



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Anthony Mata

**SUBJECT:** SEE BELOW

**DATE:** January 19, 2024

Approved

Date

1/18/24

## INFORMATION

### **SUBJECT: REGULATING THE RENTAL OF RECREATIONAL VEHICLES FOR LIVING ON CITY STREETS**

The purpose of this informational memorandum is to inform the Mayor and City Council of City staff's findings on the practice of renting recreational vehicles (RVs) to unhoused individuals so that they can live in them on City streets.

The number of RVs parked on the streets of San José has increased steadily for many years. Most are not directly associated with any of the permanent homes on the streets where they are parked, but rather are unregistered and unofficially owned by unhoused individuals who are using them as shelter. Hundreds of complaints regarding these vehicles have been received by various City departments – San José Police Department (Department); Parks, Recreation, and Neighborhood Services Department – BeautifySJ Program; San José 311; and City Council District Offices. It is not the policy of any City department to tow RVs that are being used as shelters, except for specific policy or legal violations.

On September 7, 2023, the Rules and Open Government Committee approved a memorandum to the City Manager titled “Regulating the Rental of Recreational Vehicles for Living on City Streets”<sup>1</sup>. The memorandum identified concerns about individuals illegally placing RVs on public streets and renting those RVs to unhoused individuals. The City of Los Angeles recently passed an action to draft an ordinance to deter this “vanlording” activity.

<sup>1</sup> September 7, 2023, Rules and Open Government Committee Meeting, Agenda item C.3, Regulating the Rental of Recreational Vehicles for Living on City Streets:  
<https://sanjose.legistar.com/View.ashx?M=F&ID=12279336&GUID=D7F40098-B595-4F16-84C7-AA7799D75494>

Council Districts 4 and 5 recently worked with the Department due to the emergence of “vanlording” in neighborhoods. In the early summer of 2023, a Department patrol team in the Foothill Division (on the east side of the City) discovered that one individual had bought at least four to six RVs from a tow yard, relocated them, and was leasing the RVs to unhoused individuals illegally in the public right-of-way on Educational Park Drive. At least two of these RVs were later discovered by officers on Las Plumas Avenue.

In addition to this instance, the Department has received anecdotal reports of RV rental activity in San José over the past year. The focus of the issue is not the unhoused individuals living in the RVs, but rather the persons renting them and illegally placing them in public space to generate personal income. The City has an interest in enterprising individuals preying on the unhoused population of the city and capitalizing on their misfortunes by renting them RVs that have not passed safety inspections and lack basic plumbing and sewage removal.

### **What is the Current Scope of the Issue in San José?**

Determining the scope of this problem in San José presents a challenge because there is no practical way to collect data on the illegal and unofficial sales or rental of RVs on city streets. The sales of RVs to and among the unhoused population are not processed through the California Department of Motor Vehicles, so there is often no valid record of ownership. When an RV is leased, there is generally no lease or other paperwork. Renters paying “vanlords” are often unwilling to share details about their arrangements. Staff in the City of Los Angeles, which has taken more action on this issue than any other city, noted that its evidence of the practice is almost entirely anecdotal.

The only real means identified for gathering information about RV rentals on public streets in San José is by concentrated conversation and investigation by staff and/or police officers. The Department is not aware of any additional instances. The vast majority of the RVs are possessed by unhoused individuals who trade the vehicles back and forth among each other. The RVs are not typically owned or leased. With the exception of the instance on Educational Park Drive, there does not appear to be a significant number of private individuals leasing or subleasing RVs or vans to multiple people.

### **What Policies or Procedures do Similar Police Agencies in California Have in Place to Address the Issue?**

Refer to Table 1. Six California police departments that are similar in size and structure to the Department were contacted regarding this issue in their jurisdictions. With the exception of Los Angeles, none had identified the need to regulate RV rentals on public streets in their jurisdictions.

**Table 1**

<b>City</b>	<b>Actions Taken</b>
San Francisco	No action planned at this time.
Long Beach	No action planned at this time.
Los Angeles	The Los Angeles City Council voted in August 2023 on a <a href="#">motion</a> to <a href="#">direct the city attorney</a> to draft an ordinance that would amend its city code to include RVs among the types of vehicles that people are prohibited from leasing and renting while parked on public streets and other public spaces. The County Board of Supervisors directed County staff to report back with recommendations on how to handle the issue in October 2023. Neither the Los Angeles Police Department nor the Los Angeles Sheriff’s Department noted any involvement in projects relating to RV rentals. The enforcement program structure and effectiveness are unclear.
San Diego	No action planned at this time.
Fresno	No action planned at this time.
Sacramento	The city has been active addressing issues related to unhoused individuals, including the Emergency Shelter and Enforcement Act of 2022. However, the act does not address RV rentals. The department does not believe RV rental is currently a significant problem.

Each of these departments expressed that there are many RVs and vans on the streets of their jurisdictions, but they appear to be individually possessed by unhoused individuals who then trade them within the unhoused community; the RVs are not typically rented or sub-leased. Each department expressed that it is not their policy to enforce laws that would remove a person from a vehicle being used as housing. Removal of an RV from a street typically occurs when an individual is suspected of having committed a substantial crime or is in imminent danger. Like the Department, these other agencies do not typically remove RVs for having a registration that is expired over six months, but they do circumstantially remove them for other California Vehicle Code violations that carry a tow authority.

**Is the City of Los Angeles Developing a Model for Addressing the Issue that Can Be Emulated in San José?**

On August 26, 2023, the Los Angeles City Council voted 12 to 0 in favor of directing the city attorney to draft an ordinance that would amend its city code to include RVs among the types of vehicles that people are prohibited from leasing and renting while parked on public streets and other public spaces. The ordinance would also add a requirement to the city code that RV landlords comply with “relevant state and federal laws as it relates to the sale and lease of RVs.” State law requires RVs leased or rented in California to meet design and safety standards<sup>2</sup> of

<sup>2</sup> California Health and Safety Code § 18027.3: [https://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-18027-3/#:~:text=\(1\)%20Remove%2C%20or%20cause,A119](https://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-18027-3/#:~:text=(1)%20Remove%2C%20or%20cause,A119).

the [American National Standards Institute](#) and the [National Fire Protection Association](#) and it would create an escalating system of fines for owners who violate the rules.

Los Angeles Police Department staff reported that it was aware that its city was drafting an ordinance to regulate RV rentals, but the police department was not involved in the process or enforcement. Additionally, the action voted on by the City Council has not yet resulted in a final ordinance.

On October 26, 2023, the Los Angeles County Board of Supervisors unanimously approved a resolution<sup>3</sup> to develop a plan to crack down on “vanlords” and the encampments they create by renting out RVs for people to live in. Los Angeles County staff was given 90 days to report back with recommendations “to curtail the selling, leasing, or renting of Recreational Vehicles (RV) and oversized vessels in the public right-of-way.” Supervisors asked that the report include a proposal for escalating fines and a plan for how those fines can be invested into the County’s homelessness initiative, specifically for the Pathway Home RV program. Similar to Los Angeles Police Department, the representative of the Los Angeles Sheriff’s Department who was contacted reported that it did not anticipate a major law enforcement role in implementing or enforcing the county’s resolution.

### **Are Alternatives Available for Addressing the Occurrence of RVs Rented to Unhoused Individuals on Public Streets?**

Staff from the Department, the Department of Transportation, and the Parks, Recreation, and Neighborhood Services Department concur that fine-based models demonstrate limited effectiveness with vehicle-related blight and for individuals experiencing homelessness. One alternative model is to fund a program to proactively purchase and dispose of RVs that have not passed legally required safety inspection, are heading to lien sale, or are requested to be disposed of by confirmed owners. This approach works to stem the pipeline of RVs before they appear on streets, and it could work in tandem with the City’s new tow contract. Staff’s concurrent work on addressing oversized vehicles and lived-in vehicles near schools also addresses some aspects of RVs and oversized vehicles on streets.

### **CONCLUSION**

Staff’s research indicates that “vanlording” is not currently a pervasive problem in San José. The vast majority of the RVs on the streets of San José are possessed by unhoused individuals who trade vehicles within the unhoused community. Related, fine-based enforcement has demonstrated limited effectiveness with vehicle-related blight and for individuals experiencing homelessness living in vehicles.

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<sup>3</sup> Los Angeles County motion, Restricting the Leasing/Renting of Recreational Vehicles in Los Angeles County: <https://file.lacounty.gov/SDSInter/bos/supdocs/0f716316-3c8e-4166-8090-28b8b2763b65.pdf>

Staff recommends continued monitoring of this issue, coordinated by the City Manager's Office with the Department, the Department of Transportation, the Parks, Recreation, and Neighborhood Services Department, and the Housing Department. Further, staff recommends a multi-disciplinary approach to "vanlording" that focuses on the strategies of (1) channeling vehicles to supportive parking and (2) creating additional capacity – approaches identified in the Regulating Oversized Vehicles Citywide work led by the Department of Transportation. Those approaches will be presented to and discussed with City Council on January 30, 2024.

All of the comparable agencies researched and communicated with by the Department noted the exceptional difficulty of enforcement for informal renting. Staff's initial determination is that enforcement by police officers is sub-optimal on the bases of law enforcement priorities, cost, and impact. Staff will evaluate a potential program to purchase and dispose of RVs and oversized vehicles that are unsafe, unclaimed by their owners, or requested to be disposed of by their owners, deterring placement on streets.

Should an outbreak of RV rental occur in San José in the future, staff recommends administrative rather than criminal measures. An administrative approach would be managed and enforced by staff in the Planning, Building, and Code Enforcement Department and Parking and Traffic Control Officers, with support from the Department when there is a criminal or immediate safety factor. Based on BeautifySJ's program history, police overtime costs to support response is a significant consideration.

### **EVALUATION AND FOLLOW-UP**

Staff will continue to monitor the RV rental issue and report any developments through the appropriate City Council committees. Staff will also evaluate a proposal for consideration in the Fiscal Year 2024-2025 City Budget Process for a preventative program to purchase and dispose of RVs and oversized vehicles that are unsafe, unclaimed before lien sale, or requested to be disposed of by their owners.



ANTHONY MATA  
Chief of Police

For questions, please contact Lieutenant Paul Hamblin, San José Police Department, Research & Development Unit, at (408) 277-5200.