

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 SHELTER CRISIS ACT, CALIFORNIA GOVERNMENT CODE SECTION 8698 ET SEQ. CITYWIDE FOR FACILITIES AND SITES AS AUTHORIZED BY THE CITY MANAGER DURING THE CRISIS AND THE COVID-19 EMERGENCY

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, November 27, 2018 and December 18, 2018 and

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 (“novel coronavirus”) a Public Health Emergency of International concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, according to the 2019 San José Homeless Census and Survey, a total of 6,097 people experiencing homelessness were counted in San José; and

WHEREAS, approximately 5,117 persons, 84% of the San José homeless population, were unsheltered; and

WHEREAS, the Santa Clara County Office of Supportive Housing identified 849 year-round emergency shelter beds in San José; and

WHEREAS, on February 10, 2020, the Santa Clara County announced a local health emergency due to the spread of the novel coronavirus, and on March 11, 2020, the World Health Organization declared the coronavirus outbreak a pandemic; and

WHEREAS, as of March 19, there were 175 confirmed COVID-19 cases and six deaths in Santa Clara County, and the number of cases is expected to grow rapidly; and

WHEREAS, according to guidance released from the Department of Housing Urban Development on March 9, 2020, housing instability and frequent mobility increase the risk of exposure to infectious disease; and

WHEREAS, limited access to health care services and poor living conditions further compound this risk, and as a result, the experience of homelessness may place individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19; and

WHEREAS, on March 16, 2020, the County of Santa Clara issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform vital services, and all businesses, except essential businesses, are required to cease all activities at facilities located within the County, being the order effective on March 17, 2020 and will remain in place until April 7, 2020; and

WHEREAS, Unsheltered populations are left vulnerable and the opportunity for COVID-19 to spread rapidly in overcrowded shelters or living outside, without a place to quarantine, or self-isolate; and

WHEREAS, a declaration of shelter crisis allows the City to rapidly open up much needed additional shelter to respond to the needs of homeless residents during the COVID-19 emergency; 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, 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.* Citywide for facilities and sites as authorized by the City Manager during the COVID-19 emergency;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The existence of a continued shelter crisis in the City of San José is hereby declared pursuant to and in accordance with the provisions of California Government Code section 8698 *et seq.*, the Citywide for facilities and sites as authorized by the City Manager during the COVID-19 emergency.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk