



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: November 21, 2016

Approved

D. D. Sy L

Date

12/2/16

**SUBJECT: DECLARATION OF A CONTINUED SHELTER CRISIS AND
OVERNIGHT WARMING CENTER ACTIVATION**

RECOMMENDATION

Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four city owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:

- a. Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128;
- b. Tully Community Library, 880 Tully Rd, San José, CA 95111
- c. Washington United Youth Center, 921 S 1st St, San José, CA 95110; and,
- d. Bibliotheca Branch Library, 921 S 1st St, San José, CA 95110.

OUTCOME

The City Council's approval of this recommendation will support an inclement weather response plan that will provide shelter and services for homeless individuals and families in San José during periods of severe inclement weather this winter.

BACKGROUND

Each winter, the possibility of severe weather coupled with potential flooding poses a significant threat to the health and well-being of thousands of unsheltered individuals in San José living along the waterways, on the streets, and in other exposed areas. Traditionally, the regional crisis response to these potentially life-threatening conditions has been somewhat limited. During the cold weather season (from November 28, 2016 through March 31, 2017) the County opens its Cold Weather Shelter Program in Sunnyvale, Gilroy, and San José. This program, managed by

the non-profit HomeFirst, activates approximately 250 emergency shelter beds for unhoused residents, including 50 beds of shelter in San José.

These beds operate on a nightly basis, offering shelter and food to residents. Even with the addition of these beds, however, there remains a lack of viable, local options for homeless populations in San José to seek refuge when major storm systems pass through the region.

In preparation for the potentially severe weather anticipated last year, the City Council declared a shelter crisis on December 8, 2015, pursuant to California Government Code Section 8698. Following this declaration, HomeFirst was contracted to operate an overnight warming center program that could serve up to 100 unsheltered persons in San José during periods of inclement weather. Activation was triggered by a forecast 48-72 hours in advance by the National Weather Service of following conditions:

- an overnight low of 38 degrees or lower with a probability of rain less than 50%; or
- an overnight low of 42 degrees or lower with a probability of rain of 50% or greater; or
- prolonged periods of rain with flooding in low-lying areas.

Working with an interdepartmental team that included employees from Library, PRNS, Housing, Planning, Public Works, Fire, and the City Attorney's Office, the program was activated at four City-owned sites for a total of 14 nights during the winter season, providing food, shelter, and support for 216 unsheltered individuals during periods of inclement weather.

Over the course of the first year of implementation, staff from PRNS and Library reported no significant issues at any of the sites and that, as a contractor, HomeFirst served as a responsive partner in addressing and resolving site challenges quickly. Staff did note that enhanced custodial support and additional storage space for the belongings of clients would be considerable assets for future activations. Both PRNS and Library reported that the overall program was successful and well received by the community.

ANALYSIS

California Government Code Section 8698 allows a city to declare a state of emergency due to a shelter crisis, and provides that, upon such declaration, the city obtains defenses to ordinary negligence connected with provision of emergency housing. 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 public facilities for the duration of the state of the emergency. In order 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.

The information below may support a recommendation to the Council to reaffirm the existence of a shelter crisis in San José:

- According to the 2015 San José Homeless Census and Survey, a total of 4,063 people were counted in San José on the mornings of January 27 and 28, 2015.
- Approximately 2,810 (69%) 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.
- Homeless individuals are at risk of injury and harm due to exposure to the weather and the result of having to live outside.
- The impacts of people sleeping overnight in City parks, sidewalks, parking lots, and creeks impacts both neighborhoods and the environment.

Given the lack of available shelter and housing to meet the needs of the existing homeless population, staff is recommending that the City Council reaffirm the existence of a shelter crisis to allow City-owned sites to be used for overnight warming centers. A warming center is a short-term emergency shelter that operates overnight for a set period of time when temperatures or a combination of precipitation, wind and temperature become dangerously inclement. Their paramount purpose is the prevention of death and injury related to exposure to the elements.

Last year, the City selected four facilities based on their location in areas that are close to known concentrations of homeless populations living in potentially unsafe and exposed areas. Each site was also selected for reasons such as additional space for storage of belongings, ADA compliance, accessible restroom and/or shower facilities, heating, and access to additional nearby supportive services and public transportation. These sites are listed below.

- Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128;
- Tully Community Library, 880 Tully Rd, San José, CA 95111;
- Washington United Youth Center, 921 S 1st St, San José, CA 95110; and,
- Bibliotheca Branch Library, 921 S 1st St, San José, CA 95110.

Given the success of the program last year and the continued need for inclement weather shelter, the Housing Department is recommending to continue operations of the program for a second year. Sufficient funding remains in the contract with HomeFirst to fully support the program's operations with no additional commitments needed. Should the need arise, these sites are ready for activation on November 28, 2016.

The Housing Department anticipates that it may need to seek a further extension of the shelter crisis next fall. Prior to bringing this request to City Council, the Housing Department will coordinate with other City Departments to identify additional sites that could be used as warming centers in other locations within the City. The results of this analysis will be included in the memorandum to City Council.

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EVALUATION AND FOLLOW-UP

The results of the program will be reported through annual update on homeless activities to the City's Neighborhood Services and Education Committee. The Housing Department will work with other City Departments to identify other warming center sites.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the December 13, 2016 Council Meeting.

COORDINATION

The memorandum was coordinated with the Department of Library, the Department of Parks, Recreation, and Neighborhood Services, and the City Attorney's Office.

COMMISSION RECOMMENDATION

On June 9, 2016, the Housing and Community Development Commission accepted the Housing Department's Homeless Housing Status Report (8-0-1; Shoor absent). This report detailed the Department's various strategies to provide housing to the homeless population, including the need for Overnight Warming Centers.

CEQA

Exempt, File No. PP15-119.

/s/

JACKY MORALES-FERRAND
Director, Housing Department

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