

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING A CONTINUED SHELTER CRISIS IN THE CITY OF SAN JOSE AND DESIGNATING FACILITIES FOR OVERNIGHT WARMING CENTER ACTIVATION**

**WHEREAS**, December 8, 2015, the Council of the City of San José (“City”) declared a shelter crisis pursuant to California Government Code section 8698 *et seq.* and in the following year, the City Council declared a continued shelter crisis; and

**WHEREAS**, in connection with these crises, the City contracted with a service provider to operate an overnight warming center program that could serve unsheltered persons in San José during periods of inclement weather and designated specific City-owned facilities to be occupied during periods of inclement weather as overnight warming facilities by homeless individuals and families;

**WHEREAS**, activation of these designated facilities as overnight warming centers has been triggered by a forecast 48-72 hours in advance by the National Weather Service of the following conditions: (a) an overnight low of 38 degrees or lower with a probability of rain less than 50%, (b) an overnight low of 42 degrees or lower with a probability of rain of 50% or greater, or prolonged periods of rain with flooding in low lying areas; and this year, an additional factor will be added (c) 50% probability of rain for two or more days; and

**WHEREAS**, during the 2016-2017 cold weather season, there were a total of 9 activation periods of inclement weather occurred between December 2016 and March 2017 resulting in 31 nights of shelter, food and support for 283 individuals; and

**WHEREAS**, City evaluated the four facilities used in the past two winters six other city facilities and concluded that some of the facilities should be rotated this year to reach more homeless throughout the City, but that retaining the Tully Community Library as a warming facility is essential, given the large number of individuals who access that facility; and

**WHEREAS**, the Roosevelt Community Center was selected as a new facility in order to serve homeless individuals in the downtown core and it has ready access to public transportation; the Alum Rock Library was selected as a new facility in order to serve homeless families in the eastside neighborhoods and it has ready access to transportation; and the Southside Senior Center was selected as a new facility in order to serve homeless individuals in south San José, it is also the facility best suited for individuals with accessibility challenges and it has ready access to transportation; and

**WHEREAS**, according to the 2017 San José Homeless Census and Survey, a total of 4,350 people were counted in San José on the mornings of January 24 and 25, 2017; and

**WHEREAS**, approximately 3,231 persons, 74% of this population, were unsheltered, including 643 people living in encampment areas; and

**WHEREAS**, the most recently completed Housing Inventory Chart, which provides a detailed listing of all homeless beds in the community, identified only 1,566 homeless beds in the City; and

**WHEREAS**, homeless individuals and homeless advocates have testified that there are insufficient shelter beds to house all of the people living outside; and

**WHEREAS**, such individuals are at risk to injury and harm due to exposure to the elements and due to other health, safety and welfare-related circumstances and consequences associated to living outside; 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**, 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**, 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; and

**WHEREAS**, given the lack of available shelter and housing to meet the needs of the existing homeless population, staff is recommending that the City Council reaffirm the existence of a shelter crisis to allow the identified City-owned facilities to be used for overnight warming centers; and

**WHEREAS**, the City now desires to declare 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 four City owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis: Tully Community Library, Roosevelt Community Center, Alum Rock Library and Southside Senior Center;

**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 November 6, 2017 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(a)(1) allowing the following four City-owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:
  - a. Tully Community Library, 880 Tully Rd., San José, 95111.
  - b. Roosevelt Community Center, 901 E Santa Clara St., San José, 95116.
  - c. Alum Rock Library, 3090 Alum Rock Ave., San José, 95127.
  - d. Southside Senior Center, 5585 Cottle Rd., San José, 95123.
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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, 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