

## **FAQ's about Harbor Church in the City of Ventura**

### **What is the history of the Harbor Church issues in Ventura?**

Harbor Church purchased the property located at 3100 Preble Avenue in 2004. Built in 1961, the church is located in a residential neighborhood and abuts, or is within a hundred feet of, an elementary school, a day care center, and a public park. .

The church was previously operated by the Ventura Friends Church from 1964-2004. The Ventura Friends Church applied for and received a Conditional Use Permit (CUP) from the City [1968] to operate a day care center on the church property. Without notifying the City or applying for the required permits, Harbor began providing homeless outreach services at the church in 2008. These services include showers, laundry services, clothing and meals five days a week. The homeless outreach service hours of operation are approximately 8:30 am to 2:00 pm, however homeless participants walk, bike and drive into the neighborhood before and after these hours of operation, and regularly remain in the area (sleeping in the park or loitering on the neighbors' lawns).

### **When did the City become aware of the homeless services being offered by Harbor Church?**

In 2012 the City began receiving complaints from the church's residential neighbors about increasing vagrancy and related criminal activity in the neighborhood resulting from Harbor Church's homeless services operations.

Neighbors reported a visible increase in drug dealing, drunk and drugged men and women, public urination and defecation, fights, burglaries, trespassing, vandalism, trash, needles, condoms and other types of aggressive, unsafe and intimidating actions by participants in the Harbor Church's homeless services. These activities were observed by parents taking their young children to school or to the park, walking to the nearby grocery store or going about their everyday business.

The intrusion of 80 – 100 homeless individuals (mostly men) into this quiet residential neighborhood five days a week dramatically changed the environment from a safe family neighborhood to a place where neighbors, families and children were regularly confronted with aggressive, dangerous and volatile vagrant behavior. Residents have been subjected to vagrants disrobing in front of children, peering into bedroom windows, and urinating and defecating on neighborhood lawns.

Because of the proximity of the church to the adjacent elementary school and playground, children witnessed men fighting, drunk or disrobing in line for use of the church showers.

### **What did the City do once it became aware of these activities at the church?**

When the City began investigating the complaints from the neighbors about the church, they discovered that Harbor Church had expanded the uses beyond what was permitted by the Ventura Municipal Code. Harbor was advised they would need to apply for a

Conditional Use Permit (CUP), for the activities offered through their “Operation Embrace” homeless services operations.

In 2013 Harbor applied for a Conditional Use Permit and as required, the permit application was heard by the City’s Planning Commission. The City staff recommended approval with a number of conditions to mitigate the negative secondary impacts of this use on the surrounding neighborhood. At the Planning Commission hearings, there was substantial testimony, photos and videos presented by the neighborhood residents about the many problems caused by the homeless service operations. There was also testimony from representatives of Harbor Church. Further, Harbor Church expressed objections to many of the conditions, specifically those designed to address the secondary neighborhood impacts. After hearing testimony from both sides, the Planning Commission denied the CUP application. Harbor Church then appealed the Planning Commission’s decision, which led the issue to be brought before the Ventura City Council.

The City Council heard the Harbor Church’s appeal from the Planning Commission’s denial of their CUP. Even though Harbor Church was operating illegally, without the required CUP from the City, the City did not take any actions to close or otherwise terminate the Church’s homeless services.

At the City Council hearing, which took place over the course of three different days, there was substantial neighborhood opposition to the CUP – primarily much of the same testimony about the types of criminal and nuisance behavior in the neighborhood caused by participants in the Harbor homeless programs. At the final day of the hearing, May 12, 2014, the City Council tied when they voted on the Harbor Church appeal. Under the City’s established protocols, a tie vote means no action. Because the City Council was unable to take any affirmative action on the Harbor Church appeal, the decision of the Planning Commission to deny their application for a CUP stands.

**What happened after Harbor Church’s application for a CUP was denied?** On May 15, 2014, three days after the City Council’s final hearing on the Harbor Church CUP, Harbor Church filed suit against the City, the City Council members, Planning Commission members and City employees. The Harbor Church lawsuit alleges violations of their First Amendment right to freely worship their religion, the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) and asked the Court for a Preliminary Injunction to prevent the City from enforcing any of its laws against the church. The court held two extensive hearings during which the City presented over 60 declarations from neighbors detailing the impacts of this use on their neighborhood. On July 9, 2014, the United States District Court Judge Manuel Real denied the Church’s motion for a preliminary injunction.

**Does the Harbor Church need permission from the City to offer church services?**  
No. Only their homeless outreach services require a Conditional Use Permit because they are located in the middle of a residential neighborhood. If Harbor Church were

located in another specifically zoned area, like many of the other homeless services provided in the City, they would not be required to obtain a Conditional Use Permit.

**Did the City of Ventura “close down” Harbor Church? No.** The City did not close down Harbor Church. Harbor Church voluntarily closed its homeless outreach services after the Federal Court Judge denied their motion for a preliminary injunction. They still hold weekend church services at the church.

**Did the Ventura Police Department “close down” Harbor Church? No.** Harbor Church voluntarily closed its homeless outreach services after their preliminary injunction request was denied in the lawsuit they filed against the City in Federal Court. The Ventura Police Department responds to calls for service when criminal activity is suspected or takes place in or near Harbor Church and surrounding neighborhood. No Ventura Police Officer or representative has told, ordered, or in any manner dictated to Harbor Church that they must close or stop operating their homeless services or any other activities at Harbor Church.

**Why is Harbor Church suing the City of Ventura?** Harbor Church believes they have a right to offer homeless services without any governmental restriction, regardless of the impacts on the surrounding neighbors. Harbor Church claims that by offering these services to the homeless they are practicing their religious beliefs.

**Are there other organizations in Ventura that provide homeless outreach services?**

Yes. For more than a dozen years the City of Ventura has been working with a group of local social service and housing partners on creative and proactive solutions to address many of the issues of homelessness and low-income individuals in our community. Some of our partners include the City Council’s Homelessness Committee, the Economic Development Committee, Downtown Ventura Partnership, Chamber of Commerce, Ventura County Lodging Association, Ventura Visitors and Convention Bureau, Ventura Social Services Task Force, Salvation Army, Project Understanding, Turning Point Foundation, Lutheran Social Services, Society of St. Vincent de Paul, County Behavioral Health, County Human Services Agency, County Public Health, People’s Self-Help of Santa Barbara, City of San Buenaventura Housing Authority

The Ventura City Council has had a longstanding policy of promoting a hand up, rather than a hand out to our homeless and low income individuals. This program is called Homeless 2 Home or “H2H”. The H2H programs focus on a hand up rather than a hand out to our homeless population in an effort to move them from homelessness to self-sufficiency.

Some examples of the services and programs that the City itself funds, participates in, partners or facilitates through grant development include the following:

- a. City Council Homeless Committee meets monthly to discuss issues related to homelessness

- b. 12 years of financial support and leadership in the implementation of the Emergency Winter Warming Shelter (\$171,000 since 2010)
- c. River Haven homeless camp on city-owned property (\$120,000 in funding support in 10 years - not including value of using the land at no cost)
- d. Safe Sleep sleeping in cars program (\$50,000 in support for four years)
- e. Ventura Social Services Task Force Grant Program (\$327,000 in support since 2010)
- f. Azahar, Soho, El Patio, SHORE low income housing contributions (in excess of \$6,000,000 since 2004)
- g. Conducts annual homeless count in compliance with Federal Housing and Urban Development requirements (for annual \$2 million funding allocation to address homelessness in Ventura County.)

**Does Harbor Church partner with the City or any other local social services agencies in providing their homeless services?** No. At no time since 2008 has Harbor Church participated or partnered with any other of the local participants in the City's H2H program.

**With all these other homeless outreach programs in the City, are there other neighborhoods that are experiencing the same negative impacts of crime, trespassing, and other disruptive and frightening behavior as the neighborhood around Harbor Church?** No. There are no other homeless outreach programs or providers who are located in the same type of residential neighborhood with an elementary school, park and day care center close in such close proximity.

**Has there been an increase in homeless people in local parks or at other homeless services facilities since Harbor Church closed its Operation Embrace?** No. The City has received information that many of the participants in the Harbor Church programs come from areas outside of Ventura.