



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Matt Mahan

**SUBJECT: FINAL ADOPTION OF  
ORDINANCES**

**DATE:** June 16, 2025

**Approved:**

Date: 06/16/2025

## **RECOMMENDATION**

Adopt ordinances (a) through (n) as written.

## **DISCUSSION**

The memorandum from Councilmembers Campos, Cohen, Ortiz, and Candelas recommends amending and delaying the effective dates of Ordinance No. 312318 (g) related to trespass on private property, and Ordinance No. 31223 (l) related to vanlording. The proposed amendments would unnecessarily hinder enforcement and create operational challenges.

Under current Municipal Code, a private property owner must personally admonish a trespasser before requesting San José Police Department (SJPd) intervention. Ordinance No. 31218 (g), as drafted by the City Attorney's Office, simplifies this process by allowing SJPd to issue an admonishment once the property owner has given consent, removing the burden from property owners to confront trespassers directly.

The memorandum from Councilmembers Campos, Cohen, Ortiz, and Candelas proposes that property owners provide "*affirmative and documented authorization*" before SJPd can act. However, the memo lacks clarity: it references documented authorization of consent may be provided "*orally or in writing*" in the background language but does not specify this in the recommendation language. Requiring written authorization introduces unnecessary logistical burdens. SJPd would need to create a standardized documentation process, train officers on its implementation, and educate property owners on how to complete it properly.

If the Councilmembers' intent is to allow oral authorization, then additional language is not necessary. As written, the ordinance states:

*"No person shall enter, be present, or remain upon any private property, who was admonished (orally or in writing) to leave, or to leave and not return"; and*

*“A peace officer is authorized to give the admonishment in this Section 10.20.140.B at the request of the owner, owner’s agent, lessee, lessee’s agent, or other person in lawful possession of the private property.*

The Councilmembers’ proposed amendment is either redundant or would add additional steps to a process that the ordinance is explicitly trying to simplify. The very purpose of the updated ordinances is to reduce procedural hurdles for both property owners and law enforcement, not introduce new ones.

The memorandum from Councilmembers Campos, Cohen, Ortiz, and Candelas also recommends removing language from Ordinance No. 31223 (I) that prohibits using recreational vehicles as living quarters in the public right-of-way. This restriction is already supported by existing Municipal Code in Section 6.46.040, which prohibits the use of house cars or automobile trailers for living or sleeping anywhere in the city. However, the current language in Section 6.46.040 is vague and does not specifically reference recreational vehicles, nor does it establish clear enforcement hours.

The vanlording ordinance strengthens enforcement by explicitly defining the prohibited behavior (overnight habitation in recreational vehicles) and setting a time window for enforcement (9 PM to 6 AM). This clarity is critical for legal defensibility and objective enforcement. For example, “vanlords” cited under the ordinance could argue that sleeping in a vehicle was not itself illegal under the ordinance. We’ve seen similar legal loopholes exploited by “vanlords” in Los Angeles. Without a defined enforcement window, violators could claim their tenants were merely “napping” during the day, making enforcement subjective and inconsistent.

While the concerns raised by our colleagues likely stem from a desire to balance enforcement with fairness, the recommended changes would undermine the effectiveness and clarity of both ordinances. I urge my colleagues to approve the ordinances as written.