
FW: Agenda Item 3.3 Coordination of Homelessness Activities Audit: Systemic Failure to Address Disability Access and ADA Compliance

From City Clerk <city.clerk@sanjoseca.gov>

Date Mon 10/27/2025 8:27 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (68 KB)

Recommended Disability Audit Measures .pdf;

From: Michele Mashburn [REDACTED]

Sent: Sunday, October 26, 2025 10:29 PM

To: City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Sanchez, Sheila <Sheila.Sanchez@sanjoseca.gov>

Subject: Agenda Item 3.3 Coordination of Homelessness Activities Audit: Systemic Failure to Address Disability Access and ADA Compliance

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Dear Mayor and City Council Members:

The Homelessness Coordination Audit omits any substantive analysis of disability, despite federal and state law requiring that disability access be integrated into every City program and enforcement action. This absence is not minor—it is systemic.

Disabled people make up a significant portion of San José's unhoused population, yet the audit treats disability as irrelevant. There is no evaluation of ADA compliance, no discussion of reasonable accommodation or modification processes, and no review of whether staff or contractors are trained to implement them. Without this lens, the audit fails to identify one of the most consequential barriers in the City's homelessness response: the exclusion of disabled residents from equal access to City programs.

Under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and California Government Code §§ 11135–11139.8, all public entities—including the City of San José—must ensure that their programs, services, and enforcement actions are accessible to people with disabilities. These laws require both reasonable accommodations for individuals and reasonable modifications of policies and practices when those policies create barriers. Section 504 also applies to any program receiving federal funding, including nonprofit contractors operating City-funded housing and outreach programs. The State's civil rights protections mirror and expand federal standards, making disability access a binding legal requirement at every level of government. Compliance cannot be optional or dependent on available resources; it is a matter of civil rights.

The City repeatedly uses “reasonable accommodation” without recognizing that accommodations address individual needs—such as adjusting communication methods or deadlines—while reasonable modifications require changing a policy that itself creates barriers, like altering abatement protocols to prevent displacement or separation from mobility devices.

The City’s practices during encampment abatements and OLIVE enforcement show confusion between the two. Requests for accommodation are denied at rates that defy both logic and law. There is no process for policy modification when a standard practice—like towing a lived-in vehicle that serves as a mobility aid or personal shelter—creates an access barrier.

I speak to this not just as a disability advocate and consultant, but as someone who has lived through it. Years ago, when I was unhoused, the system was already dehumanizing and fragmented. Today, it is far worse. The City’s procedures have become more punitive, less flexible, and even harder to navigate for disabled residents. I know what it means to lose stability and still be expected to comply with systems never built for us, and I cannot imagine navigating today’s even more punitive conditions.

The audit’s silence on disability access is itself a procedural failure. A credible audit should have examined whether the City’s abatement and enforcement programs are ADA-compliant, whether outreach staff and contractors receive training on disability rights, and whether disability data are integrated into the City’s Homeless Management Information System. It should have reviewed how accommodations are documented and how denials are justified. The omission of these measures is a procedural failure that hides inequities rather than exposing them.

An audit of “coordination” that fails to analyze disability access is incomplete. The City cannot coordinate a lawful or equitable response to homelessness while disregarding the very population most likely to be harmed by its enforcement actions.

I urge the Council to require that future audits include disability access metrics—tracking accommodation and modification requests, evaluating compliance with ADA Title II standards, and ensuring that disabled residents are involved in policy design and review. The City Auditor, City Manager, and Office of Racial and Social Equity should collaborate with the Disability Affairs Officer to establish these standards and publicly report progress.

In addition, the City must conduct a dedicated ADA audit of all housing-related programs, including interim shelter, safe-parking, and affordable-housing developments. Accessibility in housing is a civil-rights obligation, not a design preference. The City’s housing portfolio—including sites managed by nonprofit operators—should be reviewed for physical access, communication access, and administrative accessibility in application and intake processes. Disabled residents are routinely excluded not because of eligibility, but because the system itself is inaccessible. A comprehensive ADA audit would establish a baseline for compliance and identify where policy or design modifications are required.

To support the City’s compliance and ensure accountability, I have attached Recommended Disability Audit Measures (Attachment A). These measures translate federal and state civil rights requirements into practical, auditable standards for the City’s homelessness and housing programs. They are not exhaustive, but they provide a clear starting point for integrating disability access into future audits and enforcement reviews.

I urge the Council to reject a simple “acceptance” of this audit and direct staff to incorporate a disability-access review into all homelessness-related audits and enforcement protocols, in partnership with the Disability Affairs Officer and qualified ADA experts.


Disability access is not a side issue; it is a civil-rights requirement.

Sincerely,
Michele Mashburn
Resident of District 4, formerly of District 3
95134

Michele Mashburn
All Things Disability Equity.

To schedule a meeting, go to: <https://zcal.co/micheleatd/>

To advance equity for individuals with disabilities through education on ableism, disability-informed inclusive practices, and leadership development



Note: As a disabled professional, my work hours may differ from traditional schedules. I do not expect responses outside of your normal working schedule.

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FW: Agenda Item: 3.3 Support Mahan, Foley, Kamei, Campos, Tordillos Memo, With Amendments

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 10/28/2025 7:03 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

From: Sarah Hollingsworth [REDACTED]

Sent: Monday, October 27, 2025 11:12 PM

To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item: 3.3 Support Mahan, Foley, Kamei, Campos, Tordillos Memo, With Amendments

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Dear City Council,

I am a member of SURJ Santa Clara County and an active voter. I have been working with my unhoused neighbors in San Jose for many years and closely with Columbus Park residents prior to the sweep in August. I am writing today to express my conditional support of the Mahan, Foley, Kamei, Campos, Tordillos Memo. I urge you to be better informed by the stakeholders you intend to serve. This means centering the needs and voices of people who are disabled and unhoused. There is no way the city can coordinate an effective response to homelessness (that gets to the root of systemic issues) without incorporating direct asks from the impacted population.

I am asking that you accept the memo with amendments that include Michele Mashburn's recommendations. Any future audit must include analysis of disability access. As Michele writes in her letter, "Disability access is not a side issue; it is a civil rights requirement." Our society is incredibly biased when it comes to ability/disability justice. As a teacher of middle schoolers and community activist, I see this bias get played out in our day-to-day lives. It is baked into the system. Take this opportunity to change the system for San Jose.

Thank you,
Sarah Hollingsworth (she/her)

FW: Subj: 3.3 Support Item Mahan, Foley, Kamei, Campos, Tordillos Memo, With Amendments

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 10/28/2025 7:03 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Jennette Holzworth [REDACTED]
Sent: Tuesday, October 28, 2025 6:12 AM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: Subj: 3.3 Support Item Mahan, Foley, Kamei, Campos, Tordillos Memo, With Amendments

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My name is Jennette Holzworth and I live in District 6. I'm a member of several community organizations including SURJ Santa Clara County. I appreciate you taking my comment in absentia, as during council meetings I am a primary caregiver for my children, each of whom have disabilities. As such, this Item holds significant weight for me. (And, to point out, the ability to place a public comment in this manner is itself an accommodation, thank you!)

I, too, am disabled, and I see myself and my children reflected in the Pit Data collected on the unhoused in our area. One of the things I urge Council to consider is the definition of "reasonable accommodation." This is a vague and ambiguous definition, and I think it's intentional — it recognizes that disability exists on a spectrum and therefore requires a dynamic approach. I appreciate that the City and Council is working to address these concerns, however I think it lacks the follow through required to truly get to Zero.

I feel the audit should have examined whether the City's abatement and enforcement programs are ADA-compliant, whether outreach staff and contractors receive training on disability rights, and whether disability data are integrated into the City's Homeless Management Information System. Furthermore, these examinations of compliance, trainings and data collections must reflect the broad swath of disabilities that exists.

The audit should have reviewed how accommodations are documented and how denials are justified. The omission of these measures hides inequities rather than exposing them. An audit that fails to analyze disability access is incomplete. The memo should be amended to build analysis of disability access into any future audit.

Yes, this is an enormous burden to place on Council and the City. However, we are not asking that you shoulder it alone. There are community members, like Michele Mashburn, who have a depth of experience and

understanding of the needs of the disabled. Inviting them into the conversation will create lasting results and achieve the ambitious and virtuous goals the Mayor and Council pursue.

Please, consult with stakeholders who are directly impacted, and center their recommendations, especially when there are intersectionally marginalized communities such as those who are both unhoused and disabled. The City cannot coordinate a lawful or equitable response to homelessness while disregarding the very population most likely to be harmed by its enforcement actions.

I agree with the Mayor when he says “Change is necessary if you’re pushing for different outcomes.” For unhoused residents who, like me, are afflicted by mental/emotional, neurological, neuropsychological and related “unseen” or “invisible” disabilities, the tired expectation of conformity will not work among people like myself who — at the cellular level — require environments, procedures and expectations that look different than the one-size-fits most we’re asking of our most vulnerable.

One of the most profound things that has transformed how my disabled children (and myself) operate is with the acceptance that they’re not giving me a hard time, they’re having a hard time. If we change the approach, we’ll be able to reach the ultimate goal of having a city that is both beautiful and safe for all, one that doesn’t require a lasting effort because it’s an issue we have resolved (aka, we’re not getting folks off the streets, only for them to return.)

I want our limited resources to be spent with intentionality, and I urge you to consider how the above may factor into these intentions.

Thank you.

Jennette Holzworth
95128

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