HAYWARD CITY COUNCIL

RESOLUTION NO. 26-____

Introduced by Council Member _____

RESOLUTION DECLARING A SHELTER CRISIS IN THE CITY OF HAYWARD UNTIL JANUARY 1, 2036, UNLESS REPEALED EARLIER, AND AUTHORIZING THE CITY MANAGER TO ALLOW FOR THE CONTINUED USE OF TINY HOMES ON WHEELS AT A RESTORATIVE PATHWAY FACILITY ON HUNTWOOD AVENUE IN THE HARDER/TENNYSON NEIGHBORHOOD

WHEREAS, the City of Hayward is experiencing a housing emergency and the Council unanimously passed Resolution Nos. 18-207, 19-014, 21-026, 23-028 and 24-025 declaring that a Shelter Crisis exists in the City of Hayward, pursuant to Government Code Section 8698.2; and

WHEREAS, on January 30, 2024, the Council passed Resolution No. 24-25 which temporarily suspending applicable local planning and zoning requirements for certain private property, including the subject Restorative Pathways facility, located on Huntwood Avenue in the Harder/Tennyson Neighborhood, through December 31, 2026; and

WHEREAS, on January 2026, the Point-In-Time (PIT) Count found that there are approximately 404 people experience homelessness in Hayward, which is 5% of the total homeless population within Alameda County;

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) includes individual fleeing interpersonal violence within their definition of "homeless" outlined in Section 578.3 of Title 24 of the Code of Federal Regulations; and

WHEREAS, the current number of homeless individuals in Hayward far exceeds the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments are routinely found in Hayward within the public right of way and along railroad tracks, thus exposing homeless individuals to traffic, hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, given the extent of the homelessness crisis, Council finds that extraordinary efforts are necessary to provide additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad-based approaches are essential to maintaining service capacity; and

WHEREAS, Restorative Pathways provides emergency shelter and transitional housing on a private property located on Huntwood Avenue in the Harder/Tennyson Neighborhood. The facility is designed for individuals and families experiencing homelessness and fleeing interpersonal violence which serve an important role in addressing the existing ongoing housing emergency; and

WHEREAS, the exact location of the Restorative Pathways facility is not being disclosed to ensure the safety of the individuals served by this facility; and

WHEREAS, strict compliance with existing local planning and zoning requirements creates could pose barriers for the expansion and flexible operation of homeless services on private property owned by non-profit organizations; and

WHEREAS, the use of any kind of conveyance on wheels for living or sleeping purposes is prohibited in all zoning districts in accordance with Hayward Municipal Code Section 10-1.2735(p); and

WHEREAS, Restorative Pathways currently has eight tiny homes on wheels which they utilize for living and sleeping purposes to address the existing shelter crisis; and

WHEREAS, California Government Code Section 8698, et seq., allows the 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; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would prevent, hinder or delay mitigation of the effects of the shelter crisis; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Hayward may make and enforce all local police, sanitary, or other regulations and ordinances using its police powers; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hayward hereby finds and determines as follows:

1. The foregoing recitals are true and correct and are hereby incorporated by this reference as part of this Resolution; and

2. That this project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) since this resolution will only allow for continued use of tiny homes on wheels. Furthermore, this project is statutorily exempt under Section 15268 of the CEQA Guidelines as the project is a ministerial project since the placement of the vehicles for sleeping and living purposes only involves issuance of encroachment and building permits; and

3. That a significant number of people in Hayward, including individuals fleeing interpersonal violence, are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these people, for the reasons set forth above. Therefore, the Council finds and declares that there continues to be a shelter crisis in the City of Hayward pursuant to the authority set forth in Government Code Section 8698, et seq. and its police power; and

4. That the shelter crisis declared herein shall remain in place until January 1, 2036, unless repealed by City Council; and

5. That for the term of this Resolution, the provision prohibiting the use of vehicles for living and sleeping purposes (tiny homes on wheels) pursuant to Section 10-1.2735(p) of the Hayward Municipal Code shall not apply to the subject Restorative Pathways facility on Huntwood Avenue in the Harder/Tennyson Neighborhood. At the City Manager's discretion and with approval by the City Council, interim municipal health and safety provisions and land use controls may be applied to facilities ensuring minimum public health and safety standards. These interim standards shall only apply to this project and site and shall be null and void if the use is discontinued for a period of more than six months; and

6. That the City Manager or her designee is authorized and directed to issue a zoning compliance letter reflecting the temporary suspension of any requirement authorized by this resolution and setting forth all interim standards applicable to the project. The letter shall reflect that if the use authorized by this Resolution is discontinued for a period of more than six months the land use allowances provided herein will terminate; and

7. That if this Resolution is inconsistent with any other provision of the Hayward Municipal Code, this Resolution shall control. This Resolution suspends contrary regulations in the Hayward Municipal Code or requirements of the General Plan or implementing Regulations; and

8. That this Resolution is enacted pursuant to the City of Hayward's general police powers, and Article XI, Section 7 of the California Constitution, as well as other provisions of state and local law otherwise cited herein; and

9. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward