

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**

**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 three years, the City Council declared a continued shelter crisis with the last one proclaimed on November 27, 2018; 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**, 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 families; and

**WHEREAS**, the City's 2019 homeless census and survey found 6,097 persons experiencing homelessness in San José and of those 6,097 persons, 5,117 (84%) were unsheltered; and

**WHEREAS**, the City currently has 849 emergency shelter beds; and

**WHEREAS**, unsheltered individuals are at risk to injury and harm due to exposure to the weather and the result of having to live outside in inclement weather; and

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

**WHEREAS**, in previous years, the designated OWLs only operated during periods of inclement weather at four City-owned facilities offering brief emergency shelter overnight for a set period of time when temperatures or a combination of precipitation, wind, and temperature became severe; and

**WHEREAS**, the inconsistency of operation of the OWLs made it difficult for homeless individuals to know when the OWLs were open and for City staff to prepare for the activation of the OWLs; and

**WHEREAS**, given the lack of available shelter and housing to meet the needs of the existing homeless population, staff recommends that the City Council reaffirm the existence of a shelter crisis and proposes that the City Council revise the shelter crisis declaration to allow for the operation of the OWLs every night during the cold weather season from October 15, 2019 to April 15, 2020 at Bascom Community Center and Roosevelt Community Center; and

**WHEREAS**, staff evaluated various City-owned library and community center sites for potential use for the OWLs and concluded that Bascom Community Center and Roosevelt Community Center would be the best sites for the OWLs since these locations have been highly utilized during previous cold weather seasons and are near supportive services and public transportation; and

**WHEREAS**, Bascom Community Center and Roosevelt Community Center each have the capacity to serve up to 30 individuals a night, which would bring the total emergency bed inventory in San José up to 909; 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 Bascom Community Center and Roosevelt Community Center, both City-owned facilities, as the OWLs to be occupied by homeless individuals and families 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 September 3, 2019, 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 two City-owned facilities to be occupied as overnight warming locations by homeless individuals and families during the crisis every night from October 15, 2019 to April 15, 2020:

- a. Bascom Community Center, 1000 S. Bascom Avenue, San José, CA 95128.
  - b. Roosevelt Community Center, 901 E Santa Clara Street, San José, CA 95116.
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 October 15, 2019 to April 15, 2020.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk