



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales Ferrand
Jon Cicirelli
Jill Bourne

SUBJECT: SEE BELOW

DATE: October 24, 2022

Approved

Date:

10/27/2022

COUNCIL DISTRICT: 1, 3

**SUBJECT: ACTIONS RELATED TO CONTINUED SHELTER CRISIS TO
ACTIVATE TWO OVERNIGHT WARMING LOCATIONS DURING THE
COLD WEATHER SEASON**

RECOMMENDATION

- (a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 *et seq.*, and designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season:
1. Roosevelt Community Center; 901 E Santa Clara Street, San José, CA 95116; and
 2. West Valley Branch Library; 1243 San Tomas Aquino Rd, San José, CA 95117.
- (b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with HomeFirst, retroactive to October 15, 2022, through June 30, 2023, in an amount not to exceed \$900,000 to implement the Overnight Warming Locations.

OUTCOME

The City Council's approval of this recommendation will increase shelter capacity in the City of San José by adding up to 50 additional emergency shelter beds for individuals experiencing homelessness each night during the cold weather season, from November 15, 2022 through April 30, 2023.

BACKGROUND

The 2022 homeless census and survey counted 6,739 individuals experiencing homelessness in San José, of which 5,031 were unsheltered. This means that 75% of San José's homeless population sleeps outdoors, in vehicles, in parks, tents, encampments, abandoned properties, or in bus and train stations. San José currently has a total of 1,582 emergency shelter beds for individuals experiencing homelessness, which is 76% of the countywide emergency shelter beds (2,074). Given the high number of unsheltered individuals in San José and the lack of available shelter beds, the Housing Department is proposing again to operate Overnight Warming Locations (OWL) every night for approximately five months during the cold weather season.

Since 2015, the Housing Department has worked with HomeFirst to operate OWLs in seven City Council districts and expand shelter capacity during the cold weather season. See the Attachment for a history of the operation of the OWLs. On April 21, 2020¹, the City Council approved an agreement with HomeFirst to continue as the operator of temporary emergency shelters to serve individuals and families experiencing homelessness.

ANALYSIS

Continued Existence of Shelter Crisis

The Shelter Crisis Act, California Government Code Section 8698 et seq, allows a city to declare a state of emergency due to a shelter crisis. This allows the City to suspend certain regulations and standards of housing, health, or safety to the extent strict compliance would prevent, hinder, or delay the mitigation of the shelter crisis. It also provides that any city may allow homeless persons to occupy designated public facilities for the duration of the state of the emergency. To declare a shelter emergency, a city must find that a significant number of persons are unable to obtain shelter, resulting in a threat to their health and safety.

Shelter Capacity in San José

On any given night, there are 2,074 shelter beds countywide, of which 1,582 (76%) of those beds are located in San José. However, over 5,000 homeless people remain unsheltered. Although the 2022 homeless census and survey shows there was a 2% decrease in the unsheltered homeless population, there is a significant shortage of available shelter beds in comparison to the total number of unsheltered people.

The City has added over 400 beds in its emergency interim housing sites and there are approximately 500 beds planned in new emergency interim housing communities, expanded emergency interim housing communities, and converted motels. However, despite the expansion and increase in the number of interim housing locations and beds, these beds will not become

¹ [Actions Related to the Temporary Sheltering Operations and Services for COVID-19 Emergency Response April 21, 2020](#)

available before April 30, 2023. As such, there remains a need for expanding shelter capacity, especially during the winter months when the unsheltered population is extremely vulnerable.

The Housing Department recommends that the City Council adopt a resolution declaring the continued existence of a shelter crisis to operate two OWLs every night during the cold weather season from November 15, 2022 to April 30, 2023. One of the OWLs will be located at a City community center and the other at a City library. This will expand bed capacity by 50 beds. It takes HomeFirst four weeks to secure staff and supplies before opening the OWLs.

OWL Site Selection

In April 2022, the Housing Department began discussions with Parks, Recreation, and Neighborhood Services (PRNS) and San José Public Library (Library) staff to evaluate locations for the season. In May 2022, the Housing Department attended a Neighborhood Services City Service Area meeting to review the timeline with PRNS and the Library. In that meeting, the Housing Department requested lists of potential OWL sites by the end of July 2022 to have enough time for site visits, analysis, and contract development. Identifying and securing locations to operate an OWL is a challenging process. The Housing Department must gain approval from various stakeholders while also assessing locations based on the following minimum criteria:

1. Proximity of known concentrations of populations that are experiencing homelessness and are living outdoors in potentially unsafe and exposed areas;
2. Access to additional nearby supportive services and public transportation;
3. Site accessibility and layout, including:
 - a. Two points of entry and exit;
 - b. Accessible restroom(s);
 - c. At least a 1,500 square foot room (to serve 30 people);
 - d. At least eight parking spaces for staff and storage of equipment;
4. Impact to regular programming in the community centers and libraries; and
5. Rotate OWL locations each year to minimize any impacts on sites

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Last winter, OWLs operated at Evergreen Branch Library and Leininger Community Center. The site visits and discussions with PRNS and Library staff, as well as conversations with Councilmember Raul Peralez and Vice Mayor Charles “Chappie” Jones, concluded with a recommendation to operate at Roosevelt Community Center and West Valley Branch Library. In coordination with the Fire Marshal and County of Santa Clara Public Health, Roosevelt Community Center has the nightly capacity to serve up to 20 individuals and West Valley Branch Library has the nightly capacity to serve up to 30 individuals.

OWL Operations

The Housing Department will work with staff from PRNS, Library, Fire, Public Works, and Police Departments, and HomeFirst, to prepare the buildings and manage the programs. PRNS and the Library will absorb ancillary costs associated with operating the program, such as increased utilities and water use.

As the operator and key partner, HomeFirst will provide the following services at both OWLs, in coordination with City departments:

1. Daily site set up, supervision, and clean up;
2. Security services with a professional and established agency at each site;
3. Janitorial services to clean each space utilized for the OWL in the morning so that the sites are returned to regular programming in good condition and without interruption or delay;
4. Daytime case management services shared between the two sites;
5. On-site storage for personal belongings;
6. Warm drinks, snacks, and meals each evening; and
7. Transportation resources for OWL participants.

HomeFirst has an operation manual that provides details on all responsibilities related to the OWL program, including but not limited to procedures for referrals, storage, and case management.

The OWL at each site will operate from 8:00 p.m. to 7:00 a.m. when the facilities are typically closed to the public, with HomeFirst staff onsite from 7:00 p.m. to 8:00 a.m. daily. To minimize the impact on the daily operations at each site, such as long lines of people waiting for a bed, the OWL programs will be referral based. A referral-based program will assist people who are experiencing homelessness by providing them with certainty that a bed will be available. Participants will be referred for an OWL bed through HomeFirst's outreach teams, the onsite case manager, or through the county-wide centralized shelter hotline. Unsheltered individuals who stay close to each site during the non-cold weather months will be prioritized for referrals. Family referrals will be placed in the City-funded Motel Voucher Program. Referrals to the OWL programs are valid for the length of the season unless the participant violates the program rules or is suspended as agreed upon between the Housing Department, HomeFirst, and the onsite staff from PRNS and/or the Library.

A storage container will be available at each site for OWL participants to store their personal belongings. Onsite storage facilitates a participant's ability to work, attend appointments, and apply for jobs or housing without risk of blight or theft. Perimeter checks will be conducted each morning by HomeFirst staff to identify and store personal belongings left behind by program participants. Items will be held up to 30 days for participants who voluntarily leave or are removed from the program. A second storage container will be used at each site to store program supplies, including mats and bedding.

OWL Coordination and Communications

The logistics of operating OWLs nightly for approximately five months, with minimal or no impact on regular services and programs conducted at these facilities, requires ongoing and regular coordination and communication between staff from PRNS, Library, Housing Department, City Council offices, and HomeFirst. Prior to the start of OWL, the Housing Department will provide training for staff at the sites that will include various topics including a general overview of homelessness as well as OWL protocols. The Housing Department will coordinate across departments daily to ensure minimal impact to daytime operations at the locations.

Any concerns related to the OWL program that are identified by PRNS or Library staff will be addressed within the same business day by HomeFirst or the Housing Department. The Housing Department has developed a desk guide for onsite PRNS and Library staff. The desk guide outlines step-by-step processes in response to frequently asked questions about the OWL program, as well as relevant contact information. A Housing Department OWL email (owl@sanjoseca.gov) and phone number (408-975-2695) will be shared with community members should they have any questions or concerns.

Lastly, the Housing Department will work with each respective City Council office to create a monthly Community Advisory Committee meeting. The Housing Department will work with the City Council office to facilitate these monthly meetings, which will also include PRNS, Library, HomeFirst, and representatives from both the respective neighborhood associations, as well as nearby businesses, schools, and/or other stakeholders. These monthly meetings will provide a forum to discuss daily operations, community concerns, successes, and any other issues that may arise.

CONCLUSION

The actions recommended in this memorandum will add up to 50 additional emergency shelter beds during the cold weather season for the City's most vulnerable residents.

EVALUATION AND FOLLOW-UP

Results of the OWL program will be provided in the Housing Department's annual homeless report.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The sites are located within walking distance from public transportation, providing access to transit to participants in the OWLs.

PUBLIC OUTREACH

The Housing Department, in collaboration with HomeFirst and City Council District 1 and 3 offices, will facilitate informational meetings with respective neighborhood associations and other stakeholders prior to November 15, 2022. Feedback from the community meetings will be provided in a supplemental memorandum and will also be available during the presentation at the November 15, 2022 City Council meeting.

This memorandum will be posted on the City Council Agenda website for the November 8, 2022 City Council meeting.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

At the April 14, 2022 Housing and Community Development Commission meeting, the Commission (passed 10-0) the Housing Trust Fund Expenditure Plan for FY 2022-23, which included a funding allocation for the OWLs.

COST SUMMARY/IMPLICATIONS

Funding for the agreement with HomeFirst, not to exceed \$900,000, to implement the OWLs will be funded by the Housing and Homeless Projects appropriation in the Housing Trust Fund. There are no impacts to the General Fund as a result of the recommended actions.

BUDGET REFERENCE

The table below identifies fund and appropriation proposed to fund the actions recommended as part of this memorandum.

HONORABLE MAYOR AND CITY COUNCIL

October 24, 2022

Subject: Continued Shelter Crisis to Activate Overnight Warming Locations During Cold Weather Season

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Fund #	Appn #	Appn Name	Total Appn	Amt. for Contract	2022-2023 Proposed Operating Budget Page*	Last Budget Action (Date, Ord. No.)
440	2453	Housing and Homeless Projects	\$4,465,000	\$900,000	890	10/18/2022 Ord. No. 30833

* The 2022-2023 Adopted Operating Budget was approved on June 14, 2022 and adopted on June 21, 2022 by the City Council.

CEQA

Categorically Exempt, File No. ER22-243, CEQA Guidelines Sections 15269, Emergency Projects, and Section 15301, Existing Facilities.

/s/

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Director, Housing Department



JILL BOURNE
Library Director

/s/

JON CICIRELLI
Director, Parks, Recreation and
Neighborhood Services

The primary author of this memorandum is Kelly Hemphill, Division Manager. For questions, please contact kelly.hemphill@sanjoseca.gov.

Attachment: History of OWL Operations

**Attachment
OWL History**

Year	Locations	Council District	Total Unduplicated Served	Activation
2015-16	Bascom Community Center	6	216	5 inclement weather/based on temperature activation periods (14 days total)
	Tully Community Library	7		
	Washington United Youth Center	3		
	Bibliotheca Branch Library	3		
2016-17	Bascom Community Center	6	340	9 inclement weather/based on temperature activation periods (31 days total)
	Tully Community Library	7		
	Washington United Youth Center	3		
	Bibliotheca Branch Library	3		
2017-18	Tully Community Library	7	321	10 inclement weather/based on temperature activation periods (36 days total)
	Southside Senior Center	2		
	Alum Rock Library	5		
	Roosevelt Community Center	3		
2018-19	Bascom Community Center	6	416	8 inclement weather/based on temperature activation periods (41 days total)
	Leininger Community Center	7		
	Alum Rock Library	5		
	Roosevelt Community Center	3		
2019-21	Bascom Community Center	6	311	Nightly shelter by referral only 7 days a week from November 2019 through August 2020
	Roosevelt Community Center	3		Nightly shelter by referral only 7 days a week from November 2019 through April 2020
2020-21	South Hall	3	1405	Nightly shelter by referral only 7 days a week from April 2020 through July 2021
	Camden Community Center	9		Nightly shelter by referral only 7 days a week from April 2020 through October 2020

2021-22	Evergreen Branch Library	8	242	Nightly shelter by referral only 7 days a week from December 2021 through April 2022
	Leininger Center	7		Nightly shelter by referral only 7 days a week from December 2021 through April 2022