

**SPECIAL CONSIDERATIONS  
IMPACTING OUR  
UNHOUSED NEIGHBORS  
And  
CREATIVE EFFORTS TO  
KEEP PEOPLE FROM  
LOSING SHELTER**

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CITY OF SACRAMENTO**



# CRISIS

## *The Staggering Numbers*



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## *The Staggering Numbers*

### Los Angeles County

75,518 Persons Experiencing Homelessness

*More than the entire population as the entire city of Pleasanton, CA*

Nine Percent Increase from 2022

55,155 Persons Unsheltered

20,363 Persons Sheltered



# CRISIS

## *The Staggering Numbers*

### Sacramento County

9,278 People Experiencing Homelessness

*More than the entire population of Tiburon, CA*  
67% increase from the last census



# Summary of Laws Regulating Public Spaces

## Public Encampment



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## Public Encampment

**Jones v. City of Los Angeles, 444 F.3d 1118 (9th Cir. 2006), vacated, 505 F.3d 1006 (9th Cir. 2007)** (8th Amendment prohibition on cruel and unusual punishment rendered unlawful the City of Los Angeles ordinance prohibiting sitting, lying or sleeping in public areas; City settled lawsuit and vacated opinion by agreeing to allow overnight dwelling in public areas until a specified number of supportive housing units were constructed.)

**Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019)** (citing vacated Jones decision held that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping or lying on public property against homeless individuals for whom appropriate shelter is unavailable.)

**Aitken v. City of Aberdeen, 393 F. Supp. 3d 1075 (W.D. Wash. 2019)** (brief TRO on ordinance that punished camping on public property with a civil infraction, except when shelter is unavailable.)

**Miralle v. City of Oakland** (N.D. Cal. Nov. 28, 2018, No. 18-cv-06823-HSG) 2018 WL 6199929, at \*2; **see also, Le Van Hung v. Schaff** (N.D. Cal Apr. 23, 2019, No. 19-cv-01436-CRB) 2019 WL 1779584, at \*5.) (Boise does not establish a constitutional right to occupy public property indefinitely.)

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## Public Encampment

**Gomes v. County of Kauai, 481 F. Supp. 3d 1104 (D. HI. 2020).** (Upheld ordinance precluding camping without a permit at Salt Pond Beach Park, holding that 8th Amendment is not implicated when other public land is available for homeless dwelling.)

**Santa Cruz Homeless v. Bernal, 2002 U.S. Dist. LEXIS 12839 (N.D. Cal. 2021)** (City of Santa Cruz enjoined from closing homeless encampments in parks during a COVID-19 surge when the shelters were full.)

**Sacramento Homeless Union v. County of Sacramento, 617 F. Supp. 3d 1179 (E.D. Cal. 2022)** (injunction temporarily banning Sacramento from clearing homeless encampments during “excessive heat” weather event.)

**Shipp v. Schaff, 379 F. Supp. 3d 11022, 1035 (N.D. Cal. 2019)** (Boise does not prevent a City from temporarily closing an encampment for cleaning.)

**Johnson v. City of Grants Pass, 50 F.4th 787 (9th Circ. 2022)** (held that a class of homeless individuals could be certified and that Boise not only prevented the criminalization of homelessness when insufficient shelter was available but also entitled a homeless person to have personal property to protect themselves from the elements.) **SCOTUS has granted the Grants Pass Petition for Writ of Certiorari.**

# Summary of Laws Regulating Public Spaces





# Creative Strategies to Regulate Dwelling in Public Space to Ensure Clean and Healthy Spaces for all Residents

## Sacramento

### Creation of a Department of Community Response.

On July 1, 2021, the City of Sacramento created the Department of Community Response (DCR) as a stand-alone department. DCR consists of two primary divisions.

- The Homeless Services Division handles numerous agreements that provide services and programming for families and individuals experiencing homelessness.
- The Community Outreach Division deploys social workers and outreach specialists who perform outreach to households experiencing homelessness and connect them to services.



# Creative Strategies to Regulate Dwelling in Public Space to Ensure Clean and Healthy Spaces for all Residents

## Sacramento

### City of Sacramento and County of Sacramento Partnership Agreement.

On December 6, 2022, the City of Sacramento and the County of Sacramento entered into a Partnership Agreement. The key provisions of the agreement are as follows:

- 5-year term with annual updates;
- Outlines roles and responsibilities of each agency;
- Addresses key provisions of the Emergency Shelter and Enforcement Act of 2022;
- Demonstrates shared commitment to the Sacramento Local Homeless Action Plan (LHAP) and Coordinated Access System; and
- Sets forth provisions for accountability and measuring progress with reports in open session to both City Council and Board of Supervisors every 6 months.



# Creative Strategies to Regulate Dwelling in Public Space to Ensure Clean and Healthy Spaces for all Residents

## Sacramento

### Encampment Response Protocols.

These new protocols aim to address the following more effectively:

- Outreach efforts
- Assess needs of encampment residents (PEH) and provide appropriate resources
- Establish rapport and connect PEHs to social services as appropriate and available
- Prioritize and assign an appropriate response and resources to different encampments
- Establish coordinated response with County and state partners for larger encampments such as the example above.
- Encampment management
- Prioritize locations based on the nature of calls for service and field assessments
- Determine need for contractors, support from specialty departments, or partners
- Execute cleanup and removal of trash and hazardous materials
- Identify three types of coordinated responses: General, Rapid, and Coordinated

**Adoption of a Sidewalk encroachment ordinance: Prohibiting any encroachment on public sidewalks that prevents four feet of clearance (mirrors ADA requirements).**

# Creative Strategies to Regulate Dwelling in Public Space to Ensure Clean and Healthy Spaces for all Residents

## Sacramento

Camping Regulation -- Chapter 9.120, Title 9 “Public Peace, Morals and Safety,” of the Sacramento County Code:

Unlawful to Camp or Maintain an Encampment:

- In or within 25 feet of critical infrastructure;
- Within 25 feet of a vehicular or pedestrian entrance or exit;
- Within up to 1,000 feet of a homeless shelter;
- In or within an area prone to flooding or wildfire;
- In or within 25 feet of a youth-serving facility.

**THANK YOU.  
ARE THERE ANY QUESTIONS?**