

EMERGENCY EXECUTIVE ORDER 2020-38

I, Melvin Carter III, Mayor of the City of Saint Paul, on November 25, 2020, pursuant to Saint Paul Legislative Code Section 13.06, do hereby issue the following Executive Order:

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-10 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19" pursuant to Minn. Stat. § 12.31, Subd. 2. This Declaration has been extended and remains in effect.

On March 15, 2020, Saint Paul Mayor Melvin Carter issued an Emergency Declaration in response to the COVID-19 pandemic" pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020. This Declaration has been extended and remains in effect.

Saint Paul Leg. Code Chapter 13.06(b) provides that, "whenever necessary to meet an emergency ... the mayor may by executive order promulgate regulations ... for which adequate regulations have not been adopted ... respecting the conduct of persons and the use of property during emergencies; ...emergency health, fire and safety regulations; ...and all other matters which are required to protect public safety, health and welfare in emergencies".

The number of people experiencing unsheltered homelessness has steadily increased during the COVID-19 pandemic due to reduced shelter space, increased unemployment, and other economic factors. As of the date of this Executive Order, there are no available shelter beds for the approximately 300 people currently experiencing unsheltered homeless who are living outdoors in the City of Saint Paul.

As average daily temperatures drop, these individuals are at increasing risk of experiencing health and safety issues, including hypothermia, and other harm due to extreme cold weather. Even prior to the COVID Pandemic, according to the National Health Care for the Homeless Council, there is general consensus among public health officials, medical professionals and service providers that to reduce the incidence of hypothermia nationwide, local communities should implement effective and timely strategies to address the needs of vulnerable populations, including creating temporary homeless shelters and extending the hours of operation for existing shelters. Further, the NHCH explains that people experiencing homelessness have a much higher risk than the general population of developing exposure-related conditions such as hypothermia and frostbite. These conditions can be immediately life threatening and may also increase the risk of dying from unrelated conditions in the future. Increased homeless services, especially additional shelter availability, are necessary to accommodate the amplified need in the winter. This is especially true in the midst of an escalating global pandemic.

Due in part to the escalating homelessness crisis, the number of injuries caused by exposure to extreme cold have risen dramatically in the past 20 years. Risk factors include inadequate clothing, malnutrition, advanced age, substance abuse, social isolation, and mental illness—many of which are common among people who are homeless, a population that is already at a much greater risk for illness than housed people. Even in non-extreme cold, hypothermia can be fatal. During a 10-year period, from 2003 to 2013, the Centers for Disease Control and

Prevention recorded more than 13,400 deaths from exposure to unsafe temperatures. Mild hypothermia sets in as one's body temperature dips below 95 degrees Fahrenheit, at which point it's considered a medical emergency.

The City is actively working to facilitate the opening of additional low or no barrier emergency shelters in the City to minimize the risks of cold weather exposure to unsheltered individuals during the time where there is a lack of capacity in current shelter options due to COVID-19 restrictions. The City is working to establish low or no barrier shelters that will provide indoor sleeping space for up to one hundred (100) adults. The opening of these low or no barrier emergency shelters is intended to be temporary, while other shelter space is established.

The Saint Paul Zoning Code (the “code”) permits only those uses specified under the code. The code allows permitted uses only in the zoning districts specified. A “homeless shelter” is not a specified use under the code and is therefore not a permitted use. The code’s functional equivalents of specified uses that could encompass a homeless shelter are “overnight shelters” (Leg. Code § 65.157) and “supportive housing facilities” (Leg. Code § 65.162).

An overnight shelter is a use where people “receive overnight shelter but are not expected or permitted to remain on a 24-hour-per-day basis.” Id. at Leg. Code 65.157. The standards and conditions under Leg. Code § 65.162:

- a. The facility shall be a minimum distance of 1,320 feet from any other of the following congregate living facilities with more than four (4) adult residents, except in B5-B5 business districts where it shall be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- b. In residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving seven (7) or more facility residents.
- c. In residential and T1 traditional neighborhood districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of six (6) guest rooms.

These above-outlined restrictions and other requirements of the Saint Paul Zoning Code do not allow for facilities to house the people experiencing unsheltered homelessness on an emergency basis to be opened on the timeline and locations necessary to serve the urgent need facing unsheltered homeless population.

Saint Paul Administrative Code requires that the City Council authorize all contracts. St. Paul Admin. Code § 86.01(a). Due to the Thanksgiving holiday, the Council cannot approve a management agreement for the use of City property an emergency overnight shelter until December 2, 2020. It is the intent of the City to have at least one emergency overnight shelter open before December 2, 2020.

NOW, THEREFORE, I, Melvin Carter, Mayor of the City of Saint Paul, do hereby issue the following Emergency Executive Order:

I hereby waive all requirements of the Saint Paul Zoning Code to allow for the establishment and opening of emergency cold weather shelters (“emergency shelters”) in City-owned property to serve people experiencing unsheltered homelessness in the City of Saint Paul.

I also waive the requirements of Saint Paul Administrative Code Section 86.01 requiring Council approval prior to execution of an agreement to operate an Overnight Emergency Shelter, and will submit any such Agreement to the Council at the next-scheduled Council hearing.

Pursuant to Chapter 13 of the Saint Paul Legislative Code, this Executive Order is in immediate effect upon my signature and, if not sooner rescinded or later extended, shall expire at the end of forty (40) days after its effective date or at the end of the declared local emergency to which it relates, whichever occurs first.

Signed: November 25, 2020

A handwritten signature in black ink, appearing to read 'M. Carter III', is written over a horizontal line.

Mayor Melvin Carter III