



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Erik L. Soliván
Paul Joseph

SUBJECT: Code of Conduct for
Encampments

DATE: May 30, 2025

Approved

Date:

5/30/2025

RECOMMENDATION

Accept the report on the implementation of the City of San Jose's Code of Conduct for Encampments.

SUMMARY AND OUTCOME

Approval of the staff recommendation will result in the City amending the Code of Conduct for Encampments to establish an expectation for the acceptance of shelter, housing, or services. An implementation schedule and explanation of the division of duties between the Housing Department and the Police Department, while identifying processes for collaboration, are also provided.

BACKGROUND

Pursuant to direction by the City Council through the Mayor's March Budget Message on March 18, 2025, the City Attorney was directed to collaborate with the City Manager and return to the City Council by June 2025 with identification of paths for enforcing the expectation for residents living in encampments to accept offers of shelter or housing.¹ The staff recommendation aligns with the intended outcomes of the Mayor's March Budget Message by establishing an expectation for the acceptance of shelter, housing, or services and adherence to the formalized Code of Conduct for Encampments.

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=7249203&GUID=736B5F35-189E-45D9-94FC-70C816FB4999&Options=&Search=>

ANALYSIS

KEY WORKSTREAMS

In order to effectuate the intended outcomes for enforcing the expectation for residents living in encampments to accept offers of shelter, housing, or services and adherence to the formalized Code of Conduct for Encampments, three key workstreams are necessary and are highlighted below, followed by additional supporting information.

1. Amend the Code of Conduct for Encampments

The Administration will amend and expand the Code of Conduct for Encampments as detailed in the Attachment, that communicates behavioral expectations regarding:

- Waste management;
- Fire safety;
- Proximity to critical infrastructure;
- An expectation for the acceptance of shelter or housing offers in order to provide stabilizing services; and
- Maintaining a 12x12 space for an encampment.

2. Launch an Enhanced Engagement Program in the Housing Department

The Administration will create a dedicated Enhanced Engagement Program (EEP)—staffed by 7.0 positions in the Housing Department (3.0 temporary positions in the Housing Department and 4.0 reassigned positions from the Parks, Recreation and Neighborhood Services Department's BeautifySJ Division)—to build sustained, relationship-based outreach with residents of large or long-standing encampments. The EEP will:

- Offer shelter and housing placements and connect clients to shelter, housing mental and physical health, drug and alcohol services;
- Maintain case files and consistent data reporting on engagement efforts;
- Communicate the Code of Conduct;
- Coordinate closely with the Parks, Recreation and Neighborhood Services Department's BeautifySJ Division so that outreach and service connections are completed well before any scheduled abatements; and
- Share information with the Police Department's Neighborhood Quality of Life (NQOL) Unit (discussed below) to support public-safety operations.

The EEP's standardized protocols for tracking engagements, data collection, and inter-agency information sharing will strengthen the City's compliance with stormwater-permit obligations to keep the Coyote Creek and Guadalupe River corridors free of

encampments and better manage encampments throughout the City. Additional information on the EEP is provided later in this memorandum.

3. Stand Up a Neighborhood Quality of Life Unit in the Police Department

If approved as part of 2025-2026 Adopted Budget, enforcement will rest with a newly created Neighborhood Quality of Life (NQOL) Unit in the Police Department, comprising 1.0 Police Sergeant and 6.0 Police Officers, whose mission will be to:

- Enforce municipal ordinances and mitigate health-and-safety impacts at large encampments;
- Connect unsheltered individuals with diversion programs such as the Mission Street Recovery Station and other County-operated alternatives;
- Share information with the Housing Department EEP to support connections to stabilizing services; and
- Refer chronic, non-compliant cases to appropriate drug, alcohol, behavioral-health, or CARE Court pathways rather than traditional incarceration whenever feasible.

This blended approach of standardized expectations, data-driven outreach, and tailored enforcement operates independently of and complements the amended City's Code of Conduct for Encampment initiative, ensuring that the City meets its humanitarian obligations and legal duty to protect the City's waterways. Additional information on the NQOL Unit is provided later in this memorandum.

Separation of Duties

The Housing Department and Police Department will have distinct and separate roles under the staff recommendation for the formal establishment of the Code of Conduct for Encampments. A standard operating procedure will be established for information sharing that is immediately relevant to advancing the following three outcomes:

1. Engage encampments in ways that minimize harm to residents in the encampment and the surrounding community;
2. Enforce health, safety, and municipal codes; and
3. Maximize opportunities for individuals to access shelter, housing, and stabilizing services.

Expanding Approach to Address Unsheltered Homelessness

Implementing the Code of Conduct for Encampments allows the City to expand its existing tactics to address unsheltered homelessness. The staff recommendation relies on the Housing Department's ability to engage, document, and offer services like shelter and housing to encampment residents, and separately on the Police Department to

enforce municipal and criminal violations, achieving the primary objectives of the City Council direction while balancing the collaboration needed with the County. Combined, the policy framework would connect chronic offenders to services like CARE Court, Assisted Outpatient Treatment, and other diversion courts to receive the support necessary to stabilize underlying health needs. Untreated mental health and substance use disorders can be both a cause and a consequence of homelessness. The City's approach, combined in partnership with the County, connects individuals with court-ordered interventions, often including support services, medication, and a housing plan. Per direction from the City Council, the Administration is working towards a data sharing agreement with the County, which will include reporting on CARE Court and Assisted Outpatient Treatment referrals.

Standardize the Administration of the Code of Conduct for Encampments

The Code of Conduct for Encampment's components would standardize the administration of the guidelines that outline behavioral expectations, including waste management, public safety, and proximity restrictions for residents living in encampments.

The existing Code of Conduct, established by the Parks, Recreation and Neighborhood Services Department, will be amended and formalized to aid engagement efforts in articulating encampment expectations. The Code of Conduct sets boundaries for environmental impacts, safety hazards, and interferences with public spaces. Rather than serving as a punitive tool, the Code of Conduct is intended to give engagement teams a clear reference point for discussions with encampment residents and to provide an objective basis for evaluation if enforcement is necessary. The existing Code of Conduct will be amended to include the expectation for residents living in encampments to accept offers of shelter, housing, or services.

Launch an Enhanced Engagement Program in the Housing Department

The EEP will be established within the Housing Department to conduct relationship-based outreach to large or long-standing encampments, offering shelter or housing placements, connecting encampment residents to services, maintaining case files and consistent data reporting, and communicate expectations under the Code of Conduct for Encampments. The EEP team will coordinate with the Parks, Recreation and Neighborhood Services Department's BeautifySJ Division to conduct engagement efforts prior to a scheduled abatement. The Housing Department's EEP team and Police Department's NQOL Unit will share information in order to achieve the three previously stated outcomes. Standardized procedures for case management, data tracking, and inter-agency information sharing will strengthen compliance with the City's stormwater permit obligations and improve cross-departmental collaborations on abatements.

The EEP will offer a more proactive and structured engagement level with encampment residents, providing a critical and separate counterbalance to enforcement activities. EEP staff will not carry out law enforcement duties of any kind, would establish outreach efforts records, and encourage compliance with the Code of Conduct. The EEP team will identify individuals with the highest acuity needs to make offers of shelter and housing and identify persons who pose a threat to an encampment's health and safety and the surrounding neighborhood. The EEP will consist of 7.0 positions in the Housing Department, formed through a combination of new temporary positions (3.0 positions) and existing, filled positions (4.0 positions) currently residing within the BeautifySJ Division, with the ongoing number of staff needed for this work evaluated over the next year. The three new positions will be funded by re-purposing a portion of the existing funding for third-party contracts for engagement services.

The efforts of the new EEP team would complement the work of the Housing Department's existing Engagement Team. The current Engagement Team performs immediate outreach at encampments subject to an upcoming abatement, encampments being cleared for new shelter supply, and encampments residing in no-encampment zones. In contrast, the EEP would focus on large or long-term encampments or individuals in areas requiring an early intervention and a more complex coordinated response across departments.

Form a Neighborhood Quality of Life Unit in the Police Department

As proposed in the City Manager's 2025-2026 Proposed Operating Budget, an NQOL Unit is recommended to be created within the Police Department. The NQOL Unit would be composed of 1.0 Police Sergeant and 6.0 Police Officers that would enforce municipal code ordinances, mitigate health and safety impacts of large encampments, and connect unsheltered individuals with services. The NQOL Unit will coordinate with diversion facilities, such as the Mission Street Recovery Station,² and other County-operated alternatives to mitigate incarceration and minimize the draw of public safety resources.

In years past, the Police Department operated a unit within the Special Operations Division's Metro Unit that focused on enforcing criminal violations stemming from encampments. Enforcement included trespassing, narcotics, weapons, and municipal code violations. Given that the Code of Conduct is not legally enforceable, the NQOL Unit would have a similar overarching mission, conducting proactive policing at encampments and likely utilizing similar enforcement mechanisms as the previous Metro Unit in conjunction with the Code of Conduct for Encampments and revised San José Municipal Code sections that are also before the City Council for approval on June

² The Mission Street Recovery Station is a 24/7 facility for individuals to recover from alcohol intoxication, access ongoing services, and receive referrals. Participants have an opportunity to complete a housing assessment and a Medi-Cal application. Transportation to a shelter or a detoxification program is offered. The use of the facility helps to minimize incarceration and avoid unnecessary use of hospital emergency departments.

10, 2025. During enforcement, the NQOL Unit would book violators into the County Jail or take them to the Mission Street Recovery Station, when applicable, rather than citing and releasing them in the field.³ This approach removes violators from encampment conditions and connects them with social services and diversion resources for a greater long-term impact.

IMPLEMENTATION SCHEDULE

The Police and Housing Departments have established the following schedule for preparation, implementation, evaluation, and follow-up for this work. The estimated timeline in Table 1 is anticipated to begin on or around July 1, 2025, corresponding with the start of the new fiscal year and the opening dates for new hotels and motels, which will provide critical interim shelter capacity. Sustained and ongoing operations are projected to be reached by Spring 2026. Additional details on these interim shelter sites will be provided in a forthcoming information memorandum expected to be released in June 2025.

Table 1. Anticipated Implementation Timeline

Phase	Estimated Duration	Planned Activities
Phase 0: Program Set-Up	60 days	<p>Housing Department:</p> <ul style="list-style-type: none">• Create the EEP• Reduce third-party contract values• Hire for new positions and transition existing filled positions• Assemble 7.0 FTE EEP team <p>Police Department:</p> <ul style="list-style-type: none">• Form the NQOL Unit• Assign 1.0 Sergeant and 6.0 Officers• Clarify enforcement priorities and training• Expand MOU with the County for broader use of Mission Street Recovery Station <p>Expected Result: Achieve internal alignment</p>
Phase 1: Initial Outreach and Engagement	30 days	<p>Housing Department:</p> <ul style="list-style-type: none">• Target large encampments (10+ individuals, not yet scheduled for abatement)

³ The County of Santa Clara has indicated to the City that individuals detained for violations that are considered nonviolent misdemeanors are subject to mandatory cite and release under the Penal Code, with very limited exceptions.

Phase	Estimated Duration	Planned Activities
		<ul style="list-style-type: none"> • Conduct relationship-based outreach, including offers for shelter and communication of Code of Conduct for Encampments • Establish case files for every individual • Record shelter or housing or services offers • Identify individuals posing significant safety risks to the encampment or neighborhood, high mental health or substance use needs, and/or chronic service resistance <p>Expected Result: EEP deployment</p>
Phase 2: Established Procedure for Enforcement Handoff	30-60 days	<p>Housing Department:</p> <ul style="list-style-type: none"> • Establish an SOP between EEP and NQOL Unit • Initiate sharing of information on individuals who pose major safety and public health risks to the encampment or surrounding community • Begin testing SOP for upcoming large abatements <p>Expected Result: Transition to enforcement and clear division of roles</p>
Phase 3: Targeted Enforcement Operations	60-90 days	<p>Police Department:</p> <ul style="list-style-type: none"> • Focus initially on <i>No Encampment Zones</i> around waterways, sanctioned sleeping/parking sites, and emergency interim housing sites • Enforce applicable laws (Penal Code, Health and Safety Code, San José Municipal Code) for identified individuals • Arrest when warranted (e.g., trespassing, illegal dumping, threats to safety) • Transport to the County jail for quick processing or directly to Mission Street Recovery Station if applicable • Connect arrestees to counseling/services at Mission Street Recovery Station • Cite and impound nuisance vehicles if authorized <p>Expected Result: NQOL Unit activation</p>

Phase	Estimated Duration	Planned Activities
Phase 4: Evaluation, Monitoring, and Ongoing Engagement	Ongoing	<p>Housing Department:</p> <ul style="list-style-type: none"> Continue outreach to individuals who remain voluntarily engaged Offer services to any new encampment occupants Update individual case files and track service connections <p>Police Department:</p> <ul style="list-style-type: none"> Maintain enforcement presence in <i>No Encampment Zones</i> Conduct follow-up actions against re-encampments Continue collaboration with County partners to maximize Mission Street Recovery Station use <p>Both Departments:</p> <ul style="list-style-type: none"> Conduct regular debriefs to assess outcomes of interventions, need for service adjustments, and overcome emerging challenges <p>Expected Result: Sustained operations</p>

Staff anticipates several key dependencies that may impact the proposed timeline. These dependencies include successful recruitments and staff training, contract modifications, accurate data tracking, strong client rapport, clear handoff protocols, separation of duties, municipal code updates, and ongoing interagency coordination.

EVALUATION AND FOLLOW-UP

No additional follow up is necessary.

COST SUMMARY/IMPLICATIONS

The fiscal impact of implementing the City's Code of Conduct for Encampments will require a combination of new and reallocated resources across the Housing and Police Departments. In the Housing Department, EEP funding has been restructured to support forming a consolidated internal outreach team. Specifically, third-party contracts for encampment engagement leveraging existing funding sources will be compressed to accommodate 3.0 new temporary positions, with any additional savings redirected to shelter operations, as available. Combined with 4.0 existing personnel reassigned from

the Parks, Recreation, and Neighborhood Services BeautifySJ Division, the total EEP team will consist of 7.0 positions. The ongoing number of staff needed for the EEP team will be evaluated over the next year and any necessary budget actions will be brought forward as appropriate in the next budget cycle.

Within the Police Department, the creation of the NQOL Unit includes staffing for one Police Sergeant and six Police Officers. The Fiscal Year 2025-2026 Proposed Operating Budget identified and funded the associated personal and non-personal/equipment costs, subject to City Council approval. Any additional training or equipment needs specific to the unit's role in supporting enforcement under the City's Code of Conduct for Encampments will be evaluated and funded through existing training and special projects allocations or supplemental appropriations if necessary.

Costs associated with developing standard operating procedures, interdepartmental coordination protocols, and training materials will be absorbed within current departmental budgets for legal services and policy development. Should additional funding be needed to support expanded enforcement or engagement efforts beyond what has been outlined, staff will return to the City Council with supplemental budget requests and corresponding offsets, as appropriate.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

/s/
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/s/
Paul Joseph
Chief of Police

For questions, please contact Erik L. Soliván, Director, Housing Department, at erik.solivan@sanjosaca.gov or Gina Tibaldi, Deputy Chief, Police Department at gina.tibaldi@sanjoseca.gov.

ATTACHMENT

Code of Conduct for Encampments

Attachment

Code of Conduct for Encampments

- Encampment is kept within a 12x12x12 area or within a lived-in vehicle (no items on the roof, under, or outside the vehicle);
- Encampment is kept free of litter and/or debris, trash is set out for pick-up;
- Encampment occupants are expected to accept shelter or housing or services when offered;
- Encampment does not block the public right-of-way;
- Biowaste is stored and disposed of correctly;
- No encampments within 150ft of a school or playground; blocking the public right-of-way; or obstruction to critical infrastructure;
- No animals impacting the public right-of-way and/or public safety;
- No damaging of the surrounding environment, tampering, and/or destroying hydrants and/or electrical equipment;
- No open illegal substance;
- No loud noises that violate the San José Municipal Code;
- No criminal activity or violence;
- No encampments within posted No Encampment Zones;
- No violations of tow-away zones; and
- Compliance with the Code of Conduct will be monitored.