



Agenda Item Report

City Commission - Mar 21 2023

Department	Staff Contact
Planning & Development Services	Danelle Walters, Jeff Crick,

Recommendations

Consider adopting Resolution No. 7470, temporarily suspending enforcement of the Land Development Code, International Building Code and International Fire Code at 256 N. Michigan Street to allow for a temporary shelter.

Executive Summary

Over the last year, the City's Housing Initiatives division has collaborated with community partners to assist those persons in our community who, for one reason or another, experience homelessness.

In order to use the property the City is purchasing at 256 N. Michigan for the Pallet temporary emergency shelter, a resolution has been prepared for the City Commission's consideration. This form of temporary sheltering has only recently been developed and current codes could not envision or anticipate these rapidly developing innovations. The resolution temporarily suspends enforcement of the Land Development Code, the International Building Code, and International Fire Code that may conflict with this newly developed form of temporary sheltering.

If approved, the temporary code enforcement suspension would begin upon adoption and last for one calendar year. The City Commission would then be able to evaluate the current conditions and consider allowing the resolution to expire, or ask for a new resolution to be created to allow the continuation of this use.

Prior to occupancy, City staff will inspect the site to ensure fire safety and all necessary utility connections are properly in place to ensure occupants are protected to the fullest extents possible. In addition, an emergency operations plan will be developed prior to operations.

Alignment to Strategic Plan

Strong, Welcoming Neighborhoods

Fiscal Impact

This action does not impact the City financially.

Action Requested

Adopt Resolution No. 7470, temporarily suspending enforcement of the Land Development Code, International Building Code and International Fire Code ending March 31, 2024, to allow a temporary shelter at 256 N. Michigan.

Attachments

[Resolution No. 7470](#)

RESOLUTION NO. 7470

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, DECLARING AN EMERGENCY, TEMPORARILY SUSPENDING ENFORCEMENT OF THOSE PROVISIONS OF THE *LAND DEVELOPMENT CODE*, AS ADOPTED BY THE CITY AT CHAPTER 20 OF THE CITY CODE, AS AMENDED, ENFORCEMENT OF THOSE PROVISIONS OF THE 2018 INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE CITY AT CHAPTER 5, ARTICLE 2 OF THE CITY CODE, AS AMENDED, AND THOSE PROVISIONS OF THE 2018 INTERNATIONAL FIRE CODE, AS ADOPTED BY THE CITY AT CHAPTER 8, ARTICLE 2 OF THE CITY CODE, AS AMENDED, THAT ARE INCONSISTENT HERewith, ONLY AS THEY APPLY TO 256 NORTH MICHIGAN STREET, PERTAINING TO THE USE OF THE PROPERTY AS A TEMPORARY SHELTER DURING THE TIME OF EMERGENCY.

WHEREAS, it is the goal and mission of the Governing Body of the City of Lawrence, Kansas, to protect the life, health, safety, and welfare of all persons in the community, regardless of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, socioeconomic status, or housing status, in order to create and maintain a community where all persons enjoy life and feel at home;

WHEREAS, the City, in partnership with Douglas County, Kansas, and in collaboration with other community partners and caregivers, is committed to assisting those persons in our community who, for one reason or another, experience houselessness;

WHEREAS, the City has, at any given time, in excess of approximately 350 people experiencing houselessness in the community;

WHEREAS, the number of unhoused people in Lawrence has increased in recent years, from 234 people in 2016 to 366 people in 2022, an increase of approximately 56% in those six years;

WHEREAS, community cannot currently meet the needs of individuals experiencing or at risk of experiencing houselessness;

WHEREAS, people experiencing houselessness suffer disproportionately from mental and physical health ailments, the treatment of which has strained the community's ability to provide appropriate shelter and housing, and which require assistance from community partners to provide the necessary public and supportive services;

WHEREAS, in order to address this ongoing crisis, the Governing Body, through City Staff, has investigated various alternatives to provide additional emergency sheltering facilities to those in need of shelter;

WHEREAS, City Staff has identified certain City property as a location that can provide a minimally safe space for temporary emergency sheltering;

WHEREAS, City Staff, in collaboration with community partners, will develop operational and safety plans that would support the use of the City property as temporary emergency shelter;

WHEREAS, the current version of the Land Development Code was originally enacted in July 2006 and the City is currently undertaking a comprehensive review and update of the Land Development Code;

WHEREAS, to address this dire, life-threatening, and emergent situation, the Governing Body hereby finds that it is in the best interests of the City to use certain City property as temporary emergency shelter and, consistent therewith, to suspend, temporarily, the enforcement of various provisions of the City Code in order to address the crisis, to assist those in need, and to permit the use of certain City property, during this time of emergency, as a temporary shelter; and

WHEREAS, the purpose of this emergency declaration, coupled with past and future actions by the Governing Body to address the houselessness crisis, is to help ensure that this local emergency will be of a temporary nature.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: DECLARATION OF EMERGENCY. In the exercise of its police powers, which, in order to protect the life, health, safety, and welfare of the community, inhere in the City, the Governing Body hereby declares -- as the result of the myriad dangers that inclement weather and houselessness pose, the number of persons in our community currently experiencing houselessness, and the critical shortage of emergency sheltering -- a state of emergency.

SECTION 2: TEMPORARY SHELTER. In order to address that emergency, the Governing Body hereby declares that, during this time of emergency, the property located at 256 North Michigan Street ("subject property") be used as a Temporary Shelter. The subject property shall be used as a Temporary Shelter in accordance with operational and safety plans to be developed by City Staff in collaboration with community partners.

SECTION 3: TEMPORARY SUSPENSION OF ENFORCEMENT OF PROVISIONS OF THE LAND DEVELOPMENT CODE, AS ADOPTED AND AMENDED BY THE CITY. In order to permit the use of the subject property as a Temporary Shelter, during this time of emergency, given the advancements in rapid response sheltering structures and associated support services that were not contemplated by the Land Development Code at the time of its adoption, the Governing Body hereby temporarily suspends, during the Term of this Resolution, enforcement of those provisions of the *Land Development Code*, as adopted by the City at Chapter 20 of the City Code, as amended, that would otherwise not permit the use of the subject property as a Temporary Shelter. All other provisions of the *Land Development Code* shall remain in full force and effect as they apply to the use of the subject property as a Temporary Shelter.

SECTION 4: TEMPORARY SUSPENSION OF ENFORCEMENT OF PROVISIONS OF THE 2018 INTERNATIONAL BUILDING CODE AND THE 2018 INTERNATIONAL FIRE CODE, AS ADOPTED AND AMENDED BY THE CITY. In order to permit the use of the subject property as a Temporary Shelter during this time of emergency, the Governing Body hereby temporarily suspends, during the Term of this Resolution, enforcement of those provisions of the *2018 International Building Code*, as adopted by the City at Chapter 5, Article 2 of the City Code, as amended, and those provisions of the *2018 International Fire Code*, as adopted by the City at Chapter 8, Article 2 of the City Code, as amended, that would otherwise not permit the overnight use of the subject property as a Temporary Shelter. All other provisions of the *2018 International Building Code* and the *2018 International Fire Code*, as adopted by the City, shall remain in full force and effect as they apply to the use of the subject property as a Temporary Shelter.

SECTION 5. TERM. This Resolution shall be effective upon the date of adoption by the Governing Body and shall sunset and expire, automatically, at 11:59 p.m. on March 31, 2024. Upon sunset and expiration, all provisions of Chapter 20, Chapter 6, Article 15, and Chapter 8, Article 2 of the City Code, 2018 Edition and amendments thereto, as codified, shall, with respect to the subject property, be in full force and effect.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of March, 2023.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney