



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Councilmember Matt Mahan

**SUBJECT:** SEE BELOW

**DATE:** March 23, 2021

**APPROVED:**

**DATE:** 3/23/2021

**SUBJECT: Homelessness Annual Report and Addressing Homelessness During COVID-19 Pandemic: Encampment and Abatement**

**RECOMMENDATIONS:**

1. Direct the City Manager to advocate to the County's Public Health Department for substantial, targeted vaccine outreach to unhoused residents and outline any support the City may offer to provide in this effort.
2. In line with Council approved 2021-2022 priority nominations NP10 and NP20, direct the City Manager to accelerate the study of a potential encampment setback ordinance that takes an incremental and iterative approach to identifying and reducing impacts on sensitive areas, such as starting with schools only. Return to Council with a proposed initial ordinance by May 1, 2021.
3. Direct the City Manager to analyze and return to Council through the budget process recommendations for expanding SOAR-like on-street services for encampment residents, including, but not limited to consistent hygienic services, trash removal, mental health consultation, and housing placement.
4. Direct the City Manager to resume encampment abatement by July 1, 2021 or once 70% of Santa Clara County's adult population has been vaccinated, whichever occurs sooner.
5. Direct the City Manager to communicate to the County Chief Executive and Board of Supervisors the City's interest in exploring a pilot sanctioned encampment in collaboration with the County. This pilot sanctioned encampment should be conceived as an opportunity for the City and County to explore ways of improving our complementary core services for our most vulnerable community members and as a potential model for future expansion.

**BACKGROUND:**

As we assess our post-pandemic approach to homeless services and encampment management, we should be mindful of the ongoing public health risk facing unhoused residents. As described in the Homelessness Annual Report, unhoused residents tend to be a high-risk population due to a variety of health and situational conditions. They no doubt also face significant challenges accessing the COVID-19 vaccine, some versions of which require two shots multiple weeks apart. City staff should continue to collaborate with County staff to support outreach to and vaccinations for unhoused residents. Moreover, ensuring access to vaccines for people experiencing homelessness ought to be considered a prerequisite for widespread abatement or relocation of encampments.

Following a targeted and substantial effort to vaccinate unhoused residents, the City must improve its current approach to encampment management. We are all witness to the expansion of encampments into parks, creeks, school zones and other sensitive areas. Without better management, both in terms of encampment location and services that would mitigate their impact, our entire community—including unhoused residents and the environment upon which we all rely—suffers. I propose beginning with a setback ordinance that would constrain where encampments can exist, thereby reducing their impacts on our most sensitive spaces and allowing the City to focus service delivery to areas where encampments are allowed.

Staff's supplemental memorandum outlines the difficulties of adapting Oakland's encampment setback ordinance to San José. I appreciate the preliminary research done by staff and I look forward to reviewing it after more refined analysis is done. Given the potential roadblocks, I propose starting with an incremental approach that can be adapted over time. For example, a setback ordinance might start by focusing on only one type of high-sensitivity area, such as schools. This would allow the City to test the policy, develop best practices for implementation and identify any unintended consequences before considering future expansion.

In parallel, we should consider service delivery to encampments to be an equally important component of any encampment management strategy. As part of the budget planning process, SOAR and other new outreach and service delivery programs should be analyzed for scalability and cost-effectiveness. While "Housing First" must remain our long-term strategy for ending homelessness, our unhoused residents deserve consistent hygienic, trash removal and social services—and of course our entire community benefits when each of us has access to these basic services.

I further propose that when the City resumes widespread encampment abatements, we do so within the framework of a broader encampment management strategy described above (i.e., "setbacks and services"), even if that strategy is intentionally designed around incremental measures for the purposes of testing and learning. Moreover, I propose timing our implementation to coincide with our best current understanding of when the County will achieve herd immunity from COVID-19 in order to reduce the risk of community spread.

Lastly, if Council approves further exploration of sanctioned encampments, I recommend that we approach this effort as an opportunity to work with the County to develop a highly-coordinated joint service delivery model for encampments that draws on the unique expertise and mandate of each jurisdiction. Ideally, the County would agree to collaborate not only on service delivery, but also site location and any risk analysis and mitigation that must be addressed to move forward.