



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Mayor Matt Mahan  
Vice Mayor Rosemary Kamei  
Councilmember Omar Torres  
Councilmember David Cohen

**SUBJECT:** SEE BELOW

**DATE:** September 28, 2023

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Approved

Date: 09/28/23

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**SUBJECT: SHELTER CRISIS AND EMERGENCY ON HOMELESSNESS  
DECLARATION**

## RECOMMENDATIONS

Direct the City Manager to include in the upcoming update regarding a Shelter Crisis and Emergency on Homelessness Declaration findings and emergency authorizations necessary to respond rapidly to the homelessness crisis, including but not limited to:

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
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.

Further, direct 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 and construction of affordable housing.

## **DISCUSSION**

During the COVID-19 pandemic, San Jose's Emergency Order and Shelter Crisis Declaration, unlocked a range of tools to streamline the development of non-congregate shelter for unhoused residents. By taking advantage of these flexibilities, between 2020 and 2021 we opened three emergency interim housing (EIH) communities, two bridge housing communities, and one HomeKey project, totaling 470 beds. In contrast, between 2022 and 2023, the City opened one EIH community with 96 beds and one safe parking site with capacity for 42 RVs. Why the disparity? The answer is simple: we lost COVID-related funding and emergency declarations across local and state levels, and were bogged down by multiple Council deliberations.

We made significant progress addressing unsheltered homelessness during the pandemic because emergency orders allowed us to cut through the red tape that typically stalls progress. As examples, we were able to build EIH communities despite zoning and General Plan designations that don't traditionally allow shelter uses, and the Governor's executive order N-32-30 waived CEQA for shelters built with State funding. We also expedited permitting and negotiated contracts – both for supportive services and construction – faster than if we were operating without an emergency declaration.

While the pandemic is behind us, our homelessness crisis is not. More than 4,400 people continue to suffer on our streets every day and night without shelter. Last year, 246 of our unsheltered neighbors died outdoors. Many of these deaths were likely preventable with access to basic housing and supportive services. We face a vast humanitarian – as well as ecological and fiscal – crisis that requires even greater focus, investment and experimentation.

Our response to the crisis demands and deserves at least the same level of coordination and resources that we see with any other natural disaster or public health emergency. When wildfires or floods destroy communities, local, state, and federal agencies and humanitarian organizations mobilize quickly to stand up emergency shelters, distribute food, and execute emergency operations that serve thousands of people in a matter of days or months, not years. [This same phenomenon is unfolding right now in Maui, where pop-up temporary housing units are being delivered and rapidly erected for families who lost their homes in the devastating wildfire.](#) The homelessness crisis on our streets requires us to act with the same level of urgency, especially as we have seen an increase in families and seniors experiencing homelessness.

To that end, our recommendations seek to supplement our existing shelter crisis declaration and accompanying ordinance to take advantage of State law<sup>1</sup> that allows cities to suspend local land

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<sup>1</sup> Cal. Gov't Code § 8689.4

use and trim building code requirements to bring low-barrier, immediate solutions online rapidly. We're also asking our Council colleagues to expand the City Manager's authority over procurement processes that normally require multiple Council votes. Additionally, our memo directs staff to identify and recommend any additional process or policy changes the City can enact in alignment with State laws, such as SB 35 and AB 2162, that streamline the approval and development of permanent affordable housing projects. We need to reduce administrative barriers and get to "yes" across all solutions if we want to significantly reduce unsheltered homelessness.

The City Manager's Office, in coordination with the appropriate City departments, is directed to return to Council with an updated Emergency on Homelessness and Shelter Crisis Declaration that empowers the City to move quickly on solutions to homelessness as outlined above. The resulting recommendations should offer maximum legal and administrative authority to stand up more emergency interim housing, safe parking sites, and other safe, managed places for unhoused residents to go.