

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE CONTINUED EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SAN JOSE PURSUANT TO, AND IN ACCORDANCE WITH, THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 8698 ET SEQ. AND DESIGNATING TWO CITY- OWNED FACILITIES TO BE OCCUPIED AS OVERNIGHT WARMING LOCATIONS BY HOMELESS INDIVIDUALS DURING THE COLD WEATHER SEASON

WHEREAS, on December 8, 2015, the Council of the City of San José (“City”) first declared a shelter crisis under California Government Code Section 8698 *et seq.*, and in the following three years, the City Council declared a continued shelter crisis with the last one proclaimed on November 27, 2018; and

WHEREAS, pursuant to the provisions of California Government Code section 8698 *et seq.*, the City may declare a shelter crisis, which is deemed to constitute a local emergency; and

WHEREAS, to declare a shelter crisis, the City must find that there is an existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, pursuant to California Government Code section 8698.1(b), upon declaration of a shelter crisis, the provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, or safety are deemed suspended and inapplicable to the extent that strict compliance with such regulations or ordinances would in any way prevent, hinder, or delay the mitigation effects of the shelter crisis; and

WHEREAS, in connection with these crises, the City designated specific City-owned facilities to be occupied during periods of inclement weather as overnight warming locations (“OWLs”) by homeless individuals; and

WHEREAS, the City’s 2019 homeless census and survey found 6,097 persons experiencing homelessness in San José and of those 6,097 persons, 5,117 (84%) were unsheltered; and

WHEREAS, the City currently has 849 emergency shelter beds for homeless individuals; and

WHEREAS, unsheltered individuals are at risk to injury and harm due to exposure to the elements and the result of having to live outside in inclement weather; and

WHEREAS, people sleeping overnight in City parks, sidewalks, parking lots, and creeks impact neighborhoods and the environment; and

WHEREAS, in previous years, the City-funded OWLs only operated during periods of inclement weather at four City-owned facilities offering brief emergency shelter overnight for a set period of time when temperatures or a combination of precipitation, wind, and temperature became severe; and

WHEREAS, the inconsistency of operation of the OWLs made it difficult for homeless individuals to know when the OWLs were open and posed operational challenges for City staff to plan and prepare for the activation of the OWLs based on daily weather conditions; and

WHEREAS, given the lack of available shelter and housing to meet the needs of the existing homeless population, staff recommends that the City Council reaffirm the

existence of a shelter crisis and proposes that the City Council revise the shelter crisis declaration to allow for the operation of the OWLs every night during the cold weather season from November 1, 2019 through April 30, 2020 at Bascom Community Center and Library and Roosevelt Community Center; and

WHEREAS, staff determined that Bascom Community Center and Library and Roosevelt Community Center would be the best sites for the OWLs since these locations have been highly utilized during previous cold weather seasons and are near supportive services and public transportation; and

WHEREAS, Bascom Community Center and Library and Roosevelt Community Center each have the capacity to serve up to 30 individuals a night, which will provide 60 additional emergency shelter beds for homeless individuals nightly from November 1, 2019 through April 30, 2020; and

WHEREAS, the City now desires to declare the continued existence of a shelter crisis in San José pursuant to and in accordance with the provisions of California Government Code section 8698 *et seq.* and designate Bascom Community Center and Library and Roosevelt Community Center, both City-owned facilities, as the OWLs to be occupied by homeless individuals during the crisis;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Based upon the facts above and those included in the memorandum from the Director of Housing dated October 17, 2019, there is a continued existence of a situation in which a significant number of persons are without the ability to obtain shelter resulting in a threat to their health and safety.

2. A shelter crisis is hereby declared pursuant to and in accordance with the provisions of California Government Code section 8698.2(a)(1) allowing the following two City-owned facilities to be occupied as overnight warming locations by homeless individuals during the cold weather season every night from November 1, 2019 to April 30, 2020:
 - a. Bascom Community Center and Library (Center), 1000 S. Bascom Avenue, San José, CA 95128; and
 - b. Roosevelt Community Center (Center), 901 E Santa Clara Street, San José, CA 95116.

3. It is determined that strict compliance with otherwise applicable state or local statutes, regulations and ordinances would prevent, hinder or delay the mitigation of the effects of the shelter crisis.

4. It is determined that the declaration of shelter crisis shall continue until terminated by the City Council and it shall be applicable to activities that include, but are not limited to, the establishment and continued operation of the warming shelter program during the cold-weather season of November 1, 2019 through April 30, 2020.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk