



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey  
Omar Passons

**SUBJECT:** SEE BELOW

**DATE:** October 13, 2023

Approved

Date

10/16/23

**SUBJECT: ADOPTION OF AN ORDINANCE AMENDING TITLE 5 OF THE SAN JOSE MUNICIPAL CODE TO ADD CHAPTER 5.12 ADOPTING REASONABLE LOCAL STANDARDS FOR HOMELESS SHELTERS AND DECLARATION OF A SHELTER CRISIS AND PROCLAMATION OF A LOCAL EMERGENCY**

## RECOMMENDATION

- a) Adopt a Resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, an in accordance with, the provisions of the California Government Code section 8698 *et seq.* and proclaiming a local emergency pursuant to, and accordance with, the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homeless in the City of San José.
- b) Adopt an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.12 adopting reasonable local standards for the design, site development, and operation of homeless shelters and their structures and facilities in lieu of existing state and local standards and standards for emergency housing.

## SUMMARY AND OUTCOME

The City Council adoption of the resolution regarding a shelter crisis declaration and proclamation of a local emergency continues the required declarations needed to support existing emergency bridge housing efforts. It also allows the City to continue to streamline development of emergency bridge housing as well as homeless shelters under the companion ordinance. The resolution and proclamation provide additional direction to staff regarding the prioritization of homeless shelters, emergency bridge housing, and emergency interim housing, as well as supportive parking, and both are necessary to adopt the companion ordinance. The ordinance

will streamline the development of homeless shelters by adopting minimum health and safety standards for programs such as safe parking, tents, and other types of emergency shelter.

## **BACKGROUND**

San José is experiencing a housing emergency as many residents face the threat of homelessness due to lack of access to affordable housing. For decades, Santa Clara County and the larger Bay Area have failed to produce enough housing to match needs. The National Low Income Housing Coalition estimates that there are only 30 affordable and available rental units for every 100 extremely low-income households in the community.<sup>1</sup> The constrained supply has resulted in rising rents that has made most housing unaffordable. In San José, 44% of households are low-income, very-low income, or extremely low-income.<sup>2</sup> Low wage workers face housing instability, as approximately 53% of households in San José are “rent burdened,” meaning they pay more than half their income on housing costs, which leaves little for other basic needs such as food, healthcare, and transportation. Data shows that communities where households spend more than 32% of income on rent can expect a more rapid increase in homelessness.<sup>3</sup>

On a per capita basis, San José has one of the largest unsheltered populations of any major city in the United States. The 2023 Point-in-Time Homeless Census identified a total of 6,266 homeless individuals residing in San José on any given night. Out of the total, 4,386 persons were unsheltered (e.g., residing on the street, in vehicles, in abandoned buildings, or in encampment areas). Of these 4,386 persons, it is estimated that 20% seek refuge in vehicles.

Addressing a crisis of this magnitude takes coordination, planning, and measured progress. The five-year Community Plan to End Homelessness is a countywide roadmap guiding government, private sector, nonprofit organizations, and other community members as they make decisions about funding, priorities, and needs. The framework for the Community Plan to End Homelessness includes three strategies:

- Strategy 1: Address the root causes of homelessness through system and policy change;
- Strategy 2: Expand homelessness prevention and housing programs to meet the need; and,
- Strategy 3: Improve quality of life for unsheltered individuals and create healthy neighborhoods for all, including doubling temporary housing and shelter bed capacity across the county.

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<sup>1</sup> National Low Income Housing Coalition, “The Gap Report” March 2023:

[https://nlihc.org/sites/default/files/gap/Gap-Report\\_2023.pdf](https://nlihc.org/sites/default/files/gap/Gap-Report_2023.pdf)

<sup>2</sup> Source: 2019 five-year Housing and Urban Development Comprehensive Housing Affordability Strategy Data:

<https://www.huduser.gov/portal/datasets/cp.html>

<sup>3</sup> Zillow Reports: [https://www.zillow.com/research/homelessness-rent-affordability-22247/?orgid=305&utm\\_attl=money](https://www.zillow.com/research/homelessness-rent-affordability-22247/?orgid=305&utm_attl=money)

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The City Council endorsed the Community Plan to End Homelessness in August 2020, and since then the City, in partnership with the County of Santa Clara, is implementing and aligning its priorities, funding, and strategies with these three strategies. Strategy 3 specifically aims to offer a variety of welcoming temporary housing options throughout the county, which includes new shelters, interim housing, safe places to park, and access to services. Specifically, the Community Plan to End Homelessness seeks to double the number of shelter beds and other temporary capacity across the county, from a baseline of 1,882, to serve 2,000 additional households each night. San José set a goal to create 1,000 emergency interim housing and HomeKey units. Since the Community Plan to End Homelessness was adopted in 2020, the City of San José has completed 759 temporary beds or supportive parking spaces, 461 temporary beds are in design or under construction, and another five sites are approved by City Council that could add approximately 350 more beds. This is more than 75% of the region's effort towards the goal. Further, during the Fiscal Year 2023-2024 budget process, the City adopted four priority focus areas that drive the City budget and staffing resources. One of the four priority focus areas is reducing the unsheltered population in San José and moving individuals to safe shelter spaces. Finally, as part of their approval of the Mayor's June 2023 Budget Message for Fiscal Year 2023-2024, the City Council set a goal to create 1,000 new safe spaces for people experiencing unsheltered homelessness.

Some cities have addressed the shelter crisis through the state Shelter Crisis Act. The Shelter Crisis Act allows a public entity, upon a declaration of a shelter crisis, to provide emergency housing to the homeless in existing public facilities, including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the public entity. The Shelter Crisis Act also provides immunity from liability for ordinary negligence in the provision of emergency housing and suspends any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Specified public entities may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. A legislative history is included in the **Attachment**. Additionally, the Shelter Crisis Act allows the construction or establishment of new homeless shelters on land owned or leased by certain public entities after adoption of an authorizing ordinance.

On September 28, 2023, Mayor Mahan, Vice Mayor Kamei, and Councilmembers Torres and Cohen submitted a memorandum for the October 4, 2023 Rules and Open Government Committee (Committee) meeting. The memorandum, approved by the Committee, directed the City Manager to include the following items for the Shelter Crisis and Emergency on Homelessness Declaration:

1. Demonstrating clear intent of the Council that homelessness is a City priority and that it is the intent of the Council to distribute solutions equitably across all Council Districts;
2. Returning with recommendations to expedite the site selection process;

3. Suspending local land use and zoning requirements for emergency interim housing, safe parking, and low-barrier immediate solutions, provided public health and safety concerns are addressed;
4. Streamlining design and construction of emergency interim housing, safe parking, and other immediate solutions, while maintaining compliance with applicable state law and City Charter, such as Labor Code Sections 17.20, et al and City Charter Section 1217;
5. Removing administrative and/or legal barriers to allow safe sleeping communities or managed encampments;
6. Granting the City Manager authority to streamline the procurement process and flexibility to approve contracts for materials, equipment, and services; and
7. Providing maximum legal and administrative flexibility to streamline processes and policies governing the City's ability to stand up more low-barrier, immediate solutions to homelessness.

Additionally, the City Manager was directed to “prioritize aligning City policies and procedures with state laws such as SB 35 and AB 2162 that streamline the development of permanent, 100% affordable housing projects; reduce duplicative public meeting requirements; and explore additional options to accelerate the creation and construction of affordable housing.”

The seven items detailed in the September 28, 2023, memorandum are included in the Resolution declaring the continued existence of a shelter crisis in the City. The Shelter Crisis Act affords increased flexibility and streamlining for public projects to address the emergent need for additional shelter. City staff is also separately evaluating approaches to streamline the permitting process for private projects such as for religious institutions and non-profit organizations.

## **ANALYSIS**

San José is facing an emergency when it comes to homelessness – an emergency that is even more pronounced due to the disproportionate number of unsheltered people experiencing homelessness. It is an issue of life and death for the thousands of people who are living in tents and cars. Adoption of a new ordinance and resolution declaring a local emergency allows the City to continue to respond urgently and aggressively to the crisis, specifically with the expedited processing of interim housing, shelters, and safe parking projects. Declaring a shelter crisis will enable the City to shelter people experiencing homelessness in designated public facilities or other homeless shelters and to suspend certain housing, health, and safety standards, the strict compliance with which may prevent, hinder, or delay using those facilities for shelter.

### ***The Emergency of Homelessness***

In San José, over 6,000 people are experiencing homelessness, of which, 86% were living in San José or Santa Clara County when they became homeless. Families with children, seniors, individuals with disabilities, veterans, youth, and young adults are all represented in the City’s

diverse homeless population. The majority of those experiencing homelessness are in dangerous conditions, with 43% staying outdoors, 20% seeking refuge in vehicles, and 13% staying in structures not meant for human habitation.<sup>4</sup>

Homelessness is devastating to health and well-being. Living outside has impacts on an individual's health, often creating new health conditions or exacerbating existing ones. Living on the street is extremely stressful and made worse by being exposed to communicable diseases (e.g., tuberculosis, respiratory illnesses, flu, hepatitis, etc.), malnutrition, and harmful weather exposure. Chronic health conditions such as high blood pressure, diabetes, and asthma become worse when there is no safe place to store medications properly. Behavioral health issues such as depression, alcoholism, or other substance use disorders can develop and/or are made worse in people experiencing unsheltered homelessness. Injuries that result from accidents or violence do not heal properly because bathing, keeping bandages clean, and getting proper rest and recuperation isn't possible on the street. Minor issues such as cuts or common colds easily develop into larger problems such as infections or pneumonia. Homeless people are at high risk for poor health and a broad range of acute and chronic illnesses. See examples below.

- Poor health, high stress, and unhealthy and dangerous environments often result in frequent visits to emergency rooms and hospitalizations.<sup>5</sup>
- The University of California, San Francisco Benioff Homelessness and Housing Initiative released a comprehensive study of the causes and consequences of homelessness in California. Forty-five percent of all participants reported their health as poor or fair; 60% reported a chronic disease. More than one third of all participants (34%) reported a limitation in an activity of daily living and 22% reported a mobility limitation.<sup>6</sup>
- Medical research shows that unhoused people's bodies have often aged as if they were at least a decade older.<sup>7</sup>
- Homeless people are four times as likely as the general population to die of heart disease.<sup>8</sup>

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<sup>4</sup> City of San José 2023 Point-in-Time Count: <https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/homeless-reports/homeless-reports-executive-summary>

<sup>5</sup> National Healthcare for the Homeless Council (February 2019): <https://nhchc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf>

<sup>6</sup> Benioff Homelessness and Housing Initiative, University of California San Francisco, "Towards a New Understanding: The California Statewide Study of People Experiencing Homelessness," (June 2023): [https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH\\_Report\\_62023.pdf](https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf)

<sup>7</sup> The Gerontological Society of America, "Geriatric Conditions in a Population-Based Sample of Older Homeless Adults," (2015): <https://academic.oup.com/gerontologist/article/57/4/757/2631974>

<sup>8</sup> Los Angeles County Public Health Department, "Mortality Rates and Causes of Death Among People Experiencing Homelessness in Los Angeles County," (May 2023): [http://www.publichealth.lacounty.gov/chie/reports/Homeless\\_Mortality\\_Report\\_2023.pdf](http://www.publichealth.lacounty.gov/chie/reports/Homeless_Mortality_Report_2023.pdf)

- The average life span of a homeless person is shorter by about 17.5 years than that for the general population. Deaths caused by hypothermia are 13 times more frequent among the homeless than for the general population.<sup>9</sup>

Beyond poor health and illness, people experiencing homelessness have higher rates of justice involvement than people who are housed. In addition, experiencing violence is common and creates an even higher risk of death.

- The UCSF Benioff study also found nearly one third (30%) of people experiencing unsheltered homelessness reported a jail stay during their episode of homelessness.
- Experiencing homelessness leaves individuals more vulnerable to violence and sexual assault. Overall, 32.3% of women, 27.1% of men, and 38.1% of transgendered persons reported experiencing either sexual or physical assault.<sup>10</sup>
- A study from the National Healthcare for the Homeless Council found that older people and those experiencing homelessness for more than two years face an especially high risk of experiencing a violent attack.<sup>11</sup>
- In 2022, 356 people experiencing homelessness died on the streets in Santa Clara County. Among those who died, 146 were seniors. More than half were people of color. Three babies and seven teenagers and young adults between ages 16 and 25 also died on the streets that year.<sup>12</sup>
- People experiencing homelessness are more likely to die as a result of a car crash or traffic fatalities. In San José, unhoused traffic fatalities peaked during 2021 with 33% of all traffic fatalities were people experiencing homelessness.<sup>13</sup>

While the brunt of this crisis is borne by our unhoused neighbors, its impacts are felt much more broadly. Neighborhoods, first responders, businesses, and the environment are also suffering the consequences of the region's severe homelessness crisis. In 2015, Destination Home commissioned a study to take an in-depth look at the cost of homelessness in Santa Clara County. This study, *Home Not Found: The Cost of Homelessness in Silicon Valley*<sup>14</sup>, offers the most comprehensive analysis of the public costs of homelessness in the United States. More than \$3 billion worth of services went to homeless residents in the six years covered by the study. The cost to the community is estimated at \$520 million a year. In the last 12 months, the San José

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<sup>9</sup> PLOS One, "Mortality Among the Homeless: Causes and Meteorological Relationships," (December 2017): <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0189938>

<sup>10</sup> "No Door to Lock: Victimization Among Homeless and Marginally Housed," by M. Kushel, MD, J. Evans, MS and S. Perry, PhD (2003): <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/216287>

<sup>11</sup> National Healthcare for the Homeless Council, "Exploring the Experiences of Violence Among Individuals Who are Homeless," (2014): <https://nhchc.org/research/publications/>

<sup>12</sup> Santa Clara County Medical Examiner Coroner's Office, 2022.

<sup>13</sup> City of San José Department of Transportation, "Unhoused Traffic Fatalities in San José," July 2023: <https://storymaps.arcgis.com/stories/47b7f203f6474c76829d701c713120c1>

<sup>14</sup> Home Not Found: The Cost of Homelessness in Silicon Valley (2015): [https://destinationhomesv.org/wp-content/uploads/2021/01/er\\_homenotfound\\_report\\_6.pdf](https://destinationhomesv.org/wp-content/uploads/2021/01/er_homenotfound_report_6.pdf)

Fire Department responded to 10,580 calls for service related to the unhoused, of which 6,261 were medically related and 2,075 were fire related.

Waterways in San José are impaired as a result of discharges and trash from people experiencing unsheltered homelessness. In May 2015, the California State Water Resources Control Board adopted Resolution No. R2-2015-004 “*Actions to address the adverse water quality impacts of homeless encampments.*” The resolution stated that “discharges of trash and human wastes from homeless encampments pose a significant water quality and public health threat.” Each year, the City conducts a water monitoring analysis about the sources of trash and report the results. Since 2017, an average of 88% of the trash found in creeks is coming from the activities of people experiencing homelessness.<sup>15</sup>

### ***Declaration of the Shelter Crisis and Proclamation of Local Emergency***

Over the last several years, the City of San José and its partners have pursued many innovative programs to address the need for homeless housing including: creating a pipeline of permanent supportive housing and rapid re-housing units; repurposing hotels and motels for the purpose of emergency interim housing; eviction prevention programs; constructing longer term emergency interim housing; safe parking programs; and providing winter warming centers to offer life-saving temporary shelter in City community facilities. Despite these actions, thousands of people are still living on the street or without adequate shelter and more immediate emergency housing options are needed to ensure the continued health and well-being of the most vulnerable members of our community.

In the City of San José, there are a significant number of persons who are without the ability to obtain shelter, resulting in a threat to their health and safety. There are 2,074 shelter beds countywide, of which 1,582 (76%) of those beds are located in San José. It is anticipated that the 2023 Continuum of Care Housing Inventory Count will show the City’s progress on providing shelter beds when it is published and will include 2,376 emergency shelter beds in Santa Clara County, of which 1,916 are located in San José. With over 4,386 people unsheltered in the City, that still leaves a significant gap of individuals unable to access safe shelter. The primary obstacle to reducing or ending homelessness in San José remains the shortage of permanent affordable housing. According to the State of California, between 2015-2021, cities and counties permitted only 35% of affordable homes needed.

The homeless emergency demands a formal declaration of a shelter crisis along with a proclamation of local emergency, both will allow immediate actions that can improve the quality of life for those experiencing homelessness, increase shelter capacity, and improve basic needs support. The declaration of a shelter crisis allows the suspension of certain provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, or

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<sup>15</sup> City of San José staff report, Direct Discharge Trash Control Update and Approval, December 13, 2022: <https://sanjose.legistar.com/View.ashx?M=F&ID=11496092&GUID=F825EEE6-6187-4379-990F-AF1533AEC221>



safety to the extent that strict compliance with the regulations would in any way prevent, hinder, or delay the mitigation effects of the shelter crisis.

A proclamation of Local Emergency provides the authority to:

- Provide mutual aid consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements;
- Receive mutual aid from state and other governmental agencies;
- In the absence of a State of War Emergency or State of Emergency, seek recovery of the cost of extraordinary services incurred in executing mutual aid agreements;
- Promulgate orders and regulations necessary to provide for protection of life and property; and,
- Request the governor proclaim a state of emergency when locally available resources are inadequate to cope with the emergency.

The unsafe and life-threatening conditions of people experiencing homelessness, along with the threatened conditions of homelessness in the City, warrant the declaration of a local emergency. The purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, receive mutual aid, and authorize issuance of orders and regulations necessary to provide for protection of life and property.

### ***Components of the Shelter Crisis Ordinance and Shelter Crisis Declaration***

The proposed ordinance defines homeless shelter broadly as a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. The ordinance combined with the Shelter Crisis declaration will allow the following:

- Homeless shelters need not comply with any conflicting or more restrictive requirements of the San José Municipal Code, City Council Resolutions, City land use plan, City General Plan, any City Council policy, any City administrative guidelines, and any City standards;
- Authorize Mobile Shelter Communities which can include campgrounds with tents, safe parking for vehicles, or sites with a combination of recreation vehicles (RV) and tents;
- Reduces the minimum square footage required for a single-occupancy buildings and structures to 53 square feet;
- Provides flexibility in selecting shelter sites by allowing locations which do not have running water available. At selected shelter sites where running water is not available, portable toilets, lavatories, and mobile washing and bathing facilities shall be provided;
- Provides flexibility for RV safe parking programs by not requiring a functioning heating system inside the RV for a household to participate in the program;
- Establishes reasonable local standards and procedures, in lieu of the California Building and Residential Codes, for the design, site development, and construction of temporary shelters not currently defined under the City's Emergency Bridge Housing Communities



ordinance such as RV safe parking sites, tent communities, and mobile shelter communities;

- Provides flexibility to the City as the enforcing agency to develop and adopt alternative design standards not otherwise addressed in the shelter, including reasonable fire and life safety standards;
- Establishes reasonable standards for toilet and bathing facilities, food preparation facilities, and waste disposal for shelter/interim housing developments not defined in the City's Emergency Bridge Housing Communities ordinance; and,
- Provides flexibility under the San José Municipal Code – Chapter 4.12 of Title 4 (Procurement of Goods and Services) and Title 27 (Procurement of Public Works) to allow for alternative procurement standards for emergency shelter/interim housing projects.

The components of the Shelter Crisis Ordinance and Shelter Crisis Declaration are inclusive of the recommendations in the September 28, 2023 memorandum from Mayor Mahan, Vice Mayor Kamei, and Councilmembers Torres and Cohen that was approved by the Rules and Open Government Committee on October 4, 2023. This memorandum also directed the City Manager to prioritize aligning City policies and procedures with state laws such as SB 35 and AB 2162 that streamline the development of permanent, 100% affordable housing projects; reduce duplicative public meeting requirements; and explore additional options to accelerate the creation of and construction of affordable housing. The City is required to comply with all new state housing streamlining laws. As laws are enacted, staff align City policies and procedures to those state laws and establish procedures to streamline the entitlement process and facilitate affordable housing production. While the Shelter Crisis Act affords increased flexibility and streamlining specifically for public projects to address the emergent need for additional shelter, staff is also separately evaluating approaches to streamline the entitlement process for private projects, such as for religious institutions and non-profit organizations.

While the City has made significant strides in adding capacity in strategy three of the Community Plan to End Homelessness, allocating funding to reach 1,000 emergency interim housing units, adding new supportive RV parking, and overnight warming locations in winter months, there is insufficient capacity to shelter everyone experiencing homelessness in San José. The ordinance is intended to provide design and life safety provisions that the City has determined to be substantially consistent with the applicable sections of Emergency Housing Appendices and where needed to provide findings stating why the standards in the Emergency Housing Appendices cannot be met and stating how the standards in the ordinance protect health and safety. The ordinance also provides authority for the City Manager to adopt guidelines to further streamline consistent with state law, City Charter, and other requirements. Homelessness is one of the biggest challenges currently facing the City. The shelter declaration, ordinance, and proclamation of local emergency demonstrates the commitment of multiple departments to prioritize and streamline the development of homeless shelters, supportive parking and other safe opportunities for people experiencing homelessness. City Council

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adoption of the recommended actions allows the City to more quickly reach its goal of 1,000 emergency interim housing beds and 1,000 safe sleeping opportunities.

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

Staff will provide status updates during the City Council quarterly reports of the Reducing Unsheltered Homelessness priority focus area and in the Homeless Annual Report to City Council. Additionally, staff will evaluate approaches to streamline the entitlement process for private shelter/emergency interim housing projects such as for religious institutions and non-profit organizations and report progress to City Council in Q2 2024 through an information memorandum.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, City Manager's Budget Office, City Manager's Office of Emergency Management, Fire Department, Planning, Building and Code Enforcement Department, and Public Works Department.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the October 24, 2023 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

An Initial Study/Mitigated Negative Declaration was prepared for the Emergency Interim Housing (EIH) Programs Project including the Shelter Crisis Ordinance under Planning File No. ER22-198. The Initial Study concluded that implementation of the project could result in certain significant effects on the environment, and identified mitigation measures that would reduce each of those significant effects to below threshold levels. Therefore, a Mitigation Monitoring and Reporting Program was also prepared for this project. The Initial Study/Mitigated Negative Declaration was circulated for public review and comment from June 5 through June 26, 2023. Comments were received from the California Department of Transportation related to partnering with the City on potential site acquisition and encouraging the City to explore using excess State-

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owned property for affordable housing development projects. Comments were also received from the County of Santa Clara Roads and Airports requesting Local Transportation Analyses for projects within half a mile of County facilities, and Valley Water related to encroachment permits. Responses to comments received during the public comment period were prepared and posted on the City's website on September 1, 2023. The responses were also emailed to all commenters. Adoption of this Initial Study/Mitigated Negative Declaration will allow for streamlining CEQA review for future emergency housing programs, and programs in response to the Shelter Crisis Ordinance.

CEQA review for all safe parking related projects was covered by the Incidental Safe Parking Use Municipal Code Amendments Initial Study/Negative Declaration (File No. PP18-092) adopted by Council on February 26, 2019 (Resolution #78990) and addenda thereto for the 24/7 Safe Parking Operation at Santa Teresa Station Site (File No. ER22-220) adopted by Council on November 8, 2022 (Resolution #80756).

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
OMAR PASSONS  
Deputy City Manager

/s/  
ROSALYNN HUGHEY  
Deputy City Manager  
and Acting Housing Director

For questions, please contact Ragan Henninger, Deputy Director, Housing Department, at [ragan.henninger@sanjoseca.gov](mailto:ragan.henninger@sanjoseca.gov).

**ATTACHMENT:** Legislative History Shelter Crisis

## ATTACHMENT – LEGISLATIVE HISTORY SHELTER CRISIS

**California Government Code Title 2, Division 1, Chapter 7.8 (in particular sections 8698, 8698.1, and 8698.2: 8698):** Existing law allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. In addition, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation, or resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Lastly, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

**Assembly Bill 932:** In 2017, Governor Jerry Brown signed legislation that upon the declaration of a shelter crisis, certain public entities (Cities of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco) can adopt local standards for habitability, zoning, and construction approval to streamline the deployment of temporary shelter housing on publicly owned or leased lands.

**Assembly Bill 143:** This bill added the City of San José and the counties of Orange and Alameda to those that can declare a shelter crisis and access the benefits under Assembly Bill 932.

**Housing and Community Development:** After the passage of Assembly Bill 932, the California Department Housing and Community Development developed building standards for emergency shelters that local governments can adopt voluntarily. Public entities must meet these standards unless the entity adopts findings stating why the standards cannot be met and stating how the standards in the ordinance protect health and safety.