



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**DATE:** February 7, 2023

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

### **SUBJECT**

Adopt a Resolution to Temporarily Suspend Applicable Local Planning and Zoning Requirements for Homeless Shelters Located on Specified Private Property, and Determining that the Common Sense CEQA Exemption Applies

### **RECOMMENDATION**

That the City Council adopts a resolution (Attachment II) temporarily suspending applicable local planning and zoning requirements for existing homeless shelters located on specified private property.

### **SUMMARY**

There is an ongoing homelessness crisis in Hayward and across the state. Hayward City Council has prioritized responding to this crisis through multiple policies and programs over the last several years, which have contributed to a reduction in homelessness in Hayward. However, continued efforts are required to maintain this response and continue to support the individuals and families at risk of and currently experiencing homelessness. This includes ensuring that existing shelter providers can continue to safely meet the demand for emergency shelter in Hayward. Existing shelters experienced increased demand for shelter services during the pandemic as health and safety precautions required reducing capacity and finding innovative ways to prevent the spread of COVID-19. Increased demand and continued health and safety precautions require more immediate efforts to support existing shelters as they serve individuals and families experiencing homelessness in Hayward.

As allowed by state law, Council used emergency shelter crisis declarations to increase the local shelter capacity on publicly owned land in 2018, 2019, and 2021. Under the shelter crisis declaration, provisions of any housing, health, habitability, planning and zoning procedures or laws are temporarily suspended for homeless shelters to the extent that strict compliance poses a hindrance to mitigating the shelter crisis. The law enables local jurisdictions to adopt interim health and safety standards that are consistent with ensuring minimal public health and safety standards. However, this State law only applies to shelters located on public property/facilities, which limits the flexibility existing non-profit and faith-based emergency shelter providers in Hayward have for maintaining or expanding their capacity.

Staff recommends that Council adopt a resolution temporarily suspending applicable local planning and

zoning requirements for existing homeless shelters operated on non-public property. The City Council has the authority to temporarily suspend these requirements under its police power pursuant to Article XI, Section 7 of the California Constitution and authority over municipal affairs pursuant to Article XI, Section 5 of the California Constitution and Section 200 of the City Charter. Suspension of the requirements would not occur in instances where the health and safety of residents or the surrounding community are at risk and interim municipal health and safety provisions and land use controls mirroring those previously used for earlier shelter crisis declarations will be applied to facilities ensuring minimum public health and safety standards.

**ATTACHMENTS**

Attachment I            Staff Report  
Attachment II          Resolution