



# AGENDA REPORT

**TO:** The Honorable City Council

**FROM:** Jestin D. Johnson  
City Administrator

**SUBJECT:** Shelter Crisis Ordinance

**DATE:** June 26, 2025

---

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Emergency Ordinance:**

- 1. Declaring A Shelter Crisis In The City Of Oakland Pursuant To California Government Code Section 8698 And Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons; And**
- 2. For The Duration Of The Shelter Crisis, Authorizing The City Administrator To:**
  - (A) Suspend Provisions Of State Or Local Regulatory Statutes, Regulations, And Ordinances Prescribing Standards Or Procedures Relating To Housing, Health, Or Safety For Shelter Facilities;**
  - (B) Enter Into Below Market Leases Or Licenses With Homeless Service Providers On Land Owned Or Leased By The City For The Purpose Of Providing Emergency Shelter Or Transitional Housing; And**
  - (C) Renew Existing Professional Services And/Or Grant Agreements With Homeless Service Providers In Amounts Not To Exceed \$250,000 Above Previous Year, If Providers Meet Performance Outcomes In Previous Year; And**
- 3. Making California Environmental Quality Act Exemption Findings**

## **EXECUTIVE SUMMARY**

The California Government Code Sections 8698, 8698.1, 8698.2, and 8698.4 allows a governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. The City Council has found the City of Oakland to be in a consistent state of shelter crises for the past eight years.

- On October 3, 2017, the City Council adopted [Ordinance No. 13456 C.M.S.](#) declaring a shelter crisis in the City of Oakland for two years.

Life Enrichment Committee  
July 22, 2025

- With more resources now directed toward addressing homelessness for the 2019-21 fiscal year, on October 1, 2019, the City Council passed [Ordinance No. 13564](#), extending the previous declaration of a shelter crisis for another two years until October 1, 2021.
- With special provisions in place to support the homeless population, on September 21, 2021, the City Council passed [Ordinance No. 13662](#), extending the shelter crisis for an additional two years until September 21, 2023.
- On September 19, 2023, the City Council passed [Ordinance No. 13759](#), extending the previous shelter crisis ordinance for an additional two years.

The shelter crisis now stands to end on September 19, 2025. With significant initiatives and investments in place and building of collaborations between partner jurisdictions, enacting this ordinance will ensure optimal utilization and execution of strategies to address homelessness in Oakland in an efficient and timely manner.

By declaring such a crisis, the City Council would authorize, without further Council action, the continued suspension of certain rules and regulations concerning housing, health and safety, as applied to specific public facilities, to the extent that strict compliance would hinder the mitigation of the shelter crisis, thus continuing and enabling a more flexible set of building, land use and other related requirements so a project could proceed in a more cost effective and expeditious manner. The proposed ordinance before the Council also allows the City to establish alternative minimum health and safety standards for such public facilities during the duration of the crisis. The authority under this ordinance only affects additional public facilities open to the homeless and needed to mitigate the shelter crisis. The declaration would be in place for four years from the date of passage.

## **BACKGROUND / LEGISLATIVE HISTORY**

Homelessness has been, and continues to be, a crisis throughout California, with Oakland being the most impacted City in Alameda County. Oakland residents are regularly displaced from their homes to the streets of the city and need urgent support. As of the most recent 2024 point-in-time (PIT) count numbers, the number of homeless persons in Oakland increased nine percent over 2022 to 5,485. Of those counted, 3,659 (67%) are living without shelter. The homelessness problem affects Oakland's population disproportionately; a majority of the unsheltered identify as Black or African American, while Black and African American households are a minority in the City's overall population.

To understand the shelter crisis, it is necessary to look at all conditions causing and extending homelessness for many community members. The primary reason identified for entering into homelessness is around financial constraints. This includes the inability to afford housing prices, lack of adequate employment, and the inability to save money which is key to maintaining permanent housing. In addition, homelessness may be accompanied by co-occurring challenges which the trauma of homelessness either creates or exasperates. These challenges range from mental health disorders, chronic physical illness including debilitating disorders, and selective victimization. Overtime, the trauma associated with these challenges may lead to self-devaluation creating further complexities for people to reintegrate into society in addition to the previously noted financial barriers. Homelessness may also lead to desperate acts such as participation in criminal activities and self-medication, reinforcing negative stereotypes of the homeless

population and again adding additional barriers. In response to the homeless crisis, encampments have developed and increased in number throughout the city. Despite the number of shelter beds and resources offered by both the City and the County, the need continues to exceed the capacity. With the current deficiency in support and the need for stronger State and Federal legislation, many homeless residents have come together to build community and develop their own homes outdoors. Unfortunately, these encampments often present public health and safety threats to both those residing in the encampments and housed residents in the vicinity of the encampments. Those residing on the street in encampments or alone, have an increased vulnerability to crime, including robbery, sexual attacks, and violence. Those encampments lacking hygiene services are also at high risk for spreading communicable diseases. Many homeless residents and advocates urge for increased support for individuals living on the street and in emergency shelters. The lack of affordable housing and need for additional housing and supportive services maintains the need for a shelter crisis ordinance.

In October 2017, the City Council adopted an ordinance pursuant to Government Code 8698 declaring a shelter crisis and allowing flexibility or suspension of certain state and local regulations as they apply to Government Code 8698 City facilities to address the homelessness problem, to the extent that strict compliance would prevent, hinder, or delay efforts to mitigate the shelter crisis. Since that time, the City Council and staff have taken substantial steps to coordinate homeless services, provide additional budget resources and designate staff to lead more focused efforts. The Shelter Crisis Ordinances have been renewed every two years, as the State Shelter Crisis Statute had been extended. In 2024, the State Shelter Crisis Statute was extended to January 1, 2036, thus allowing cities to adopt longer-term ordinances.

### **ANALYSIS AND POLICY ALTERNATIVES**

**Proposed Re-enactment of Minimum Shelter Standards.** The re-enactment of the shelter crisis declaration represents a set of tools that can be applied to a variety of facilities to support homeless residents without further Council action. City staff is actively pursuing potential sites, facilities, and funding. The authority under the ordinance would enable a more flexible interpretation of standard building, planning and other requirements, potentially resulting in developing facilities that could not have been previously considered. Minimum health, safety and habitability standards will be maintained through the use of this authority. It does not mean a total suspension of standards but rather the ability to apply standards more flexibly or to establish alternative standards that meet minimum requirements. The minimum health and safety standards are included in Appendix P to the California Building Code, but these only apply for the duration of a declared shelter crisis. The City Council would not review and approve projects that used this approach prior to implementation. Program staff would provide a summary of actions taken each year in an annual summary.

**Tenancy Provisions.** State Government Code Section 8698, et seq. allows the governing body of a city to declare a shelter crisis and suspend the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety to the extent that strict compliance would prevent or delay the mitigation of the shelter crisis, in order to address the problem more urgently and expeditiously. The suspension of local regulatory ordinances has included the suspension of provisions in Oakland Municipal Code Chapter 8.22 related to residential rent adjustments and evictions, or other such codes, for public facilities and public land used as shelters pursuant to the Shelter Crisis Ordinance.

Authority to license or lease City property. This Ordinance would make findings that leases or licenses to shelter operators for below market value are in the best interest of the City and would authorize the City administrator to enter into such real property agreements with shelter providers for the duration of the shelter crisis.

Authority to renew existing program agreements. This Ordinance would authorize the City administrator to renew professional service agreements and/or grant agreements with homeless services providers operating the City's emergency shelter and transitional housing interventions, if the providers have met the performance outcomes described in the contracts the previous year and have appropriately spent down their budget in the previous fiscal year. Council will have already approved such providers in previous fiscal years. The amount of each contract would be no more than \$250,000 above the previous fiscal year contract amount. This authority would provide an incentive to providers to meet performance outcomes related to exits into permanent housing. Without such authority, contracts often lapse after the end of the fiscal year due to staffing constraints. Providers often must choose between working out of contract without payment or pausing services while out of contract.

Adoption of this ordinance aligns policy priorities adopted by Council identifying homelessness as a primary concern to address in the City of Oakland. This ordinance supports homeless interventions and ultimately moving people off the street and into housing, thus advancing the Citywide Priorities of **Housing, Economic, and Cultural Security** priority by maintaining and expanding access to clean, safe, dignified shelter beds accessible to the homeless community in Oakland. Participants in these programs will continue to benefit from the support in programs where case management, housing navigation, and other support services are available.

Should the City Council choose not to extend the shelter crisis ordinance, thousands of homeless residents who could be urgently supported may be left without adequate timely resources. Existing programs would be required to close until they could comply with pre-existing zoning provisions and non-emergency building code standards.

### **FISCAL IMPACT**

The Ordinance also authorizes the City Administrator to enter into contracts with existing homeless shelter and transitional housing providers that meet performance outcomes in amounts not to exceed \$250,000 above the previous years' contracts. The current providers and 24/25 budgets are outlined in **Attachment A**.

### **PUBLIC OUTREACH/ INTEREST**

There is growing public concern regarding the multiple, unauthorized homelessness encampments and a call for a more comprehensive and sustainable approach to assist this vulnerable population.

## **COORDINATION**

Preparation of the ordinance and this staff report included collaboration, review, and comments from the Office of the City Attorney, the City Administrator's Office, Human Services Department, and the Housing and Community Development Department

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** All funds proposed in this report will support interim housing and services designed to prevent, address, and ultimately end homelessness.

**Short-Term – Program Continuity During Fiscal Emergency:** Reallocating General Fund Program (GFP) resources to the Homeless Housing, Assistance, and Prevention (HHAP) program ensures the uninterrupted delivery of essential services. This approach keeps trusted community organizations operational during the City's fiscal emergency.

**Long-Term – Extension of Program Lifespan:** The increased investment in Kingdom Builders doubles its service capacity from four to eight years. This expansion secures the program's long-term viability and reduces reliance on future emergency funding.

***Environmental:*** The provision of housing and supportive services for individuals and families experiencing homelessness is a critical step toward reducing the environmental impacts associated with unsheltered living. By transitioning people into stable housing, the City can mitigate the degradation of public spaces and promote cleaner, safer streets.

**Short-Term – Immediate Public Space Improvements:** Housing placements and supportive interventions reduce encampments and related waste in public areas, leading to quicker, visible improvements in street cleanliness and community safety.

**Long-Term – Advancement of Environmental Justice:** This initiative supports environmental justice by addressing the disproportionate impacts of homelessness on both vulnerable populations and the urban environment, fostering healthier communities for all residents.

- ***Race & Equity:*** In Oakland, the drivers of homelessness fall most squarely on the backs of the African American community, who, due to long-standing structurally racist practices such as redlining and employment discrimination, are most vulnerable to losing their homes. According to the 2024 Point In Time count for Oakland, 53 percent of the population experiencing homelessness in Oakland identifies as Black or African American; however, this demographic is only 22 percent of the general population. Ending homelessness in Oakland must be defined by what works for African Americans first and foremost: reducing racial disparities. As identified in the 2021 Guide to Including Equity in the Design of Homeless Systems, the drivers of homelessness include: Structural racism

- Insufficient controls on the rental housing market that create vulnerability and housing instability for tenants
- Insufficient housing units that are affordable to households with the lowest incomes, including particularly those whose incomes are below 20 percent of Area Median Income (AMI)
- Systemic barriers that often prevent residents who are returning home from incarceration from living with family members and/or accessing both public and private rental housing and employment opportunities
- Inadequate pay and benefits for many of the jobs that are available in the community, and insufficient access to quality employment opportunities that pay wages that meet the cost of housing

The City of Oakland's Department of Race and Equity developed a Racial Equity Impact Analysis (REIA). The REIA framework is a data-driven, structured problem-solving approach that explores the systemic benefits and burdens on communities most impacted by racial disparities when designing and vetting potential solutions to ending and preventing homelessness. This requires:

- Focusing intentionally on race, including raising awareness of historical factors that advantage some and disadvantage others based on race.
- Using disparity data to center further investigation of root causes of disparities in the present time.
- Engaging people who have been impacted by disparities to challenge assumptions about their experience.
- Using quantitative and qualitative information to shape pro-equity programs and inventory recommendations to reduce racial disparities in outcomes.
- Implementing system-wide pro-equity programs and approaches to reduce racial disparities in outcomes.
- Ongoing evaluation and accountability through the development of equity performance measures to track progress.

The REIA framework guides the City's approach to addressing homelessness and ensuring that resources are allocated effectively and equitably, and targeted strategies are employed to end and prevent homelessness.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The actions authorized by this Emergency Ordinance are exempt from review under the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq.) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), Section 15304 (Minor Alterations to Land), Section 15311 (Accessory Structures), Section 15332 (In Fill Development Projects), and/or under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4).

**ACTION REQUESTED OF THE CITY COUNCIL**

**Staff Recommends That The City Council Adopt An Emergency Ordinance:**

**1. Declaring A Shelter Crisis In The City Of Oakland Pursuant To California Government Code Section 8698 And Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons; And**

**2. For The Duration Of The Shelter Crisis, Authorizing The City Administrator To:**

**(A) Suspend Provisions Of State Or Local Regulatory Statutes, Regulations, And Ordinances Prescribing Standards Or Procedures Relating To Housing, Health, Or Safety For Shelter Facilities;**


**(B) Enter Into Below Market Leases Or Licenses With Homeless Service Providers On Land Owned Or Leased By The City For The Purpose Of Providing Emergency Shelter Or Transitional Housing; And**

**(C) Renew Existing Professional Services And/Or Grant Agreements With Homeless Service Providers In Amounts Not To Exceed \$250,000 Above Previous Year, If Providers Meet Performance Outcomes In Previous Year; And**

**3. Making California Environmental Quality Act Exemption Findings**

For questions regarding this report, please contact CHRISSIE LOVE, ACTING PROGRAM PLANNER, at 510.238.7492.

Respectfully submitted,

  
Jestin Johnson (Jul 3, 2025 08:45 PDT)

JESTIN D. JOHNSON  
City Administrator

Prepared by:  
Chrissie Love, Acting Program Planner  
Community Homelessness Services

Attachments (1)

A: CHS FY 24-25 Programs

Life Enrichment Committee  
July 22, 2025