

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE CONTINUED EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SAN JOSE PURSUANT TO, AND IN ACCORDANCE WITH, THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 8698 ET SEQ. AND DESIGNATING TWO CITY- OWNED FACILITIES TO BE OCCUPIED AS OVERNIGHT WARMING LOCATIONS BY HOMELESS INDIVIDUALS, ESPECIALLY THOSE VULNERABLE TO COVID-19, DURING THE COLD WEATHER SEASON

WHEREAS, on December 8, 2015, the Council of the City of San José (“City”) first declared a shelter crisis under California Government Code Section 8698 *et seq.*, and in the following five years, the City Council declared a continued shelter crisis with the last one proclaimed on April 7, 2020; and

WHEREAS, pursuant to the provisions of California Government Code section 8698 *et seq.*, the City may declare a shelter crisis, which is deemed to constitute a local emergency; and

WHEREAS, to declare a shelter crisis, the 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; and

WHEREAS, pursuant to California Government Code section 8698.1(b), upon declaration of a shelter crisis, the provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, or safety are deemed suspended and inapplicable to the extent that strict compliance with such regulations or ordinances would in any way prevent, hinder, or delay the mitigation effects of the shelter crisis; and

WHEREAS, in connection with these crises, the City designated specific City-owned facilities to be occupied during periods of inclement weather as overnight warming locations (“OWLs”) by homeless individuals; and

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

WHEREAS, on February 10, 2020, the County of Santa Clara (“County”) announced a local health emergency due to the spread of the novel coronavirus, COVID-19, and on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in California 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; and

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus outbreak a pandemic and on March 13, 2020, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning COVID-19, beginning March 1, 2020, and that declaration remains in place; and

WHEREAS, the City currently has 1,279 emergency shelter beds for homeless individuals, which is 75% of the County’s emergency shelter beds; and

WHEREAS, homeless individuals tend to have more underlying health conditions than the general public, and as a result, are highly vulnerable to contracting COVID-19; and

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

WHEREAS, given the lack of available shelter and housing to meet the needs of the existing homeless population and the homeless population's vulnerability to COVID-19, staff recommends that the City Council reaffirm the existence of a shelter crisis and proposes that the City Council revise the shelter crisis declaration to allow for the operation of the OWLs every night during the cold weather season from December 20, 2021 through April 30, 2022 at Evergreen Library and Leininger Center; and

WHEREAS, staff determined that Evergreen Library and Leininger Center would be the best sites for the OWLs since these locations are near supportive services and public transportation; and

WHEREAS, Evergreen Library and Leininger Center each have the capacity to serve up to 30 individuals a night, which will provide 60 additional emergency shelter beds for homeless individuals nightly from December 20, 2021 through April 30, 2022; and

WHEREAS, the City now desires to declare the continued existence of a shelter crisis in San José pursuant to and in accordance with the provisions of California Government Code section 8698 *et seq.* and designate Evergreen Library and Leininger Center, both City-owned facilities, as the OWLs to be occupied by homeless individuals during the crisis;

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

1. Based upon the facts above and those included in the memorandum from the Director of Housing dated December 10, 2021, there is a continued existence of a situation in which a significant number of persons are without the ability to obtain shelter resulting in a threat to their health and safety.

2. A shelter crisis is hereby declared pursuant to and in accordance with the provisions of California Government Code section 8698.2(a)(1) allowing the following two City-owned facilities to be occupied as overnight warming locations by homeless individuals during the cold weather season every night from December 20, 2021 to April 30, 2022:
 - a. Evergreen Library, 2635 Aborn Rd, San José, CA 95121; and
 - b. Leininger Center, 1300 Senter Rd, San José, CA 95112.
3. It is determined that strict compliance with otherwise applicable state or local statutes, regulations and ordinances would prevent, hinder or delay the mitigation of the effects of the shelter crisis.
4. It is determined that the declaration of shelter crisis shall continue until terminated by the City Council and it shall be applicable to activities that include, but are not limited to, the establishment and continued operation of the warming shelter program during the cold-weather season of December 20, 2021 through April 30, 2022.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk