

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 RECOMMENDED SITES TO BE DEVELOPED FOR AND USED AS EMERGENCY BRIDGE HOUSING COMMUNITIES FOR HOMELESS INDIVIDUALS DURING THE CRISIS

WHEREAS, on December 8, 2015, the Council of the City of San Jose (“City”) declared a shelter crisis under California Government Code Section 8698 *et seq.* and subsequently declared a continued shelter crisis on December 13, 2016, November 28, 2017, and November 27, 2018 for the purposes of designating specific City-owned facilities to be occupied by homeless individuals and families during periods of inclement weather as overnight warming facilities; and

WHEREAS, on September 27, 2016, AB 2176 was signed into law by Governor Jerry Brown, effective January 1, 2017, amending the Shelter Crisis Act to authorize a five (5)-year pilot program allowing the City, upon declaration of a shelter crisis, to create Emergency Bridge Housing Communities for the homeless, including temporary housing in new or existing structures on City-owned or City-leased property; and

WHEREAS, the City has evaluated and selected two (2) sites for the development of Emergency Bridge Housing Communities: a Valley Transportation Authority (“VTA”) construction staging site located at Mabury Road identified as Assessor Parcel Number 254-01-034, and a Caltrans site located at the South West Quadrant of State Highways 101 and 680 adjacent to Felipe Avenue; and

WHEREAS, the City Council has approved concurrently with the adoption of this resolution lease agreements with VTA and Caltrans for the City's use of the sites through January 1, 2022; and

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

WHEREAS, approximately 3,231 persons, 74% of the San José homeless population, were unsheltered, including 643 people living in encampment areas; and

WHEREAS, the Santa Clara County Office of Supportive Housing identified 684 year-round emergency shelter beds in San José; 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 of injury and harm due to exposure to the weather and the result of having to live outside; and

WHEREAS, people sleeping overnight in City parks, sidewalks, parking lots, and creeks impact neighborhoods and the environment; 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 identified sites to be used for Emergency Bridge Housing Communities; 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 to designate the VTA and Caltrans sites to be developed and used as Emergency Bridge Housing Communities for homeless individuals during the crisis;

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 December 2, 2018, 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 *et seq.* allowing the following two (2) sites to be developed for and used as Emergency Bridge Housing Communities for homeless individuals during the crisis:
 - a. Valley Transportation Authority construction staging site located at Mabury Road identified as Assessor Parcel Number 254-01-034; and
 - b. Caltrans site located at the South West Quadrant of State Highways 101 and 680 adjacent to Felipe Avenue.
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 a 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 development and use of the VTA and Caltrans sites as Emergency Bridge Housing Communities.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk