



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jacky Morales-Ferrand

**SUBJECT:** SEE BELOW

**DATE:** October 16, 2020

Approved

Date

10/22/20

**SUBJECT: RATIFY AGREEMENT WITH COUNTY OF SANTA CLARA TO PROVIDE EMERGENCY NON-CONGREGATE SHELTER FOR COVID-19 VULNERABLE INDIVIDUALS IN MOTELS**

**RECOMMENDATION**

Adopt a resolution ratifying an agreement with County of Santa Clara in an amount not to exceed \$1,794,447, dated September 17, 2020, to provide emergency non-congregate shelter in motels for City of San José residents that are COVID-19 vulnerable from June 15, 2020 through October 15, 2020.

**OUTCOME**

Council ratification of the agreement will allow the City to reimburse the County for actual expenses that are used to support COVID-19 vulnerable homeless City residents through the County’s network of motel rooms throughout Santa Clara County.

**BACKGROUND**

As a result of the National, State and County Executive Orders and City Proclamation of Local Emergency in response to COVID-19, the County and City have identified an urgent need to provide non-congregate shelters (NCS), such as motels and hotels, to assist homeless persons who, because of their age and/or underlying health conditions, are at greater risk for serious illness or death if they contract COVID-19, and to assist homeless persons in complying with the shelter in place orders and to limit the spread of COVID-19.

The City received 104 trailers from California Office of Emergency Services with the direction to use the trailers to provide non-congregate shelter for people experiencing homelessness and who are; 1) COVID-19 positive, 2) presumably exposed to the virus, or 3) at high risk per the CDC guidelines. The Housing Department operated the trailer program at a City owned parking lot at the intersection of Senter Rd and Remillard Court from May 14, 2020 to June 14, 2020,

servicing high risk individuals and couples. The program was demobilized due to concerns around safety of the vulnerable individuals being served and the costs required to maintain the trailers. All the individuals were transitioned to motels operated by the County.

### *The Current Health Crisis and Emergency Housing Needs*

On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern, and the following day the United States Secretary of Health and Human Services declared a Public Health Emergency. On February 3, 2020, the County Health Officer declared a local health emergency, and the County's Director of Emergency Services proclaimed a local emergency in response to the Coronavirus Disease (COVID-19) pandemic. On March 4, 2020, the Governor of California proclaimed a State of Emergency (Executive Order N-25-20) to exist in California because of the threat of COVID-19. On March 6, 2020, the City issued a Proclamation of Local Emergency finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City. Days later, on March 11, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning on March 1, 2020.

On March 16, 2020, the Santa Clara County Public Health Officer issued an Order (County Order) to all residents to shelter in place and businesses to close except for essential activities, essential services, and governmental services as defined under Section 10 of the County Order to manage the spread of COVID-19 throughout the County . On March 19, 2020, the Governor issued an Order (Executive Order N-33-20) that all individuals living in the State of California stay home or at their place of residence, except as needed to maintain continuity of operations for certain critical infrastructure sectors, to protect the public health of Californians, to mitigate the impact of COVID-19.

On March 20, 2020, the Director of the Office of Emergency Services (City Manager) of the City of San José issued a Declaration of Shelter Crisis, consistent with the provisions of the Shelter Crisis Act, under his powers in Chapter 8.08 of the San José Municipal Code.

Guidance released from the U.S. Department of Housing and Urban Development (HUD) on March 9, 2020 states that housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. As a result, the experience of homelessness may place homeless individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19.<sup>1</sup> The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place orders at the State and County levels, requires significantly restricting mobility to limit interactions among people, thus slowing the rate of community transmission. Slowing the virus'

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<sup>1</sup> [https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm\\_source=HUD+Exchange+Mailing+List&utm\\_campaign=8b1f3959f9-Infectious+Disease+Guidance+Homeless+3.9.20&utm\\_medium=email&utm\\_term=0\\_f32b935a5f-8b1f3959f9-19553749](https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8b1f3959f9-Infectious+Disease+Guidance+Homeless+3.9.20&utm_medium=email&utm_term=0_f32b935a5f-8b1f3959f9-19553749)

transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness. Unsheltered populations are especially vulnerable without a place to shelter, quarantine, or self-isolate. The May 18, 2020 County Public Health Order strongly urged individuals experiencing homelessness to obtain shelter, and “governmental and other entities are urged to, as soon as possible make such shelter available.”<sup>2</sup> The City, in partnership with the County, has created over 1,000 new emergency beds/units through a combination of hotel/motel leasing and new congregate temporary shelter sites.

## **ANALYSIS**

### *Emergency Non-Congregate Shelter*

In response to the COVID-19 emergency, the Housing Department and the Santa Clara County Office of Supportive Housing (OSH) formed a Joint Departmental Operations Center to coordinate homeless services. The agencies developed two primary roles. The County would lead in securing motels for non-congregate shelter for: 1) those who have tested positive for COVID-19; 2) have confirmed exposure or are under investigation for COVID-19; or 3) are at greater risk for serious illness or death due to age or an underlying health conditions. The Housing Department’s primary responsibility is to increase temporary shelter beds to: 1) replace beds lost at existing shelters due to social distancing; and 2) shelter those in encampments unable to social distance or prefer to shelter in place indoors.

On March 19 and 20, the City of San José received 104 trailers from the California Governor’s Office of Emergency Services (CalOES); however, 14 of the trailers were uninhabitable leaving 90 trailers for use in a COVID-19 response. The City was informed by CalOES that the use would be restricted. According to the CalOES restriction, the trailers could only be used to provide non-congregate shelter options for people experiencing homelessness and who are: 1) COVID-19 positive, 2) presumably exposed to the virus, or 3) at high risk per the CDC guidelines. Santa Clara County is the lead agency housing County residents that fall into categories 1 and 2 defined above, otherwise referred to as isolation and quarantine housing. As such, the 90 trailers were used for the third category, providing emergency temporary shelter to high risk populations per CDC guidelines. The City and County have defined high risk as either older adults (50+) with three or more underlying health conditions or adults with three more severe underlying health conditions.

The Housing Department operated the trailer program at a City owned parking lot at the intersection of Senter Road and Remillard Court from May 14, 2020 to June 14, 2020. The program was demobilized due to concerns around safety of some of the trailers, the costs required to maintain and operate the trailers and the accessibility of the trailers for those individuals with functional needs or serious health conditions.

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<sup>2</sup> County Public Health Order, May 18, 2020: <https://www.sccgov.org/sites/covid19/Documents/05-18-20-Health-Officer-Order.pdf>

The Housing Department and OSH worked collaboratively to transfer the 25 individuals in the trailer program to existing motels operated by the County. However, the trailer program had been a part of the network of non-congregate shelter Countywide, and rather than lose capacity the Housing Department and OSH decided to replace that capacity with additional motel or hotel rooms. As such, OSH secured an additional 72 motel rooms in San José to the County's existing capacity, and added an additional 25 motel rooms in Morgan Hill.

The County estimates that approximately 70% of all persons placed in motel rooms as part of the County's non-congregate shelter program are from San José. The City's funds granted to the County are intended to support the equivalent of approximately 90 motel rooms, but the funding is not restricted to be used for any specific motel or motel rooms. The City will pay the County a maximum total not to exceed amount of \$1,794,447 to be funded by City Coronavirus Aid, Relief, and Economic Security (CARES) Act by reimbursement based on monthly reports submitted by the County for actual expenses incurred for sheltering City of San José residents as well as a portion of the shared costs attributable to such sheltering. The County will ensure that in addition to motel staff and standard motel services, each motel site used in this program offer onsite management, information and referral services, laundry services, security, wellness checks and medical screenings and access to other temporary shelter or permanent housing when available. Daily meals will continue to be provided by the City. This agreement ensures that no capacity in the Countywide non-congregate shelter system was lost due to the demobilization of the trailer program.

### **CONCLUSION**

The CDC considers homeless populations an at-risk population for COVID-19, because they may face issues getting assistance if they become ill, and are therefore recommended to take extra precautions. For this reason, the agreement to reimburse the County for non-congregate shelter is a critical service and was executed under the City's emergency declaration. This Council action seeks ratification of the executed agreement.

### **EVALUATION AND FOLLOW-UP**

During the COVID-19 crisis, the Administration will provide periodic verbal updates to the City Council on the progress providing shelter and services to the homeless during the pandemic.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

## **PUBLIC OUTREACH**

This item has been posted on the City's website for approval by the City Council on October 27, 2020

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, Budget Office and the Emergency Operations Center.

## **COMMISSION RECOMMENDATION/INPUT**

In response to the Stage 5 Pandemic Management Plan related to COVID-19, the Housing and Community Development Commission (Commission) meetings were cancelled March through July. The Housing Department updated the Commission on homeless responses during COVID at a special meeting on August 13, 2020.

## **FISCAL/POLICY ALIGNMENT**

The recommendations contained in this memorandum are consistent with the priorities established in the City Council as approved by the Emergency Services Proclamations of a Local Emergency due to COVID-19 beginning on March 10, 2020 and as subsequently amended.

## **COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$1,794,477
2. SOURCE OF FUNDING: Coronavirus Relief Fund (401)
3. FISCAL IMPACT: This action ratifies an agreement with COUNTY OF SANTA CLARA in amount of \$1,794,447 to provide emergency non-congregate shelter to vulnerable homeless households. There is no fiscal impact to the General Fund as a result of the action recommended in this memorandum.

**BUDGET REFERENCE**

The table below identifies fund and the appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Rec. Budget Action	2020-2021 Proposed Operating Budget Page	Last Budget Action (Date, Ord. No.)
401	210S	Homeless Sheltering and Support	\$21,400,000	\$1,794,447	N/A	09/22/2020 Ord. No. 30482

**CEQA**

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/

JACKY MORALES-FERRAND  
Housing Director

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.