# San Jose mayor proposes arresting homeless after three shelter refusals in policy shift



Amid mounting frustrations over persistent homelessness, San Jose, California, is considering a controversial measure that would permit the arrest of homeless individuals who refuse three offers of shelter. This initiative, advanced by Mayor Matt Mahan, signifies a shift in policy in a region long viewed as progressive. It comes as a reaction to the notable increase in visibly homeless populations, largely characterised by encampments sprawling across sidewalks and riverbanks, which has become emblematic of the broader crisis affecting the state.

California is grappling with an estimated 187,000 homeless individuals, accounting for about a quarter of the national total. The dire situation has reached a critical point, prompting local leaders to explore tougher measures. The proposal follows a 2023 Supreme Court ruling, which has paved the way for stricter enforcement of anti-camping laws. "I think we need a cultural change, a culture of accountability for everyone involved," Mahan stated, emphasising his intention not to use criminal justice as a means to further harm vulnerable populations, while indicating that arrests could be a last resort.

However, advocates for the homeless have raised alarms, arguing that such punitive approaches could exacerbate the existing challenges faced by individuals coping with mental health issues or addiction. Otto Lee, president of the Santa Clara County Board of Supervisors, cautioned that pushing individuals into incarceration without them having committed a crime is both “inhumane and ineffective.” Critics, including local officials, assert that the focus should shift towards providing more housing and essential services rather than enforcing punitive measures.

Under Mahan's proposal, the new policy would not mandate immediate arrests after three rejected offers. Instead, it would empower outreach workers and police officers to exercise discretion, aiming to strike a balance between enforcement and support. Moreover, homeless individuals found violating the city’s encampment code—such as keeping tents clean and ensuring access to public pathways—could be referred to recovery centres. San Jose currently operates nearly 1,400 shelter spots and endeavours to expand this capacity by an additional 800 beds by year-end, aware that mere punitive measures without adequate shelter options would be counterproductive.

Governor Gavin Newsom has also been vocal in pushing for tougher policies surrounding homeless encampments across California. He has called upon local governments to adopt a standardized ordinance facilitating public camping bans. This initiative would necessitate that cities provide adequate notice and shelter options before clearing encampments. Even with Newsom's push for tougher policies, some community representatives argue that such measures overlook the root causes of homelessness, particularly the acute shortage of affordable housing.

The landscape of homelessness in California, particularly in areas like the Silicon Valley, continues to evolve under increasing pressures from community members who demand action alongside a growing body of opposition against punitive measures. As local leaders grapple with how best to address this complex issue, the tension between accountability and compassion becomes a pivotal debate, echoing wider concerns that resonate throughout the state.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.independent.co.uk/news/california-san-francisco-silicon-valley-supreme-court-people-b2767413.html), [[4]](https://www.reuters.com/world/us/california-governor-urges-cities-take-back-streets-homeless-2025-05-12/)
* Paragraph 2 – [[2]](https://apnews.com/article/dc558aa848621a8d4c8eb34c5a961cc4), [[5]](https://www.axios.com/local/san-diego/2024/07/25/california-homeless-population-gavin-newsom-law)
* Paragraph 3 – [[3]](https://apnews.com/article/bc6aab893308376ceb3672945f8a13de), [[6]](https://www.kqed.org/news/12029843/san-jose-mayor-pushes-to-arrest-unhoused-who-refuse-shelter)
* Paragraph 4 – [[7]](https://www.cbsnews.com/sanfrancisco/news/san-jose-mayor-mahan-jail-homeless-interim-housing-refusal/)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.independent.co.uk/news/california-san-francisco-silicon-valley-supreme-court-people-b2767413.html> - Please view link - unable to able to access data
2. <https://apnews.com/article/dc558aa848621a8d4c8eb34c5a961cc4> - The Associated Press reports that the San Jose City Council approved a policy allowing the arrest of homeless individuals for trespassing if they refuse three offers of shelter. Proposed by Mayor Matt Mahan, this measure aims to address growing concerns over homeless encampments and follows a 2023 Supreme Court decision easing restrictions on public camping bans. Critics argue that such punitive measures may be counterproductive, especially for those with mental health issues or addiction problems, and advocate for increased supportive housing and services.
3. <https://apnews.com/article/bc6aab893308376ceb3672945f8a13de> - Governor Gavin Newsom has urged California cities and counties to ban homeless encampments by adopting a new statewide blueprint. This initiative includes over $3 billion in state grants aimed at treating mental health and substance use disorders. The proposed model ordinance targets persistent camping and sidewalk blockages, requiring cities to provide notice and shelter options before clearing camps. Critics argue that such bans may worsen conditions for the homeless and stress the need for long-term housing solutions and sustained funding.
4. <https://www.reuters.com/world/us/california-governor-urges-cities-take-back-streets-homeless-2025-05-12/> - Reuters reports that Governor Gavin Newsom has called on California cities and counties to 'take back the streets' from homeless encampments by proposing a standardized ordinance to ban public camping. This move follows a recent U.S. Supreme Court ruling that allows public camping bans even if no shelter is available. The proposal would allow local authorities to remove encampments after 48-hour notice and a reasonable effort to provide alternatives. Critics argue that the proposal fails to address root causes like housing shortages.
5. <https://www.axios.com/local/san-diego/2024/07/25/california-homeless-population-gavin-newsom-law> - Axios reports that Governor Gavin Newsom issued an executive order mandating the removal of homeless camps, following a recent Supreme Court ruling that allows cities to enforce anti-camping laws more rigorously. State agencies are now required to implement measures similar to the existing California Department of Transportation policy, which involves removing unsafe encampments and partnering with cities and nonprofits to provide shelter and support. Despite the order, some cities, like San Diego, stated there won't be changes to their approach.
6. <https://www.kqed.org/news/12029843/san-jose-mayor-pushes-to-arrest-unhoused-who-refuse-shelter> - KQED reports that San José Mayor Matt Mahan is proposing that unhoused people who refuse multiple offers of shelter should face arrest, arguing that they have a 'responsibility' to move indoors if the city has a bed available. The proposal would direct the city attorney to expand the definition of trespassing in the municipal code to include occupying public space after three offers of shelter. Unhoused residents who decline shelter would first be issued a warning or a citation.
7. <https://www.cbsnews.com/sanfrancisco/news/san-jose-mayor-mahan-jail-homeless-interim-housing-refusal/> - CBS News reports that San Jose Mayor Matt Mahan has proposed that people experiencing homelessness who refuse offers of interim shelter will be issued written warnings and could face arrest for repeated refusals. The new policy seeks to hold unhoused residents accountable for coming indoors, with the Mayor's Office stating that one in three homeless residents refuse offers of housing with private rooms, bathrooms, and doors that lock.