

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Campos
Councilmember Cohen
Councilmember Ortiz
Councilmember Candelas

SUBJECT: SEE BELOW

DATE: June 13, 2025

Approved

Date: 6/13/2025

SUBJECT: Final Adoption of Ordinances

RECOMMENDATION

1. Adopt (g) Ordinance No. 31218 - An Ordinance of the City of San José Amending Section 10.20.140 of Chapter 10.20, Title 10, Related to Trespass on Private Property to Include a Definition for "Private Property," Authorize Police Officers to Give Notice of "No Trespassing," Clarify Requirements for "No Trespassing Signs," and Prohibit Entry for Up to Six Months.
 - a. Set the effective date to September 1, 2025.
 - b. Direct the City Attorney to return to the City Council in August 2025 with amendments clarifying that a private property owner must provide affirmative and documented authorization to the San José Police Department to give an admonishment regardless of the presence of a "no trespassing" sign.
2. Adopt (l) Ordinance No. 31223 - An Ordinance of the City of San José Amending Title 6 of the San José Municipal Code to Add Chapter 6.48 Relating to the Rental of Recreational Vehicles to Be Used for Lodging within the Public Right-of-Way.
 - a. Set the effective date to September 1, 2025.
 - b. Direct the City Attorney to return to the City Council in August 2025 with amendments that clarify or eliminate Section 6.48.020 and remove language prohibiting habitation of a vehicle on public right of way.

DISCUSSION

We recognize the urgency in addressing significant concerns related to homelessness and appreciate the City Attorney's work to prepare these ordinances. However, we request clarification to ensure that these ordinances do not cause negative or unanticipated impacts.

The proposed revisions to Section 10.20.140 will prohibit individuals from entering, being present, or remaining "upon any private property without the consent of the owner" or designee

“where signs forbidding entry are displayed.” The revisions further prohibit individuals who have been “admonished” by the owner or designee, including a peace officer, from entering, being present, or remaining on private property.

We request that the City Attorney return to the City Council after the summer recess with amendments to clarify that the San José Police Department must receive affirmative and documented authorization, orally or in writing, from a private property owner or designee to give an admonishment, whether or not a “no trespassing” sign is posted.

The proposed ordinance prohibiting “vanlording” includes a blanket prohibition against using “any recreational vehicle for living or sleeping quarters on any street, alley, or city-owned premises within the city, between the hours of 9 P.M. and 6 A.M.”

We recommend eliminating or clarifying Section 6.48.020 to remove this expansive ban. Prohibiting inhabitation of vehicles is not necessary to enforce the general regulations against “vanlording,” and, more importantly, forcing vehicle dwellers onto the streets and into tent encampments will exacerbate the homelessness crisis and create significant environmental and quality of life impacts, including for housed residents. The underlying intent of the ordinance is understandable, but we should take care not to make the problem worse in our effort to fix it.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member’s staff, concerning any action discussed in the memorandum, and that each signer’s staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member’s staff.