



COMMUNITY SERVICES POLICY COMMITTEE
Thursday, March 21, 2024
10:00 a.m.- 2:00 p.m

Marriott Burbank Airport Hotel
2500 N. Hollywood Way, Burbank

General Briefing

10:00 a.m.

Upon adjournment, individual policy committee meetings will begin.

AGENDA

I. Welcome and Introductions

Speakers: Chair, Holly Tillman, Council Member, Clayton
Vice-Chair, Rachel Hernandez, Council Member, Riverbank

II. Public Comment

III. City of Burbank: Responding to Homelessness

Informational

Speakers: Patrick Prescott, Community Development Director, City of Burbank
Bob Newman, StreetPlus Operations Manager

IV. USC Homelessness Policy Research Institute Presentation

Informational

Speakers: Saba Mwine-Chang, Managing Director, Homelessness Policy Research
Institute Presentation
Benjamin Henwood, Professor of Social Policy and Health, University of
Southern California

V. Legislative Agenda (Attachment A)

Action

Speaker: Caroline Grinder, League of California Cities and group discussion
opportunity

1. [SB 1011 \(Jones\)](#) Encampments: Penalties.

VI. Budget and Legislative Update

Informational

Speaker: Caroline Grinder, League of California Cities
Current CS bill positions can be found [here](#).

VII. Adjourn

Next Virtual Meeting: Thursday, June 20, 9:30 a.m.-12:30 p.m.

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or

2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

Community Services Policy Committee Legislative Agenda

Staff: Caroline Cirrincione, Legislative Representative
Betsy Montiel, Policy and Legislative Affairs Analyst

1. [SB 1011](#) (Jones) Encampments: Penalties

Overview:

This measure would prohibit a person from lying, sleeping, or placing personal property in a public place if a homeless shelter is available. Additionally, this measure would prohibit these activities within 500 feet of a public or private school, open space, or major transit stop. SB 1011 would also impose penalties for violations of these provisions.

Bill Description:

Specifically, this measure would:

- Prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street or sidewalk if a shelter is available;
- Prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop;
- Require law enforcement to provide written notice at least 72 hours in advance of any enforcement action;
- Allow for violations of these prohibitions to be enforced as a public nuisance (civil or criminal) or misdemeanor/infraction (criminal); and
 - Before enforcing the prohibition as a public nuisance, individuals must be given information about "alternative locations to sleep, homeless and mental health services, or homeless shelters in the area."

Background:

Homelessness in California

California has the highest homelessness rates in the nation. The [U.S. Department of Housing and Urban Development](#) 2023 Point-In-Time estimates indicated that on a single night in January, California accounted for 28% of the nation's homeless population (or 181,399 people). Moreover, California accounted for half of all unsheltered people in the country (49% or 123,423 people). Addressing the state's homelessness crisis takes coordinated efforts that cut across various local government activities.

Cities throughout the state have stepped up their efforts to reduce homelessness and increase the supply of affordable housing. According to a [2023 study by Cal Cities](#), although cities have ramped up their efforts to reduce homelessness, the demand for housing and services is outpacing their efforts, straining capacity, and draining resources.

Encampment Ordinances:

Some local governments have taken action to address homelessness through ordinances aimed at reducing encampments, specifically in sensitive areas near schools, parks,

libraries, and daycare centers. In 2022, [Los Angeles City Council](#) voted to prohibit encampments within 500 feet of schools and daycare centers. In Sacramento, voters passed [Measure Q](#), which provided that residents could file with the City Clerk a notice of violation and demand to abate, requesting the city to address unlawful encampments or unlawful storage violations in public places. In the [City of San Diego](#), council members approved the city's Unsafe Camping Ordinance, which established regulations prohibiting encampments on public property and implemented violations.

In San Diego, the police department uses a "progressive enforcement" model. Officers are trained to always offer shelter to individuals prior to taking enforcement action and continue to offer shelter and services at each subsequent interaction, as shown below.



There is a growing list of California cities across the state that have banned encampments in certain public spaces amid the state's worsening homelessness emergency. SB 1011 seeks to build upon these local efforts by creating a statewide encampment ban.

In the Courts

In the 2018 circuit court case, [Martin v. City of Boise](#), the court held that it is unconstitutional to enforce laws prohibiting sleeping or camping in public spaces if access to shelter alternatives is unavailable. The court held that punishing people for sleeping on public property when there is insufficient shelter space available constitutes a violation of the 8th Amendment regarding cruel and unusual punishment. The court case prevents a local agency from criminalizing homelessness by enforcing criminal penalties on individuals who are experiencing homelessness. The case left open the matter of whether a jurisdiction can enforce a camping ordinance through civil rather than criminal means.

In a more recent case, [Johnson v. City of Grants Pass](#), the court's opinion prohibited Grants Pass, Oregon, from enforcing its anti-camping ordinances. The City of Grants Pass approved an ordinance that prohibited the use of a blanket, pillow, or a cardboard box for protection from the elements while sleeping in a public place within the city's limits. The ordinance provided for civil and criminal penalties for violations. Pursuant to the *City of Boise* case, the same circuit court decided that Grant Pass' anti-camping ordinance was unconstitutional.

The city's case is currently under review by the U.S. Supreme Court. The question before the Supreme Court is: "Does the enforcement of generally applicable laws regulating camping on public property constitute 'cruel and unusual punishment' prohibited by the Eighth Amendment?" The Supreme Court's decision to review the case signals that the court may provide clarity on whether cities can use ordinances — as one of many tools — to handle public health and safety concerns that arise from encampments on public

property. Cal Cities partnered with the California State Association of Counties to file an [amicus brief](#) supporting the City's request for the Supreme Court to review the opinion.

Recently, the circuit court also issued an opinion in [Coalition on Homelessness v. City and County of San Francisco](#), that further limits a local jurisdiction's efforts to implement time, place, and manner restrictions on encampments on public property.

Budget:

The fiscal impacts of this measure are unknown. Local governments that choose to implement these provisions could incur significant costs.

Previous Legislation:

Senator Jones made a similar attempt to regulate encampments through [SB 31](#) in 2023. This measure would have prohibited encampments within 1,000 feet of a school, daycare facility, library, or park. It also required 72-hour notice before enforcement action was taken and would have imposed criminal penalties for violations. Ultimately, this measure did not move past the first policy committee hearing.

What makes this year's attempt different is the growing bi-partisan support for this measure. Senator Blakespear is the principal co-author of SB 1011. Other Democrat co-authors include Senator Dodd and Senator Alvarado-Gil.

Existing Cal Cities Policy:

Cal Cities 2024 Advocacy Priorities:

California cities are doing more than ever to get residents off the streets and into safe, stable, and affordable housing. However, the homelessness crisis in the world's fifth-largest economy continues unabated — fueled in part by a lack of affordable housing. Cal Cities is calling on the state to provide ongoing funding to bolster local efforts to support individuals experiencing, or at risk of, homelessness as well as strengthen state and local partnerships to improve access to wraparound services, including mental health and substance use treatment. Cal Cities also supports ongoing funding for cities to jumpstart the construction of affordable housing, while ensuring cities retain local decision-making and flexibility to achieve community and state housing goals.

Housing for Homelessness:

Housing and programs for individuals experiencing homelessness, as well as other extremely low-income populations, are necessary to ensure the quality of life and economic viability for all Californians. Homelessness is a statewide problem that disproportionately impacts specific communities. The state should make funding and other resources, including enriched services providing outreach and case managers, available to help assure that local governments have the capacity to address the needs of individuals experiencing homelessness in their communities. These efforts need to include resources that promote and facilitate regional collaborations. Housing for homelessness is an issue that eludes a statewide, one-size-fits-all solution, and collaboration between local jurisdictions should be encouraged. State and federal funding programs should be designed to reflect responsibilities imposed by state and federal law.

Behavioral Health:

Cal Cities supports additional funding and resources to expand access to behavioral health services, including efforts to assist California's homeless population, especially those individuals experiencing mental health and substance use disorders. This includes, but is not limited to, supporting counties in expanding community-based care settings to provide for prevention, intervention, treatment, infrastructure, and recovery systems.

Nuisance Abatement:

Cal Cities supports enhanced local control over public nuisances.

Support:

None listed at this time.

Opposition:

None listed at this time.

Staff Recommendation:

Staff recommends the committee discuss and make a recommendation to the Board of Directors.

Committee Recommendation:

Board Action: