

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: APRIL 22, 2025**
FROM: MAYOR PRO TEM **WARD(S): ALL**
SUBJECT: REPORT ON SENATE BILL 634 – HOMELESSNESS: CIVIL AND CRIMINAL PENALTIES

ISSUE:

To receive and file a report from the Mayor Pro Tem regarding recently introduced Senate Bill 634, an act to add Sections 11145.1 and 53069.44 to the Government Code, which would prohibit cities from adopting any regulation, policy, or guidance that would impose any civil or criminal penalties on a person experiencing homelessness.

RECOMMENDATION:

That the City Council:

1. Receive and file a report from the City Attorney's Office regarding recently introduced Senate Bill 634, an act to add Sections 11145.1 and 53069.44 to the Government Code, relating to homelessness.
2. Direct and authorize the City Manager to file an opposition letter on behalf of the City.

BACKGROUND:

The California Constitution authorizes a county or city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Current law establishes procedures for the enactment of ordinances by counties and cities and makes a violation of a county or city ordinance, as applicable, a misdemeanor unless by ordinance it is made an infraction. Current law also prohibits a state agency from adopting or enforcing any rule or a violation of which can result in the imposition of a fine or imprisonment, or both, unless a statute specifically authorizes the imposition of such fine or imprisonment, or both, for a violation of the rule or regulation.

Senate Bill 634 (introduced by Senator Perez) would prohibit a local jurisdiction from adopting a local ordinance, or enforcing an existing ordinance, that imposes civil or criminal penalties on a person who is homeless for any act immediately related to homelessness or any act related to basic survival, or on a person who is assisting a person who is homeless with any act related to basic survival. The bill would similarly prohibit a state agency from adopting any regulation or issuing any policy or guidance, or enforcing an existing regulation, policy, or guidance, that imposes those civil or criminal penalties. The bill would define various terms for these purposes.

Cities across California are working to connect unhoused residents with housing and services, but cities also need to protect public spaces and meet their basic legal obligations. Business owners and disability rights advocates have sued cities over encampments that obstruct sidewalks and public spaces. Without the ability to use civil or criminal enforcement remedies, cities could face increased legal liability and more importantly, have no meaningful way to respond to urgent health and safety concerns.

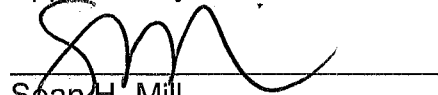
Late last year, Gov. Gavin Newsom issued an executive order that encouraged cities to address encampments or risk losing access to state homelessness funding. The order came a few months after the U.S. Supreme Court clarified constitutional limits on how cities can address homelessness through enforcement actions.

SB 634 would leave cities without any enforcement tools, hindering their ability to carry out the Governor's directive. It would also undermine the years of legal effort cities have invested to gain legal clarity.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

Approved by:

A handwritten signature in black ink, appearing to be 'SM', is written over a horizontal line.

Sean H. Mill
Mayor Pro Tem

Approved as to form: Jack Liu, Interim City Attorney

Attachment: Opposition Letter
SB 634 Bill Text