



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli

**SUBJECT: SUPPORTING PUBLIC HEALTH  
AND SAFETY AT ENCAMPMENTS**

**DATE:** March 18, 2021

---

Approved D. DSYL Date 03/22/21

---

**SUPPLEMENTAL**

**REASON FOR SUPPLEMENTAL**

The purpose of this memorandum is to provide additional information regarding Citywide efforts to support public health and safety at encampments.

**BACKGROUND**

In June 2019, the City of San José, together with Santa Clara County, Destination: Home, and other cities and non-profits, embarked on a strategic planning and a community engagement process to develop a new five-year Community Plan to End Homelessness for Santa Clara County (“Community Plan”). A Community Plan Working Group met bi-weekly from June 2019 through February 2020 to do extensive countywide community outreach to identify successes and challenges in the homeless system of care that resulted in the articulation of the following three core strategies:

- 1. Address the root causes of homelessness through system and policy change;
- 2. Expand homelessness prevention and housing programs to meet the need; and
- 3. Improve quality of life for unsheltered individuals and create healthy neighborhoods for all.

The plan’s first two strategies focus on ending and preventing homelessness; the third focuses on meeting the needs of unsheltered people. The City of San José was the lead planning and development agency for the third strategy, which included extensive organizational outreach to high level staff from departments across the City, including Fire, Housing, Library, Parks, Recreation, and Neighborhood Services, Police, Environmental Services, Transportation, and the City Manager’s Office (including the Offices of Economic Development and Administration, Policy, and Intergovernmental Relations). In addition to helping frame solutions for the Community Plan, the City Manager’s Office facilitated an inter-departmental working group in early 2020 that was developing an implementation plan for Strategy 3. This work included the creation of a mission, vision, and guiding principles to ground the City’s work:

**Mission:** Growing and maintaining thriving San José neighborhoods for homeless residents and all community members.

**Vision:** An inclusive community where everyone is valued and has a place to call home.

**Guiding Principles:**

- ✓ Act with Urgency
- ✓ Apply an Equity Lens
- ✓ Deliver Compassion-Centered Services
- ✓ Be Bold and Iterative
- ✓ Be Accountable Always
- ✓ Build, Measure, and Learn with Data

While these planning and implementation efforts were suspended as the City's Emergency Operations Center (EOC) was activated in response to the novel coronavirus (COVID-19) pandemic, much of this early work has guided the team's efforts over the last year. Moreover, the policy and programmatic environment/framework changed considerably when the COVID-19 shelter-in-place orders were implemented, and the EOC focused the City's efforts and staffing resources on feeding the most needy, developing community and economic recovery strategies, increasing the number of emergency interim housing locations across the City, and managing and supporting homeless encampments to support sanitary environments that would allow people to stay in place. To respond to the public health emergency, EOC branches supporting homeless residents aligned supportive services to public health guidance from the Centers for Disease Control (CDC) and the Santa Clara Public Health Office. Subsequently, the City Council approved the [Community Plan](#) on August 25, 2020, which allowed both the BeautifySJ branch and the Homeless Support and Services branch to maintain existing strategies and programs developed under the public health emergency that also aligned with Strategy 3 of the Community Plan.

As noted in the [City Council 3.1 presentation in September](#) and the [BeautifySJ December Study Session](#), inter-departmental teams have done considerable work to advance strategies that support the Community Plan, including scaling supportive services and outreach at encampments, expanding emergency and interim housing beds, and building a systemic encampment trash management system, while designing a protocol framework for engaging with encampment residents based on a continuum of engagement and escalated actions. Additionally, at the December Study Session, the BeautifySJ branch presented an interim strategy to take the encampment trash program and associated escalated actions through the end of the fiscal year; all of the following actions have been completed:

1. Refine zone-based City staffing and contractual service model, including extending or ending EOC redeployments
2. Extend grant agreements with select non-profit providers (Tier 1 and Tier 2)
3. Exercise contract extensions for high performing vendors (Tier 3)
4. Develop and advance a cost budget proposal for FY 2021-22

## ANALYSIS

### Summary of Existing Actions

The City’s current approach towards unsheltered homelessness advances the Community Plan to End Homelessness and supports a public health framework aiming to reduce community spread of COVID-19. Although new coronavirus cases are declining, the implementation of a vaccination process for our unhoused population has only just begun. Vaccinations in encampments started the week of March 15. The County EOC, Valley Homeless Healthcare Program, Office of Supportive Housing and City are still developing plans for an effective and efficient process that reaches the most individuals. The BeautifySJ branch recognizes that preventing community spread of COVID-19 is still critical under ongoing pandemic conditions, and knowing where individuals are living is key to support the County’s vaccination plans and maintain a public safety focus.

The City of San José and Santa Clara County have increased shelter capacity during the pandemic. However there remains a significant lack of shelter spaces to meet the needs of the over 6,000 homeless residents in San José, 5,117 of which are living on the streets or in other uninhabitable areas. This shelter bed capacity gap results in encampments being spread across the City, with a large burden of unsheltered homeless individuals existing in Council Districts 3 and 7. To prevent community spread of COVID-19, a large majority of these encampments have not been moved and most receive trash pickup services, while a smaller portion receive other dedicated supportive services. This approach is in line with public health guidance from the Centers for Disease Control and Prevention (CDC), which recommends that if individual housing options are not available, people who are living unsheltered or in encampments should remain where they are because, “Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”<sup>1</sup> The CDC further recommends the following:

- Encouraging those staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual and six feet apart.
- Working together with community coalition members to improve sanitation in encampments.



Figure 1. Unsheltered Homeless Resident Engagement and Intervention Continuum

<sup>1</sup> [People Experiencing Homelessness | COVID-19 | CDC](#) – Considerations for encampments

However, there are instances where encampment conditions, locations, or resident behaviors undermine the public safety of unsheltered people and/or the general public, and City intervention is required to mitigate or reduce any personal injury threats or threats to property. BeautifySJ's escalated intervention framework aims to balance public health issues and address hazards as they arise while trying to avoid abatement wherever possible.<sup>2</sup>

The protocols include:

- Clearing the Public Right-of-Way: respond to and address/remove encampments impeding the right-of-way (e.g. streets, sidewalks, trails, etc)<sup>3</sup>
- Escalated Clean-Ups: remove trash/debris from encampments where encampment footprint exceeds 12 x12, but allow residents to remain sheltering in place<sup>4</sup>
- Pilot Multidisciplinary Assessment and Intervention: address the need for escalated interventions at certain encampments through a variety of disciplines and with different stakeholders to improve conditions (e.g. behavioral health, public safety/health, etc).

These protocols are implemented through coordinated efforts by the City's EOC Homeless Support and Services and BeautifySJ Response branches. The definition of success for these efforts is challenging considering the total number of unhoused residents and their permanent housing needs exceeds available resources, and abatement activities are only temporary solutions due to housing bed shortages.

### ***Escalated Interventions and Citywide Distribution of Actions***

In fiscal year 18-19, (the year prior to any COVID-19 impact), the City of San José performed 403 encampment abatements, which cleared locations of debris but resulted in the displacement of homeless residents. A fundamental challenge with this activity is that residents frequently had no better option for relocation and ultimately returned to the original site, or established a new encampment nearby. Although encampment abatements were largely suspended in March of 2020 in accordance with CDC guidance, abatements and escalated actions did occur in alignment with the BeautifySJ protocols, but the underlying fundamental challenge remains the same. Escalated activity conducted by the BeautifySJ Response Branch was outlined in a [February 8<sup>th</sup>, 2021 Information Memorandum](#). The information below provides an update on those activities.

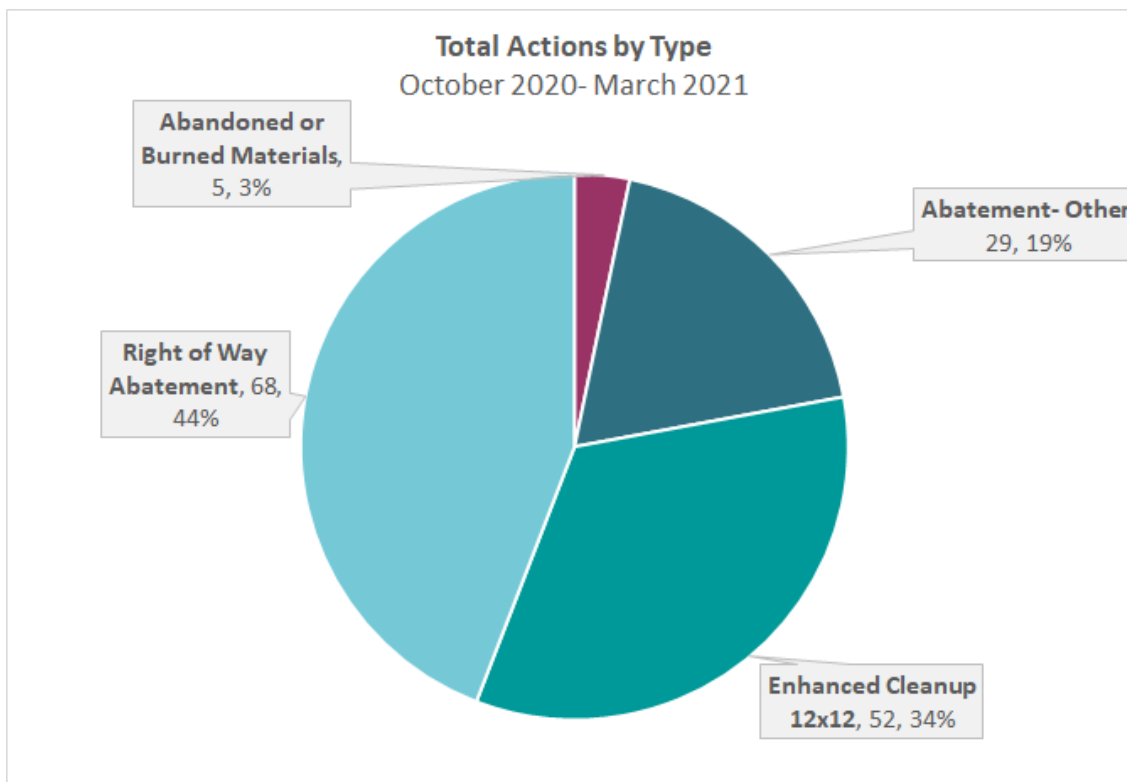
---

<sup>2</sup> The City's EOC COVID-19 unsheltered homelessness framework is in alignment with [CDC guidance](#) for unsheltered homelessness.

<sup>3</sup> In few instances during the pandemic, abatement and other escalated activities will be pursued by the City. For example, individuals encamping in areas of public right of way may be undermining the public safety of the unsheltered and the general public and, should the hazard not be mitigated, it could result in immediate personal injury. In these cases, the safety interest of both populations outweighs the public health benefit of not asking individuals to move.

<sup>4</sup> The City's primary goal is to support sanitary environments at encampments, which include trash pickup and the removal of debris that, if left unaddressed, could result in the spread of disease. City staff aim to reach that goal through voluntary and cooperative relationships with encampment residents.

The BeautifySJ branch currently has 220 mapped encampments across the City that are occupied by residents ranging from one tent/structure/vehicle/RV to over 50 residents. These active encampments are served through the BeautifySJ Encampment Trash Program, which aims to provide bi-monthly trash collection service to maintain adequate sanitary conditions within these encampments. Since the program began, staff have conducted over 2,700 trash collections. While most encampment residents voluntarily participate in the program, the City has had to employ its escalated framework to remove trash.<sup>5</sup>



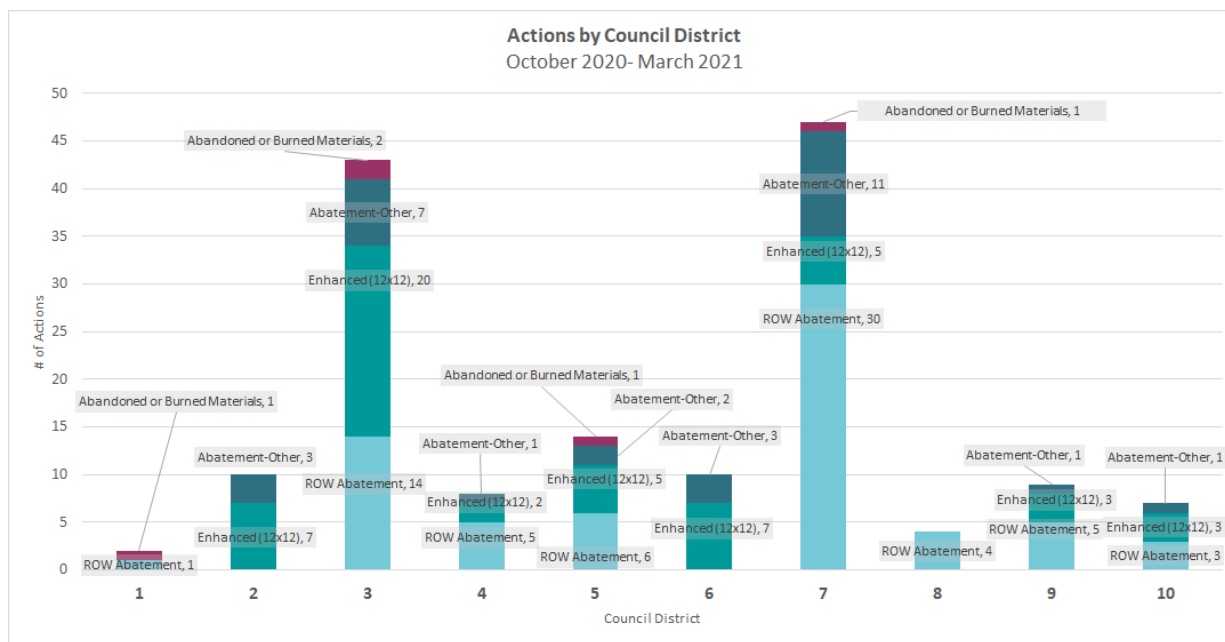
*Figure 2 Escalated Actions Taken by Action Type*

As shown in Figure 2, the City has led or participated in 154 escalated actions since October 2020 of which:

- 68 (44%) were Right of Way clearings
- 52 (34%) were for Enhanced (12x12) Cleanups
- 29 (19%) were Other Abatements (construction, safety)
- 5 (3%) were to clean up abandoned encampments or burned materials

---

<sup>5</sup> BJSJ team members encourage voluntary participation in the encampment trash program. This is done by providing residents trash bags and explaining the process for city staff or contractors to pick-up unwanted trash. Despite repeated contacts, there are residents that claim what is reasonably trash as property, triggering escalated actions.



**Figure 3 – BeautifySJ Escalated Actions by Council District**

While the vast majority of the BeautifySJ actions took place in the Council Districts that have the largest proportions of encampments and homeless residents (District 3 with 28% of actions and District 7 with 31% of actions), the work is spread across every Council District in the City (See Figure 3). This targeted approach for resource deployment supports the branch’s effort to equitably distribute resources and ensure that the right services are provided in the right location.

***Multidisciplinary Encampment Assessment and Intervention Team***

Currently, abatements remain the exception rather than the rule to avoid unnecessary dispersal of unsheltered people and additional contact with other encampments.<sup>6</sup> The City developed and is continuing to pilot the Multidisciplinary Encampment Assessment and Intervention Team protocol (MDT), which aims to mitigate issues that may be posing a severe health and/or safety concern. The City or other outside partners lead intervening actions to reduce the risks posed by the encampment conditions or its residents, but they are not abated.

The MDT pilot leverages existing resources within the City and across systems to assess homeless individuals’ needs, encampment safety, public safety, neighborhood impact, environmental hazards, and to the extent possible with available resources, provide coordinated service delivery. The table below summarizes the five pilot locations and the actions taken since November 2020. Although the primary goal and purpose of the MDT protocol is to provide the right interventions to an encampment in order to mitigate challenges that may collectively require abatement actions, there are times where abatements must, and have occurred.

<sup>6</sup> When abatements do occur, because of the housing shortage, staff have anecdotally noticed that residents from the abated sites merely move to nearby encampments.

In particular, the encampment that was located on Felipe Avenue was associated with several hazardous conditions. This site had over 45 tents and structures on park strips, sidewalks, and attached to business walls, as well as multiple cars and RV’s (inhabited, abandoned, and in the right of way). The camp continued to generate large trash piles, bio-waste, and needles, that created an unsafe environment for both the encampment and non-encampment residents in the area. The MDT also identified unsafe conditions for individuals living in the encampment due to high traffic and large semi-trucks operating in the area. The San Jose Police Department also reported that within a quarter mile of this area, there were 455 police related events, from December 1, 2020 to February 13, 2021 including multiple fires on light poles and walls, complaints of theft, vandalism, as well as aggressive and sexual behaviors. Although regular trash service provided by BeautifySJ and the dumpsters that were serviced 3 days per-week were well utilized, the level of overall activity warranted MDT action, and ultimately, abatement. As the team assessed the issues, the Homeless and Supportive Housing branch was completing its work to open the Felipe Bridge Housing Community and BeautifySJ coordinated outreach and timed the abatement to the opening of this housing opportunity. The 2/17/21 MDT report showed that 20 individuals accepted shelter, 36 declined shelter, and 17 SPDATs (Service Prioritization Decision Assistance Tool) were completed to intake new individuals for follow-up housing services.

Site	Council District	Actions Taken
Coyote Creek (Olinder/Williams St/16 <sup>th</sup> )	3	<ul style="list-style-type: none"> <li>▪ HomeFirst – street outreach, referrals to shelter</li> <li>▪ BeautifySJ – trash service (Tier 3).</li> <li>▪ Abatement targeted for Coyote Creek reach 2 trail construction started/targeted on March 15, 2021 – April 2021</li> </ul>
N. First & Component	4	<ul style="list-style-type: none"> <li>▪ HomeFirst – street outreach, referrals to safe parking and shelter</li> <li>▪ BeautifySJ – trash service (Tier 3) and added dumpsters</li> <li>▪ Housing – added porta-potties and handwashing stations</li> <li>▪ Transportation – Vehicle Abatement assessment/tagging of on street vehicles and RV’s.</li> </ul>
Felipe	7	<ul style="list-style-type: none"> <li>▪ HomeFirst – weekly street outreach, referrals to shelter, substance abuse services</li> <li>▪ BeautifySJ – trash service (Tier 3)</li> <li>▪ Transportation – Vehicle Abatement assessment/tagging of on street vehicles and RV’s.</li> <li>▪ Coordination with opening of Felipe Bridge Housing</li> <li>▪ Abated week of February 17, 2020</li> </ul>
Coyote Creek (Rocksprings)	7	<ul style="list-style-type: none"> <li>▪ HomeFirst – street outreach, referrals to shelter, substance abuse services</li> <li>▪ BeautifySJ – trash service (Tier 3), cash for trash.</li> <li>▪ Transportation – vehicle abatement assessment and tagging of vehicles, RV’s.</li> </ul>
Coyote Creek (Roberts/Lucretia)	7	<ul style="list-style-type: none"> <li>▪ Site was abated in December 2020 due to Coyote Creek reach 1 Trail construction.</li> </ul>

## **Charting a Path to Better Policies and Outcomes**

Unsheltered homelessness is a regional challenge impacting thousands of people; no jurisdiction has successfully solved the challenge and the pandemic has exacerbated the conditions that can result in homelessness. In alignment with the Community Plan, the BeautifySJ branch leads its provision of services with a compassionate lens for all residents in the City. The newly developed systematic encampment trash management system is an example of an innovative, compassion-based, people-focused strategy. While progress continues to be made, the unfortunate reality is that some members of our community will continue to experience homelessness and those experiences will also impact the entire community. Moreover, because no other local jurisdiction in the region has seemingly attempted scheduled trash-pickup at encampments, the City and private sector are collectively still in the process of establishing acceptable benchmarks (right sizing is a continuous process, particularly for a new program).

Since the program began late March 2020 and through its various iterations and scaling of activities, numerous valuable insights have been learned about serving a transient population in often hard to reach locations. For example, through quarterly visual site assessments that evaluate the branch's efforts on several objectives, the BeautifySJ Team has determined that it is successfully directing resources to the right locations, resulting in the removal of approximately 4,000 tons of trash that would otherwise exist across the City. A new scheduled service performance dashboard also points to continued improvements in the City's ability to meet regularly scheduled trash service within its most challenging encampment group—Tier 3. Yet cleanliness conditions have not improved to a level that would be considered satisfactory to most members of the community or City staff, which highlights the dynamic and seemingly intractable nature of intersecting crises facing the City. Furthermore, staff will continue to be challenged by the fundamental disagreement between housed and unhoused perspectives on what constitutes trash vs property<sup>7</sup>. The Administration is committed to exploring policy alternatives and amendments to its current protocols to align operational service delivery more closely with the desired outcomes for all San José residents.

### ***Towards an Encampment Management Strategy: Accounting for Systemic and Continuing Challenges***

As described above, although the City is working hard to establish a systematic encampment trash program, there is still work ahead to refine the core business model—iteration and quality improvement will be key to optimal program performance. However, even when the encampment trash program has matured and cleanliness conditions reach acceptable levels for various stakeholders, it is but one element in a larger ecosystem addressing homelessness. The fact remains that many of the complaints received by City staff are rooted in the existence of homelessness generally and not necessarily imminent safety hazards caused by blight conditions. Much public discourse is being had around locations where the general public wants City policy

---

<sup>7</sup> Council [approved a memorandum](#) of agreement with Valley Water on February 26, 2019 along with protocols that define personal property. ITEM 4.3



and practice to prohibit encampments, such as near parks, schools, residences, businesses, trails, waterways, etc. During the pandemic, abatements conducted by City staff have focused on safety issues as outlined in the existing EOC protocol framework. As such, the policy framework currently in place is largely focused on hazard mitigation and not place-based categorical encampment prohibitions.

As the City looks ahead to a post-COVID unsheltered homelessness framework, different factors will need to be considered along with the lessons learned through the implementation of various pilots during the pandemic. But one factor will remain the same—there is no immediate solution to the housing crisis and the City’s and County’s unsheltered population far outpaces the number of available emergency, interim, and permanent housing options. The Community Plan contemplates this regional challenge and provides tactics to address root causes and expand the housing system in Strategies 1 and 2, but these are mid-term and long-term efforts. In the meantime, the City and its partners must develop a comprehensive encampment management strategy, in alignment with Strategy 3 of the Community Plan, that includes the provision of encampment trash service, expanded outreach to connect people to housing opportunities, and other supportive services including, behavioral health resources, addiction services, sanitation services and other resources that were expanded during the pandemic.

***Where should people live, or not live, outside?***

Many jurisdictions struggling to find solutions are experimenting with different strategies, with the City of Oakland being one of the examples often referenced. Leadership from the EOC’s BeautifySJ and Homeless Support and Services branches recently met with City of Oakland staff to better understand how the Oakland encampment policy was designed, how its being operationalized, and lessons learned from implementation. The policy notably designates “high sensitivity areas,” such as playgrounds, parks, sports fields and courts, places of worship, schools, residences or businesses, and designates a buffer where encampments cannot exist around these assets. Importantly, at the time of the meeting, this policy has experienced challenges and has not been implemented. Nevertheless, understanding the interest in this particular policy, the BeautifySJ team mapped out the Oakland categories and buffer parameters over the City of San José. While the findings are preliminary and require much more refined analysis, a replication of the high sensitivity buffers would be unfeasible in San José because it would displace most existing encampments and it would essentially prohibit encampments in much of the City, leaving limited relocation options for unsheltered residents. For example, if no encampments were allowed within 50 feet of parkland, trails and waterways, initial analysis shows that approximately 50% of the encampments would need to be removed and could trigger displacements of thousands of people into neighborhoods. There is also the substantial challenge of enforcing these zones once they are established and cleared. Again, this mapping and analysis is preliminary; much work is still required to understand the intersections of data layers and their implications for housed and unhoused residents and City neighborhoods.

In addition to the above noted analysis, the development of a comprehensive encampment management strategy must also include an equity analysis if it seeks to classify categorical areas

of “no encampment.” The last Point in Time count conducted in 2019 indicated that the majority of homelessness in the City of San José was disproportionately located in Council Districts 3 and 7. This fact was again confirmed through encampment mapping activities conducted through the BeautifySJ Response branch to develop a service delivery system. Field staff experience tells us that when encampments are abated, the homeless residents of those encampments do not move far away; in fact, they often move only a block or two away, or return to the same location. This is important to consider as the council districts most impacted by homelessness also have historically disadvantaged neighborhoods. Indeed, 44% of mapped encampment areas exist within census tracts designated by the Metropolitan Transportation Commission (MTC) as “Communities of Concern” (COC). The COC is a vulnerability index that informs of underlying socioeconomic indicators such as income, race, rent burden, and English proficiency. As such, creating categories of no encampment (and enforcing it) could re-shape the distribution of unsheltered homelessness across the city depending on how those categories are distributed across districts. Moreover, without a complimentary and coherent relocation policy, such an action could have severe adverse impacts on already vulnerable neighborhoods as existing encampment residents are displaced.

## **CONCLUSION**

Homelessness is the result of various social and economic systemic failures. A 2021 SPUR report entitled *Coexistence in Public Spaces* states that, “The underlying forces that cause homelessness are deeply rooted in housing, economic and racial inequity. For San José, one of the largest contributing factors leading to homelessness is income inequality and the growing wealth gap. Until we as a society address these larger issues, we will not be able to properly address or solve our homelessness crisis.”<sup>8</sup> Addressing homelessness requires a comprehensive supportive housing system built by a cross-sector of partners through collaborative and innovative efforts. However, such a system, together with prevention efforts that address the root causes of homelessness, will take time to scale. Meanwhile, homelessness will continue to have undeniable social costs felt most acutely by the individuals and families experiencing homelessness, but also by the neighborhoods most impacted and the community at large.

COVID-19 has presented unprecedented challenges making a comprehensive response to homelessness more urgent. Through its EOC, the City rapidly adapted to meet the conditions by creating innovative new services such as the Encampment Trash Program, Support Outreach Assistance and Resources (SOAR), and Emergency Interim Housing. The lessons learned from these pandemic-initiated pilots will be relevant to a post-pandemic encampment management strategy, which will likely include areas that categorically prohibit encampments. A robust strategy will require substantial staff work, the application of an equity lens, and collaboration with council members, community members and key external stakeholders.

---

<sup>8</sup> <https://www.spur.org/publications/spur-report/2021-01-25/coexistence-public-space>

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

In its [roadmap priority setting session on March 15, 2021](#), the City Council prioritized the Encampment Management Strategy and Safe Relocation Policy for the Fiscal Year 21-22. Staff will continue to follow this item as the City Council aligns its policy priorities with the budget process.

### **PUBLIC OUTREACH**

This item has been posted on the City's website for approval by the City Council on March 23, 2021.

### **COORDINATION**

Preparation of this memo was coordinated with the City Attorney's Office and Housing Department.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this memo.

/s/  
JON CICIRELLI  
Director, Parks, Recreation, Neighborhood  
Services

For questions, please contact Neil Rufino, Assistant Director, PRNS, [neil.rufino@sanjoseca.gov](mailto:neil.rufino@sanjoseca.gov), or Rick Scott, Deputy Director DOT, [Rick.Scott@sanjosecagov](mailto:Rick.Scott@sanjosecagov), or Sarah Zárate, Assistant to the City Manager, [sarah.zarate@sanjoseca.gov](mailto:sarah.zarate@sanjoseca.gov).

### **Attachments**

Attachment A: Examples of Protocol Implementation

**Examples of Protocol Implementation**



Rinehart Dr.  
Right of Way abatement  
Before



Rinehart Dr.  
Right of Way abatement  
After

Aiello Dr.  
Escalated Clean up  
(Encampment stays)  
Before



Aiello Dr.  
Escalated Clean up  
(Encampment stays)  
After



Attachment A continued



Felipe Dr.  
Safety Abatement  
Before



Felipe Dr.  
Safety Abatement  
After