



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 3, 2020

Approved

Date

4/3/2020

SUBJECT: EMERGENCY ORDER AND SHELTER CRISIS DECLARATION FOR COVID-19 EMERGENCY

RECOMMENDATION

- A. Adopt a resolution:
1. Ordering a suspension of City Zoning Code, the General Plan and other requirements applicable to shelters established or expanded during the COVID-19 emergency pursuant to the City's emergency powers under California Government Code Section 8634;
 2. Declaring the existence of a continued 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 properties as authorized by the City Manager during the COVID-19 emergency; and
 3. Ratifying the City Manager's March 20, 2020 declaration of Shelter Crisis;
- B. Direction to the Administration to take actions to address the emergency and Shelter Crisis as set forth in the Resolution.

OUTCOME

Approval of the recommended actions will save lives by reducing constraints on the production and operation of additional emergency shelter to reduce the spread of COVID-19 consistent with the City's COVID-19 response plan. This will include increasing the number of emergency shelter beds to allow the current shelter system to meet COVID-19 social distancing space requirements, to provide shelter in separate rooms or units for the protection of unhoused high risk individuals, isolation of COVID-19 positive individuals, for quarantine of people who have been exposed, and to expand shelter beds for the unhoused population in San José to allow them to comply with the County shelter-in place order.

BACKGROUND

At a White House briefing on March 31, 2020 Dr. Anthony S. Fauci, the leading infectious disease expert in the United States and director of the National Institute of Allergy and Infectious Diseases, reported that most recent transmission modelling estimated COVID-19 will kill between 100,000 and 240,000 Americans.¹ These grim projections—combined with the most recent warning from the director of the Centers for Disease Control and Prevention (CDC) that as many as 25 percent of people infected with the virus may not show any symptoms and are therefore contributing to the virus’ rapid spread—add to the urgency of ensuring people are indoors and taking the necessary precautions to prevent getting sick.²

As of March 29, 2020 there were 848 confirmed COVID-19 cases in Santa Clara County, and at least 2,092 confirmed cases and 51 deaths in the seven Bay Area jurisdictions.³ These deaths accounted for nearly one third of fatalities in California.⁴ By April 1, 2020, the County’s Public Health Department reported 956 positive cases, an increase of 108 confirmed cases since March 29, 2020.⁵ In the United States, a minimum of 188,247 cases and 3,921 deaths have already been reported as of March 31 2020.⁶ The number of cases is expected to continue growing rapidly as the virus is easily transmitted and may result in serious health complications including death.

Although there is limited information regarding risk factors for COVID-19, certain populations are at higher risk for developing severe illness from the disease. According to the CDC, these include people aged 65 years and older, people with underlying medical conditions, among others. Additionally, people experiencing unsheltered homelessness are considered at risk and recommended to take additional precautions.⁷

Rapidly Changing Public Health Crisis

COVID-19 presents a dynamic public health emergency, requiring extraordinary actions by governments and health agencies in a rapidly changing environment where inaction can result in increased lives lost. As the virus’ transmission has changed over the last couple of months, so too has the response at the local, state, and federal level.

On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern, and the following day the United States Secretary of Health and Human Services declared a Public Health Emergency. On February 10, 2020, the Santa

¹ <https://www.nytimes.com/2020/03/31/us/politics/coronavirus-death-toll-united-states.html>

² <https://www.nytimes.com/2020/03/31/health/coronavirus-asymptomatic-transmission.html?action=click&module=Top%20Stories&pgtype=Homepage>

³ Data provided by the 3-31-20 Santa Clara County Health Offer Order to Shelter in Place

⁴ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>. CDPH data reported 171 fatalities in California as of March 31, 2020.

⁵ <https://www.mercurynews.com/2020/04/01/coronavirus-santa-clara-county-tops-950-covid-19-cases-reports-two-new-deaths/>

⁶ https://www.nytimes.com/news-event/coronavirus?action=click&pgtype=Article&state=default&module=style-coronavirus-world&variant=show®ion=TOP_BANNER&context=storyline_menu

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>

Clara County announced a local health emergency due to the spread of the novel coronavirus. With continued spread across the state, Governor Gavin Newsom issued a Proclamation of a State of Emergency in California on March 4, 2020. Days later, on March 11, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning on March 1, 2020.

Responding to the local context, on March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency, pursuant to his powers under Chapter 8.08 of the San Jose Municipal Code, finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City. This proclamation was quickly followed by the County of Santa Clara, which on March 16, 2020 issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services. All businesses, except essential businesses, were required to cease all activities at facilities located within the County. At that time, there were 258 confirmed cases and three deaths in the seven Bay Area jurisdictions. On March 19, Governor Newsom also issued Executive Order N-33-20 directing California residents to follow a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector.

On March 20 2020, the Director of the Office of Emergency Services of the City of San José issued a Declaration of Shelter Crisis, consistent with the provisions of the Shelter Crisis Act, under his powers in Chapter 8.08 of the San José Municipal Code.

Most recently, the County issued a second, more restrictive, shelter in place order on March 31, 2020, superseding its initial order as total confirmed cases increased by over 1,800 in just a two-week period. The County's most current order became effective on March 31, 2020 and will remain in place until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended.

Importantly, guidance released from the U.S. Department of Housing and Urban Development on March 9, 2020 states that housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. As a result, the experience of homelessness may place these individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19.⁸

⁸ https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8b1f3959f9-Infectious_Disease_Guidance_Homeless_3.9.20&utm_medium=email&utm_term=0_f32b935a5f-8b1f3959f9-19553749

The City's Housing Department has been following, analyzing, and quickly responding to public health guidance from the CDC, and the State and County Public Health Officers. Accordingly, on March 10, the City of San José suspended encampment abatements unless they are required for safety or health reasons. This suspension was effective March 10, 2020 and will continue to remain in effect consistent with the County Public Health Order (Shelter in Place) and CDC recommendations.⁹ The Homeless Concerns Hotline remains open and the Housing Department continues to send outreach teams to encampments to help homeless individuals understand how best to protect themselves from COVID-19.

Protecting Those Most at Risk

The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place orders at the State and County levels, requires significantly restricting mobility to limit interactions among people, thus slowing the rate of community transmission. Slowing the virus' transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness. Unsheltered populations are especially vulnerable without a place to shelter, quarantine, or self-isolate. In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and "governmental and other entities are urged to, as soon as possible make such shelter available." A suspension of zoning codes, the City General Plan, and other regulations, combined with a declaration of shelter crisis is necessary for the City of San José to expeditiously advance the recommendations in the Public Health Order to protect vulnerable homeless residents from COVID-19. Such action would allow the City to rapidly open critically needed shelters and develop housing solutions to both assist current shelters in adhering to social distancing requirements, as well as bring unsheltered residents indoors.

ANALYSIS

Emergency Order

To ensure that the City can proceed with all haste to provide the additional shelter needed to safeguard the lives of the City's housed and unhoused residents from the risk of COVID-19, the City needs to remove any barriers to this emergency response that exist in its municipal code, land use plans, and policies. Immediate shelter capacity is needed both to protect the vulnerable and combat the spread of COVID-19.

To expand emergency shelter capacity under normal circumstances, City staff would adhere to specific City Zoning Codes, official policy direction represented in the City's General Plan, and other requirements, such as Chapter 6.46 of Title 6 of the Municipal Code (regulating Mobilehomes and Mobilehome Parks) and Council Policy 6-16 (regulating use of City Property) that otherwise might impose limitations or additional standards and processes to the establishment or expansion of shelters or the use of land for shelters. These processes take time, and the City does not have time; the City must act to combat COVID-19 as soon as possible. The order will not suspend any requirements of the City Charter, and the City intends that all such

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>

shelter capacity to be added will be consistent with applicable State standards or local building standards in Chapter 5.09 of the Municipal Code.

To save lives and flatten the curve of coronavirus cases, current public health direction mandates that people shelter in place to keep themselves safe and prevent community transmission of COVID-19. Without such suppressing and mitigating policy action, the result will be an inundated and overwhelmed healthcare system. This places residents experiencing homelessness in an exceptionally precarious situation; they're inability to shelter indoors—compounded by the fact that many homeless also experience poor health outcomes as a direct result of living outdoors—puts them at much higher risk for developing severe illness from COVID-19 that can ultimately end in death. California Government Code Section 8634 allows for the City to promulgate orders and regulations to provide for the protection of life and property.¹⁰ Thus, by allowing for the suspension of municipal codes, including the zoning codes, the City's General Plan, and other regulations, the order will allow the Administration to move more expeditiously in providing emergency shelter for its residents, thereby protecting their health and safety, and by extension the health and safety of the community at large.

Shelter Crisis Declaration and Ratification

The Shelter Crisis Act, California Government Code Section 8698 *et seq*, allows a city to declare a state of emergency due to a shelter crisis, and such a declaration allows the City to suspend certain regulations and standards of housing, health or safety to the extent strict compliance would prevent, hinder, or delay mitigation of the shelter crisis. It also provides that any city may allow homeless persons to occupy designated sites or facilities held by a public entity for the duration of the state of the emergency. To declare a shelter emergency, a city must find that there is an 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.

San José's 2019 homeless census and survey found 6,097 persons experiencing homelessness in the City of San José, increasing 40% from the 2017 homeless census. Out of the 6,097 people counted, 5,117 (84%) were unsheltered. On any given night, there are 849 shelter beds available Citywide, however, approximately 5,117 homeless people are unsheltered. Given the lack of available shelter and housing to meet the needs of the existing homeless population, Housing Department staff is recommending that the City Council declare a shelter crisis effective immediately until December 2020.

It is intended that the Council's declaration include and apply to public facilities, emergency bridge housing communities, emergency housing and homeless shelters (the "facilities"), all as described in the Shelter Crisis Act, and that to the fullest extent possible the protections and exemptions of the Act, including those provided in Government Code Sections 8698.3 and 8698.4, shall apply. The City has adopted by ordinance reasonable local standards and procedures for the design, site development, and operation of such facilities and determined that strict compliance with state and local standards or laws in existence at the time would prevent,

¹⁰ http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8634

hinder, or delay the mitigation of the effects of the shelter crisis. The City reaffirms that determination with respect to the shelter crisis and the COVID-19 emergency.

Should the Council make this declaration, staff will issue an information memorandum to report on specific sites designated by the City Manager at the end of each month.

Pursuant to Section 8.08.250 of Chapter 8.08 of the San Jose Municipal Code, the Director of the Office of Emergency Services is to seek Council ratification of his actions under that Chapter, thus as part of this action, the Administration requests that the Council confirm the March 20, 2020 declaration issued by the Director of the Office of Emergency Services.

CONCLUSION

The COVID-19 pandemic has grown exponentially since the first case reported in Santa Clara County on January 31, 2020. The virus is extremely transmittable and can cause severe illness that may result in death. The rapid transmission rate of COVID-19 has changed the very nature of how residents work, live, and protect others against the spread of this virus. With the closures of libraries, community centers, limited non-profit resources, and lack of shelter space across San José, these impacts are having an even greater direct impact on homeless individuals' ability to protect themselves from COVID-19. Indeed, the CDC considers homeless populations an at-risk population for COVID-19, because they may face issues getting assistance if they become ill, and are therefore recommended to take extra precautions. Upon ordering the suspension of City Zoning Code, General Plan, and other requirements, together with a shelter crisis declaration, the Housing Department will work to quickly identify additional housing opportunities and will deploy resources to protect our most vulnerable unhoused residents as quickly and widely as possible.

EVALUATION AND FOLLOW-UP

The Department will provide a monthly information memorandum on progress updates to the City Council. The Administration will work with the Intergovernmental Relations group to obtain an emergency authorization to use up to 50% of its unencumbered Low and Moderate Income Housing Asset funds to provide initial funding for the purchase, leasing or operation of emergency shelter sites, which funds are to be repaid from grants provided in connections with the COVID -19 emergency. Additionally, the Administration will work with the Intergovernmental Relations group to confirm the State Department of Housing and Community Development acceptance of the standards adopted by the City in Municipal Code Chapter 5.09 for application to homeless shelters.

CLIMATE SMART SAN JOSÉ

The recommendation in this memo does not relate to Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 14, 2020 City Council Meeting.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office, the City Manager's Office of Emergency Management, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

This item was not referred to the Housing and Community Development Commission due to the urgent nature of the report.

COST SUMMARY/IMPLICATIONS

The recommended action allows the City to deploy financial resources meet the objectives of the emergency shelter plan described above. Costs related to this plan's implementation, and available funding sources, are under development and will be reported in coordination with all costs related to the City's pandemic response.

CEQA

Statutorily Exempt, CEQA Guideline Section 15209, Emergency Projects.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

For questions, please contact Housing Director, Jacky Morales-Ferrand, at (408) 535-3855.



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: SEE BELOW

DATE: March 30, 2020

APPROVED:

DATE: *March 30, 2020*

SUBJECT: SHELTER CRISIS DECLARATION FOR COVID-19 EMERGENCY

RECOMMENDATION

For the immediate and urgent build-out of emergency housing for COVID-19 positive and exposed residents currently living in overcrowded housing, encampments, shelters, or other circumstances making it difficult for the individual to self-quarantine, direct the City Manager and City Attorney to issue a determination—either orally or in writing—confirming that, for the purpose of constructing emergency housing expeditiously:

1. Pursuant to the City’s Emergency Declaration,
 - a. the City Manager may bypass current City procurement processes to purchase materials necessary (including pre-fabricated or modular units);
 - b. the City Manager may waive City permit and land use restrictions and requirements;
2. Pursuant to AB2176, the conditions under which the contemplated emergency or transitional housing will qualify for waiver of the Title 24 building requirements identified in that legislation;
3. Pursuant to the Governor’s March Executive Orders, the emergency housing funded by HEAP or HHAP state allocations may proceed without regard to CEQA-required processes or approvals; and whether additional lobbying would be appropriate to broaden that waiver to other housing funding sources;
4. Pursuant to federal and state emergency assistance laws and regulations, and particularly with regard to the March 30, 2020 announcement of the Federal Emergency Management Agency (FEMA) regarding non-congregate care and housing:

- a. The extent to which FEMA reimbursement is likely to apply to the specific non-congregate housing we seek to build, given that (a) only congregate shelters have been traditionally included on the FEMA pre-approved list, and (b) the unique context of this disaster in which congregate housing is not appropriate disaster relief for a pandemic, and (c) whether some lobbying with our federal delegation will be appropriate.
- b. The extent to which the State of California is likely to reimburse for some portion of the remaining 25% of cost for which FEMA reimbursement does not apply.

Discussion

Amid this crisis, we must expand our capacity to house people who are COVID-19 positive or exposed, but unable to access adequate housing to self-quarantine. We have unique opportunities to move aggressively to build emergency housing if we are able to move nimbly and decisively. I urge that we do so – and, as the saying goes, “never waste a crisis.”



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Ragan Henninger
Jim Shannon

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved

Date

4/20/2020

SUBJECT: ACCEPT THE HOMELESS HOUSING ASSISTANCE AND PREVENTION GRANT FROM THE STATE OF CALIFORNIA AND AUTHORIZE RELATED CONTRACT AMENDMENTS

RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager or his designee:
 - (1) To accept the Homeless Housing, Assistance and Prevention (HHAP) grant award of \$23,832,510.94 from the State of California to fund emergency and crisis intervention services for the homeless and negotiate and execute related documents to accept these grant funds without further City Council action.
 - (2) To negotiate and execute a Second Amendment to the grant agreement with Habitat for Humanity dated June 3, 2019 to increase the grant amount by up to an additional \$6,000,000 for a total amount of \$11,100,600 to develop and construct at additional site located on Monterey and Bernal for emergency bridge housing or emergency shelters.
 - (3) To negotiate and execute a Third Amendment to the grant agreement that was transferred to Destination: Home SV by Asset Transfer Agreement dated November 28, 2017, to increase the grant amount by \$3,000,000 for a total of \$5,179,129, to continue implementing the Employment Initiative and Homelessness Prevention System for homeless individuals and families through June 30, 2021.
 - (4) To negotiate and execute a Third Amendment to the grant agreement with Bill Wilson Center dated August 15, 2017, increasing the maximum amount of compensation by \$2,000,000 from \$2,179,129 to \$4,179,129 to provide housing and supportive services to homeless youth ages 18 to 25 through their Transition in Place program through June 30, 2020.

- (b) Adopt a resolution finding that the expenditures in connection with the COVID-19 emergency for the purposes of procuring, developing and constructing emergency bridge housing communities, emergency interim shelters or emergency shelters are deemed by the Council to be of urgent necessity for the preservation of life, health, or property and that such expenditures and contracts are exempted from Charter bidding and procurement requirements pursuant to Section 1217(e)(5) of the City Charter. (Requires 8 votes.)

- (c) Adopt the following Appropriation Ordinance Amendments in the Emergency Reserve Fund:
 - (1) Establish a Transfer to the Multi-Source Housing Fund in the amount of \$3,919,821; and
 - (2) Decrease the COVID-19 Emergency Response appropriation by \$3,919,821.

- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
 - (1) Increase the estimate for Revenue from the State of California by \$23,832,511;
 - (2) Increase the estimate for Transfers and Reimbursements by \$3,919,821;
 - (3) Establish a SB89 COVID-19 Emergency appropriation to the Housing Department in the amount of \$3,919,821;
 - (4) Establish an Emergency Shelters appropriation to the Housing Department in the amount of \$17,232,511;
 - (5) Increase the Homelessness Prevention System appropriation to the Housing Department by \$3,000,000;
 - (6) Establish a Homeless Youth appropriation to the Housing Department in the amount of \$2,000,000; and,
 - (7) Establish a Grant Administration appropriation to the Housing Department in the amount of \$1,600,000.

OUTCOME

Acceptance of the Homeless Housing Assistance and Prevention (HHAP) grant award allows the City to immediately begin work on critically needed homeless programs, specifically emergency bridge housing during the COVID-19 health crisis, homeless prevention and homeless youth services.

BACKGROUND

Homeless Housing, Assistance and Prevention (HHAP) Grant

On July 31, 2019, Governor Gavin Newsom signed Assembly Bill 101 (AB101) into law, establishing a one-time source of funds called the Homeless Housing, Assistance and Prevention Program (HHAP), a \$650 million block grant program. HHAP funding provides jurisdictions with flexibility to use funds to meet their emergency needs with a focus on evidence-based practices and regional coordination, as well as services specific to the needs of homeless youth. The City of San José's allocation is \$23,832,510.94.

On February 11, 2020, City Council approved a proposed expenditure plan for the City's HHAP award. The plan allocated \$13 million for the development and three years of operation of a navigation center, \$3 million for homeless prevention, \$2 million for homeless youth services and housing and \$4.2 million for innovative solutions that included a motel voucher program for families, overnight warming locations and safe parking programs.

On March 30, 2020, The City was notified that it was awarded a Homeless Housing, Assistance and Prevention (HHAP) Grant in the amount of \$23,832,510.94 from the State's Business, Consumer Services and Housing Agency.

The Current Health Crisis and Emergency Housing Needs

COVID-19 presents a dynamic public health emergency, requiring extraordinary actions by governments and health agencies in a rapidly changing environment where inaction can result in increased lives lost. As the virus' transmission has changed over the last couple of months, so too has the response at the local, state, and federal level. On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International concern, and the following day the United States Secretary of Health and Human Services declared a Public Health Emergency. On February 10, 2020, the Santa Clara County (County) announced a local health emergency due to the spread of the novel coronavirus. With continued spread across the state, Governor Gavin Newsom issued a Proclamation of a State of Emergency in California on March 4, 2020. Days later, on March 11, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning on March 1, 2020.

On March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency, pursuant to his powers under Chapter 8.08 of the San José Municipal Code, finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City. This proclamation was quickly followed by the County, which on March 16, 2020, issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services. All businesses, except essential businesses, were required to cease

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all activities at facilities located within the County. At that time, there were 258 confirmed cases and three deaths in the seven Bay Area jurisdictions. On March 19, Governor Newsom also issued Executive Order N-33-20 directing California residents to follow a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector.

On March 20 2020, the Director of the Office of Emergency Services of the City of San José issued a Declaration of Shelter Crisis, consistent with the provisions of the Shelter Crisis Act, under his powers in Chapter 8.08 of the San José Municipal Code.

Most recently, the County issued a second, more restrictive, shelter in place order on March 31, 2020, superseding its initial order as total confirmed cases increased by over 1,800 in just a two-week period. The County's most current order became effective on March 31, 2020 and will remain in place until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended.

Guidance released from the U.S. Department of Housing and Urban Development (HUD) on March 9, 2020 states that housing instability and frequent mobility increase the risk of exposure to infectious disease. Limited access to health care services and poor living conditions further compound this risk. As a result, the experience of homelessness may place these individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19.¹ The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place orders at the State and County levels, requires significantly restricting mobility to limit interactions among people, thus slowing the rate of community transmission. Slowing the virus' transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness. Unsheltered populations are especially vulnerable without a place to shelter, quarantine, or self-isolate. In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and "governmental and other entities are urged to, as soon as possible make such shelter available." The City, in partnership with the County, has created over 1,000 new emergency beds/units through a combination of hotel/motel leasing and new congregate temporary shelter sites.

¹ https://files.hudexchange.info/public/resources/documents/Specific-Considerations-for-Public-Health-Authorities-to-Limit-Infection-Risk-Among-People-Experiencing-Homelessness.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=8b1f3959f9-Infectious+Disease+Guidance+Homeless+3.9.20&utm_medium=email&utm_term=0_f32b935a5f-8b1f3959f9-19553749

SB 89 Funds

On March 17, the Governor signed SB89 which provides funding to protect the health and safety of the homeless population in response to the COVID-19 pandemic. On March 23, the City of San José was notified that it was awarded \$3,919,820.88 from State SB89 funds. The funding can be used for medically indicated services and supplies, such as testing and hand-washing stations. It can also be used to acquire new shelters, supplies and equipment for emergency shelter operations, increasing shelter capacity, street outreach, and acquiring locations to place individuals who need to be isolated because of COVID-19 illness or exposure.

Emergency Shelter Declaration

On April 7, 2020, the City Council ratified the Office of Emergency Services Declaration of Shelter Crisis and adopted a Shelter Crisis Declaration and an Emergency Order pursuant to Government Code Section 8634 which applies to emergency shelters developed during the COVID-19 emergency. The Shelter Crisis declaration found that the current health crisis described above presents an urgent necessity to take action for the preservation of life, health and property through the most rapid procurement, construction and development of emergency shelters, emergency bridge housing or emergency interim housing to increase the City's shelter capacity and allow the City's unsheltered residents an opportunity to shelter in place, protecting both those residents and the larger community.

Public Health Pandemic Spurs HHAP Investment in Emergency Housing

Concurrent to ratifying and adopting the Shelter Crisis Declaration on April 7th, the City Council redirected \$17,232,510 of HHAP funds toward purchase and/or construction of emergency housing, including prefabricated modular units, during the declared shelter crisis for individuals impacted by the COVID-19 pandemic. The City Council directed the Administration to "move aggressively" to build emergency housing. The City Council also directed that staff identify other sources to be used to make up for what would have been spent for families under the proposed Innovative Housing Solutions Category.

ANALYSIS

HHAP Allocation & Eligible Uses

HHAP funding provides jurisdictions with flexibility to use funds to meet their emergency homeless and housing needs. The City of San José's allocation is \$23,832,510.

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HHAP Eligible Categories

<ul style="list-style-type: none"> • Rental Assistance/Rapid Rehousing • Operating Subsidies and Reserves • Landlord Incentives • Outreach and Coordination • Support to Create Regional Partnerships • Delivery of Permanent Housing • Prevention and Shelter Diversion 	<ul style="list-style-type: none"> • New Navigation Centers/Emergency Shelters • Innovative Solutions • Homelessness Planning (up to 5%) • Infrastructure Development (up to 5%) • Youth Set-Aside (no less than 8%) • Administrative (up to 7%)
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Funds not expended must be returned to the State. The State requires the City to contractually obligate no less than 50% of program allocations by May 31, 2023 and 100% of funds must be fully expended by June 30, 2025. In addition, the City is required to use at least 8% of the program allocation for services that meet the specific needs for homeless youth populations. No more than 7% of the allocation may be used on administrative costs. The City is also required to demonstrate how it has coordinated with other jurisdictions to identify the City’s share of the regional need to address homelessness, and how the requested funds will help meet the City’s share of that need.

HHAP Expenditure Plan

The table below summarizes the expenditure plan for the City’s HHAP allocation based on the City Council direction provided on February 11, 2020 and April 7, 2020.

State Eligible Use/Category	Program	Cost
Prevention and Shelter Diversion to Permanent Housing	Homelessness Prevention System Program	\$3,000,000
Youth Set-Aside (required)	Rental assistance/supportive services	\$2,000,000
New Navigation Centers/ Emergency Shelters	Emergency Bridge Housing	\$17,232,510
Administrative	Program and grant management by City staff	\$1,600,000
Total		\$23,832,510

A description of each funded program is provided below.

1. Homeless Prevention System Program

The Homelessness Prevention System Program (Program) provides support for low-income households at risk of homelessness to remain stably housed. The Program provides financial assistance and support to households at risk of homelessness, which may include rental assistance, move-in costs or rental arrears, housing search, employment and benefits assistance, landlord mediation/dispute resolution, and information regarding tenant rights. The Program is

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being independently evaluated by the University of Notre Dame's Lab for Economic Opportunity.

The Program works in conjunction with and/or enhances existing County homeless prevention programs, including the Emergency Assistance Network (EAN). The goal of the Program is to expand households' ability to become quickly connected to prevention services with multiple points of entry, streamline and standardize service delivery, and measure the collective impact of homelessness prevention.

In February, Council approved the \$3 million allocation to Destination: Home to continue the program through 2019-2020 and 2020-2021. The approval of the action in this memorandum provides the Administration the authority to negotiate and execute the contract amendment with Destination: Home to continue the program. One hundred percent of the City funds will be used to assist families with minor children who are at risk of becoming homeless.

During the COVID-19 health crisis, Destination: Home raised \$11 million for an emergency fund to provide financial assistance to low income households impacted by COVID-19. As an indicator for need here in the local community, the fund received 4,400 applications within the first 72 hours of opening. Now there are over 7,000 households on the interest list for future funding. The economic impacts of COVID-19 are likely to be long lasting and devastating for low income households. It is likely the HHAP funding will also assist low-income families who are both at risk of becoming homeless and who are also impacted by COVID-19.

2. Youth Set-Aside Services

In February, the City Council approved the Housing Department's proposal to set aside \$2 million for youth services, specifically rental subsidies and supportive services. The City Council further provided direction to the Administration to specifically allocate the \$2 million funding to the Bill Wilson Center, serving homeless youth and families. The action in this memorandum provides the Administration the authority to negotiate and execute the contract with Bill Wilson Center for this additional funding.

3. Emergency Bridge Housing

On April 7, the City Council reallocated \$17,232,510 of HHAP funds towards the lease, purchase, and/or construction of emergency housing during the declared Shelter Crisis for individuals impacted by COVID-19 pandemic. The Administration has since diligently pursued options to expeditiously site and build non-congregate shelter/interim housing opportunities. Staff has assessed multiple temporary housing types including a variety of individual sleeping cabins, workforce housing, and prefabricated modular units. Ultimately, staff determined that the most expedient option is to expand the City's Bridge Housing Communities (BHC) inventory. Using prefabricated modular construction under the City's BHC Ordinance, the City will benefit from the temporary relief under the Governor's Executive Order (N-32-20) and the flexibility

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authorized under Assembly Bill 2176; ensuring speedy project delivery as well as the ability to successfully operate beyond the current COVID-19 Crisis.

After identifying the City owned site at Monterey and Bernal to develop the first of several new BHC's, staff immediately began work on the site engineering and design. To expedite the design process, the Administration is utilizing several existing contractual design services. Staff also began developing an expedited competitive procurement for a contractor to purchase the modular sleeping units and develop the new BHC and site. While the expedited contractor procurement will significantly reduce the traditional contractor selection timeline, a contractor will not be selected for several weeks, delaying development of this first site. After weighing all immediately viable options, the Administration has decided that the swiftest course of action is to use the construction services of the non-profit contractor, Habitat for Humanity ("Habitat") of Silicon Valley East Bay, to develop the Bernal/Monterey BHC. The Habitat contract will increase the grant by \$6,000,000 for a total amount of \$11,100,600 to develop and construct the Bernal/Monterey BHC. Habitat was selected through a competitive Request for Qualifications process in 2018 to construct the first two BHC's. Mission driven for decades to build housing for low income homeowners, Habitat has expanded in recent years from its historic model of volunteer centric home building to full construction/development services. Staff has negotiated the amended terms to the existing agreement with Habitat and anticipates an amended agreement will be executed immediately, should City Council approve the Charter exception recommendations to waive the City's procurement and bidding requirements under Section 1217(e) (5) of the City Charter. The agreement with Habitat is structured as a reimbursable "cost plus fee" agreement, ensuring the City will only pay for actual project expenses plus a reasonable fee for project management and delivery. This type of agreement not only ensures cost accountability but provides the City greater control over expenses. The Administration will continue to develop and release the expedited procurement to construct subsequent BHC's.

The Charter of the City of San José (City Charter) contains procurement and bidding requirements that apply to expenditures for public works projects including the emergency bridge housing communities and emergency shelters to be built under a City contract or grant agreement. The City, is however, authorized by Section 1217(e) (5) of the City Charter to waive the procurement bidding requirements applicable to public works projects under conditions of urgent necessity for the preservation of life, health and property upon adoption of a resolution making findings of such urgent necessity with at least eight votes.

The expenditures and contracts for emergency shelters funded with the HHAP funds are to be constructed to meet an urgent necessity for the preservation of life and health as discussed in the memorandum for Shelter Crisis and Emergency Powers resolution adopted by the City Council on April 7, 2020. After adoption of the proposed resolution upon the findings included in **Attachment A**, the emergency shelter expenditures and contracts will be exempted from Charter bidding and procurements pursuant to Section 1217(e)(5) of the City Charter. The findings are included in **Attachment A**.

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Emergency Bridge Housing Communities Development Plan

The Bernal/Monterey site has been engineered and designed to 30% completion. With these designs, Habitat can immediately begin procuring the prefabricated sleeping and community modular buildings while staking and grading the site for construction. City staff and its design consultants will continue to work with Habitat to finalize the design build plans while work is in progress. In accordance with AB2176 and the City’s BHC Ordinance, each site developed under these current efforts will provide a community kitchen, laundry, recreations/meeting space, office space for operations and services staff, along with other site amenities. The Bernal/Monterey site will consist of 16-20 modular buildings for sleeping, each accommodating between 3-5 individuals for a total capacity of approximately 80 sleeping units. To ensure adequate physical distancing, units will have either a bathroom with shower within the unit or two units sharing one restroom to limit potential exposure to COVID-19. In accordance with federal and State law, the site will conform to ADA requirements. Most sleeping units will also meet minimum Health Quality Standards (HQS) which may allow the City to use Housing Authority vouchers to offset a significant amount of the annual operating costs.

Proposed Plan for Families

On April 7, the City Council directed the Housing Department to return with alternative funding sources to support families who are experiencing homelessness with a goal of replacing funding that would have been received under the original HHAP Expenditure Plan for the Innovate Housing Solutions.

Original Expenditure Plan, Innovate Housing Solutions by Household Type

Program	Amount	Description	Household
Motel Voucher Program	\$2,000,000	Temporary motel stays for families with children and survivors of domestic violence	Families
Overnight Warming Centers	\$1,232,510	Temporary shelter at City-owned facilities	Singles
Incidental Safe Parking Program	\$500,000	Support non-City programs	Singles/Families (50%)
Housing Problem Solving	\$500,000	New system to support creative problem solving to keep people housed	Singles (25%) Families (75%)
Total	\$4,232,510		

The original expenditure plan allocated \$4,232,510 to Innovative Solutions with approximately \$2,625,000 (62%) allocated to families.

Need for Additional Support for Families and Survivors of Domestic Violence

The Housing Department reached out to the Santa Clara County Office of Education McKinney-Vento staff, family shelter providers, and the operators of Domestic Violence shelters to identify their needs. The County McKinney-Vento staff reported that homeless youth are unable to keep up with their schoolwork due to their families struggling with a lack of additional shelter, affordable childcare, and inadequate transportation. Staff also convened a call with the family shelter providers that all stated they were providing access to children and working closely with teachers (children had access to technology and Wi-Fi) so that they could keep up with their school work. A State Task Force has recently been convened to address the digital divide for low-income families. Most of the family shelter providers also stated that they were still taking referrals, however they indicated funding for motel/hotel vouchers would add additional capacity. Finally, staff convened Domestic Violence service providers who reported that while calls are down, their shelters are full, and that they are in need of personal protective clothing and flexibility to use their current funding for motel/hotel vouchers. Domestic Violence providers expressed a concern that the low call volume may be due to the shelter in place order and requested that the City include information on domestic violence in a flash report. Information on domestic violence was released last week in the City's flash report. The City and Office of Supportive Housing (OSH) are identifying the capacity in the Domestic Violence providers existing contracts that can be redeployed and will determine what additional funding is needed. It is anticipated that this analysis will be completed the week of April 20th. Finally, the Housing Department is working with the OSH to develop a streamlined referral process so that families can more easily access shelter.

CARES Act

On March 27, 2020 the CARES Act was signed into law. The legislation is aimed at providing relief for individuals and businesses that have been negatively impacted by COVID-19. The CARES Act allocated over \$12 billion in supplemental Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), and Housing Opportunities for People Living with AIDS (HOPWA). The CARES Act also provides waivers which gives local communities greater flexibility that make it easier to use CARES grant funding for fiscal years 2019 and 2020 and authorizes the Department of Housing and Urban Development (HUD) to grant additional waivers. HUD released the first \$3.064 billion in funding and is planning on releasing the remaining \$9.136 after new grant formulas are written. (The CARES Act requires that HUD release a second round of funding within 45 days of passage of the legislation and a third round will be released on a rolling basis.) The City of San Jose is receiving \$8,156,511 in CARES Act funding from the first release. Item 8.3 on the April 21st City Council Agenda, Substantial Amendments to the FY 2015-2020 Consolidated Plan and FY 2019-2020 Annual Action Plan, programs the new funding to support emergency shelter set-up and operations and housing for people living with HIV/AIDS. In addition, one of the HUD waivers allows the City to lift its public service cap allowing the City to invest its unprogrammed current CDBG allocation to fund additional motel/hotel vouchers, food services, and shelter operations.

Reallocation of CDBG to Support Families

The Housing Department identified approximately \$6 million in unallocated CDBG funding that can be redeployed to respond to COVID-19. The Department is proposing that \$2 million be allocated to LifeMoves for emergency hotel/motel vouchers for families with minor children. (The remaining funds are proposed to be allocated to 1. provide food to vulnerable residents (\$1.2 million), 2. fund microenterprise loans (\$2.5 million), and 3. establish and operate City emergency shelters (\$519,000)). The Department will also explore whether new waivers on the HOME program will allow for the additional investment of rent subsidies for families. Finally, there may be more opportunity to invest additional funds for families when HUD releases the next round of funding after shelter operations are fully funded.

Emergency Bridge Housing Community for Families

The Emergency Housing and Quarantine Branch at the EOC is exploring building a family bridge housing community on one of the future sites. As the team plans for the build out of two additional sites, staff is considering if one can be used to accommodate the needs of families with children. If feasible, the site will provide a minimum of 50 units of shelter for families.

CONCLUSION

The CDC considers homeless populations an at-risk population for COVID-19, because they may face issues getting assistance if they become ill, and are therefore recommended to take extra precautions. For this reason, the City will allocate \$17.2 million of the State HHAP funds to the expansion of emergency bridge housing communities. Additionally, this City Council action provides the authority for the Administration to implement prior Council direction to allocate funding to homelessness prevention for families and homeless youth programs.

EVALUATION AND FOLLOW-UP

During the COVID-19 crisis, the Administration will provide periodic verbal updates to the City Council on the progress for building emergency bridge housing communities.

The HHAP programs will be reported twice a year to the City's Neighborhood Services and Education Committee. The Housing Department will also provide its annual report on the Homeless Programs when the COVID-19 emergency is over.

As a condition of receiving the State grant funds, the City is required to provide annual reports to the State regarding types of services, expenditures, and demographics of those served, until all funds have been expended (by June 25, 2025 for HHAP).

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CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City's website for approval by the City Council on April 21, 2020.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the Emergency Housing and Quarantine Branch at the EOC, and City Manager's Office.

COMMISSION RECOMMENDATION/INPUT

In response to the Stage 5 Pandemic Management Plan related to COVID-19, the Housing and Community Development Commission (Commission) meetings have been cancelled. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The actions recommended in this memorandum will recognize a \$23,832,511 Homeless Housing, Assistance and Prevention grant from the State of California and appropriate funds for Emergency Shelters (\$17,232,511), Homelessness Prevention (\$3,000,000), Homeless Youth (\$2,000,000) and Grant Administration (\$1,600,000). Funding for a grant agreement with Habitat for Humanity will be increased by \$6,000,000 to construct an emergency bridge housing project located at Monterey/Bernal from the new Emergency Shelters appropriation. Funding for the grant agreement with Destination: Home SV will be increased by \$3,000,000 to continue implementation of the Employment Initiative and Homelessness Prevention System projects from the Homelessness Prevention System appropriation.

This memorandum will transfer \$3,919,821 in SB89 COVID-19 grant funding, received from the State of California, from the Emergency Reserve Fund to the Multi-Source Housing Fund and establish a SB89 COVID-19 Emergency appropriation. This appropriation will fund expenses associated with establishing and operating non-congregate emergency trailers and shelter for those homeless individuals and families with health and medical-related needs, such as isolation

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and quarantine resulting from the public health emergency. As this grant funding is attributable to the HAP program, the funds are best expended from the Multi-Source Housing Fund.

BUDGET REFERENCE

The table below identifies the funds and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Rec. Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
406	209U	COVID-19 Emergency Response	\$14,419,821	(\$3,919,821)	X-35	04/7/20 Ord. 30389
406	NEW	Transfer to the Multi-Source Housing Fund	\$0	\$3,919,821	X-35	N/A
448	R003	Transfers and Reimbursements	\$46,218,222	\$3,919,821	X-71	10/22/19 Ord. 79270
448	New	SB89 COVID-19 Emergency	\$0	\$3,919,821	N/A	N/A
448	R100	Revenue from State of California	\$0	\$23,832,511	N/A	N/A
448	New	Emergency Shelters	\$0	\$17,232,511	N/A	N/A
448	205W	Homelessness Prevention System	\$1,000,000	\$3,000,000	X-71	06/18/19 Ord. 30286
448	New	Homeless Youth	\$0	\$2,000,000	N/A	N/A
448	New	Grant Administration	\$0	\$1,600,000	N/A	N/A

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CEQA

Pursuant to Governor's order N-352-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed projects will use Homeless Housing, Assistance, and Prevention Program funds.

/s/
RAGAN HENNINGER
Deputy Director, Housing Department


JIM SHANNON
Budget Director

I hereby certify that there will be available for appropriation in the Multi-Source Housing Fund in the Fiscal Year 2019-2020 monies in excess of those heretofore appropriated therefrom, said excess being at least \$27,752,332.


JIM SHANNON
Budget Director

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachment A – Charter Findings

ATTACHMENT A

CHARTER FINDINGS

The expenditures and contracts for emergency shelters funded with the Homeless Housing Assistance and Prevention (HHAP) funds are to be constructed to meet an urgent necessity for the preservation of life and health as discussed in the memorandum for Shelter Crisis and Emergency Powers resolution adopted by the City Council on April 7, 2020¹.

The Charter of the City of San José (City Charter) contains procurement and bidding requirements that apply to expenditures for public works projects including the emergency bridge housing communities and emergency shelters to be built under a City contract or grant agreement. The City, is however, authorized by Section 1217(e) (5) of the City Charter to waive the procurement bidding requirements applicable to public works projects under conditions of urgent necessity for the preservation of life, health, and property upon adoption of a resolution making findings of such urgent necessity with at least eight votes. The findings below support the recommendation:

- January 30, 2020, the World Health Organization (“WHO”) 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
- March 11, the WHO declared the coronavirus outbreak a pandemic and on March 13, 2020 the President issued a Proclamation on Declaring a National Emergency Concerning COVID-19 beginning March 1, 2020; and
- Guidance released from the U.S. Department of Housing and Urban Development on March 9, 2020, states that housing instability and frequent mobility increase the risk of exposure to infectious disease, and limited access to health care services and poor living conditions further compound this risk and thus, the experience of homelessness itself may place homeless individuals at greater risk of exposure to a variety of infectious diseases, including COVID-19; and
- March 6, 2020, the Director of the Office of Emergency Services of the City of San José issued a Proclamation of Local Emergency finding that the existence and threat of COVID-19 in the community give rise to conditions of extreme peril to the safety and health of persons within the City of San José; and
- March 16, 2020, the County of Santa Clara (“County”) issued a shelter in place order directing all individuals to shelter in their place of residence unless they must obtain or perform essential services and all businesses, except essential businesses, were required to cease all activities at facilities located within the County; and

¹ [Link to 8.1 staff memo from April 17, 2020.](#)

- March 19, 2020, the Governor also issued Executive Order N-33-20 directing California residents to comply with a March 19 State Shelter Order issued by the State Public Health Officer ordering all individuals to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sector; and
- White House briefing on March 31, 2020 doctor Anthony S. Fauci, the leading infectious disease expert in the United States and director of the National Institute of Allergy and Infectious Diseases, reported that most recent transmission modelling estimated COVID-19 will kill between 100,000 and 240,000 persons; and
- In the United States, 683,786 cases and 34,180 deaths have already been reported as of April 17, 2020, and the number of cases is expected to continue growing as the virus is easily transmitted and may result in serious health complications including death; and
- Although there is limited information regarding risk factors for COVID-19, certain populations are at higher risk for developing severe illness from the disease, and according to current Center for Disease Control and Prevention (“CDC”) guidance these include people aged 65 years and older, and people with underlying medical conditions; and
- Additionally, people experiencing homelessness are considered at risk by the CDC and recommended to take additional precautions; and
- The most effective means of slowing the transmission of COVID-19, as exemplified in the shelter in place order at the State and County levels, requires significantly restricting mobility to limit interaction among people, thus slowing the rate of community transmission, and slowing the virus’s transmission is essential to protecting the most vulnerable, which includes people experiencing homelessness; and
- Unsheltered populations are especially vulnerable as they are without a place to shelter, quarantine, or self-isolate; and
- In the most recent County Public Health Order individuals experiencing homelessness are strongly urged to obtain shelter, and “governmental and other entities are urged to, as soon as possible make such shelter available; and
- According to the 2019 San José Homeless Census and Survey, a total of 6,097 people experiencing homelessness were counted in San José, 5,117 of which were unsheltered; and
- The Santa Clara County Office of Supportive Housing identified 849 year-round emergency shelter beds in San José.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: April 20, 2020

Approved

Date

4/20/2020

**SUBJECT: ACTIONS RELATED TO TEMPORARY SHELTERING OPERATIONS
AND SERVICES FOR COVID-19 EMERGENCY RESPONSE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the following agreements and amendments for increased or additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to March 16, 2020:

- (a) Second Amendment to the Overnight Warming Location grant agreement with HomeFirst Services of Santa Clara County, adding locations, increasing hours and increasing the maximum amount of compensation by \$2,850,860 from \$1,484,180 to \$4,335,040 at the following City facilities:
 - (1) Bascom Community Center and Library, 1000 S. Bascom Avenue;
 - (2) South Hall, 435 S. Market Street;
 - (3) Parkside Hall, 180 Park Avenue; and
 - (4) Camden Community Center, 3369 Union Avenue.
- (b) First Amendment to the Bridge Housing Community grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,178,000, with no increase in funding, at the Maybury Road bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency;
- (c) Third amendment to the lease between the City and Allied Housing, Inc. to allow up to 23 units, at the Plaza Hotel located at 96 S. Almaden Avenue, to be used for emergency placement of vulnerable persons during the COVID-19 emergency and making amendments to the method of compensation for the emergency placement, without adding funding; and
- (d) Third Amendment to the Rapid Rehousing grant agreement with The Health Trust in the amount of \$7,752,235, with no increase in funding, and make amendments as needed for subsidizing emergency placements and FEMA reimbursement.

OUTCOME

Approval of the amendments to the grant agreements with HomeFirst of Santa Clara County will provide funding for the agency to operate temporary shelters needed to serve vulnerable persons at multiple temporary shelter sites during the COVID-19 emergency. The lease agreement amendment with Allied Housing, Inc. will allow for emergency placement of vulnerable persons at the Plaza Hotel during the COVID-19 emergency. Similarly, the grant amendment with the Health Trust, as the rental subsidy administrator, will allow vulnerable persons under emergency placement to utilize subsidies administered under this agreement.

BACKGROUND

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.

Need for Additional Temporary Shelter for Vulnerable Populations

The homeless population tends to have more underlying health conditions than the general public. Individuals without stable housing not only face greater difficulty taking preventative actions, but they are often in poorer health than other residents. As such, the population is highly vulnerable to the COVID-19 pandemic. Individuals that normally reside in encampments, will need to seek temporary shelter to avoid COVID-19 spread, and to isolate as a result of testing positive for the virus.

The City's nonprofit service partners have informed the City that the homeless shelters are at capacity (including overnight shelters, Overnight Warming Locations and safe parking) and they are seeing an increase in requests for shelter. In addition, U.S. Department of Housing and Urban Development and Centers for Disease Control and Prevention have provided guidance on shelter during pandemics such as COVID-19. This guidance calls for additional space separation for shelter beds. This reduces the number of individuals that can reside in existing shelter facilities. Unsheltered residents who want to protect themselves and others by sheltering in place are left with little to no options.

The City is working closely with the County Office of Supportive Housing, Destination: Home, Valley Homeless Healthcare Program, County Public Health Department, and Centers for Disease Control and Prevention, to develop a comprehensive shelter plan to address the needs of people experiencing homelessness. The initial plan is designed to address the needs of different populations requiring shelter. The County is leading the efforts to master lease hotels and motels to temporarily house at-risk individuals (older adults + who have three or more underlying health conditions) and those who need isolation or quarantine. This includes homeless individuals that have tested positive for the COVID-19 virus and need to be isolated from other individuals.

Plans are underway to provide additional hotel capacity for families with minor children and survivors of domestic violence. Finally, the plan includes an expansion of the homeless shelter system for both families and individuals.

City's Response to Meet the Need for Temporary Shelter

The City is taking the lead on increasing temporary shelter in the City of San José. The City Manager's report to City Council on March 24, 2020, discussed a number of actions intended to expand temporary shelter capacity. These include actions to use City facilities as temporary shelter sites, expand services at these locations, and maximize the use of existing homeless shelter sites. A summary of the facilities which will serve as temporary shelter sites, is provided in the following section.

ANALYSIS

A number of existing City facilities will begin providing new or enhanced shelter capacity as soon as possible. These sites, which are designated under the City Manager's shelter crisis declaration are listed below.

Facility	Capacity	Population
Bascom Community Center	No Increase, Change to 24/7 Operations	General Shelter
Southside Hall	283 new beds	General Shelter
Parkside Hall	75 new beds	General shelter
Camden Community Center	40 new beds	Families
Maybury Road BHC	13, change in population	Vulnerable from shelters
Plaza Hotel	23, change in population	Vulnerable from shelters

In coordination with Team San José and the City's Public Works Department, Parkside Hall and South Hall facilities have been upfitted to provide temporary bed capacity for vulnerable and general homeless populations. Parkside Hall (75 bed capacity) opened on April 1, 2020 and South Hall (283 bed capacity) opened April 15. Both facilities are following shelter guidelines and protocols provided by the Centers for Disease Control and Prevention and Public Health during this health crisis. In addition, the Housing Department is working with the Emergency Operation Center Safety Branch to implement regular safety audits to ensure these protocols are followed.

Additionally, the overnight warming location at the Bascom Community Center has switched to 24-hour operations. Although this will not increase the overall capacity at these locations, the extended operations will allow shelter guests to comply with the shelter in place order.

Additional shelter efforts include opening the Camden Community Center (40 bed capacity) as a temporary family shelter, using the Maybury Road Bridge Housing Community (13 bed capacity) and available capacity at the Plaza Hotel (23 bed capacity) for the emergency placement of vulnerable persons. The Roosevelt Overnight Warming Location closed and the 21 shelter guests were transferred to the Parkside temporary shelter, allowing for the HomeFirst staff to be redeployed to other temporary shelter sites.

Utilization of Existing Service Providers to Assist with Shelter Operations

The City will use experienced homeless service providers to help operate the temporary sites. HomeFirst is the largest provider of homeless services in San José. The agency was selected via competitive process in 2018 as the City's primary emergency shelter operator. The Administration is requesting that the City Council approve a Second Amendment to the Overnight Warming Location grant agreement with HomeFirst for shelter operations at the Bascom Community Center, Southside Hall, Parkside Hall, and the Camden Community Center.

Per the amended agreement, HomeFirst will provide a Site Manager and a Shelter Supervisor per shift at each site. HomeFirst personnel will serve as the main point of contact for the shelter, supervise and train redeployed City staff to ensure that clients' needs are being met, and ensure that all Centers for Disease Control and Prevention and public health protocols are being followed to ensure safety for shelter guests and employees. HomeFirst's Director of Emergency Services will allocate a portion of time to each emergency shelter to ensure safety protocols are being followed. While the City will be providing essential services, such as janitorial, maintenance, cots, and security, HomeFirst will provide all other miscellaneous program supplies needed to operate the shelter. HomeFirst will oversee client intake and survey participants to ensure high quality services and customer satisfaction at each site. The estimated cost for HomeFirst to provide these services at the four locations from March through June 30 is \$2,850,860. In addition, the Administration is requesting City Council to authorize the negotiation and execution of a First Amendment to the Bridge Housing Community grant agreement with HomeFirst Services, at the Maybury bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency. This amendment will not increase the number of people at this location but will allow for a broadening of the population to include more vulnerable individuals. There is no increase in cost associated with this amendment.

Approval to negotiate and execute an amendment to the lease between the City and Allied Housing, Inc. is also being requested to allow up to 23 units at the Plaza Hotel to be used for emergency placement of vulnerable persons during the COVID-19 emergency and adjust the method of compensation to match the method of compensation for vacant units. Relatedly, the Administration is requesting authority to negotiate and execute an amendment to the Rapid Rehousing grant agreement with The Health Trust to make amendments for subsidizing emergency placements of vulnerable persons during the emergency and to meet federal

requirements for cost reimbursement. There is no increase in cost associated with these amendments.

Encampment Residents

Despite all efforts to increase the shelter capacity County-wide there will still be a lack of shelter to meet the needs of the unhoused people in the City. The City has developed a strategy to serve the needs of homeless people who are still living outside. Strategy highlights include:

- Suspended all encampment abatements;
- The County and City are keeping restrooms open 24/7 at several parks;
- Hygiene facilities with hand stations have been placed at 14 large encampment sites in San Jose, four in Mountain View and three in Gilroy at locations with relatively large groups of unsheltered persons;
- Providing trash pickup at each of the 14 locations in San Jose to improve sanitation and deploying shower+laundry trucks to the sites to improve hygiene;
- The County has sent physicians to these locations to identify vulnerable individuals who are likely to have serious outcomes if they contract COVID-19. The physicians are screening people who are older and have three or more underlying health conditions that would make them particularly vulnerable. City and County are working jointly to place these vulnerable individuals in hotel or motels or temporary shelters;
- The County, City and partners have provided flyers and guidance in multiple languages as well as hand sanitizers and personal protective equipment to those in encampments;
- Outreach teams and advocates are also sharing information with individuals who remain outdoors to set up their tents/sleeping quarters 12 ft. by 12 ft. of space per individual;
- County Emergency Operations Center provided 200 solar phone chargers that were distributed with the help of street outreach teams, volunteers and nonprofits;
- Destination Home provided funding for tents, tarps and other supplies to assist those living in encampments to implement social distancing;
- Project WeHope, in partnership with the City of San Jose, launched “Hope Health Mobile.” The new mobile rest stop travels in conjunction with Dignity on Wheels shower and laundry trailers offering WiFi, charging stations, case management, and access to Stanford doctors virtually answering questions about COVID-19; and
- Weekly calls with homeless advocates are held to identify ongoing needs and solutions.

CONCLUSION

The City’s homeless residents tend to have more underlying health conditions than the general public. As such, the population is highly vulnerable to the COVID-19 pandemic. The City’s homeless shelters are full. Unsheltered individuals and families who desire shelter need additional options to avoid contracting COVID-19 and risk further spread of the virus. The

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actions recommended in memorandum will expand temporary shelter options for the City's most vulnerable residents.

EVALUATION AND FOLLOW-UP

The City is closely monitoring demand for additional temporary shelter capacity and has identified potential sites that could be activated should the need arise. The Administration will provide City Council with periodic updates regarding temporary shelter capacity and use.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City's website for approval by the City Council on April 21, 2020.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

Issues pertaining to homelessness are typically brought to the Housing and Community Development Commission for review and input prior to being brought to City Council for approval. Housing and Community Development Commission meetings have been cancelled due to COVID-19. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The \$2,850,860 amendment to the agreement with HomeFirst Services of Silicon Valley for shelter operation services will be funded from a \$5,263,414 CARES Act grant to be recognized and appropriated in the Community Development Block Grant Fund (Fund 441) as part of the

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Substantial Amendments to the FY 2015-2020 Consolidated Plan and 2019-2020 Annual Action Plan action to be heard earlier on the April 21, 2020 City Council agenda.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Amt. For Contract	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
441	New	CARES Act*	\$5,263,414	\$2,850,860	N/A	N/A

* Recommendations to recognize and appropriate \$5,263,414 in CARES Act funding is included in the memorandum, Substantial Amendments to the FY 2015-2020 Consolidated Plan and 2019-2020 Annual Action Plan, to be heard earlier on the April 21, 2020 City Council agenda.

CEQA

Statutorily Exempt, File No. ER20-081 CEQA Guidelines Section 15269, Emergency Projects, Section (c) Specific actions necessary to prevent or mitigate an emergency.

/s/
JACKY MORALES-FERRAND
Director, Housing Department

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: May 8, 2020

Approved

Date

5/11/20

**SUBJECT: ACTIONS RELATED TO TEMPORARY SHELTERING OPERATIONS
AND SERVICES FOR COVID-19 EMERGENCY RESPONSE**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with Abode Services in the amount of \$728,855 to operate ninety (90) emergency non-congregate shelter trailers provided by the California Governor's Office of Emergency Services, located at a City owned parking lot at the intersection of Story Road and Remillard Court, to provide additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to May 1, 2020 until October 31, 2020.

OUTCOME

Approval of the grant agreement with Abode Services will provide funding for the agency to operate non-congregate trailers serving as temporary shelter serving vulnerable persons at a City owned site during the COVID-19 emergency.

BACKGROUND

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available to state and local entities, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19. Subsequent actions taken by the State included sending FEMA trailers to local jurisdictions.

State Gives FEMA Trailers to the City

On March 19 and 20, the City of San José received 104 trailers from the California Governor's Office of Emergency Services (CalOES) with little notice to prepare for their arrival. Consequently, the City had to search for sites large enough to accommodate 104 travel trailers, and land that the City controlled as there was not sufficient time to execute lease agreements on non-City owned property. City control of the property allowed the City to move quickly to prepare the site, receive the trailers, and begin refurbishing the trailers for habitation. Initial direction from the CalOES on appropriate trailer uses appeared to allow some flexibility on how the City could operate them to fit local needs. However, on April 23rd, the City was informed by CalOES that the use would be restricted and language would be included in the documents transferring ownership from the State to the City. According to the CalOES restriction, the trailers can only be used to provide non-congregate shelter options for people experiencing homelessness and who are, 1.) COVID-19 positive, 2.) presumably exposed to the virus, or 3.) at high risk per the CDC guidelines.

City staff have been working to repair the trailers to make them habitable for use, but 14 have been determined to be uninhabitable, leaving 90 trailers for COVID-19 response. Currently, Santa Clara County is the lead agency housing County residents that fall into categories 1 and 2 defined above, otherwise referred to as isolation and quarantine housing. As such, the 90 trailers will be used for the third category: to provide emergency temporary shelter to high risk populations per CDC guidelines. The City and County have defined high risk as either older adults (50+) with three or more underlying health conditions or adults with three more severe underlying health conditions.

Existing Temporary Shelter Capacity

A coordinated and comprehensive shelter plan to protect people experiencing homelessness was immediately developed by the City and its partners, including the County Office of Supportive Housing (OSH), Destination: Home, Valley Homeless Healthcare Program (VHHP), County Public Health Department, and the CDC, and included the expansion of temporary housing and shelter capacity. In accordance with the dynamic nature of the pandemic, the plan is flexibly designed and evolves in response to local circumstances and the needs of different populations. To date, over 450 temporary shelter beds have been added at various locations, hours of operation were expanded at 10 shelters, safe parking sites, and overnight warming locations, and bed capacity is being used at an existing Bridge Housing Community, Plaza Hotel, and Casa de Novo.

Under the City Manager’s shelter crisis declaration, the City is operating several emergency shelters. These include:

Facility	Capacity	Population
Bascom Community Center	No Increase, Change to 24/7 Operations	General Shelter
Southside Hall	283 new beds	General Shelter
Parkside Hall	75 new beds	General shelter
Camden Community Center	40 new beds	Families
Maybury Road BHC	13, change in population	Vulnerable from shelters
Plaza Hotel	23, change in population	Vulnerable from shelters

Sites for COVID-19, Presumed Exposed and Vulnerable Populations

The County is leading the effort to master lease hotels and motels to temporarily house at-risk individuals (vulnerable adults who have three or more underlying health conditions) and those who need isolation or quarantine. This includes homeless individuals that have tested positive for the COVID-19 virus and require isolation. COVID-19 positive people are sheltered at an identified motel with appropriate medical and support services. To-date, over 600 motel/hotel rooms have been reserved across seven cities in the County.

Continued Expansion of Shelter Capacity

This global pandemic of COVID-19 is still in its early stages. The virus spreads easily, testing capacity is limited and expanding slowly, and vaccine development is just beginning. We must continue to comply with the shelter in place order, particularly sheltering those most vulnerable, in order to slow the spread of COVID-19. The City and the County continue to identify and expand new shelter opportunities to house vulnerable individuals during the public health crisis. Plans are underway to provide additional hotel capacity for families with minor children and survivors of domestic violence. The County continues to secure hotel and motel rooms. On April 21, 2020 the City Council approved building emergency interim housing at three locations in San José, adding an estimated 308 new emergency beds that will serve various sub-populations, including one site dedicated to families.

ANALYSIS

Urgency to Expand Shelter Capacity

California is under a State of Emergency due to the COVID-19 pandemic, a highly infectious virus that may result in serious illness or death. In March, the Governor issued Executive Order N-32-20 urging a focused approach to bring unsheltered Californians indoors by increasing shelter and housing inventory. Additionally, the Santa Clara County Shelter-in-Place Order not only directed residents to shelter in their place of residence, it urged governments to make shelter available for people experiencing homelessness. As San José residents shelter in place during the

pandemic, the City's homeless community (over 5,000 are unsheltered) are among the most vulnerable.

Individuals without stable housing not only face greater difficulty taking preventative actions, but they are also often in poorer health than the general public, resulting from more underlying health conditions. This makes the population more vulnerable to the COVID-19 virus, which is why the CDC recommends they take additional preventative measures. To comply with the Santa Clara County Public Health Shelter-in-Place Orders, individuals that normally reside in encampments should seek temporary shelter to avoid COVID-19 spread, and in some instances, may need isolation or quarantine shelter.

The emergency temporary trailer site supports homeless residents by providing safe shelter for extremely vulnerable individuals who have a high likelihood of developing serious health complications that could result in death if they were to contract COVID-19. According to Valley Homeless Healthcare Program, 2,500 homeless people have been identified as vulnerable and in need of shelter. This estimate continues to grow as more outreach is conducted and people call in the shelter hotline requesting shelter.

Emergency Temporary Trailer Shelter

The City of San José and the State refurbished 90 trailers provided by CalOES. As stated earlier, the State requires the trailers only be used to provide non-congregate shelter options for people experiencing homelessness and who were either COVID-19 positive, presumably exposed to the virus, or at high risk per the CDC guidelines. The trailers will be used to provide emergency temporary shelter to vulnerable individuals during the public health crisis, specifically adults with three or more pre-existing health conditions that make them highly vulnerable if they were to contract COVID-19. However, as the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

The site will have basic amenities including 24/7 security, laundry, showers, and meal delivery, and will allow pets. Referrals to the site will be made through a central referral system that is coordinated with the Housing Department, and jointly operated by the County's Office of Supportive Housing and Valley Homeless Healthcare Program. To ensure individuals meet the necessary criteria, a Valley Homeless Healthcare doctor or nurse evaluates each individual. An informational document, "Frequently Asked Questions (FAQ) about the emergency temporary trailer site, is included with this report as **Attachment A**.

Utilization of Existing Service Provider to Operate Site

The City is proposing to use an experienced homeless service provider to operate the site. Abode Services is an agency with over 30 years of diverse experience providing services to homeless populations and developing affordable housing. Abode's housing programs serve 3,965 people on any given night, providing safe, stable homes to families and individuals who would otherwise be homeless or at severe risk of losing their housing. Due to the declared state of

emergency and shelter crisis declaration, and the urgent responses demanded by each to immediately shelter vulnerable individuals, Abode Services was selected to operate the FEMA trailer site without a competitive process.

A site with 90 individual trailers to house the most vulnerable unsheltered residents of this City is the first of its kind; there are no other homeless shelter trailer programs operating in the area. The most comparable program is the operation of a hotel or motel program which operates as temporary housing for homeless by offering individualized units for each guest with onsite coordination of services. Abode Services is an experienced operator of this hotel/motel service model, as they currently operate Casa de Novo, a former hotel which now serves as 56 units of temporary and permanent housing for homeless. Additionally, during the public health crisis, Abode is working with the County of Santa Clara to operate hotels for homeless residents who test positive for COVID-19, are awaiting test results, or are vulnerable to the impacts of the virus. While this type of programming is unique, Abode Services diverse portfolio and experience working for the City and the County makes it the most prepared to operate such a site.

Abode will operate the site in three shifts (day, swing, and night) and will have three staff on site for the day shift and two staff on site for the night shift. Abode personnel will serve as the main point of contact for the site to ensure that clients' needs are being met and that all Centers for Disease Control and Prevention (CDC) and public health protocols are being followed to ensure the safety of program staff and residents. Abode's Director of Housing will allocate a portion of time to the site to ensure safety protocols are being followed. While the City will be providing essential services, such as laundry, maintenance, and security, Abode will provide all other miscellaneous program supplies needed to operate the site. Abode will oversee client intake and will administer participant surveys to evaluate service delivery and customer satisfaction. The estimated cost for Abode to provide these services for approximately six months is \$728,855.

Some additional and important operational highlights for the site include:

- Three phase approach to occupancy, filling the site 30 trailers per phase, allowing the City and Abode to address any necessary programmatic or logistical needs;
- 24/7 private security, with up to eight private security officers on duty per shift depending on need and number of incidents, and coordination with the Police Department on private security levels after operations have stabilized;
- Controlled site access, all individuals enter the site via one entrance and are screened by security;
- No guests or visitors allowed;
- Residents must comply with Shelter-in-Place Order; and
- Regular onsite medical care.

While there are existing neighborhood conditions in the surrounding neighborhood, staff is proposing mitigation so that the site will not result in greater impacts to the neighborhood. A fence has been erected around the perimeter of the site and there is significant amount of private

security who will be monitoring the outside of the facility. Guests of the trailer site will also be following the Stay-at-Home order, and like all of our residents, will be spending the majority of their time inside the facility.

Demobilization of the Site

This emergency housing site is expected to be operational by mid-May 2020. As this site will serve individuals or couples without children who are at risk of severe illness from COVID-19, the City anticipates the site being operational through the more significant stages of the pandemic and until Happy Hollow Park and Zoo (HHPZ) is ready to re-open. Both of these factors (the more significant stages of the pandemic and the re-opening of HHPZ) are inter-related as the pandemic must be contained sufficiently beyond the more significant stages, and the County must make certain reduced shelter isolation need determinations (with the City); and issue re-opening orders lifting shelter in place, and allowing congregate activities like attendance at HHPZ to occur. Given the facility is designated as temporary, the City has initiated preliminary planning for future demobilization activities, which are expected to take between 30 to 60 days once a decision to demobilize is made.

CONCLUSION

The City's homeless residents tend to have more underlying health conditions than the general public, making them more vulnerable to becoming ill from the COVID-19 virus. Importantly, the City's homeless shelters are either full or nearing capacity in the very near term, which could undermine the City's objectives to house this vulnerable population. The Administration is requesting that the City Council adopt a resolution to authorize the City Manager to negotiate and execute an agreement with Abode Services for site operations at the temporary trailer housing site located in the City owned parking lot at Story Road and Remillard Court. This action expands temporary shelter opportunities for the City's most vulnerable residents.

EVALUATION AND FOLLOW-UP

The Administration will provide City Council with periodic updates regarding temporary shelter capacity and use.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This item has been posted on the City’s website for approval by the City Council on May 12, 2020.

COORDINATION

This memorandum was coordinated with the City Attorney’s Office, the Emergency Operations Center, and the City Manager’s Budget Office.

COMMISSION RECOMMENDATION/INPUT

Issues pertaining to homelessness are typically brought to the Housing and Community Development Commission (Commission) for review and input prior to being brought to City Council for approval. Commission meetings have been cancelled due to COVID-19. The Housing Department will update the Commission on these actions when the Commission reconvenes.

COST IMPLICATION SUMMARY

The \$728,855 agreement with Abode Services to operate a trailer housing site and provide needed services will be funded from a SB89 COVID-19 Emergency grant, which the City received \$3,919,821 from the State of California to fund expenses associated with establishing and operating non-congregate emergency trailers and shelter for those homeless individuals and families with health and medical-related needs, such as isolation and quarantine resulting from the public health emergency. Actions to recognize and appropriate the grant in the Multi-Source Housing Fund was approved by the City Council on April 21, 2020.

BUDGET REFERENCE

The table below identifies the fund and appropriation proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn.	Amt. For Contract	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
448	209W	SB89 COVID-19 Emergency	\$3,919,821	\$728,855	N/A	04/21/20 Ord. 30399

HONORABLE MAYOR AND CITY COUNCIL

May 8, 2020

Subject: Actions Related to Temporary Shelter Operations for COVID-19 Emergency Response

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CEQA

Pursuant to Governor's order N-32-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed project will use SB89 funds.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

For questions, please contact Ragan Henninger, Deputy Director, at (408) 535-3854.

Attachment

Emergency Shelter Facilities

Response to COVID-19 and City Shelter Crises Declaration

In response to the COVID-19 emergency and the City's shelter crisis declaration, the City of San José is developing emergency temporary and interim shelter facilities for at-risk and unsheltered people, reducing the risk of the spread of COVID-19 to them and to the general public.

Specifically, an emergency temporary trailer shelter is located on a City owned parking lot near Story Road and Remillard Court. Given the emerging and dynamic nature of the COVID-19 response, a number of questions have emerged about emergency shelter facilities. City staff has developed responses to Frequently Asked Questions below:

1) Why is this happening now, and why so quickly without the typical levels of community input, regulation, and review?

- California is under a State of Emergency due to the COVID-19 pandemic, a highly infectious virus that may result in serious illness or death. Unsheltered people are more vulnerable to COVID-19 because they have limited access to sanitation like clean water and soap, are more prone to illnesses, and there is a significant lack of shelter spaces to meet the need of the over 5,000 people who are already living on our streets. Lacking a safe place to go indoors makes it impossible to meet the Shelter-in-Place Order. Unsheltered people, particularly older adults, and people with underlying health conditions, are at higher risk for severe illness.
- In March, the Governor issued Executive Order N-32-20 urging a focused approach to bring unsheltered Californians indoors by increasing shelter and housing inventory. The Order also suspended certain regulations if specific State funding was used to increase housing capacity during the State of Emergency. Soon thereafter, the City of San José received 104 trailers from the California Governor's Office of Emergency Services (CalOES) to be used to provide non-congregate shelter options for at-risk and vulnerable populations.
- Additionally, the Santa Clara County Shelter-in-Place Order not only directed residents to shelter in their place of residence, it urged governments to make shelter available for people experiencing homelessness. As San José residents shelter-in-place during the pandemic, the City's homeless community (over 5,000 are unsheltered) are among the most vulnerable. Emergency shelter and housing support our unsheltered residents and the general public by providing safe shelter for those with high risk of becoming ill, and spreading the virus to others.
- To address the public health crisis and the homelessness crisis, the City Council ordered a suspension of many local regulations applicable to shelters established during the COVID-19 emergency to speed shelter delivery, as well as declaring the continued existence of a shelter crisis by ratifying the City Manager's previous declaration. The proposed emergency trailer housing solution not only advances State and County objectives, it also responds to Council direction seeking to address these intersecting crises.
- While the County is currently leading isolation and quarantine efforts related to individuals who have tested positive or have been exposed to COVID-19 (primarily through the use of hotels/motels), the City will prioritize individuals at this site who are most vulnerable

(meaning they are older adults with underlying health conditions or have three or more severe underlying health conditions). Question three (3) below summarizes the City-County multi-pronged shelter plan that is addressing homelessness during the COVID-19 pandemic. As the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

2) Why was this site selected without informing neighbors sooner?

- On March 19 and 20, the City of San José received 104 trailers from CalOES with little notice to prepare for their arrival. Consequently, the City had to immediately identify a site large enough to accommodate 104 travel trailers on land the City controlled, enabling an emergency based response to prepare the site, receive the trailers, and begin refurbishing the trailers for habitation. Upon completion of reasonable trailer refurbishing efforts, 14 trailers were deemed uninhabitable, leaving 90 for available for shelter purposes.
- The City Council ratified an emergency order and shelter crisis declaration on April 7, 2020, allowing the City to respond quickly to State and County orders noted in question #1. The urgency of the public health crisis means City staff is doing many things concurrently, including standing up emergency mass shelters across the City, while conducting site evaluation and site planning for other temporary and interim emergency sites.

3) Is this site the City's only approach to addressing at-risk, vulnerable, and homeless populations during the public health emergency as well as the exiting shelter crises?

- The City's Housing Department has been working urgently with its partners to address the immediate needs of our unsheltered residents to keep the public safe. For those living in large homeless encampments, the City placed hygiene equipment such as handwashing stations, portable toilets, and arranged for garbage collection to slow spread of COVID-19.
- Together with Santa Clara County, the Housing Department expanded temporary housing and shelter capacity in response to public health orders. To date, over 680 motel/hotel rooms are reserved across eight cities in the County, and over 450 temporary shelter beds are being stood up across several sites.
- The City also operates overnight warming locations, safe parking programs, and has stood up mass shelter sites during the COVID-19 crisis. Overnight warming locations have been hosted in Council Districts 3 and 6, safe parking programs in Districts 2, 3, and 7, and the mass shelters stood up in response to COVID-19 (Parkside and South Hall) are both located downtown in District 3. For many of the existing sites, hours of operation were expanded, including at 10 shelters, and the safe parking sites and overnight warming locations. A family shelter also recently opened in District 9 at the Camden Community Center. Bed capacity is also being used at an existing Bridge Housing Community and the Plaza Hotel.
- Additionally, the City opened its first Bridge Housing Community in Council District 3 off Mabury Road this spring and is currently developing its second site in Council District 7 off Felipe Road near Story Road. The City is currently developing three new emergency interim shelter/housing sites—one at Monterey and Bernal (Council District 2), a second at

Evans Lane (Council District 6), and a third at Rue Ferrari and 101 (Council District 2). All three sites are being flexibly developed to serve dual purposes as emergency interim housing sites and future bridge housing sites to address both immediate and future needs.

- Both emergency “temporary” and “interim” shelter in the City of San José is intended to be short-term or transitional housing. On-site services are provided to stabilize residents so that their basic needs are met including shelter, sanitation, and food. The distinction being that “temporary” facilities are on sites that have another current purpose (e.g. South Hall for convention purposes, Trailer site for parking purposes) and must be de-commissioned after COVID-19 and returned to its original purpose, whereas the “interim” facilities are on sites that did not have a previous use and may continue as Bridge Housing after COVID-19.
- The current City-County shelter plan is flexibly built to enable effective response to the public health crisis as it unfolds. As such, if the public health emergency demands it, changes will be made to housing sites to meet the public’s needs. As the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

4) Is this housing solution being built for homeless people from outside the County?

- Every two years, communities across the United States conduct comprehensive counts of the local population experiencing homelessness. Known as the Point-in-Time Counts (PIT), this census and survey of people experiencing homelessness provides an overview of the number and characteristics of the homeless population in the community. As of the last PIT conducted in 2019, the City of San José had 6,097 people experiencing homelessness, with approximately 5,117 (84%) being unsheltered. Of those surveyed, 83% resided in Santa Clara County prior to becoming homeless. As such, the vast majority of San José’s homeless population are our residents, neighbors, families, and colleagues. If you would like to learn more about the 2019 City of San José Point-in-Time Count, you can access the full report on the Housing Department’s website (<https://www.sanjoseca.gov/home/showdocument?id=47511>).

5) How will these emergency housing solutions be funded?

- Governor Newsom signed SB 89 in March 2020. This emergency legislation authorized immediate funding, including support for local governments to protect the health and safety of homeless populations. The City also received Coronavirus Relief Funds allocated under the Federal CARES Act. The Administration anticipates applying funding to this project from either of these sources.

6) When will this site be operational and how long do you anticipate it will remain open?

- This emergency housing site is expected to be operational by mid May 2020. As this site will serve individuals or couples without children who are at risk of severe illness from COVID-19, the City anticipates the site being operational through the more significant stages of the pandemic and until Happy Hollow Park and Zoo (HHPZ) is ready to re-open. Both of these factors (the more significant stages of the pandemic and the re-opening of HHPZ) are inter-related as the pandemic must be contained sufficiently beyond the more

significant stages, and the County must make certain reduced shelter isolation need determinations (with the City); and issue re-opening orders lifting shelter in place, and allowing congregate activities like attendance at HHPZ to occur. Given the facility is designated as temporary, the City has initiated preliminary planning for future demobilization activities, which are expected to take between 30 to 60 days once a decision to demobilize is made.

7) Who will be eligible to live in these communities?

- The City received the trailers from CalOES, which restricted trailer uses to provide non-congregate shelter options for people experiencing homelessness and who meet one of the following criteria: Individuals are 1) COVID-19 positive, 2) presumably exposed to the virus, or 3) at high risk of illness from COVID-19 per CDC guidelines.
- During the existing public health crisis posed by COVID-19, referrals into the program for single individuals or couples without children will be made through a central referral system that is coordinated with the City's Housing Department, and jointly operated by the County's Office of Supportive Housing and Valley Homeless Healthcare Program.
- For this site, the City expects to prioritize individuals or couples without children who are most vulnerable to severe illness from COVID-19, meaning someone has three or more pre-existing health conditions and/or there may be older adults with out mobility restrictions as this site is unable to make accessibility accommodations. However, as the County begins to increase COVID-19 testing and contact tracing, there may be a need for additional shelter for people with COVID-19, and or persons being evaluated for having contracted the virus, and this requires that the City retain the flexibility convert the site to meet this need if evolving circumstances dictate that necessity.

8) Who will operate and oversee the emergency trailer housing site?

- The City is using an experienced homeless service provider to operate this site. Abode Services has over 30 years of diverse experience providing services to homeless populations and developing affordable housing. Abode's housing programs serve nearly 4,000 people on any given night, providing safe, stable homes to families and individuals who would otherwise be homeless or at severe risk of losing their housing. Due to the declared state of emergency and shelter crisis declaration, and the urgent responses demanded by each to immediately shelter vulnerable individuals, Abode Services was selected to operate the FEMA trailer site without a competitive process.
- The City is committed to ensuring, to the best of our ability and capacity, that homeless residents have a safe place to shelter during this public health emergency. The City developed, in collaboration with Abode Services, a comprehensive management plan for this community that provides 24/7 on-site security, resident screening, hours of operation, property management, cleaning protocols, and community rules that include a no visitor/guest policy in compliance with the County Shelter in Place Order.

9) How many trailers will be located on the site and what services will residents be offered?

- CalOES delivered 104 trailers to the City of San José. However, 14 were deemed uninhabitable after the trailers were refurbished. Therefore, 90 trailers will be used to house residents.
- The City will take a three-phased approach to occupy the trailers, filling 30 trailers per phase. This will allow the City and Abode to address any necessary programmatic or logistical needs as they arise, and ensure a well-run facility that can address on-site needs.
- Services at this site will focus on stabilizing the residents, with the primary goal of providing safe shelter to help residents comply with the public health order. In addition, City staff will collaborate with Abode Services and the County to determine what additional supportive services and/or County public health or behavioral health related services are appropriate to include.
- The City is also providing essential services such as laundry, maintenance, and 24/7 security. Periodic onsite medical care will also be offered.

10) What measures will the City and site operator put in place to monitor for COVID-19 and support participants who test positive?

- Santa Clara County is currently the lead agency housing individuals who are positive for or have been exposed to COVID-19. Those placements are occurring at other County operated locations under the existing City-County shelter plan.
- While COVID-19 positive patients are not currently planned for this site, the infectiousness and severity of the virus demands that protocols be in place to prevent the spread of illness. For this site, this includes controlling site access to ensure that all individuals enter the site via one entrance and are screened by the security.
- During the COVID-19 crisis, the following protocols will be in place to protect residents, staff, and neighbors:
 - ✓ Temperature is taken upon entry and re-entry to the site;
 - ✓ Staff monitors residents for symptoms;
 - ✓ Commonly used areas, such as restrooms and kitchens, are sanitized frequently;
 - ✓ Site-specific cleaning instructions have been developed;
 - ✓ Hand sanitizer is available on-site;
 - ✓ PPE may be provided to residents who are coughing or upon request;
 - ✓ Social distancing is enforced in common areas; and
 - ✓ Staff is required to wear PPE.
- If someone in an emergency housing community displays symptoms of COVID-19, then the following steps will be taken:
 - ✓ If a staff member is symptomatic, they may be asked to leave immediately and not return until they have tested negative or been symptom-free for 14 days;
 - ✓ If a resident tests positive, the individual will be transferred to another location where they can be isolated; and
 - ✓ Public health guidance for shelters will be followed when a resident tests positive to minimize the risk to other residents and staff.

11) What are the City's plans for keeping the community safe when the site opens?

- This location has 24/7 on-site private security to control the site and, upon the site opening, there will be a sufficient level of on-site security that is coordinated between the Housing, Police and Parks Department (as the same security provider for HHPZ is providing security for this site). All residents must check in with on-site security to access the facility and there is a strict no guest or visitor policy.

12) Will the surrounding neighborhood receive enhanced services from the City?

- The City Council directed the Administration to develop plans for coordinated service delivery and to explore the feasibility of enhanced services at these sites. The pandemic is impacting local economies in unprecedented ways, which negatively affects the City's budget situation. The City is currently reviewing and developing its 2020/2021 budget, which will play an important role in determining if enhanced services can and will be provided. Regardless of that outcome, the Administration is committed to ensuring coordinated service delivery at all sites to support community and program success, and limit any potential or perceived impacts. Further, the City will work with the program operator to monitor any increased encampment activity occurring around the site.

13) What will happen to the site after the public health crisis?

- The City is committed to ensuring that after the COVID-19 crisis is over, this site will be demobilized within 30 to 60 days. As part of the demobilization process, the trailers will be relocated to another site and the residents will be prioritized for other shelter placements.