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# HIDDEN IN PLAIN SIGHT

Finding Safe Parking  
for Vehicle Residents



HOMELESS RIGHTS  
ADVOCACY PROJECT

# Hidden in Plain Sight

*Finding Safe Parking for Vehicle Residents*

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Editor

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## EXECUTIVE SUMMARY

The population of unhoused individuals continues to increase in King County; however, available indoor overnight shelter has not kept pace. This shortage contributed to a 76% increase in the number of unhoused individuals counted as “unsheltered” during the annual King County Point-in-Time count surveys since 2014.<sup>1</sup> A significant portion of people counted as “unsheltered,” though, can secure temporary shelter in a vehicle. According to the most recent count, **vehicle residents make up 42% of the unsheltered population in King County.**<sup>2</sup>

The road to homelessness is often complex and indirect. Often, some combination of uncontrollable external forces, unpredictable events, unfortunate consequences, and random chance overcomes an individual’s ability to stave off the eventual loss of a safe and stable housing option. A person’s vehicle can represent a personal refuge: the last remaining link to a sense of privacy, stability, and personal autonomy. Adequate shelters are also commonly inaccessible to vehicle residents because there is no place to leave the vehicle.<sup>3</sup> **For many, their vehicle is their home.**<sup>4</sup>

But vehicle residents are routinely punished for these circumstances. Many laws criminalize necessary, life-sustaining activities, which routinely affect all unhoused people. But vehicle residents, specifically, are disproportionately impacted from a complex array of laws regarding vehicles. Many **parking restrictions effectively banish vehicle residents** from major parts of the city.<sup>5</sup> Often, **vehicle residents are unable to pay** for citations, which then evolve into criminal infractions.<sup>6</sup> Other laws commonly allow for the **impoundment of a vehicular home**, forcing vehicle residents to endure even greater trauma on the street.

These laws **do not result in deterrence or meaningful revenue**, but they do harm to already vulnerable people, making them more resistant to recovering from poverty and homelessness.<sup>7</sup> This result is not only inhumane, but amounts to a **costly rotating door** that

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<sup>1</sup> Count Us In, Reports, ALL HOME KING COUNTY, <http://allhomekc.org/king-county-point-in-time-pit-count/#reports> (last visited Dec. 1, 2017).

<sup>2</sup> Count Us In, *Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness 2017*, ALL HOME KING COUNTY (2017), <http://allhomekc.org/wp-content/uploads/2016/11/2017-King-PIT-Count-Comprehensive-Report-FINAL-DRAFT-5.31.17.pdf> [hereinafter 2017 One Night Count Report].

<sup>3</sup> SUZANNE SKINNER AND SARA RANKIN, SHUT OUT: HOW BARRIERS OFTEN PREVENT MEANINGFUL ACCESS TO EMERGENCY SHELTER (May 9, 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2776421](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2776421).

<sup>4</sup> Jessica So et. al., Seattle Univ. Sch. of Law, Homeless Rights Advocacy Project, LIVING AT THE INTERSECTION 3 (May 9, 2016), <https://ssrn.com/abstract=2776423> [hereinafter “Living at the Intersection”].

<sup>5</sup> *Id.*

<sup>6</sup> Justin Olson et. al., Seattle Univ. Sch. of Law, Homeless Rights Advocacy Project, WASHINGTON’S WAR ON THE VISIBLY POOR: A SURVEY OF CRIMINALIZING ORDINANCES & THEIR ENFORCEMENT (May 6, 2015), <https://ssrn.com/abstract=2602318> or <http://dx.doi.org/10.2139/ssrn.2602318> [hereinafter “Washington’s War”]; see also Living at the Intersection, *supra* note 4.

<sup>7</sup> *Id.*; Washington’s War, *supra* note 6.

generates significant fiscal drain. Accordingly, other reports have already shown why these **laws can and should be revised** to mitigate harm to vulnerable vehicle residents.<sup>8</sup>

Safe Parking Programs can be part of an interim solution that mitigates harm to vulnerable vehicle residents. **Safe Parking Programs utilize existing public or privately-owned parking infrastructure to provide vehicle residents with a safe, reliable, and legal place to park.** This brief is a resource for anyone interested in researching, implementing, or advocating for Safe Parking Programs to mitigate harm to vehicle residents and to offer these vulnerable neighbors support that might lift them out of poverty and into stable, permanent housing. It surveys resources and highlights three specific case studies of currently successful Safe Parking Programs: New Beginnings Counseling Center, in Santa Barbara, California; Dreams for Change, in San Diego, California; and Lake Washington United Methodist Church, in Kirkland, Washington.

Finally, this brief synthesizes key considerations for anyone seeking to advocate for or implement a Safe Parking Program. These areas include:

**Operational Approaches.** Operational approaches to Safe Parking Programs help determine the goals and primary functions of the program.

- Successful Safe Parking Programs start by clearly identifying their goals and the target population they want to help.
- Two operational models are typical: a **centralized hosting model** or a **privatized model**.
  - In a **centralized** hosting model, the primary functions of the program are **administered through one organization**, such as a non-profit. This model **allows for programmatic efficiency**, because the Safe Parking Program can utilize existing administrative resources. Depending on the status of the administering organization, this model can allow the possibility of **government funding** and **wider networks** for outreach.
  - In a **privatized** model, Safe Parking programs are afforded **greater operational freedoms** because they are less likely to be restricted due to funding criteria or governmental oversight. With a private model, Safe Parking Programs are **allowed greater discretion** in how they choose to operate their programming. As a result, community engagement may differ.

**Sources of funding.** Safe Parking programs are typically funded from three major sources: government, private donors, and individual donors. Each source comes with pros and cons.

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<sup>8</sup> Living at the Intersection, *supra* note 4.

- Safe Parking Programs face issues around **reliability** of funding resources, the **flexibility** in which the funding can be used, and the overall **autonomy** that each Safe Parking Program will receive if they accept the funding. For example, government funding is often a reliable and stable source of funding because the recipient typically knows how much money they will be receiving, and when they will be receiving it. However, government grants can restrict how recipients can spend the money. Funding received from large private donors and individual donors may allow more flexibility or fewer spending restrictions. However, using private donors may result in a more limited or unreliable funding stream.

**Positive relationships with local government and local law enforcement.** Safe Parking Programs increase their likelihood of success if they develop strong relationships with local government and law enforcement. Such relationships can positively affect a Safe Parking Program's operational plans, funding applications, lot procurement, media exposure, and community engagement and interaction.

**Community Engagement.** Safe Parking Programs also benefit from investing in positive community relationships. Programs benefit from developing positive reputational capital. Creating thoughtful and intentional relationships within the community creates trust between community members and vehicle residents that utilize the Safe Parking Program.

The only real solution to address vehicle residency is an exit to housing.<sup>9</sup> But in the crucial interim, Safe Parking Programs can mitigate harm and provide critical stability for vehicle residents who, for too long, have been hidden in plain sight.<sup>10</sup>

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<sup>9</sup> Many advocates and policymakers agree that that ultimate goal of a safe parking program is to secure permanent housing; however, this goal may not resonate with some vehicle residents, who already see their vehicle as their home. Accordingly, some advocates, such as Graham Pruss, may see "exit to housing" as a "euphemism for property seizure." E-mail from Graham Pruss, Executive Director & Co-Founder, We Count, to authors (April 12, 2018) (on file with authors).

<sup>10</sup> Thank you to Ashwin Warrior, whose blog entry, *Everyone Counts: Including Vehicle Residents Hiding in Plain Sight*, provided the inspiration for the title of this brief. Ashwin's blog is available at Firesteel, January 29, 2013, <http://firesteelwa.org/2013/01/everyone-counts-including-vehicle-residents-hiding-in-plain-sight/>



## Introduction

In 2015, the results of the King County's Point-in-Time count of people experiencing homelessness reported that the total of unhoused individuals increased 8% over the prior year and exceeded 10,000 individuals for the first time in over 30 years.<sup>11</sup> That same year, the King County Executive and the Mayor of Seattle both issued "states of emergency" to raise awareness about the underlying issues contributing to the dramatic rise in the unhoused population and to access emergency funding to address those issues.<sup>12</sup> Other large communities across the west were reported as taking similar actions—including the cities of Los Angeles and Portland, and the entire state of Hawaii.<sup>13</sup> Since then, the numbers have continued to increase at a similar rate, with the most recent King County Point-in-Time count resulting in a staggering 11,688 unhoused individuals in early 2017.<sup>14</sup>

*Safe Parking Programs use public or private parking lots to provide vehicle residents with a safe, reliable, and legal place to park.*

But these numbers only tell part of the story. One prominent segment of the unhoused or "unsheltered" population is a group sometimes described as "hiding in plain sight": vehicle residents.<sup>15</sup> While technically counted as "unsheltered," vehicle residents utilize their vehicle as a place of personal refuge and shelter. Indeed, vehicle residents make up a significant portion of King County's total unsheltered population<sup>16</sup>—42% in 2017.<sup>17</sup>

<sup>11</sup> 2015 Results, SEATTLE/KING COUNTY COALITION ON HOMELESSNESS, [http://www.homelessinfo.org/what\\_we\\_do/one\\_night\\_count/2015\\_results.php](http://www.homelessinfo.org/what_we_do/one_night_count/2015_results.php) (last visited Nov. 26, 2017).

<sup>12</sup> Daniel Beekman and Jack Broom, *Mayor, county exec declare 'state of emergency' over homelessness*, originally published November 2, 2015 at 11:23 am, <https://www.seattletimes.com/seattle-news/politics/mayor-county-exec-declare-state-of-emergency-over-homelessness/> (Updated January 31, 2016 at 10:41 am) ("[L]ocal leaders Monday declared states of emergency in Seattle and King County.").

<sup>13</sup> *Id.* ("Los Angeles and Portland took the step in September.... Hawaii followed suit this past month.").

<sup>14</sup> Count Us In, *Homelessness in King County: 2017 One Night Count Results*, ALL HOME KING COUNTY (2017), <http://allhomekc.org/wp-content/uploads/2017/05/2017-Count-Us-In-Infographic.pdf>. Point-in-time counts such as these are often criticized as underestimations. *See, e.g.*, Paul Boden, *Homeless Head Counts Help No One*, S.F. GATE (Feb. 5, 2013, 7:26 PM), <http://www.sfgate.com/opinion/openforum/article/Homeless-head-counts-help-no-one4254191.php> ("Point-in-time counts are a minimum number, always. They undercount hidden homeless populations because homeless persons are doubling up with the housed or cannot be identified by sight as homeless."). This undercounting can be especially true for vehicle residents. Nancy Joseph, *Championing Seattle's Invisible Homeless*, UNIVERSITY OF WASHINGTON COLLEGE OF ARTS AND SCIENCES: PERSPECTIVES NEWSLETTER (Dec. 2012), <https://artsci.washington.edu/news/2012-12/championing-seattles-invisible-homeless-o> (quoting vehicle residency researcher Graham Pruss explaining that "[t]o keep their lives, property, and homes safe, [for] many vehicle residents . . . their survival strategy includes invisibility").

<sup>15</sup> Ashwin Warrior, *Everyone Counts: Including Vehicle Residents Hiding in Plain Sight*, Firesteel, January 29, 2013, <http://firesteelwa.org/2013/01/everyone-counts-including-vehicle-residents-hiding-in-plain-sight/>.

<sup>16</sup> Heidi Groover, "My Van Was Just Gone." Homeless Advocates Ask City to Stop Ticketing, Towing Vehicles People Live In, THE STRANGER (Oct 3, 2017 at 4:27 pm), <http://www.thestranger.com/slog/2017/10/03/25450050/my-van-was-just-gone-homeless-advocates-ask-city-to-stop-ticketing-towing-vehicles-people-live-in>.

<sup>17</sup> 2017 One Night Count Report, *supra* note 2.

Safe Parking Programs help address the unique needs of vehicle residents. At the most fundamental level, a Safe Parking Program (SPP) uses existing public or privately-owned parking infrastructure to provide vehicle residents with a safe, reliable, and legal place to park. This need is often urgent and persistent because “banishing vehicle residency is one of the fastest-growing forms of criminalization.”<sup>19</sup> For example, over the past ten years, cities with laws that effectively criminalize vehicle residency increased a staggering 143%.<sup>20</sup> These laws

*“Even though it is safer than being outside, you still wonder if your vehicle is going to be gone when you get back to it. It’s a small fear that I have every day.”<sup>18</sup>*

include metered street parking zones,<sup>21</sup> permit-only parking zones,<sup>22</sup> time restrictions,<sup>23</sup> restrictions on vehicle operability,<sup>24</sup> restrictions regarding licensing and registration,<sup>25</sup> and even prohibitions directed specifically at vehicle habitation.<sup>26</sup>

While cities typically justify these zoning restrictions as necessary for public order or health and safety concerns,<sup>27</sup> sometimes they are a response to pressure from community members, who fear that allowing occupied vehicle parking will invite problems stereotypically associated with vehicle residents in their communities.<sup>28</sup> The scope and impact of laws that criminalize people for living in their vehicles—even when they have no other reasonable alternative—is well documented.<sup>29</sup>

Scofflaw ordinances exacerbate the effects of criminalization. Scofflaw ordinances impose penalties and financial burdens on already poor populations, allowing for the extra-judicial impoundment of vehicles if their owners cannot pay the fines.<sup>30</sup> These laws

<sup>18</sup> Groover, *supra* note 16.

<sup>19</sup> Living at the Intersection, *supra* note 4.

<sup>20</sup> NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, HOUSING NOT HANDCUFFS: ENDING THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES (2018), <https://www.nlchp.org/documents/Housing-Not-Handcuffs>.

<sup>21</sup> E.g. San Diego Land Use Ordinance § 86.0106; Kirkland Parking Ordinance 12.45.230

<sup>22</sup> E.g. San Diego Land Use Ordinance § 86.0143 and § 86.2014; Kirkland Parking Ordinance 12.45.240

<sup>23</sup> E.g. San Diego Land Use Ordinance § 86.0118; Kirkland Parking Ordinance 12.45.300

<sup>24</sup> E.g. San Diego Land Use Ordinance § 86.0137; Santa Barbara Zoning Ordinances 30.175.030(M)

<sup>25</sup> E.g. Santa Barbara Zoning Ordinances 30.175.030(M); Kirkland Parking Ordinance 12.45.170

<sup>26</sup> E.g. San Diego Land Use Ordinance § 86.0137

<sup>27</sup> NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, NO SAFE PLACE: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES 15 (Nov. 2011), [https://www.nlchp.org/documents/No\\_Safe\\_Place](https://www.nlchp.org/documents/No_Safe_Place) [hereinafter “No Safe Place”].

<sup>28</sup> Rianna Hidalgo, *Nowhere To Go*, REAL CHANGE (July 22, 2015), <http://www.realchangenews.org/2015/07/22/nowhere-go> (“[W]hat is happening at large when it comes to the nearly 800 people who live in their vehicles in Seattle... has all the elements: parking regulations that offer limited options and lead to a concentrated area of vehicle residents; visible poverty and safety concern that fuels neighborhood tensions until they reach a boiling point; [] law enforcement officials caught in between [sic] the rock-and-hard-place of trying to enforce rules without harming vulnerable populations... and public misperceptions about who the people truly are who reside within the RVs, trucks and cars on the streets of Seattle.”).

<sup>29</sup> See, e.g., Living at the Intersection, *supra* note 4; Hidalgo, *Nowhere to Go*, *supra* note 28; No Safe Place, *supra* note 27.

<sup>30</sup> Living at the Intersection, *supra* note 4.

disproportionately affect vehicle residents, because these residents rarely have sufficient financial resources to pay parking fines, let alone the additional fines that tow companies impose on residents seeking to retrieve the vehicles from impoundment.<sup>31</sup> In other words, parking violations can lead to the government pushing the vehicle residents out of their vehicles—their *homes*—and onto the street.<sup>32</sup> And unpaid, non-criminal violations can mutate into misdemeanors, dragging vehicle residents into the criminal justice system, imposing further damage with subsequent financial burdens and social penalties.<sup>33</sup>

This brief is a resource for anyone interested in researching, implementing, or advocating for SPPs. It extracts lessons from three specific case studies of successful, currently operating SPPs.<sup>34</sup> These lessons organize around four specific issues: (1) initial implementation; (2) ongoing operations; (3) community engagement; and (4) common legal considerations. The last section synthesizes lessons from these case studies that may help to support aspiring Safe Parking Programs.

## Case Studies

This section explores three examples of SPPs in operation: New Beginnings Counseling Center's (New Beginnings) SPP in Santa Barbara, California; Dreams for Change's (Dreams) SPP in San Diego, California; and Lake Washington United Methodist Church's SPP in Kirkland, Washington. These case studies shed light on how different SPPs can be structured and implemented to meet the needs of vehicle residents.

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<sup>31</sup> Rianna Hidalgo, *The Pile Up*, Real Change, August 5, 2015, <http://realchangenews.org/2015/08/05/pile>. A Seattle vehicle resident recently won an important victory in King County Superior Court, which recognized the unaccountability of the tow companies' unilateral determination of what fines to charge for impounded vehicles as violating the Eighth Amendment's restriction on excessive fines as cruel and unusual punishment. See Amended Decision and Order on RALJ Appeal at 26, *City of Seattle v. Long*, No. 17-2-15099-1 SEA (King Cty. Super. Ct. March 9, 2018). The City of Seattle is appealing this decision.

<sup>32</sup> Groover, *supra* note 16; see also T. Ray Ivey, *The Criminalization of Vehicle Residency and the Case for Judicial Intervention via the Washington State Homestead Act* (Seattle University Law Review Working Paper, No. 001/2018) (on file with authors).

<sup>33</sup> Living at the Intersection, *supra* note 4; see also ACLU, IN FOR A PENNY: THE RISE OF AMERICA'S NEW DEBTORS' PRISONS (2010), [https://www.aclu.org/sites/default/files/field\\_document/InForAPenny\\_web.pdf](https://www.aclu.org/sites/default/files/field_document/InForAPenny_web.pdf); ALEXES HARRIS, A POUND OF FLESH: MONETARY SANCTIONS AS PUNISHMENT FOR THE POOR (2016).

<sup>34</sup> Other groups throughout the country have experimented with safe parking programs. See, e.g., *Overnight Parking Program*, ST. VINCENT DE PAUL SOCIETY OF LANE COUNTY, <https://www.svdpc.us/what-we-do/homeless-services/overnight-parking-program/> (last visited April 28, 2018).

## A. New Beginnings Counseling Center's Safe Parking Program, Santa Barbara, California

New Beginnings' SPP in Santa Barbara, California, began "fourteen years ago [with] a former county supervisor, a local nonprofit, a few homeless advocates, and some well-meaning community members."<sup>35</sup>

Key to the overall success of launching the program was early support from local government.<sup>36</sup> The idea originated from discussions in a weekly "homeless coalition" meeting attended by a member of the Santa Barbara County Board of Supervisors and local advocates for homelessness issues.<sup>37</sup> The early championing of the program from the County Board Supervisor culminated in the drafting of city ordinances, both in Santa Barbara and the neighboring City of Goleta, to allow property owners to utilize their parking infrastructure to host vehicle residents overnight as a "transitional housing alternative."<sup>38</sup>

Even with city support, the program needed an experienced non-profit to manage it. New Beginnings ultimately agreed to assume this role.<sup>39</sup> From humble beginnings—with only a few parking spots on "local churches and nonprofit" properties—the program has "grown into a complex system that shelters 150 people... every night."<sup>40</sup> The program's present capacity includes 24 community parking lots, donated through a diverse coalition of hosts that include

New Beginnings Safe Parking Program	
Years in operation	14
Number of lots	24
Type of lots	Public and private/religious
Nightly capacity	150
Participants targeted	All vehicle residents
Operating hours	Overnight only (7pm - 6:30 am)
Organizational structure	Part of larger non-profit
Staffing strategy	Min. /max. approach
Primary funding source	Government grants

<sup>35</sup> Kristine J. Schwarz, Preface to LOUISE JANSEN & ROBERT TAUBER, NEW BEGINNINGS COUNSELING CENTER'S SAFE PARKING PROGRAM MANUAL, at vii, vii (2017).

<sup>36</sup> Telephone Interview with Cassie Roach, Safe Parking Program Coordinator and Senior Case Manager, New Beginnings Counseling Center (Oct. 13, 2017).

<sup>37</sup> LOUISE JANSEN & ROBERT TAUBER, NEW BEGINNINGS COUNSELING CENTER'S SAFE PARKING PROGRAM MANUAL 3 (2017) [hereinafter New Beginnings-SPP Manual].

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 4.

<sup>40</sup> *Id.*

faith-based, nonprofit, governmental, and private business property owners.<sup>41</sup> Its success also garners attention from local, national, and even international media.<sup>42</sup>

New Beginnings' SPP is a useful example of a program that operated successfully for several years and effectively scaled its program to increase its overall capacity. The sections below examine 1) how the program functions operationally; 2) how it approaches community engagement and public relations; and 3) what primary legal considerations it encountered and how they are addressed.

## 1. Operational Approaches

The New Beginnings' SPP utilizes a centralized hosting model. In a centralized hosting model, the primary functions for administering the program are coordinated through one organization: in this case, New Beginnings.<sup>43</sup> This organizational approach has some operational advantages.

One operational advantage is the availability of funding. A large source of New Beginnings' funding for the Safe Parking Program specifically comes from grants provided from the U.S. Department of Housing and Urban Development, either directly to the program or through funds managed through the City and County of Santa Barbara.<sup>44</sup> A potential downside of this funding model is that specific usage and follow-on reporting requirements typically encumber such grants.<sup>45</sup> Due to the centralized hosting model and the support of the local government, this funding strategy is ideal because the program need not compete for government grant funding with any other similar programs.<sup>46</sup> Thus, the program enjoys a relative amount of funding stability, as "[r]evenue volatility... appears less a concern with government funds than with private contributions."<sup>47</sup>

Another advantage of operating as part of a larger non-profit organization is programmatic efficiency. Due to the utilization of New Beginnings' existing administrative resources to manage functions such as: human resources, finance, and other organizational support activities, the SPP can function with a relatively small team.<sup>48</sup> This small team,

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<sup>41</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>42</sup> Inez Kaminski, New Beginnings Counseling Center Gets National Coverage, SANTA BARBARA INDEP. (Friday, June 29, 2012), <http://www.independent.com/news/2012/jun/29/new-beginnings-counseling-center-gets-national-cov/>.

<sup>43</sup> New Beginnings-SPP Manual, *supra* note 37, at 4.

<sup>44</sup> *Id.* at 5. These grants include Emergency Solutions Grants, Community Development Block Grants, and Continuum of Care program funds. See 24 C.F.R. § 570 (2017); Continuum of Care Program Law, Regulations, and Notices, HUD Exchange, <https://www.hudexchange.info/coc/coc-program-law-regulations-and-notices/> (last visited on 10/31/2017).

<sup>45</sup> New Beginnings-SPP Manual, *supra* note 37, at 4.

<sup>46</sup> *Id.*

<sup>47</sup> Karen A. Froelich, *Diversification of Revenue Strategies: Evolving Resource Dependence in Nonprofit Organizations*, 28 NONPROFIT AND VOLUNTARY SECTOR Q., NO. 3, at 246, 260 (Sept. 1999).

<sup>48</sup> New Beginnings-SPP Manual, *supra* note 37, at 40.

consisting of two full-time and two part-time staff members, coordinates all functions related to running the program.<sup>49</sup>

To provide both a general understanding of how an SPP operates on a functional level, and to highlight additional operational advantages of New Beginnings' operational approach, the following sections outline some of the SPP staff's specific operational responsibilities. These functions, which might be typical in any such program, include new parking lot identification and acquisition; potential participant outreach and recruitment; intake and case management; and lot monitoring and rules enforcement.

#### *a. New Parking Lot Identification and Acquisition*

All New Beginnings' SPP staff are encouraged to be "on the lookout for" potential new parking lots for the program.<sup>51</sup> This search includes looking for organizations "engaged in addressing the issue of homelessness" that own potentially suitable property.<sup>52</sup> The suitability of each lot for the specific needs of the program is a crucial consideration.<sup>53</sup> The two important criteria for suitable lots are: (1) that the public does not utilize the lot during the overnight hours in which the program operates, and (2) that they are located in inconspicuous areas, such as in industrial zones, or outside of residential areas.<sup>54</sup> These considerations allow for the program to minimize any potential conflicts with unsupportive community members and to provide a high level of privacy and protection to the participants.<sup>55</sup>

*Revenue volatility may be less of an issue with government funds than with private contributions.<sup>50</sup>*

The government or religious organizations tend to own the properties that make for suitable lots.<sup>56</sup> In acquiring new lots, program staff are sensitive to the specific concerns and circumstances of the property owner. Since government property is generally larger and centrally located in relatively inconspicuous areas, government entities may not be particular

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<sup>49</sup> *Id.*

<sup>50</sup> Froelich, *supra* note 47.

<sup>51</sup> New Beginnings-SPP Manual, *supra* note 37, at 13.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* ("One of the main reasons why the program is so successful is that it 'flies under the radar.'") This is a potentially controversial approach, as some advocacy organizations might characterize it as forced separation from the greater society, tantamount to exile for the participants. See Joel John Roberts, *Do People Experiencing Homelessness Deserve to be Exiled?*, POVERTY INSIGHTS (Aug. 26, 2013), <http://www.povertyinsights.org/2013/08/26/do-people-experiencing-homelessness-deserve-to-be-exiled/>. The specific ways that this strategy has contributed to the success of the New Beginnings SPP are discussed in the following sections.

<sup>55</sup> New Beginnings-SPP Manual, *supra* note 37, at 40.

<sup>56</sup> *Id.*

about how the lots are utilized.<sup>57</sup> Those lots are usually more suitable for larger vehicles and a broader demographic mix of participants.<sup>58</sup> New Beginnings maintains flexibility to provide for the specific needs of both the participants and the property owners through the designation of lots for specific populations.<sup>59</sup> The program serves a very broad cross-section of the vehicle resident population.<sup>60</sup>

Because private- or religious-owned lots tend to be in more conspicuous areas, such as residential areas, the property owners may be more sensitive to surrounding community concerns about how the lots will be utilized.<sup>61</sup> However, some community concerns are not based in fact, but rather influenced by popular misconceptions about vehicle residents.<sup>62</sup> The SPP staff attempts to listen to and work with the owners' limitations and preferences.<sup>63</sup>

Another important criterion that the SPP considers when acquiring new lots is the available space for use. Over the years, the program determined that it is best not to overfill available lots, so it "rarely use[s] more than 10% to 20% of the spaces" in a lot.<sup>64</sup> Potential lot owners tend to feel more comfortable donating their spaces to the program knowing that New Beginnings is sensitive about the potential impact to the surrounding community.<sup>65</sup> This space buffer ensures participants' privacy and helps avoid potential conflicts between participants.<sup>66</sup>

#### *b. Potential Participant Outreach and Recruitment*

Active outreach in the unhoused community and participant recruitment efforts are vital. SPP staff utilizes many methods of outreach and targeted recruitment of potential participants.<sup>67</sup> SPP staff attend regularly scheduled community meetings that focus on homelessness related issues and other relevant community events or presentations.<sup>68</sup> SPP

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<sup>57</sup> *Id.* ("We have found that the workers who park in these lots tend to be civil servants. They tend to be relatively accepting, tolerant, and compassionate toward the program's services.").

<sup>58</sup> *Id.*

<sup>59</sup> For example, property owners may restrict or designate the lot so only women, or families, or larger vehicles, or adults may use the lot. *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* A common obstacle to supportive shelter or housing projects is opposition by especially vocal community groups, often referred to as NIMBYism (or Not in My Backyard activism). See, e.g., Kate Means, Seattle University Homeless Rights Advocacy Project, FAITH IS THE FIRST STEP: FAITH-BASED SOLUTIONS TO HOMELESSNESS (Sara Rankin ed., 2018); Evan Parr, Seattle University Homeless Rights Advocacy Project, IT TAKES A VILLAGE: PRACTICAL GUIDANCE FOR AUTHORIZED HOMELESS ENCAMPMENTS (Sara Rankin ed., 2018).

<sup>62</sup> Telephone Interview with Cassie Roach, *supra* note 36; see also Vincent Lyon-Callo, *Making Sense of NIMBY: Poverty, Power and Community Opposition to Homeless Shelters*, 13 CITY AND SOCIETY 183, 193 (2001); Rachel D. Godsil, *Breaking the Cycle: Implicit Bias, Racial Anxiety, and Stereotype Threat*, POVERTY & RACE RESEARCH ACTION COUNCIL (Jan./Feb. 2015), <http://www.prrac.org/newsletters/janfeb2015.pdf>.

<sup>63</sup> See text discussing property owner contracting and end-user agreements, *infra* pp. 14-20.

<sup>64</sup> New Beginnings-SPP Manual, *supra* note 37, at 14.

<sup>65</sup> *Id.*; see also Telephone Interview with Cassie Roach, *supra* note 36.

<sup>66</sup> *Id.*

<sup>67</sup> New Beginnings-SPP Manual, *supra* note 37, at 31.

<sup>68</sup> *Id.*



staff also cultivate relationships with other community service organizations that may act as referral sources, post flyers and distribute informational pamphlets in public locations, such as local colleges or coffee shops.<sup>69</sup> SPP staff may also conduct outreach to local landlords and area businesses to raise general awareness of the program.<sup>70</sup>

### *c. Participant Intake and Case Management*

One of the most important contributors to the success of New Beginnings' SPP is integrated case management.<sup>72</sup> Every participant in the parking program is highly encouraged to participate in case management services.<sup>73</sup>

Case management begins at intake. New participants begin the process when completing an intake form.<sup>74</sup> This process allows New Beginnings staff to confirm that the participants meet all program requirements.<sup>75</sup> Participants are then placed in lots specifically suited for their needs, such as women- or family-only restricted lots, or large vehicle lots.<sup>76</sup> At intake, the SPP staff

*New Beginnings' program eligibility requirements include a current driver's license, registration, and automobile insurance; the vehicle must be operational.<sup>71</sup>*

works with the participant to prepare a case management plan to connect the participant with resources and services based on the participant's specific needs.<sup>77</sup> Such plans could include "job tutoring, resume preparation and facilitat[ing] outside agency connections as needed to help participants gain employment or obtain government benefits."<sup>78</sup> The ultimate goal of all case

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<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 69.

<sup>72</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>73</sup> "Case management is highly encouraged but we practice the Housing First model and cannot mandate someone participates in order to stay in the program." E-mail from Cassie Roach, Safe Parking Program Coordinator and Senior Case Manager, New Beginnings Counseling Center, to authors (April 17, 2018) (on file with authors). Generally, mandatory case management as a barrier to entry for participants is a potentially controversial proposition in the homeless advocacy arena. *See Low-Barrier Shelters: A Good Thing*, UNITED WAY OF KING COUNTY (Jun. 23, 2016), <https://www.uwkc.org/homelessness/low-barrier-shelters/>; *see also* Hayat Norimine, *Seattle's First Low-Barrier Encampment Opens in Licton Springs Wednesday*, SEATTLE MET (Mar. 31, 2017, 12:20 pm), <https://www.seattlemet.com/articles/2017/3/31/seattle-s-first-low-barrier-shelter-opens-in-lichton-springs-wednesday>. The Housing First model emphasizes the necessity of providing stable and secure housing without requiring specific participation in case management prior to access. *See, e.g., Housing First*, NATIONAL ALLIANCE TO END HOMELESSNESS (Apr. 20, 2016), <https://endhomelessness.org/resource/housing-first/>.

<sup>74</sup> New Beginnings-SPP Manual, *supra* note 37, at 99-106.

<sup>75</sup> Program eligibility requirements include: driver's license, registration, and automobile insurance must be current; vehicle must be operational; and applicant must be "homeless and living in their vehicle." New Beginnings-SPP Manual, *supra* note 37, at 69. Many of these requirements are statutorily or regulatorily imposed. *See infra* notes 86-88 and accompanying text.

<sup>76</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>77</sup> New Beginnings-SPP Manual, *supra* note 37, at 71.

<sup>78</sup> Safe Parking, NEW BEGINNINGS COUNSELING CENTER, <http://sbnbcc.org/safe-parking/> (last visited April 28, 2018).



management is “to transition program participants into permanent housing and employment.”<sup>79</sup>

New Beginnings’ SPP is set-up in two ways to promote regular contact between case managers and participants to support the integrated case management approach. First, participation in the program is through permit only. The permit identifies which one of the 24 lots the participant may access each evening.<sup>80</sup> While participants may come and go as they please throughout the evening, providing flexibility and a sense of personal autonomy, they are asked to utilize the lot at least four evenings a week, or they risk losing their permit to one of the many potential participants on the program’s waitlist.<sup>81</sup> This requirement supports the integrated case management approach, because it allows staff to monitor individual cases and to provide targeted outreach. As a result, there is some certainty regarding where participants can likely be reached.<sup>82</sup>

Second, participant permits must be renewed monthly.<sup>83</sup> The monthly renewal requirement also ensures that case managers maintain regular contact with each participant to monitor the participant’s progress in implementing the case management plan.<sup>84</sup> Active case management and monitoring is a key aspect of helping to advocate for the participants as they navigate the bureaucratic barriers that often hinder progress back into stable housing.<sup>85</sup> Regular contact with the participants also ensures SPP remains compliant with all regulatory or statutory requirements.<sup>86</sup> Many of these limitations, including the requirements to maintain valid licensing and registration status, for program participants is a function of local ordinances.<sup>87</sup> Making the requirements mandatory for participation, though, also helps with maintaining good relationships with the property owners, as it works to assuage some of the general misconceptions about vehicle residents.<sup>88</sup>

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<sup>79</sup> *Id.*

<sup>80</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> Current proof of valid driver’s license, vehicle registration and insurance is required. Safe Parking, NEW BEGINNINGS COUNSELING CENTER, <http://sbnbcc.org/safe-parking/> (last visited April 28, 2018).

<sup>87</sup> Santa Barbara Zoning Ordinances 30.175.030(M).

<sup>88</sup> Telephone Interview with Cassie Roach, *supra* note 36.

#### *d. Lot Monitoring and Rules Enforcement*

Even with a small team, the program staff are responsible for actively monitoring the lots and responding to any issues that may arise.<sup>89</sup> Staff specifically monitor the lots for potential safety issues, rules enforcement, and participant outreach.<sup>90</sup>

Proactive monitoring for safety issues is a paramount concern for New Beginnings' SPP. "[P]arkers report that feeling secure and confident in the monitoring of the lot by the program is . . . essential."<sup>91</sup> Staff are trained to proactively identify potential issues and to follow comprehensive protocols for addressing safety issues of varying degrees of severity.<sup>92</sup> Participants are also encouraged to participate in maintaining a safe environment via reporting any unusual behavior and avoiding direct confrontations with other participants. Monitoring staff are expected to address safety concerns immediately, to avoid potential escalation.<sup>93</sup> Due to the importance of effective lot monitoring, New Beginnings intentionally employs SPP staff with experience working with the unhoused population.<sup>94</sup>

Rule enforcement is a related, and equally important, responsibility of lot monitoring staff. At intake, participants must agree to the program rules and are informed that violations could cause termination from the program.<sup>96</sup> Rules are posted at all parking lots. To ensure consistent enforcement, SPP staff must be very familiar with the program rules and requirements. They are also encouraged and expected to enforce the rules with "good judgment... [and to try to] solve problems on site with the least outside involvement."<sup>97</sup>

Finally, lot-monitoring staff must also provide participant outreach. Lot monitoring provides the staff with good opportunities to connect with the participants outside of the more formal intake and permit renewal settings. While these outreach efforts feed directly into the case management services, maintaining regular contact with the participants is also important for a few other reasons. First, SPP staff

A family with deaf parents and three children were sleeping in their car. Their special needs made communication with agencies difficult. SPP staff intervened on their behalf, making phone calls, setting up meetings, and writing supportive letters explaining the family's situation.<sup>95</sup>

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<sup>89</sup> New Beginnings-SPP Manual, *supra* note 37, at 40.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 17.

<sup>92</sup> *Id.* at 75-76, 90-95.

<sup>93</sup> *Id.* at 17.

<sup>94</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>95</sup> New Beginnings-SPP Manual, *supra* note 37, at 40.

<sup>96</sup> *Id.* at 100.

<sup>97</sup> *Id.* at 15.

can build relationships with the participants that allow them to proactively identify and address potential conflicts<sup>98</sup> and to address the unique needs of individual participants.<sup>99</sup>

Second, regular contact allows SPP staff to intervene on behalf of the participants whenever contact with outside parties is required, especially in limiting the participants' exposure to potentially traumatizing interactions with law enforcement or unsupportive community members.<sup>100</sup>

## 2. Community Engagement and Public Relations Strategies

Another primary contributor to the overall success of New Beginnings' Safe Parking Program is its active approach to community engagement and public relations. New Beginnings aims to build a strong reputation within the communities in which it operates.<sup>102</sup> Many of the specific operational approaches, discussed above, support this strategy of building and maintaining a positive reputation: for example, the importance of protecting the program's reputation influences its parking lot suitability requirements, case management focus, and active lot monitoring approach. Lot monitors are instructed to request that the program coordinator respond to any community member issue or complaint.<sup>103</sup> Once an issue is addressed or resolved, the program coordinator is expected to follow-up with the specific community member that raised the issue. In New Beginnings' experience, "once the program and the lots [are] established and well monitored, complaints from neighbors [are] less frequent than anticipated."<sup>104</sup>

*"When police know a parker is in the Safe Parking Program, we find that they are much more likely to consider the identified parker as a local citizen."<sup>101</sup>*

New Beginnings relies on its positive reputation to build strong overall relationships with the surrounding community, through its efforts to ensure the program has a negligible impact on its local community. In doing so, the SPP can proactively diffuse objections.<sup>105</sup> Thus, the relationships inoculate New Beginnings' SPP from the few individual community members who might simply object to the program's presence in the community. Most of these general negative responses are based on "stigma

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<sup>98</sup> *Id.* at 18.

<sup>99</sup> *Id.* at 40.

<sup>100</sup> Telephone Interview with Cassie Roach, *supra* note 36. For more discussion on the importance of building a proactive relationship with local law enforcement see *supra* pp. 39.

<sup>101</sup> *Id.* at 55.

<sup>102</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>103</sup> New Beginnings-SPP Manual, *supra* note 37, at 14.

<sup>104</sup> *Id.* at 7.

<sup>105</sup> *Id.* New Beginning's approach could justifiably be described as conservative from a homeless advocacy perspective. This brief attempts to illuminate some reasons why such a conservative approach has proved successful for this particular case study, but also to highlight alternative approaches represented by the other case studies.

and bias... [due to] widely held misconceptions.”<sup>106</sup> Garnering support from other stakeholder-relationships—such as local law enforcement and government officials<sup>107</sup>—the SPP is more likely to receive the benefit of the doubt when an objection is escalated.<sup>108</sup>

New Beginnings values actively cultivating positive relationships with local government. As discussed, one of the program’s initial champions and founders was a County Board Supervisor who helped propel the program into existence.<sup>109</sup> This relationship laid the foundation for the support that the program received from other county and city government officials and administrators, both in Santa Barbara and in neighboring City of Goleta.<sup>110</sup>

New Beginnings continues to invest in its relationships with local government stakeholders, regularly presenting to the city and administrative officials.<sup>111</sup> SPP staff also maintain relationships with local state and federal legislative representatives who provide valuable support for grant funding and access to government-owned parking lots.<sup>112</sup> The program’s focus on maintaining a strong reputation, which it utilizes to strengthen these key governmental relationships, is to always remain apprised of and ensure compliance with the laws and ordinances that are directly relevant and applicable to the program.<sup>113</sup>

New Beginnings also actively maintains a relationship with another key stakeholder: local law enforcement. New Beginnings prioritizes ensuring that all local police officers know of the program.<sup>114</sup> “When police know a parker is in the Safe Parking Program, we find that they are much more likely to consider the identified parker as a local citizen.”<sup>115</sup> Thus, the program regularly conducts informational presentations during local police briefings.<sup>116</sup>

Law enforcement benefits from reliable contact within the community whenever there is a reported incident in or around a program location.<sup>117</sup> The responding officer’s awareness of the program is key, because the SPP staff have found that “officers who don’t know about our program often think it is one of our parkers when a problem is occurring.... [even though] about 99.9% of the time it is not.”<sup>118</sup> Further, when the program and police share an understanding of the governing regulations under which the program operates, the police “tend to be more supportive... when they understand that [the program] is entirely legal.”<sup>119</sup>

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<sup>106</sup> Telephone Interview with Cassie Roach, *supra* note 28.

<sup>107</sup> *Supra* pp. 39.

<sup>108</sup> *Id.*

<sup>109</sup> New Beginnings-SPP Manual, *supra* note 37, at 3.

<sup>110</sup> *Id.*

<sup>111</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>112</sup> New Beginnings-SPP Manual, *supra* note 37, at 3.

<sup>113</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>114</sup> New Beginnings-SPP Manual, *supra* note 37, at 55.

<sup>115</sup> *Id.*

<sup>116</sup> Telephone Interview with Cassie Roach, *supra* note 28.

<sup>117</sup> New Beginnings-SPP Manual, *supra* note 37, at 55.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 8.

Relationships are also important in terms of broader public relations. Unlike some other homeless resident programs,<sup>120</sup> New Beginnings does not prioritize early community buy-in before the program starts. Indeed, over time, New Beginnings learned that seeking community buy-in prior to utilizing a new lot is mostly counterproductive.<sup>121</sup> The community often misperceives such early buy-in efforts as implying that the community will have say in the day-to-day operations of the program. New Beginnings found that such early buy-in efforts typically resulted in spending most of its time “dealing with hypothetical problems expressed by concerned citizens” based on uninformed misconceptions.<sup>122</sup> Instead, New Beginnings focuses on working directly with each parking lot owner to ensure a productive and positive relationship with that particular stakeholder during the implementation of a new SPP site and pursues the previously describe active lot monitoring, community engagement, and relationship management strategies to mitigate any community issues that might arise.

Additionally, New Beginnings pursues a general promotional campaign through local mass media to build community awareness of its program. New Beginnings runs informational public service announcements about its SPP on local television,<sup>123</sup> which allows New Beginnings to control the narrative. This positive narrative can be carried through into any interactions that SPP staff have with outside stakeholders. That way, if community members come across an SPP site, they might be more aware of the services that the program is providing to the community and the difference it is making in participants’ lives. Community engagement and communication are key; however, New Beginnings and other SPPs also must consider common legal issues.

### 3. Legal Considerations

New Beginnings’ primary legal concerns with running an SPP come from five distinct areas: insurance liability, contracts with parking lot owners, requirements for grant funding, participant user agreements, and compliance with local parking regulations.<sup>124</sup>

First, New Beginnings found maintaining insurance liability coverage relatively easy to resolve when extending coverage under its existing policies to include liability protection for the lots and adding the lot owners as additional insureds.<sup>125</sup> While the increase in premium costs may be significant, the program considers it a necessary expense.<sup>126</sup> Liability risk is a primary barrier to acquiring new parking lots, because lot owners want to ensure they are

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<sup>120</sup> Tran Dinh, Seattle University Homeless Rights Advocacy Project & David A. Brewster, Anna C. Fullerton, Gregory D. Huckaby, Mamie L. Parks, University of Denver Sturm College of Law Homeless Advocacy Policy Project, YES, IN MY BACKYARD: BUILDING ADUS TO ADDRESS HOMELESSNESS (Sara Rankin, Nantiya Ruan, Elie Zweibel eds., 2018).

<sup>121</sup> *Id.* at 7.

<sup>122</sup> *Id.*

<sup>123</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>124</sup> *Id.* New Beginnings-SPP Manual, *supra* note 37, at 13.

<sup>125</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>126</sup> New Beginnings-SPP Manual, *supra* note 37, at 13.

indemnified from any liability arising as a result of SPP use.<sup>127</sup> Providing liability coverage eliminates this barrier.<sup>128</sup> In New Beginnings' case, the SPP was already generally covered under the policy that covered all of New Beginnings' operations, and its insurance provider understood the SPP in working with the organization to expand liability coverage over the parking lots and adding the lot owners as additional insureds.<sup>129</sup>

The program also contracts with all parking lot owners.<sup>130</sup> This process begins with the creation of a memorandum of understanding that incorporates any specific restrictions that the lot owner requests regarding the lot, such as restricting the service to women or families only.<sup>131</sup> As with any contracting situation, it is important to seek legal advice.<sup>132</sup> Again, in New Beginnings' case, the SPP benefits from access to the existing legal resources available in the larger organization.

Common legal considerations for SPPs include insurance liability, contracts with parking lot owners, requirements for grant funding, participant user agreements, and compliance with local parking regulations.

Another important programmatic concern is remaining compliant with requirements for government grant funding. Most funds are encumbered with restrictions on their use. For example, funds provided through the HUD Continuum of Care program are restricted to "eligible activities and administration requirements for assistance provided under the rapid re-housing component."<sup>133</sup> Remaining familiar with all eligibility and reporting requirements for the government funding sources and ensuring that the program remains compliant is a constant concern for the SPP.

An issue directly related with previous legal concerns—maintaining sufficient liability insurance coverage, contracting with parking lot owners, and complying with government funding requirements—is securing user agreements from program participants during the initial intake process.<sup>134</sup> User agreements are important for three specific reasons. First, New Beginnings' requires the SPP to secure a liability waiver from each participant.<sup>135</sup> Second, the parking lot owners feel more comfortable knowing that participants agree to follow the

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<sup>127</sup> *Id.*

<sup>128</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> New Beginnings-SPP Manual, *supra* note 37, at 13.

<sup>132</sup> *Id.*

<sup>133</sup> Continuum of Care (CoC) Program Eligibility Requirements, HUD Exchange, <https://www.hudexchange.info/programs/coc/coc-program-eligibility-requirements/> (Last visited on Oct. 20, 2017).

<sup>134</sup> New Beginnings-SPP Manual, *supra* note 37, at 109-12.

<sup>135</sup> Telephone Interview with Cassie Roach, *supra* note 36. The program is not required to secure such a waiver from participants as a provision of its extended insurance coverage, but chooses to do so for pragmatic risk management purposes. E-mail from Cassie Roach, *supra* note 73.

program's rules and policies.<sup>136</sup> Finally, all participants must maintain a "valid, current Release of Information (ROI) form"<sup>137</sup> to comply with HUD funding Homeless Management Information System reporting requirements.<sup>138</sup> The ROI also acts as the program's agreement to keep all client information confidential and to share only information the participant authorizes.<sup>139</sup>

One final important legal consideration for New Beginnings' SPP is ensuring that the program operates within all relevant parking regulations.<sup>140</sup> Fortunately, New Beginnings' benefitted from the passing of relatively favorable and progressive reforms.<sup>141</sup> In July 2017, the city council adopted the Santa Barbara New Zoning Ordinance. This ordinance includes provisions that specifically allow for vehicle residents with RVs to be hosted in "Parking Lots of Nonprofit Organizations... [or] in Certain Areas of Certain Zones... [or in] City Parking Lots" under specific conditions.<sup>142</sup> However, the program must still require that all participating vehicles maintain license and registration, and remain fully operational, due to an ordinance that requires "vehicles incapable of movement under their own power or vehicles not currently registered for use... [to] be stored in an entirely enclosed space."<sup>143</sup>

## B. Dreams for Change's Safe Parking Program, San Diego, California

Dreams is another example of a successful Safe Parking Program. Located in San Diego, California, the non-profit organization serves San Diego's vehicle resident population since 2009.<sup>145</sup> Dr. Teresa Smith, a long-time social service provider, initially championed the program after noticing an increase in vehicle residency during the recession in and around 2008.<sup>146</sup> One of her primary concerns was that many of the newly unhoused vehicle residents she encountered were unfamiliar with the social services and assistance programs available in the area.<sup>147</sup> This group appeared to be composed of "working families who due to an unanticipated life-changing event found themselves living in their cars with no idea of what to do next."<sup>148</sup> Thus, Dreams' SPP was created with the

Dreams struggled with a lack of local government support until the recent Hep-A outbreak, which prompted a change.<sup>144</sup>

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<sup>136</sup> *Id.*

<sup>137</sup> New Beginnings-SPP Manual, *supra* note 37, at 82.

<sup>138</sup> *Homeless Management Information System*, HUD EXCHANGE, <https://www.hudexchange.info/programs/hmis/> (last visited on Oct. 20, 2017).

<sup>139</sup> New Beginnings-SPP Manual, *supra* note 37, at 81.

<sup>140</sup> Telephone Interview with Cassie Roach, *supra* note 36.

<sup>141</sup> *Id.*

<sup>142</sup> City of Santa Barbara Municipal Code Section 30.185.270.

<sup>143</sup> City of Santa Barbara Municipal Code Section 30.175.030.

<sup>144</sup> Telephone Interview with Teresa Smith, Chief Executive Officer, Dreams for Change (Oct. 17, 2017).

<sup>145</sup> *Our Mission*, DREAMS FOR CHANGE, <http://www.dreamsforchange.org/history-mission/> (last visited on Oct. 20, 2017).

<sup>146</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>147</sup> *Id.*

<sup>148</sup> *Our Mission*, *supra* note 145.

mission to “draw upon documented best practices for addressing poverty and to apply those practices to meet the unique needs of this struggling population.”<sup>149</sup>

Prior to starting Dreams, Dr. Smith worked for an anti-poverty non-profit organization

Dreams for Change Safe Parking Program	
Years in operation	8
Number of lots	3
Type of lots	Public and private/religious
Nightly capacity	150
Participants targeted	Families and individuals
Operating hours	Overnight only (6pm –7am)
Organizational structure	Direct service provider
Staffing strategy	Lean and efficient
Primary funding source	Corporate/institutional donors/city

in San Diego.<sup>150</sup> In that role, she worked with a group of graduate students from San Diego

State University’s School of Social Work and California Western Law School who developed the idea of implementing a Safe Parking Program, which resulted in a final research project that “laid the ground work for the [SPP].”<sup>151</sup> Dr. Smith then created Dreams to put the idea into practice.

The program launched in 2009 when one area church provided parking facilities.<sup>152</sup>

The location was selected because it was large and inconspicuously located.<sup>153</sup> A few different lots have been utilized over the years, but the program remained relatively small serving less than 75 vehicles.<sup>154</sup> This lack of expansion is largely due to a lack of support from local government.<sup>155</sup> Despite that lack of government support, the program “served 2,650 individuals and families.”<sup>156</sup>

But an area-wide health crisis prompted a shift in relations with local government. As the San Diego recovered from a Hepatitis A outbreak that disproportionately affected the unhoused population,<sup>157</sup> the city mobilized to provide increased support and funding for homelessness service providers. The city approached Dreams to expand its services as a part of the city’s crisis response efforts.<sup>158</sup> The city offered to fund the expansion of one utilized

<sup>149</sup> *Id.*

<sup>150</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>151</sup> Our Mission, *supra* note 145.

<sup>152</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> Our Mission, *supra* note 145.

<sup>157</sup> *California Declares Emergency to Fight Hepatitis A Outbreak*, KPBS (Friday, October 13, 2017), <http://www.kpbs.org/news/2017/oct/13/california-declares-emergency-fight-hepatitis-outb/>.

<sup>158</sup> Telephone Interview with Teresa Smith, *supra* note 144.



parking lot by 20 spaces, and provided a new parking lot with 60 additional spaces.<sup>159</sup> Additionally, Dreams anticipates securing additional city-owned locations as its relationship with the city continue to strengthen.<sup>160</sup>

The next sections explore Dreams' operational approaches, community engagement and public relations strategies, and important legal considerations, both in comparison and contrast to the New Beginnings program.

## 1. Operational Approaches

Dreams "provides a safe parking environment and supportive services for transitional homeless living in their vehicles for overnight stays.... 7 nights a week, 365 days a year."<sup>161</sup> Organizationally, Dreams also utilizes a centralized hosting model, but does not necessarily benefit from the same operational advantages as New Beginnings' SPP due to two specific differences.

First, instead of operating within a larger, preexisting non-profit organization as New Beginnings does, Dreams was a new and independent entity created expressly to initiate a Safe Parking Program. While Dreams added to its service offerings over the years,<sup>162</sup> it is still primarily focused on supporting the vehicle resident community in San Diego.<sup>163</sup>

Second, Dreams does not enjoy as supportive and productive of a relationship with local government as New Beginnings. While Dreams' relationship with the City of San Diego appears to be changing, the historic lack of support from local government is directly reflected in the program's operational approaches.

*Some SPPs differ on approaches to parking lot acquisition. One may strive to maintain smaller groups in a lot, while another seeks larger groups to build community.*

One way these differences are represented in Dreams' SPP can be seen in its mix of funding sources. A significant proportion of Dreams' funding comes from private donors and sponsors, sources with both benefits and drawbacks.<sup>164</sup> Much of the funding is unencumbered with the specific usage restrictions and reporting requirements that typically accompany

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<sup>159</sup> *Program Offering Homeless Overnight Parking to Expand*, KPBS (Monday, October 16, 2017), <http://www.kpbs.org/news/2017/oct/16/program-offering-homeless-overnight-parking-expand/>.

<sup>160</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>161</sup> DREAMS FOR CHANGE, *SAFE PARKING PROGRAM FOR HOMELESS FAMILIES LIVING IN THEIR VEHICLE* (2017) (informational flyer) (on file with author) [hereinafter Program Overview Flyer].

<sup>162</sup> *Our Programs*, DREAMS FOR CHANGE, <http://www.dreamsforchange.org/1899-2/program-summary/> (last visited Oct. 23, 2017).

<sup>163</sup> Program Overview Flyer, *supra* note 161.

<sup>164</sup> *Funders & Supporters*, DREAMS FOR CHANGE, <http://www.dreamsforchange.org/history-mission/> (last visited Oct. 20, 2017).

government grant funding.<sup>165</sup> Private funding can allow for greater flexibility in budgeting and planning.<sup>166</sup> The primary drawback, though, is that private funds can be less reliable and take considerable staff time to identify, acquire, and maintain.<sup>167</sup> Such challenges lead Dreams to pursue an efficiency maximizing approach. This approach “uses out-of-the-box collaborative models to serve its clients, to operate with lean efficiencies, and to utilize innovative strategies for accomplishing its work.”<sup>168</sup> Funding volatility is also a contributing factor to the program’s lack of significant expansion.<sup>169</sup>

The lack of programmatic support from a larger organization or local government has influenced the functional operations of Dreams’ SPP. Unlike New Beginnings, which receives human resource and legal support from the pre-existing nonprofit, Dreams must operate with limited staff through “lean efficiencies.”<sup>170</sup> Accordingly, Dreams demonstrates some important tactical and philosophical differences in how Dreams approaches the same responsibilities identified in the previous case study, including: new parking lot identification and acquisition; potential participant outreach and recruitment; intake and case management; and lot monitoring and rules enforcement.

#### *a. New Parking Lot Identification and Acquisition*

Some clear philosophical differences exist between Dreams and New Beginnings’ approach to parking lot acquisition. Where New Beginnings cautions against over-utilizing the provided parking facilities and counsels maintaining smaller groups at each location, Dreams believes maintaining larger groups helps the participants “build a community environment.”<sup>171</sup> Much of Dreams’ overall success can be attributed to the fostering of this sense of community; participants support each other in ways that the program otherwise would not have the resources to provide.<sup>172</sup>

Dreams’ historically strained relationship with the City of Vista may explain some of its philosophical approach to parking lot utilization.<sup>173</sup> Early on, Dreams targeted faith-based-organization owned lots located in Vista as potentially ideal locations for the program.<sup>174</sup> Despite its effort to work with the city to use these properties within city limits, Dreams found the City of Vista to be generally disinterested and combative.<sup>175</sup> The inventory of suitable

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<sup>165</sup> Froelich, *supra* note 47, at 260.

<sup>166</sup> *Id.* at 250 (describing “the ‘pure’ nonprofit organization as one dependent entirely on donations, ideally without strings attached so that the organization can use the funds totally at its own discretion”).

<sup>167</sup> *Id.* at 260 (“A strategy relying on private contributions is associated with higher revenue volatility compared to the other funding strategies.”).

<sup>168</sup> Our Mission, *supra* note 145.

<sup>169</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>170</sup> Our Mission, *supra* note 145.

<sup>171</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

parking facilities was limited because Dreams could never access government-owned parking facilities. Instead of focusing on maintaining a low profile within the few lots it acquired, Dreams intentionally sought privately-owned locations that were both large and inconspicuously located to maximize usable capacity.<sup>176</sup>

Another functional difference is that Dreams intentionally seeks gated lots.<sup>177</sup> This difference means that Dreams does not provide permits for specific locations.<sup>178</sup> Instead, enrolled participants sign-in upon entering the lot, any time during the operating hours of 6:00 pm to 7:00 am every night, and may leave at any time.<sup>179</sup> However, the gates close after 9:30 pm, and participants may no longer enter or re-enter the lot if they leave after that time.<sup>180</sup> While the gated locations provide a tangible benefit for supporting this approach, from a purely functional standpoint, they also provide less tangible benefits. The gated locations limit interactions between the participants and law enforcement, unsupportive outside-community members, and curious passers-by or potential interlopers.<sup>181</sup> Dreams found that the community-at-large is less concerned about the program's presence, since it is "contained" within the gated properties.<sup>182</sup>

While the recent change in relations with the city resulted in the identification of at least one new city-owned location, Dreams intends to continue its capacity-maximizing "community building" approach.<sup>183</sup>

#### *b. Potential Participant Outreach and Recruitment*

Dreams' challenging history in expanding also played a significant role in its approach to participant outreach and recruitment. Dreams easily recruited the program's initial enrollees through street outreach and utilization of already established connections in the social services field.<sup>184</sup> Since then, the program relied on word-of-mouth and direct referrals from other service providers.<sup>185</sup> Even with this passive recruitment strategy, the program still maintains a waitlist for potential enrollees.<sup>186</sup> While the size of the waitlist might drop once the additional capacity expected from the city comes on-line, Dreams does not appear to need any significant change in approach to participant outreach or recruitment.

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<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> *Id.* But see Roberts, *supra* note 54.

<sup>183</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

### *c. Participant Intake and Case Management*

Another functional area where the lack of significant expansion over the years shaped Dreams' approach is in participant intake and case management. Dreams' approach differs in a few specific ways.

First, Dreams does not consider simply providing parking spaces a long-term solution for its participants. While both programs ultimately seek to move participants into more stable housing, the

Dreams For Change program describes its ultimate goal as preventing "the downward spiral of homelessness by bringing stability to families and individuals who are living in their vehicles."<sup>187</sup>

Dreams' Wrap Around Services	
Emergency Needs Assessment	Blankets, bottled water, toiletries, etc.
Workforce Development	Resume building, interviewing skills, etc.
Resource Development	Benefits eligibility, application assistance, etc.
Individual Financial Counseling	Credit report review, tax preparation, etc.
Community Building	Resource sharing, network building, etc.

Dreams specifically targets its "services [to] transitional homeless families, children and individuals living in their vehicle."<sup>188</sup> This focus on the "transitional" nature of its SPP participants is a key differentiator in how Dreams both identifies its participants and delivers its services. Most participants in the Dream program—70% of whom have a source of income—are typically reluctant to self-identify as being "homeless," but instead identify as being "in a period of transition."<sup>189</sup> This transitional mindset provides a useful frame for Dreams philosophical approach.<sup>190</sup> A transitional approach is intended "to fill in the gaps of government and social services" that appeared to fail the segment of "newly" unhoused individuals and families who make up a significant portion of the vehicle residency population.<sup>191</sup>

Indeed, the program's posted eligibility requirements require all participants to affirmatively acknowledge that they are "willing to work towards transition" into permanent

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<sup>187</sup> *Safe Parking Program*, DREAMS FOR CHANGE, <http://www.dreamsforchange.org/the-safe-parking-program/> (last visited Oct. 20, 2017). This may appear to be a very subtle difference in philosophy, but as will be explained further in the forthcoming sections, the focus on the "transitional" nature of its participants colors many of the specific differences that arise between Dreams for Change's and New Beginnings' SPPs.

<sup>188</sup> Program Overview Flyer, *supra* note 161.

<sup>189</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>190</sup> *Id.* ("It is easier to work with someone with a transitional mentality.").

<sup>191</sup> Our Mission, *supra* note 145.

housing, including a provision indicating “[if a] participant does not seek permanent shelter, they will not be allowed to stay on the parking lot.”<sup>192</sup>

Second, Dreams’ approach to service delivery through active case management is more targeted toward the goal of rapid rehousing and securing economic stability for participants. All participants must agree to fully participate in the case management services as part of their eligibility for the Safe Parking Program.<sup>193</sup> “Case managers construct an action plan with each family and participants, placing emphasis on permanent housing solutions, employment, training, emergency supports and asset stabilization and building.”<sup>194</sup> Further, participants meet with the case managers on a nightly basis.<sup>195</sup> While Dreams maintains partnerships with outside service organizations to assist participants, one primary differentiator of the Dreams program is the list of “wrap around” services directly provided to all participants,<sup>196</sup> including:

- emergency assistance for food and water, clothing, car repairs and work needs (gas, certifications, etc.)
- housing search assistance
- rental and deposit assistance
- workforce development soft skills and employment search
- public benefit screen
- individual financial counseling with case manager.<sup>197</sup>

Focusing on long-term economic stabilization, Dreams also employs a unique asset-building model in its case management plans that provides basic personal finance education in money management, financial planning, and budgeting.<sup>198</sup> The program’s primary metrics for success extend beyond simple exit to housing, and the case management services do not necessarily end when a participant can secure more permanent housing, as “case managers continue to assist participants to ensure long-term stabilization.”<sup>199</sup>

#### *d. Lot Monitoring and Rules Enforcement*

Due to some of the differentiating characteristics of the Dreams program already identified, the SPP de-emphasizes the need for active lot monitoring or rules enforcement. First, the targeted transitional-minded participants, coupled with the active “community

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<sup>192</sup> *Client Eligibility Criteria for Safe Parking Program*, DREAMS FOR CHANGE, <http://www.dreamsforchange.org/wp-content/uploads/2016/01/Client-Eligibility-Criteria-update.pdf> (last visited Nov. 25, 2017) [hereinafter *Client Eligibility Criteria*].

<sup>193</sup> *Id.* But cf. discussion of low-barrier services and the Housing First model, *supra* note 73.

<sup>194</sup> Program Overview Flyer, *supra* note 161.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> Program Overview Flyer, *supra* note 161.

<sup>198</sup> *Id.*; Telephone Interview with Teresa Smith, *supra* note 144. (“The number one way out of poverty is access to money.”).

<sup>199</sup> Program Overview Flyer, *supra* note 161.

building” approach, creates an environment that allows for effective self-policing.<sup>200</sup> The persistent case management ensures nightly contact with SPP staff, further reducing the need for active rules enforcement.<sup>201</sup> The case managers are actually seen as members of the parking lot community, and they are often invited to interact with the participants beyond their case management functions, regularly sharing in community organized meals and activities.<sup>202</sup> In providing effective services to the participants, the case managers often find that “it’s not during the case management sessions that they learn the most useful information, it’s when they are just hanging out.”<sup>203</sup>

## 2. Community Engagement and Public Relations Strategies

Similarly, Dreams’ approach to parking lot selection and persistent case management reduces the need for SPP staff to actively engage with the police, local community members, or the public at large.<sup>204</sup> One of the primary operative components that make this possible is Dreams’ intentional selection of inconspicuously located and gated parking lots. Due to the historically chilly relations with local government, Dreams builds reputational capital within the greater community from “fly[ing] under the radar.”<sup>205</sup> The effectiveness of this strategy was validated when the city acknowledged Dreams accomplishments in partnering with the SPP to help address the emergent Hepatitis A crisis.<sup>206</sup>

Whether this approach must change given the program’s increased profile in the news media because of its partnership with the city is still an open question.<sup>207</sup> However, Dreams intends to remain committed to its approach of minimizing its impact on the community through intentional lot selection, and maximizing its reputation through targeted participant recruitment, active case management, and community building strategies.<sup>208</sup>

While Dreams does generally seek to avoid and minimize the need to interact with outside community stakeholders through its intentional operational approaches, it is unrealistic to imagine this would eliminate need for community engagement or public relations. When SPP staff engage with specific stakeholders, whether it’s with the police or curious members of the public, they try to “get across the idea that homelessness has many faces.”<sup>209</sup> This sentiment is directly in line with Dreams’ underlying philosophical approach and is echoed in all of its public communications, which describes its participants as the

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<sup>200</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

<sup>206</sup> *Program Offering Homeless Overnight Parking to Expand*, KPBS, *supra* note 159.

<sup>207</sup> *See California Declares Emergency To Fight Hepatitis A Outbreak*, KPBS, *supra* note 157; *Program Offering Homeless Overnight Parking To Expand*, KPBS, *supra* note 159.

<sup>208</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>209</sup> *Id.*

“transitional homeless” and describes its services in preventing or diverting its participants from falling into the much more difficult to address classification of “chronic homelessness.”<sup>210</sup>

### 3. Legal Considerations

Dreams must also contend with all five primary areas of legal concerns addressed in the previous case study:

- insurance liability
- contracts with parking lot owners
- requirements for grant funding
- participant user agreements, and
- compliance with local parking regulations

Most of its approaches are similar. Any differences are mitigated as a result of variances found in operational approaches already highlighted.

For example, Dreams did not face problems when expanding its own liability coverage to include the parking lot properties or adding the property owners as additional insured.<sup>211</sup> Using an intentional approach to secure fewer, larger, properties specifically suited for the program’s targeted participants, Dreams mitigated some complexities in contracting with property owners. The approach allowed Dreams to pursue standardized contracting arrangements and avoid the need to address any special sensitivities of the individual property owners.<sup>212</sup>

However, due to the diversity of the property owners that Dreams works with, whom all have varying degrees of contracting sophistication, the organization is willing to utilize a simple form lease agreement with an individual or religious land owner, but also willing to pursue the much more formal contracting procedures to secure property from the city government.<sup>213</sup> Thus, Dreams’ issues are not much different than those faced by other nonprofits, particularly if all nonprofits are in some way beholden to the potential requirements and expectations of their funding sources.<sup>214</sup>

One legal area where Dreams’ situation is materially different from the previous case study is the degree of challenge involved in complying with all local parking regulations. Unlike in Santa Barbara, “San Diego and surrounding communities have strict laws regulating

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<sup>210</sup> *Safe Parking Program*, DREAMS FOR CHANGE, *supra* note 187.

<sup>211</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>212</sup> *Id.*

<sup>213</sup> *Id.*

<sup>214</sup> *See generally*, Froelich, *supra* note 47. Similarly to other nonprofits, Dreams would still need to secure liability waivers and ROIs in its participant user agreements. Thus, Dreams faces the same issues as other nonprofits, despite the operational differences already identified.

overnight parking on city streets.”<sup>215</sup> A cursory survey of the city ordinances reveals several specific prohibitions that directly affect the availability of legal overnight street parking for program participants, including time restrictions,<sup>216</sup> permitted zoning restrictions,<sup>217</sup> specific prohibitions for large vehicles and RVs,<sup>218</sup> and specific prohibitions for the use of vehicles for habitation.<sup>219</sup> Due to this highly restrictive regulatory landscape, Dreams ensures that the SPP complies with all rules.<sup>220</sup> As the relationship between Dreams and the city strengthens, the potential for additional expansion via securing special use permits for additional publicly owned property appears to be a promising prospect.<sup>221</sup>

### C. Lake Washington United Methodist Church’s Safe Parking Program, Kirkland, Washington

Lake Washington United Methodist Church (LWUMC or the Church) in Kirkland, Washington presents a significant departure in design, implementation, and approach from New Beginnings and Dreams.

The LWUMC’s SPP began in 2011 out of a desire for the church to respond to the tremendous issues the unhoused community faced. The church first offered vehicle residents access to its parking lot with limited hours and no access to the inside of the church facilities. Car campers could park after 9 p.m. but had to leave no later than 7 a.m. the next morning.<sup>222</sup> This approach was ultimately abandoned because the church found it limited its ability to

Lake Washington United Methodist Church Safe Parking Program	
Years in operation	6
Number of lots	1
Type of lots	Church owned
Nightly capacity	35
Participants targeted	Women and families
Operating hours	24/7
Organizational structure	Church owned and operated
Staffing strategy	Congregational volunteers
Primary funding source	Individual donors

<sup>215</sup> *Safe Parking Program*, DREAMS FOR CHANGE, *supra* note 187.

<sup>216</sup> San Diego Municipal Codes § 86.0126, § 86.0106 and § 86.0118.

<sup>217</sup> San Diego Municipal Codes § 86.0107 and § 86.0143.

<sup>218</sup> San Diego Municipal Codes § 86.0139.

<sup>219</sup> San Diego Municipal Codes § 86.0137.

<sup>220</sup> Telephone Interview with Teresa Smith, *supra* note 144. (“We seek out existing [off street] parking lots to park cars.”).

<sup>221</sup> *Id.*

<sup>222</sup> Lynn Thompson, ‘Desperately needed’: Church provides safe parking spaces for homeless, THE SEATTLE TIMES (September 20, 2015 at 6:33 pm) <https://www.seattletimes.com/seattle-news/eastside/desperately-needed-safe-parking-spaces-for-homeless/>, updated September 21, 2015 at 2:04 pm.



directly interact with the people it was serving, and because it “couldn’t offer the help that comes along with building relationships.”<sup>223</sup> The church experimented with the program over the years, and now hosts 35 vehicles 24-hours a day, 7-days a week, providing a sense of safety and stability to nearly 40 individuals.<sup>224</sup>

The most apparent difference between the LWUMC program and the other two case studies, is that LWUMC is a faith-based organization that runs the SPP. This distinction may seem immaterial at first, but it plays out in more significant ways, as evidence in LWUMC’s operational approaches, community engagement and public relations strategies, and legal considerations.

## 1. Operational Approaches

LWUMC is a church that operates the SPP on church property.<sup>225</sup> This distinction impacts its funding stability. Because the church funds the program as part of its spiritual mission, they have complete flexibility in how it allocates its resources.<sup>226</sup> The church is not beholden to any specific funding sources, because its congregation continues to support its decision to serve this vulnerable population.<sup>227</sup>

Generally, this operational freedom allows the church to design the program to

*LWUMC allows SPP participants 24-hour access to the lot and access to the church’s indoor facilities, including bathrooms, kitchen, and phone.<sup>1</sup>*

minimize the burdens or barriers imposed on its participants.<sup>228</sup> One such barrier-reducing innovation was the church’s decision to allow participants to access the parking lot 24-hours a day.<sup>229</sup> Another innovation was the church’s decision to allow the participants to access the church’s facilities, including “access to the indoor bathrooms (there is a portable toilet in the parking lot), kitchen and phone.”<sup>230</sup> The kitchen access is a unique service, as participants can store their own

food in a refrigerator reserved just for them and receive special “mealtime access” to the kitchen to prepare their own meals “daily from 7 to 9 am most mornings and from 7 to 9 pm

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<sup>223</sup> Telephone Interview with Karina O’Malley, Safe Parking Program Coordinator, Lake Washington United Methodist Church (Oct. 17, 2017).

<sup>224</sup> *Id.*

<sup>225</sup> Thompson, *supra* note 222.

<sup>226</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> *Safe Parking Program*, LAKE WASHINGTON UNITED METHODIST CHURCH (LWUMC), <http://www.lwumc.com/do/community-involvement/safe-parking-program/> (last visited Oct. 24, 2017).

every night” outside of the church’s normal operating hours.<sup>231</sup> The church also secured a grant that allows it to offer free Wi-Fi access.<sup>232</sup>

This operational freedom helps explain several key differences in the church’s approach. Because LWUMC’s SPP is not operated as a social service organization, volunteers from the congregation manage nearly all of the necessary “functions” of the program, with minimal support, coordination, and supervision from paid church staff.<sup>233</sup>

#### *a. New Parking Lot Identification and Acquisition*

Parking lot acquisition is not of significant concern to the LWUMC program. Instead, the church is more concerned with utilizing its present capacity to effectively serve participants.<sup>234</sup> However, the church tries to remain apprised of similar programs offered through other churches or organizations in the greater Seattle/King County area.<sup>235</sup> While the church sees potential for a coordinated network of area churches providing similar programs to increase the overall capacity of safe parking locations across the region, this ambition is only theoretical at this time.<sup>236</sup>

#### *b. Potential Participant Outreach and Recruitment*

Another area where the church had not found it necessary to devote considerable resources or energy is in participant recruitment. The SPP began small and grew to its size mostly from word of mouth.<sup>237</sup> The church maintains relationships with local social service organizations and community groups that work with unhoused individuals.<sup>238</sup> As a result, some of the new participants are also referrals.<sup>239</sup> In either instance, the church’s general approach is to limit barriers, allowing potential participants to “just show up.”<sup>240</sup>

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<sup>231</sup> SAFE PARKING HANDBOOK FOR HOSTS, LAKE WASHINGTON UNITED METHODIST CHURCH 3 (April 30, 2016) (on file with author) [hereinafter LWUMC Host Handbook].

<sup>232</sup> Safe Parking Program, LWUMC, *supra* note 230.

<sup>233</sup> *See generally*, LWUMC Host Handbook, *supra* note 231.

<sup>234</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> Thompson, *supra* note 222 (quoting Karina O’Malley stating “it’s better to feel pulled to do more than pressured to do less. Let it grow organically.”).

<sup>238</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>239</sup> *Id.*

<sup>240</sup> *Id.*

### *c. Participant Intake and Case Management*

While the church pursued its call to serve the vehicle resident population with a genuine desire to limit barriers to access, it had to make compromises to appease its congregation and to ensure that it can effectively support the needs of its participants.<sup>242</sup> The most significant compromise was to specifically focus the program on serving “women and families living in their cars.”<sup>243</sup> This narrow focus limits both the individuals allowed to utilize the church’s program—excluding men and adult couples—and the vehicles allowed—excluding large vans and RVs.<sup>244</sup> While this limitation may not conform to the church’s barrier-reducing ethos, it proved to be a popular decision, not only with the congregation, but also with the participants themselves.<sup>245</sup> “Some women in the program say it brings a sense of sisterhood and unity.”<sup>246</sup> This sense of community is a key component in the program’s overall success because it allows for the participants to develop “a culture of respect and responsibility” for each other and for the church.<sup>247</sup>

*“Some women in the program say it brings a sense of sisterhood and unity.”<sup>241</sup>*

Another compromise that proved to be universally popular is the implementation of a formal intake process for new participants that includes a criminal background check.<sup>248</sup> While initially implemented at the request of the congregation, the participants have also expressed an appreciation for the sense of security that comes from knowing that all participants have been screened.<sup>249</sup> Whenever a potential new participant arrives at the church, as long as the participant is a woman or with family, they may stay for one night. However, within 24 hours of arrival, the participant is expected to speak with a church volunteer that can assist with the intake process.<sup>250</sup>

The church “tries to employ a harm reduction approach.”<sup>251</sup> In assessing the background check results, potential participants are informed there are not any automatically disqualifying considerations. Additionally, there is a willingness to meet the participants where they are at in that moment in time.<sup>252</sup>

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<sup>241</sup> J. Gabriel Ware, *It’s More Than a Church Parking Lot. It’s a Safe Zone for Homeless Women and Families*, YES! MAG. (Sep. 15, 2017), <http://www.yesmagazine.org/people-power/its-more-than-a-church-parking-lot-its-a-safe-zone-for-homeless-women-and-families-20170915>.

<sup>242</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>243</sup> Safe Parking Program, LWUMC, *supra* note 230.

<sup>244</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>245</sup> *Id.*

<sup>246</sup> J. Gabriel Ware, *supra* at 241.

<sup>247</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>248</sup> LWUMC Host Handbook, *supra* note 231, at 9.

<sup>249</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>250</sup> LWUMC Host Handbook, *supra* note 231, at 9.

<sup>251</sup> Telephone Interview with Karina O’Malley, *supra* note 223.

<sup>252</sup> *Id.*

#### *d. Lot Monitoring and Rules Enforcement*

Yet another area where LWUMC's SPP differs considerably from the other SPPs discussed is in its approach to lot monitoring. The church applies its general harm reduction ethos to its rules enforcement approach. On the one hand, the church asks all participants to sign a "Covenant Agreement" which outlines the program's specific rules and expectations,<sup>253</sup> but the church never felt obligated to provide persistent lot monitoring.<sup>254</sup> Significantly, the Covenant Agreement requires no form of participation with the faith-mission of the church, and in that way, the church remains committed to its primary goal of reducing the limitations placed on vehicle residents for participation in the Safe Parking Program<sup>255</sup>. In the church's experience, the sense of community and culture among the participants allowed for an environment where the participants can effectively self-police.<sup>256</sup> And when new participants are added to the community, the other participants, and not the church, take responsibility for bringing them into the culture.<sup>257</sup>

This flexible approach to rules enforcement can be seen in the church's "requirement" that all participating vehicles remain in working condition.<sup>258</sup> The church's stated policy is that it "draw[s] the line at allowing vehicles to be towed onto the lot," but even this is not a hard line, because the program is more interested in fulfilling its call to serve this vulnerable community than it is in enforcing rules that could prove to be barriers to that mission.<sup>259</sup> The church will work with participants to ensure that the SPP is serving the participants' needs, rather than adding to their already considerable burdens.<sup>260</sup>

## **2. Community Engagement and Public Relations Strategies**

LWUMC's community engagement approach evolved over the years. Initially, the church did not feel the need to seek acceptance or permission from the surrounding community, as its decision to provide this service was driven from its greater call to serve.<sup>261</sup> However, the church's goal, at least initially, was to minimize the program's visibility in the neighborhood. This was done through limiting the number of participants, and limiting the use of the lots to overnight parking only.<sup>262</sup> This strategy appeared to work for about 2 years, but the church realized that it was limiting the SPP's scope.<sup>263</sup> With support from its congregation,

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<sup>253</sup> Safe Parking Covenant Agreement, Lake Washington United Methodist Church (Oct. 3, 2016) (on file with authors) [hereinafter Covenant].

<sup>254</sup> Telephone Interview with Karina O'Malley, *supra* note 223.

<sup>255</sup> *Id.*

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> Covenant, *supra* note 253, at 2.

<sup>259</sup> Telephone Interview with Karina O'Malley, *supra* note 223.

<sup>260</sup> *Id.*

<sup>261</sup> *Id.*

<sup>262</sup> *Id.*

<sup>263</sup> *Id.*

the Church expanded, knowing it could no longer hide that it was operating an SPP in the neighborhood.<sup>264</sup>

As the church predicted, the surrounding community noticed the program and some neighbors complained about the presence of the vehicle residents.<sup>266</sup> This change made for some contentious relations in the neighborhood for a short period, but eventually the SPP

One of the earliest neighborhood opponents of the SPP has since asked for information about the SPP to help an acquaintance experiencing a financial crisis.<sup>265</sup>

became an accepted, or at least tolerated, part of the neighborhood. Three main factors contributed to this successful result. First, the culture that arose among the participants was founded on a desire to be good neighbors.<sup>267</sup> Participants actively ensured that the church's neighbors had no justifiable cause to complain about anything beyond the program's mere existence.<sup>268</sup>

Second, the church tried to reach out directly to the members of the community who complained. Through direct, personal outreach within the community, the church connected the SPP's goals to the greater mission of the church's call to service.<sup>269</sup> And the church responded directly to the common misconceptions that animated such resistance, speaking "directly to the value of the program" in personal terms.<sup>270</sup>

Over time, the church noticed a shift in perspectives among its neighbors; the realities of the current affordable housing crises and the slow recovery from the recent recession eventually reached even this relatively affluent area of King County.<sup>271</sup> As a powerful example of this shift in perspective, one of the first neighbors to complain about the SPP subsequently reached out to the church for more information about it to help an acquaintance experiencing a financial crisis.<sup>272</sup>

However, even with direct personal outreach efforts, some of the church's neighbors were not so easily appeased. The final factor that allowed the SPP to achieve its current state of peaceful coexistence in the neighborhood is that the church always enjoyed the tacit approval of the local government.<sup>273</sup> An example of the importance of this early support is

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<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*

<sup>267</sup> *Id.*

<sup>268</sup> *Id.*

<sup>269</sup> *Id.*

<sup>270</sup> *Id.*

<sup>271</sup> *Id.*

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

illustrated by an incident that occurred soon after the church expanded the program; one neighbor's attempt to escalate a complaint to the mayor's office elicited an unequivocal response informing the neighbor that the church could utilize its property in any legal way it saw fit and that the government would not interfere.<sup>274</sup>

### 3. Legal Considerations

LWUMC's SPP realizes the most benefit in legal considerations because it is associated with a faith organization and operates on church-owned property. These benefits stem from two primary sources. First, because the church is utilizing its own resources and property, the church need not sign any unusual contracts or meet any specific funding requirements.

Second, the church's activities are generally protected under the Religious Land Use Protection Act (RLUPA).<sup>275</sup> This statute limits how the government can regulate how religious institutions utilize their land in exercising their religion.<sup>276</sup> In one example of the significant difference this protection can make occurred when a government official affirmatively invoked RLUPA to address a complaint about the program from an area homeowner. In invoking RLUPA, the official stated "there was nothing the government can do."<sup>277</sup> To what extent this is actually true is far more complex than will be explored in this brief,<sup>278</sup> but it is illustrative of a major advantage this model has over the prior two case studies in legal considerations.

Although the City of Kirkland has an ordinance prohibiting "abandoned" vehicles or vehicles with expired or improper registration from parking on public streets,<sup>279</sup> because the church allows participants to utilize its private parking lot 24-hours a day, 7-days a week,<sup>280</sup> the SPP does not have to ensure that participants comply with city ordinances regarding operability or licensing and registration.<sup>281</sup>

However, there is still one area where the church deals with some of the same legal considerations: liability insurance. In LWUMC's case, the church discovered that its individual insurance policy was part of a group policy negotiated through the larger Western Jurisdiction of the United Methodist Church, to which it belongs. This relationship made it easier, and

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<sup>274</sup> *Id.*

<sup>275</sup> 42 U.S.C.A. § 2000cc.

<sup>276</sup> *Id.*

<sup>277</sup> Telephone Interview with Karina O'Malley, *supra* note 223.

<sup>278</sup> For a more thorough discussion of the right afforded faith organizations providing social services, see Kate Means, Seattle University Homeless Rights Advocacy Project, FAITH IS THE FIRST STEP: FAITH-BASED SOLUTIONS TO HOMELESSNESS (Sara Rankin ed., 2018).

<sup>279</sup> See generally, Kirkland Parking Ordinances 12.40.

<sup>280</sup> The church does ask participants to voluntarily move their vehicles temporally on Sunday mornings, to ensure enough spaces are available for congregation members attending services, but as previously discussed, this rule is enforced with a harm reduction approach, and the church has been willing to work with participant for whom moving would be a hardship. Telephone Interview with Karina O'Malley, *supra* note 223.

<sup>281</sup> *Id.*

ultimately cheaper, to secure the policy changes to include liability coverage of the SPP.<sup>282</sup> However, at the insurance company's request, the church includes a liability waiver in its participant covenant agreement.<sup>283</sup>

## CONCLUSIONS AND RECOMMENDATIONS

While many potential conclusions and specific lessons can be drawn from these three preceding case studies, a few stand out because of their centrality to the successful implementation, resilience, and expansion of these programs: (1) the significance of funding decisions, (2) the need to build key relationships, and (3) the importance of generating reputational capital. This section attempts to illuminate these lessons, identify why they appear to be so vital to the overall success of these programs, and distill the specific case studies into more broadly applicable recommendations or conclusions.

### A. Funding Sources

SPPs should understand the ramifications of utilizing specific funding sources. While this issue is not unique to Safe Parking Programs, the case studies illustrate how different funding sources, or the mix of funding sources, can directly influence how an SPP is designed and implemented.

PRIMARY FUNDING SOURCES			
	NBCC	Dreams for Change	LWUMC
Source	<u>Government</u>	<u>Large Private Donors</u>	<u>Individual Donors</u>
	<ul style="list-style-type: none"> <li>State/County ESGs</li> <li>Grants: HUD CDB &amp; HUD CoC</li> </ul>	<ul style="list-style-type: none"> <li>Verizon</li> <li>Rancho Santa Fe</li> <li>Leichtag</li> </ul>	<ul style="list-style-type: none"> <li>Members of the congregation</li> </ul>
Pros	<ul style="list-style-type: none"> <li>Stability</li> <li>Reliability</li> </ul>	<ul style="list-style-type: none"> <li>Relative flexibility</li> </ul>	<ul style="list-style-type: none"> <li>Autonomy</li> <li>Low acquisition costs</li> </ul>
Cons	<ul style="list-style-type: none"> <li>Goal displacement (rapid-rehousing)</li> </ul>	<ul style="list-style-type: none"> <li>Goal alignment ("transitional homeless")</li> </ul>	<ul style="list-style-type: none"> <li>Acquiescence (compromises)</li> </ul>

Dependence on certain funding sources can drive a program's scope. New Beginnings is a direct example of this effect. New Beginnings tracks and monitors specific success indicators directly aligned with the reporting requirements dictated from the HUD grants upon which the program heavily relies, and which are specifically restricted for certain uses, such as rapid

<sup>282</sup> *Id.*

<sup>283</sup> Covenant, *supra* note 253, at 3.

rehousing.<sup>284</sup> If permanent housing options are simply unavailable, exit to permanent housing will likely be a poor indicator of success from the perspective of most vehicle residents,<sup>285</sup> which could put such funding sources at greater risk.

While non-governmental funding sources may be less restrictive, reliance on large private funding sources can exert similar influences on operational decisions.<sup>286</sup> This influence is represented in Dreams' approach. The critique of exit-to-housing as a success indicator is especially apt in San Diego's tight housing market where "the county's apartment vacancy rate plunged to 3.7 percent [in the spring of 2017], down from 5.4 percent last fall."<sup>287</sup>

However, access to funding is critical in any organization. Without it, there would be no Safe Parking Program. The key for Dreams is identifying its program as a "homelessness prevention or diversion" service<sup>288</sup>, and specifically targeting participants who identify as being "transitional homeless."<sup>289</sup> In doing so, Dreams can straightforwardly communicate a discrete, and presumably achievable, objective—early intervention to prevent program participants from becoming "chronically homeless"—which can be empirically measured and quantified for large corporate or institutional donors.<sup>290</sup>

This funding-source influence is even seen in LWUMC. While the church has much more flexibility and autonomy in how it utilizes its funds, it is still ultimately beholden to the will of its congregation, its primary funding source. This influence is illustrated by some of the "compromises" that the church made in implementing its program, such as its "women and families only" participant focus or its background check requirement. While these decisions have ultimately proven to be popular with the participants, they illustrate just how powerful an influence funding sources can exert on the actual scope of a Safe Parking Program.

It may not be possible to avoid the high risk of "goal displacement" associated with most funding models.<sup>291</sup> Therefore, identifying and understanding the ramifications of specific funding decisions is critical to the successful implementation of an SPP. Due to the direct influence funding decisions have on several fundamental aspects of the program, including how the program defines and measures success, and even its core philosophical identity, the

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<sup>284</sup> New Beginnings-SPP Manual, *supra* note 37, at 6-7.

<sup>285</sup> Telephone Interview with Jesse Rawlins, Legislative Aide for Seattle City Council Member O'Brien (Sept. 22, 2017).

<sup>286</sup> Froelich, *supra* note 47, at 260 ("The link between a corporation's contribution patterns and its own self-interest appears to be getting tighter.... carefully targeted giving practices can result in goal displacement in recipient organizations.").

<sup>287</sup> *San Diego Apartment Vacancy Rate Plunges*, KPBS (Monday, June 26, 2017), <http://www.kpbs.org/news/2017/jun/26/san-diego-apartment-vacancy-rate-plunges/>.

<sup>288</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>289</sup> Our Mission, *supra* note 145.

<sup>290</sup> KIRSTEN A. GRONBJERG, UNDERSTANDING NONPROFIT FUNDING 65 (1993) ("Organizational donors are more likely than individual[ donors] to require recipient organizations to exhibit specified types of organizational behavior as a condition for making the donation.").

<sup>291</sup> *See generally, id.*



impact of these decisions will also likely be indirectly represented in later implementation decisions, including its operational approach, its community engagement and public relations strategies, and how it addresses important legal considerations.


## B. Relationships

Building and maintaining certain key relationships is also key to SPP success. The two most important stakeholder groups appear to be local government officials and local law enforcement.

Both New Beginnings and LWUMC directly benefited from the early support of local government. This benefit is perhaps most clearly evident in New Beginnings' case. Having a County Board Supervisor as an early champion of the program helped to garner support throughout local governmental and resulted in the City of Santa Barbara drafting an "ordinance that permitted parking lot owners to allow the overnight use of their paved parking area [sic] as a transitional housing alternative."<sup>292</sup> And the program leverages those relationships to garner support for its federal funding applications.<sup>293</sup>


For LWUMC, it benefitted from its positive relationship with the city primarily in

### Reputation & Relationship w/ Government




**Implementation**

- Early regulation reform
- Support for grant applications




**Expansion**

- City's hepatitis A crisis response
- Media exposure



**Resilience**

- Inoculation from community complaints
- Eventual community acceptance



support in the face of community resistance. Because the program had the support of the City of Kirkland, upset neighbors were encouraged to engage with the church directly. This support laid the groundwork for the church to have the productive conversations that eventually led to the SPP's acceptance as an integrated part of the

neighborhood.

Similarly, all three case studies indicated the importance of maintaining positive relations with local law enforcement. New Beginnings takes an active approach through working directly with local police to ensure awareness among the officers and acting as primary point of contact for all lot related issues. Dreams takes a more passive approach, intentionally designing the program to comply with all regulatory provisions, selectively choosing inconspicuous lot locations, and engaging in active lot monitoring. In either case, the importance of remaining on positive terms with local law enforcement is clear. The goal is to

<sup>292</sup> New Beginnings-SPP Manual, *supra* note 37, at 3.

<sup>293</sup> *Id.*

ensure alignment with police expectations and to minimize the need for direct interaction between the participants and law enforcement.

Safe Parking Programs should seek to build and maintain positive, productive relationships with local government and law enforcement officials. These relationships can influence the effectiveness of the program's community engagement and public relations and can increase the participants' sense of stability and security.

### C. Reputational Capital

All three case studies also highlight the importance of building reputational capital. Each of the three organizations leveraged its respective reputation to the benefit of its SPP. For New Beginnings, its reputation garnered it an incredible amount of positive media attention.<sup>294</sup> For LWUMC, the program's reputation of being a "good neighbor" ultimately led to winning over some of the most resistant community members.<sup>295</sup> But perhaps the starkest example of the importance of reputational capital is in the Dreams case study. After years of unsuccessful attempts at building a productive relationship with local government, Dreams became one of the first beneficiaries of the City of San Diego's crisis response activities in the wake of the sudden national media attention focused on the Hepatitis A outbreak.<sup>296</sup> This benefit is due largely to Dreams' sterling reputation within the homelessness services community.<sup>297</sup>

Two key considerations appear to be directly related to how the case studies built and maintained a strong reputation. The first factor comes from intentionally considering the suitability of the parking lots and locations chosen for the SPP's intended use. This effect can be seen in the contrast between the lots New Beginnings and Dreams targeted, based on their respective utilization philosophies. Dreams is very particular about finding lots that are large and inconspicuously located, with a specific preference for gated lots. This preference stems from Dreams' approach to lot utilization, which is to maximize usable space to allow for developing an authentic sense of community among the participants. The size and insulation of the parking lot locations is important to ensuring that the program minimizes its potential negative impact on the surrounding community. Conversely, because New Beginnings intentionally limits the usage of its parking lots to only 10-20% of the actual capacity, its SPP

*"San Diego Mayor Kevin Faulconer announced Monday morning that Dreams for Change will begin using 60 spaces in a city-owned parking lot."<sup>298</sup>*

<sup>294</sup> Kaminski, *supra* note 42.

<sup>295</sup> Telephone Interview with Karina O'Malley, *supra* note 223.

<sup>296</sup> *California Declares Emergency to Fight Hepatitis A Outbreak*, KPBS, *supra* note 157; Gary Warth, *Homeless Who Sleep in Cars to Get Third Parking Lot on City Land*, SAN DIEGO UNION-TRIB. (Oct. 16, 2017, 9:55 am), <http://www.sandiegouniontribune.com/news/homelessness/sd-me-homeless-parking-20171016-story.html>.

<sup>297</sup> Telephone Interview with Teresa Smith, *supra* note 144.

<sup>298</sup> Warth, *supra* note 296.

can target more conspicuous locations. New Beginnings is also willing to work with particular lot owners to further restrict usage at specific lots to certain demographics within its participant community. While in both studies, these decisions appear to be intentionally made by the respective programs, the specific characteristics of lots could dictate which utilization approach would be best at the start-up of a new SPP in a different area. Starting small and building a strong reputation before trying to expand in size or scope is a recommendation that can be taken from both case studies.

## D. Final Conclusions

Safe Parking Programs are not and cannot ever be an ultimate solution. No matter how successful a Safe Parking Program is it will not end poverty, it will not redistribute wealth more equitably, and it will not provide safe, reliable, and affordable long-term housing for the entire population of unhoused individuals. Despite these limitations, vehicle residents' immediate need for safe, legal, and reliable parking, especially overnight, cannot be overstated. The perfect should not be the enemy of the good.

Safe Parking Programs provide a vitally impactful solution to an urgent need felt from a significant portion of the unhoused community. While the full scope and impact of any particular SPP may be limited by factors outside of the control of the organization attempting to implement the program—including the source of funding, the support of local government, the extent of regulatory hostility, and the availability of suitable parking facilities—these case studies, and the general lessons and recommendations that can be drawn from them, illustrate that SPPs can meet this important need for the vehicle residents they serve.