter. In considering all such appeals, the City Manager may grant a variance from the terms of this Article to provide relief, in whole or in part from the action being appealed, but only upon finding that the following requirements are satisfied:
  - (1) The application of the provisions of this Article being appealed will present or cause unreasonable difficulties for the provider of the proposed temporary emergency housing facility; and
  - (2) The granting of the relief requested will substantially achieve the goals and purposes sought to be accomplished by this Article.

**§9-354 Memorandum of understanding.**

- A. *Memorandum required.* The service providers seeking a permit under this Article shall enter a memorandum of understanding with the City before a permit is issued and the beginning of construction and/or operation of the temporary emergency housing facility. The memorandum of understanding will address issues that will protect the public health and safety of both the residents of the temporary emergency housing facility and the residents of the City.
  
- B. *Minimum Requirements.* At a minimum, the memorandum of understanding must include information regarding:
  - (1) How the residents will be able to access social services on the site of the facility.

- (2) How the facility will be managed and operated and contact information for the person responsible for managing the temporary emergency housing facility.
- (3) How the residents can directly interact with the service provider, including how residents can express concerns regarding the management of the facility to the service provider.
- (4) A requirement that the service provider work with the local agencies administering the homeless client management information system.
- (5) That the service provider will not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a service animal by a person with a disability
- (6) An acknowledgement of the termination date of this Article set forth at § 9-356.
- (7) An acknowledgement that the management and operation of the temporary housing facility will be made consistent with Chapter 18 of this Code of Ordinances.
- (8) The memorandum of understanding must be signed by the service provider, the property owner, and the Kalamazoo City Manager or his or her designee.

#### **§ 9-355 Temporary emergency housing facilities and temporary emergency shelters.**

The following provisions apply to temporary emergency housing facilities and temporary emergency shelters:

- A. *Location.* Temporary emergency housing facilities and temporary emergency shelters must be located on property owned or controlled by a service provider granted a permit under this Article.
- B. *Construction and compliance with Codes.* Temporary emergency shelters shall have a means of heating the shelter and the shelter must be constructed or installed, and any utilities provided to the shelter must be connected, consistent with the building, mechanical, electrical, and fire codes of this Code of Ordinances.
- C. *Doors, windows, and locks.* Doors and windows of the temporary emergency shelter must be included and be lockable. The service provider shall also possess keys to each temporary emergency shelter.
- D. *Fire Extinguisher.* Every temporary emergency shelter shall have its own fire extinguisher.
- E. *Temporary Service structures and service amenities.* If the temporary emergency shelters in the temporary housing facility are not connected to a municipal water and sewer system the service provider shall make available service amenities including restrooms, handwashing stations, shower and bathing facilities, and potable running water, including accommodations for black water, sufficient for the number of persons that may be accommodated by the temporary housing facility. Adequate service amenities may be inside

a temporary service structure or an existing structure onsite, or may be portable facilities, provided that those facilities are available at all times of day and night.

F. *Legal limitations of property owners and individuals seeking temporary shelter.* Nothing in the Article shall be construed as:

- (1) Authorizing a continuing nonconforming use under City zoning ordinance; the use of property for a temporary emergency housing facility is authorized under the City's police powers and does not grant the property owner any future right to maintain the use otherwise in violation of the City Zoning Code,
- (2) Granting a person using and occupying a temporary emergency shelter a right of tenancy; the use of shelter under this Article is a revocable license and does not grant any property or tenancy rights.

### **§ 9-356 Termination.**

This Chapter will terminate and no longer remain in effect after September 1, 2022. Upon termination any person or entity operating a temporary emergency housing facility shall immediately remove all temporary emergency shelters, temporary support structures, support amenities and related equipment, along with all refuse, junk, and debris from the premises where the temporary emergency housing facility is situated. The removal of any building or structure that existed prior to the establishment of the temporary housing facility will not be required. Failure to remove such items as required by this section shall be deemed a public nuisance. The provisions of this section notwithstanding, the temporary emergency housing facility may continue operation upon the termination of this Article if then authorized by another provision of this code.

### **§ 9-357 Penalties.**

Any violation of this Chapter, including a failure to carry out any of the terms and provisions of the memorandum of understanding, is a municipal civil infraction punishable by a fine of \$500.00 and may be levied against the service provider and property owner, and/or any owner, president, legal representative, director, board member, or manager of the service provider or property owner. Each day of unlawful operation constitutes a new and separate offense.

### **§ 9-358 Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

### **§ 9-359 Effective Date.**

Pursuant to Section 13(b) of the City Charter, upon an affirmative of 5 votes of the City Commission this emergency ordinance shall take immediate effect on the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on \_\_\_\_\_, 2021. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267,1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as required by the Charter of said City.

\_\_\_\_\_  
David F. Anderson, Mayor

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Scott A. Borling, City Clerk

DRAFT

**City of Kalamazoo: Application for Temporary Emergency Housing Facility**  
 Community Planning and Development & Department of Public Safety Fire Marshal  
 245 N Rose Street, Ste 100, Kalamazoo MI 49007  
 269-337-8026

Permit #:	Date Issued:	Fee:	Payment #:
<b>Applicant Information</b>			
Applicant name			
E-mail			
Phone			
Fax			
Company			
Address			
Property Owner			
Property Owner Phone Number			
Property Owner Address			
<b>Facility Information</b>			
Facility Address			
Number of Shelter Units (by size if applicable)			
Number of Occupants			
Service Structures	Number:	Existing or Temporary Building (circle)	Services Provided:
Utilities:	Electricity	Water	Sanitary

## Facility Plan

**The Facility Plan for the site should be included with this application. The Plan should include:**

1. Site layout (dimensioned)
  - temporary emergency shelters with individual unit address
  - service amenity structures
  - driveway access & parking
  - landscaping, screening, fencing
  - lot setbacks
2. Existing buildings within twenty feet of the lot's property line.
3. Adjacent streets and transit facilities.
4. Security plans, including staff and physical improvements
5. Emergency service plan, including site map and installation locations
6. Table with number of shelter units, size of unit, occupants
7. Floor plans and manufactured specifications for shelters and amenity structures

## Signatures & Approvals

I attest that the information provided and that I have the lawful authority to represent all parties involved in respect to the installation of temporary structures at the stated event & location.

Signature

Printed

Date:

Signature of property owner indicating approval (if required)

Signature

Printed

Date:

Signature of Building Official or Designee

Date:

Signature of Fire Marshal

Date:

Fee's Required (Includes 1 inspection)

Bldg

Mech

Elec

Fire

Total