

RESOLUTION NUMBER R- 315738DATE OF FINAL PASSAGE AUG 01 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THE EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SAN DIEGO AND SUSPENDING APPLICABLE PROVISIONS OF STATE AND LOCAL LAW PURSUANT TO THE CALIFORNIA GOVERNMENT CODE RELATED TO PROVIDING PUBLIC FACILITIES TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS.

WHEREAS, a significant number of persons are living in the City of San Diego (City), without the ability to obtain shelter; and

WHEREAS, while significant progress has been made over the last few years to increase programs and services for individuals experiencing homelessness in the City, the number of individuals experiencing homelessness remain far too high; and

WHEREAS, every January, the Regional Task Force on Homelessness (RTFH) conducts an annual Point-in-Time Count to collect data related to homelessness in the San Diego region; and

WHEREAS, the Point-in-Time Count conducted on January 25, 2024, showed that:

- 10,605 individuals are experiencing homelessness in the San Diego region;
- 6,783 of those individuals live within the boundaries of the City, which represents approximately 64 percent of the regional total, with the next-largest share of population being 11.6 percent in East County;
- The remaining population of 2,590 individuals, which represents approximately 24.4 percent of the regional total, is spread among three areas made up of other city jurisdictions and the unincorporated County: North County Inland, North

County Coastal, and South County (each with 8.3 percent, 8.1 percent, and 8 percent of the total, respectively);

- 3,294 individuals of the City's homeless population are sheltered in emergency shelters, safe havens, or transitional housing;
- 3,489 individuals of the City's homeless population are unsheltered, this means that approximately 57 percent of the total number of unsheltered individuals in the region live within the boundaries of the City; and

WHEREAS, according to the RTFH, for over two years, the inflow of individuals entering into the homelessness system outpaces the outflow of individuals exiting to permanent or other forms of long-term housing; and

WHEREAS, according to the RTFH's monthly report for June 2024, on average, over the last 12 months, 10 people found housing for every 16 people who experienced homelessness for the first time; and

WHEREAS, the number City funded shelter beds, that includes traditional shelter beds options and shelter beds in the City Safe Sleeping Program, is less than the number of individuals experiencing unsheltered homelessness in the City; and

WHEREAS, individuals without shelter are at risk of injury and harm due to exposure to the elements and due to other health-, safety-, and welfare-related circumstances and consequences associated with living outdoors; and

WHEREAS, such individuals generally camp or lodge overnight on or in City parks, sidewalks, parking lots, and beaches, leading to conditions that are in some cases unsanitary for individuals experiencing homelessness and for those visiting or using these City parks, sidewalks, parking lots, and beaches; and

WHEREAS, the effects and impacts of such camping and lodging activities have an adverse effect on the health and safety of the people in the City, including the population of individuals experiencing homelessness and the public at large; and

WHEREAS, according to the San Diego County Medical Examiner, there were over 600 deaths of persons experiencing homelessness in 2023 alone; and

WHEREAS, the City provides funding for over 2,500 beds for individuals experiencing homelessness, at 20 different facilities including congregate shelters, non-congregate shelters, and safe sleeping sites, and has opened certain public facilities for storage of their belongings; and

WHEREAS, City funded shelters and services improve access to sanitary conditions for individuals experiencing homelessness, but the number of shelter beds provided at this time is insufficient to house the number of unsheltered persons identified in the most recent Point-In-Time Count; and

WHEREAS, even though the City has been and is acting with urgency, including expanding traditional shelter capacity and Safe Sleeping opportunities by over 930 beds within the last year, there is still a need for additional shelter beds to accommodate the number of homeless individuals in the City in need of shelter; and

WHEREAS, pursuant to the provisions of California Government Code sections 8698 - 8698.4, the City may declare that a shelter crisis exists within its territory; and

WHEREAS, during a declared shelter crisis, provisions of any housing, health, habitability, planning or zoning, or safety standards, procedures, or laws shall be suspended provided the City has adopted and complies with local health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety; and

WHEREAS, to facilitate adoption of local standards and procedures, the California Department of Housing and Community Development adopted Appendix P to the California Building Code and Appendix AZ to the 2022 California Residential Code, which establish minimum standards for emergency housing established pursuant to a declaration of shelter crisis; and

WHEREAS, on May 8, 2023, by Ordinance O-21642, the Council of the City of San Diego (Council) adopted the 2022 Edition of the California Building Standards Code, with amendments, including Appendix P to the California Building Code, establishing reasonable local standards and procedures for the design, site development, and operation of homeless shelters; and

WHEREAS, on July 22, 2024, the City's Homelessness Strategies and Solutions Department presented a Comprehensive Shelter Strategy Update to the Council identifying approximately 1,602 shelter beds needing to be relocated or that will come offline in the future; and

WHEREAS, in addition to the shelter beds that need to be replaced, the Comprehensive Shelter Strategy Update identified a need for an additional 410 to 820 crisis response beds for individual households and 55 to 100 crisis response beds for family households; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council), that the Council hereby finds and adopts the recitals above as findings and determinations.

BE IT FURTHER RESOLVED, that the Council hereby finds and declares the existence of a shelter crisis in the City of San Diego pursuant to and in accordance with the provisions of California Government Code sections 8698-8698.4 because it finds that a significant number of persons in the City are without the ability to obtain shelter, which results in a threat to their health and safety.

BE IT FURTHER RESOLVED, pursuant to Government Code sections 8698-8698.4, that this declaration of the existence of a shelter crisis shall continue in effect until terminated by the Council, which termination shall not be effected while a significant number of persons remain without the ability to obtain shelter or while unsanitary sleeping and living conditions or other conditions endanger the health and safety of those unable to obtain shelter.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 8698.4 the provisions of state or local housing, health, habitability, planning and zoning, or safety standards and procedures for the design, site development, and operation of homeless shelters are deemed suspended and inapplicable to activities related to mitigating the shelter crisis because strict compliance with such provisions would prevent, hinder, or delay the mitigation of the effects of the shelter crisis; including specifically that these provisions are suspended and inapplicable to the establishment and operation of homeless shelters at any public facilities that the City may make available to unsheltered individuals as reasonably determined by the City to be necessary to mitigate the effects of the shelter crisis and that, with respect to such facilities, the Council authorizes the Mayor to apply reasonable local standards adopted by ordinance.

BE IT FURTHER RESOLVED, that the Council requests that the City's labor management representative expeditiously resolve, in accordance with approved memoranda of

understanding between the City and its recognized employee organizations and the Meyers-Milias-Brown Act, any labor relations matters related to the City's response to the shelter crisis, as related to the use of any public facilities that the City may make available to unsheltered individuals.

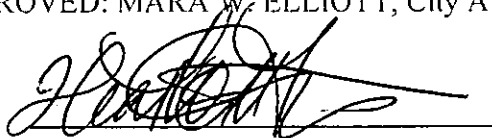
BE IT FURTHER RESOLVED, that any one of the reasons stated herein as support for the declaration of a shelter crisis forms a sufficient basis on which to base that determination independent of any other justification for the determination.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to execute documents and to perform acts as are necessary and appropriate to implement these approvals.

BE IT FURTHER RESOLVED, that the Council requests that the Mayor pursue addressing immediate shelter needs and evaluate the use of master leases, direct financial assistance options, and underutilized City properties to address the crisis.

APPROVED: MARA W. ELLIOTT, City Attorney

By

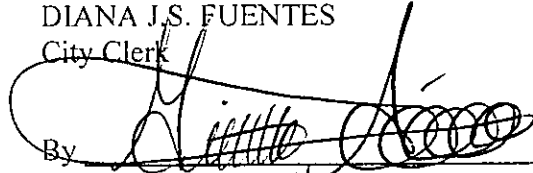


Heather M. Ferbert
Senior Chief Deputy City Attorney

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07/24/2024
07/29/2024 COR. COPY
Or.Dept: HSSD
Doc. No. 3734088

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 8/1/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 30 2024, by the following vote:

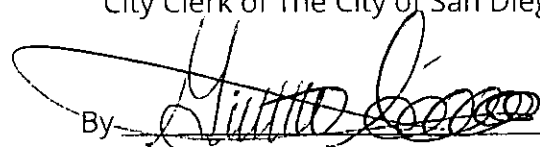
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 01 2024

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315738