



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Jacky Morales-Ferrand  
Harry Freitas

**SUBJECT:** SEE BELOW

**DATE:** June 15, 2016

Approved

*D. D. S. L.*

Date

*6/16/16*

**SUBJECT: EXTENSION OF CHURCH SHELTER URGENCY ORDINANCE**

## RECOMMENDATION

Adopt an urgency ordinance, extending the current urgency ordinance, that suspends Sections 20.80.1600 and 20.80.1610 of Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code until June 30, 2017, and amend Section 20.80.1620, to allow a church/religious assembly use, if it is a legal use, to provide temporary shelter to homeless persons without obtaining a Special Use or Conditional Use Permit, subject to the existing limitations specified in Section 20.80.1610; and amending that urgency ordinance to allow the temporary shelter to be provided no more than twice a year, for a total of no more than 70 days.

## OUTCOME

City Council approval of this action would allow religious assemblies to continue to provide temporary shelter to homeless persons without obtaining a Special Use or Conditional Use Permit and would increase the number of shelter days to a total of 70 days, and temporary shelter to be provided for up to 70 days between July 1, 2016 and June 30, 2017. This will ensure that this program remains operational while staff completes the necessary analysis and public outreach required to fulfill the City Council direction to revise the existing non-urgency ordinance. The goal of that effort is to improve the utility and the breadth of services provided to homeless individuals via this program on an on-going basis.

## BACKGROUND

On December 8, 2015, the City Council approved an urgency ordinance to allow faith-based institutions to provide temporary shelter opportunities as a response to inclement weather conditions. As described in part 17 of Title 20 of the San José Municipal Code, a church or religious institution may provide temporary shelter to homeless persons. However, the Code requires a Special Use or Conditional Use Permit and limits the provision of overnight shelter up to 15 people per location, as permitted by maximum site occupancy, for up to 35 calendar days

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once per year. In addition, Council Policy 6-30 requires public notification and outreach for any pending land use and development proposals. This includes the use of religious institutions as a temporary shelter. The urgency ordinance waives the permit process, all related fees, and any required public notification process, allowing places of worship to provide immediate shelter.

In total, 10 religious assembly sites voluntarily participated with the City for technical assistance from January to April 2016. Participation with the City included free fire and safety inspections of the site, development of a shelter operations plan, and training from non-profit staff on service interactions. The City only provided technical assistance to the participating groups. The various congregations assume all of the costs associated with managing the shelter, providing shower and laundry services, serving meals, and offering other support.

Staff has received full reports from six of the ten participating shelters. The chart below summarizes the reported information regarding the overall services, volunteer hours, and estimated costs incurred by the participating groups.

Religious Assembly Shelters: January – April 2016						
Location	Target Population	Total number of nights in operation	Total number of individuals who accessed shelter	Total number of volunteers	Estimated Costs	Council District
Holy Spirit	Single women	29	20	600+	\$10,000	10
St. Francis of Assisi	Single men	28	11	140	\$10,700	8
Trinity Cathedral	Single men	28	18	38	\$6,257	3
Willow Glen United Methodist	Single women	35	19	200+	\$20,000	6
Most Holy Trinity	Single men	21	16	75	\$3,000	8
St. Julie Billiard Parish	Women with children	29	7	617	\$8,000	2
<b>Totals</b>			<b>91</b>	<b>1,670</b>	<b>\$47,957</b>	

In addition to the organizations who worked directly with the City, the Winter Faith Collaborative, a new collaborative body consisting of 16 faith communities, partnered together to provide a variety of respite services, including shelter, daytime warming centers, and supportive services. From this effort, the Collaborative reported helping 255 people and providing over 38,000 meals this winter with over 1,000 volunteers and 54,000 volunteer hours.

The urgency ordinance that was approved by City Council was approved through June 30, 2016. On May 18, 2016, the Rules and Open Government Committee unanimously voted to direct staff to return to Council by the end of the fiscal year with a recommendation to extend the current church shelter urgency ordinance and amend the ordinance to increase the maximum number of allowable shelter days from 35 to 70 per year. The Committee also directed staff to begin work on revisions to the existing non-urgency ordinance to improve the utility and the breadth of

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allowable services for faith-based organizations interested in participating in the program in the future.

### **ANALYSIS**

As an urgency ordinance, the changes to the Zoning Code requested by the City Council must be adopted by a two-thirds majority vote and based on findings of an immediate threat to the public health, safety or welfare. Information supporting these findings of an immediate threat to the public health, safety or welfare is discussed below.

The information below may support a recommendation to extend the Church Shelter urgency ordinance in San José:

- According to the 2015 San José Homeless Census and Survey, a total of 4,063 homeless people were counted in San José on the mornings of January 27 and 28, 2015.
- Over 69% (2,810) of this population were unsheltered, including 778 people living in encampment areas.
- The most recently completed Housing Inventory Chart, which provides a detailed listing of all homeless beds in the community, identified only 1,566 homeless beds in the city.
- Homeless individuals and homeless advocates have testified that there are insufficient shelter beds to house all of the people living outside.
- Over 30% of the total homeless population in the city is chronically homeless, suffering from one or more disabilities and are at far greater risk without shelter.
- Approximately 50% of the unsheltered homeless in the city are either disabled, chronically ill, or seniors.
- The majority of individuals served through the Church Shelter Program over the past year were frail and vulnerable women, men, and families who remain at great risk of injury and harm due to exposure to the weather, victimization, and illness.
- The continued presence of people sleeping overnight in City parks, sidewalks, parking lots, and creeks continues to have a negative impact to neighborhoods and to the environment.

Further demonstrating the need in the community, the faith-based community has taken an active role in convening and advancing the discussion regarding the need for continued temporary shelter at religious assembly sites. On May 24, 2016, the Diocese of San José and Catholic Charities of Santa Clara County hosted a Social Ministry Leadership Gathering with Catholic Church leaders to discuss and evaluate the program more collectively. Feedback from the participating organizations included notes of excellent partnerships between the various groups and many education opportunities for volunteers and parishioners about homelessness. Some churches did report a need for more onsite services, better training for volunteers, connections to permanent housing for guests, a better community-wide referral system, the desire to increase the number of guests sheltered, and the length of time allowed at each site under the ordinance. The concept of a rotating, year-round shelter supported by a coalition of faith-based organizations was also widely discussed as a community goal going forward.

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Given the success of the program, the continued strong interest of the community, and the continued urgent community need for more shelter options, staff is recommending an extension and enhancement of the current urgency ordinance for the coming year. On a parallel track, staff will work to revise the non-urgency ordinance to create a permanent, well-defined program that will allow places of religious assembly to provide temporary shelter in a safe, consistent manner for homeless individuals and families living in San José.

As the Housing Department moves forward with this effort, it will evaluate the full costs of the program, including outreach, permits, cots, supplies, and volunteer training. The Department will develop a budget strategy to offset the financial impacts to the participating faith-based organizations and include this information in its report to City Council.

### **EVALUATION AND FOLLOW UP**

If this action is approved, the Housing Department will provide the City Council with data regarding the number of people that utilize church facilities as a response to inclement weather during the summer months. Staff will also outreach to neighborhoods this summer to obtain input from individuals in communities with participating churches. The input will be incorporated into the staff recommendation regarding the proposed creation of the permanent ordinance.

### **PUBLIC OUTREACH**

This Memorandum will be posted on the City's Council Agenda website for the June 28, 2016, Council Meeting.

### **COORDINATION**

Preparation of this report was coordinated with the Office of the City Attorney and the City Manager's Budget Office.

### **COST SUMMARY IMPLICATIONS**

There are no fiscal impacts to the City as a result of this action. The Housing Department has reserved funds in existing Housing and Homeless Trust fund that can be used to help religious organizations pay for the cost of health and safety code inspections. As the Department moves forward with the non-urgency ordinance, it will evaluate the full costs of the program. The Department will present this information to the City Council with options to fund the expenses incurred by the participating faith-based organizations.

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**FISCAL/POLICY ALIGNMENT**

The proposed changes to the Zoning Code further the implementation of the Housing Element in the Envision San José 2040 General Plan. Specifically, the Work Plan in Appendix D of the Housing Element includes action items for researching and exploring potential alternative homeless housing and service options by examining an array of alternative housing options, including best-practice or new housing models, and implementing temporary short-term measures for sheltering homeless people.

**CEQA**

Exempt, Guidelines Section 15301. Existing Facilities, File No. PP15-119. (Housing)

/s/

JACKY MORALES-FERRAND  
Director of Housing

/s/

HARRY FREITAS, DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Ray Bramson, Homeless Response Manager, at (408) 535-8234.