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San Jose: New law would make city first to allow "tiny homes" for homeless



An example of a "tiny home" for the homeless at a recent demonstration at San Jose City Hall.

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SAN JOSE — A newly signed law will allow San Jose to become the first California city to create tiny homes for the homeless by bypassing the state's confining building codes.

City housing officials and advocates for the homeless call the new legislation a "game-changer" in the fight to solve one of the Silicon Valley's most intractable problems.

The law, authored by Assemblywoman Nora Campos, D-San Jose, as Assembly Bill 2176 and signed by Gov. Jerry Brown on Sept. 27, goes into effect in January and sunsets in five years. It allows the city to temporarily suspend state building, safety and health codes for the purpose of building "unconventional" housing structures — everything from wood-framed sheds to tiny homes. The city will adopt its own regulations, the law says, based on some minimum standards.

"It was huge for the governor to sign this because it's outside-the-box and no one else has done it," Campos said. "Other big cities like San Francisco and Los Angeles will be looking at what we do here. We had to do something because what we were doing wasn't working."

The law requires the city to first declare a "shelter crisis" — which it did last December — and to use city-owned or city-leased land for the tiny homes. The homes must be insulated, have weather-proof roofing, lighting and electrical outlets, according to the bill.

It's unclear how many homeless people will benefit from the homes, which must be at least 70 square-feet for individuals and 120 square-feet for couples. A half-acre piece of land, according to city documents, could house up to 25 people inside 20 units.

But no matter the size of the homes, San Jose resident Monica Fuentes says anything is better than life on the streets. The former accountant ended up outdoors after a divorce and brain tumor — and now she moves from one downtown park to another, transporting her belongings in a small plastic cart.

"You can't live your life out here without having your stuff stolen," said Fuentes, 47, who's been homeless for three years.

Ray Bramson, San Jose's homeless response manager, said the state's regulatory barriers were the biggest challenge in building creative housing units for some 4,000 homeless residents.

Bramson said the homes are a "temporary stopping point" until San Jose builds more than 500 new affordable housing apartments in the next five years. The temporary homes would include on-site supportive services.

"This law really is the first of its kind," Bramson said. "It will allow us to create bridge housing opportunities — a stable place people can live and stay while they're waiting to be placed in a permanent home."

The next step is figuring out where to put the homes. And then deciding what they'll look like.

Bramson said council members will identify a potential site, which must be a half-acre or more in size, in each of their districts. To use an existing building for the transitional housing, it must be at least 10,000 square-feet with parking for 16 vehicles and a dumpster enclosure.

To come up with creative designs for the tiny homes, the city is launching a design competition. The goal, Bramson said, is to focus on innovative features, cost effectiveness and replicability.

Mayor Sam Liccardo thanked Campos, Brown and the Legislature for "supporting San Jose's efforts to pioneer new strategies to address our homelessness crisis as quickly and cost-effectively as possible."

"The magnitude of the problem demands that we not only develop more permanent housing, but also that we pursue innovative approaches to housing our most vulnerable populations humanely and safely," Liccardo said.

This is the second time Niki Smith, 34, has ended up homeless, most recently after a volatile relationship came to an end. Smith, a former retail cashier, wishes San Jose could have started building tiny homes long ago.

"A lot of people are really struggling," Smith said, standing near St. James Park. "But it's nice that people care to come up with these ideas. It's something that we need."

Michael Lane, policy director of the Non-Profit Housing Association of Northern California in San Francisco, helped shape the language of Campos' bill. Lane said tackling homelessness starts with providing immediate housing solutions while cities build out their permanent housing stock.

"The first order of business is to get people into a safe and decent place," he said. "It's a humanitarian crisis in the city of San Jose. We think we can create a pilot and model here that would be transferable to other jurisdictions."

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