

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 TO OPERATE FROM NOVEMBER 15, 2022 TO APRIL 30, 2023**

**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 six years, the City Council has declared a continued shelter crisis with the last one proclaimed on December 14, 2021; 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 2022 homeless census and survey found 6,739 persons experiencing homelessness in San José and of those 6,739 persons, 5,031 (75%) were unsheltered; and

**WHEREAS**, the City currently has 1,582 emergency shelter beds for homeless individuals, which is 76% of the County’s emergency shelter beds; and

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

**WHEREAS**, given the high number of unsheltered individuals in San José, and the lack of available shelter beds to meet the needs of the existing homeless population, the City Council reaffirms the existence of a shelter crisis and revives the shelter crisis declaration to allow for the operation of the OWLs every night during the cold weather season from November 15, 2022 through April 30, 2023 at Roosevelt Community Center and West Valley Branch Library; and

**WHEREAS**, Roosevelt Community Center and West Valley Branch Library would be appropriate sites for the OWLs since these locations are near supportive services and public transportation; and

**WHEREAS**, Roosevelt Community Center has the capacity to serve up to 20 individuals a night and West Valley Branch Library has the capacity to serve up to 30 individuals a

night, which will provide 50 additional emergency shelter beds for homeless individuals nightly from November 15, 2022 through April 30, 2023; 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 Roosevelt Community Center and West Valley Branch Library, both City-owned facilities, as the OWLs to be occupied by homeless individuals during the cold weather season;

**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 24, 2022, 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 15, 2022 to April 30, 2023:
  - a. Roosevelt Community Center; 901 E Santa Clara Street, San José, CA 95116; and
  - b. West Valley Branch Library; 1243 San Tomas Aquino Rd, San Jose, CA 95117.

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 15, 2022 through April 30, 2023.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk