

Proposed Ordinance to Regulate Homeless Encampments In the Wildlife Urban Interface

Riverside Fire Department
City Attorney's Office
Office of Homeless Solutions

Safety, Wellness, and Youth Committee

June 15, 2022



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ANTI-CAMPING ORDINANCES



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ANTI-CAMPING ORDINANCES

Laws that criminalize the act of sleeping or pitching tents or other structures on publicly owned property.



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ANTI-CAMPING ORDINANCES

RMC 9.04.600

(A) Unless otherwise permitted by law or permit, it is unlawful for any person to camp, use camp facilities, or use camp paraphernalia in or on any public park, street, sidewalk, or other public property.



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ANTI-CAMPING ORDINANCES

Jones v. Los Angeles (2016)

1. Invalidated a city ordinance that prohibited sitting, lying, or sleeping on a “street, sidewalk or other public way.”
2. Violation of 8th Amendment.
3. People experiencing homelessness exceeded the number of available shelter beds.



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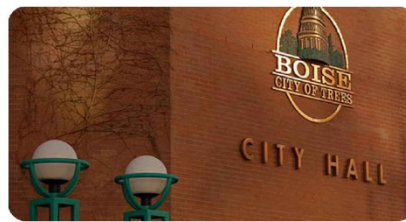
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ANTI-CAMPING ORDINANCES

Martin v. City of Boise (2018)

A city may not enforce its ordinances that prohibit camping when there is no available temporary shelter for persons experiencing homelessness in the city.



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ANTI-CAMPING ORDINANCES

Martin v. City of Boise (2018)

Reasonable time, place, and manner restrictions

“Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible.”



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ANTI-CAMPING ORDINANCES

Martin v. City of Boise (2018)

“[Cities] are not required to allow persons to sit, lie, or sleep on public property at any time and any place.”



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ANTI-CAMPING ORDINANCES

Blake v. City of Grants Pass(2020) [Federal District Court in Oregon]

"The City may implement time and place restrictions for when homeless individuals may use their belongings to keep warm and dry and when they must have their belongings packed up. The City may also implement an anti-camping ordinance that is more specific than the one in place now. For example, the City may ban the use of tents in public parks without going so far as to ban people from using any bedding type materials to keep warm and dry while they sleep. The City may also consider limiting the amount of bedding type materials allowed per individual in public places."



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ANTI-CAMPING ORDINANCES

Warren v. City of Chico(2021)

- A city constructed an "outdoor temporary shelter facility" at the municipal airport with the capacity to house all of its residents experiencing homelessness.
- Asphalt tarmac without a roof, walls, water or electricity.
- City could not enforce its camping ordinance because it had 120 available shelter beds but over 500 homeless residents.



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

in a manner that impedes passage, as provided by the ADA.



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

within ten feet of any operational or utilizable driveway or loading dock



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

within five feet of any operational or utilizable building entrance or exit



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

within two feet of any fire hydrant, fire plug, or other fire department connection



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

Property designated as a “sensitive use” - School, Day Care Center, Public Park, or Public Library



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

Designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway where Resolution declares public health, safety, or welfare is served by the prohibition



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

Designated shelters for persons experiencing homelessness



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RESTRICTIONS

City of Los Angeles

Prevents obstruction by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property:

Area of particular and ongoing threat to public health or safety

(may include hazardous condition, repeated crime, occurrences of fires)



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RESTRICTIONS

City of Arcadia

Camping is limited to the hours of 10:00pm to 7:00am, public right-of-way can not be blocked, and certain areas like park playgrounds, picnic areas, public facilities, and commercial districts are prohibited areas at all times.



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RESTRICTIONS

City of Fountain Valley

Fountain Valley repealed its anti-camping ordinance but banned the overnight storage of personal belongings in parks.

Designed as "a substantial and legitimate government interest in limiting wear and tear on public park properties in order to further the goal of conserving park property and ... to keep public parks in an intact and attractive condition."



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RESTRICTIONS

County of Kern

- obstruct vehicular traffic or pedestrian access.
- within 500 feet of a fence, entrance, or exit of a public or private K-12 school.
- entrance or exit of a public library or facility that provides housing shelter, supportive services, or storage to homeless persons.
- adjacent to residentially zoned property (unless with owner's consent)



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SERVICES

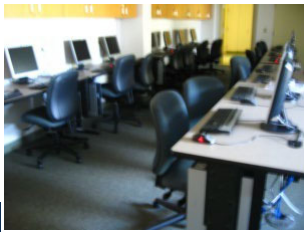


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Access Center



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Path of Life Ministries (POL)



POL Community Shelter Program provides emergency shelter to serve adults by providing an immediate exit off of the street into temporary housing along with assistance in obtaining important documents, becoming job ready, counseling, and various other forms of social, spiritual, and emotional support.

- Shelter Bed Breakdown
 - Community Shelter: 36 Female and 54 Male beds (90 total beds)
 - Family Shelter: 46 beds
 - Duration of Stay: 60-90 Day Stay



*The City has 35 designated beds (utilized by City staff, CityNet and RPD)

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Illumination Foundation



Illumination Foundation – is a recuperative care shelter that accepts individuals who were recently discharged from the hospital and need support to recover from their stay. Often times individuals are well enough to be discharged from a hospital but not well enough to return to regular activity and certainly not well enough to return to living on the street. IF provides a space for individuals to heal.

- Shelter Bed Breakdown
 - Community Shelter: 50 Beds Total
 - Duration of Stay: 90 Day Stay



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Helping Hearts



Helping Hearts specializes in mental health treatment for those unable to care for themselves in an independent living situation. The program includes a high level of care -- 24 hours a day, 7 days a week in a home-like setting that is an alternative to psychiatric hospitalization or institutional care.

- Shelter Bed Breakdown
 - Community Shelter: 28 Total Beds
 - Duration of Stay: 90 Day Stay



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Mercy House



We are excited to have Mercy House join the Hulen Campus. They will offer transitional/bridge housing services individuals who are referred will already have a housing plan and awaiting a move in date or approval for section 8, TBRA, or other housing option.

- Shelter Bed Breakdown
 - Community Shelter: 23 Total Beds
 - Duration of Stay: 90+ Day Stay



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The Place



Behavioral Health

The Place offers outreach and engagement programs for chronically homeless adults who, due to a serious mental health disorder, have rejected housing and resisted support. These programs provide a drop-in center that operates 24 hours a day and on-site low demand permanent supportive housing for 25 adults. The drop-in centers use peer-to-peer outreach and engagement to engage guests in accepting housing to access meals, showers, laundry, and linkage to a wide range of community resources. The Place are operated by Recovery Innovations of California, Inc. under contract with the Department of Mental Health

- Shelter Bed Breakdown
 - Community Shelter: 25 beds
 - Duration of Stay: Not provided



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Tenant Based Rental Assistance (TBRA)

“HOME Investment Partnerships Program (HOME) permits Participating Jurisdictions (PJs) to create flexible programs that provide assistance to individual households to help them afford the housing costs of market-rate units. These programs are known as "Tenant-Based Rental Assistance," or TBRA.”

[HOME Tenant-Based Rental Assistance - HUD Exchange](#)

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Emergency Rental Assistance

“The Emergency Rental Assistance program makes available \$25 billion to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The funds are provided directly to States, U.S. Territories, local governments, and Indian tribes.”

[Emergency Rental Assistance Program | U.S. Department of the Treasury](#)



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MUNICIPAL CODE PROVISIONS



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RIVERSIDE MUNICIPAL CODE 9.04.400

D. Conduct on public property, monuments, decorative fountains and lawns

After notification by law enforcement officer that he or she is in violation of the prohibition in this section:

- Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street tree planter berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes;
- Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or
- Walk, stand or lie upon any public bench.
- Enter the water, shave, wash clothes or otherwise pollute any decorative fountain, or allow any minor child or pet to do the same.



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RIVERSIDE MUNICIPAL CODE 9.04.400

E. Public urination and defecation prohibited.

F. Sidewalk obstructions—After dark.

No person, without a permit, shall place on the public sidewalks of the City between 11:00 p.m. and 5:00 a.m. any structure or object which may potentially represent a hazard or obstruction to any able-bodied or disabled person traversing any portion of said public sidewalk.



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RIVERSIDE MUNICIPAL CODE 9.04.400

H. Distribution of food.

Regular distribution of any food, clothing or other items on public property to 50 or more individuals, per day, requires a permit.



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RIVERSIDE MUNICIPAL CODES RELATING TO FIRES

6.32.230 - Prohibited Open Burning

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

16.32.250 - Location.

The location for open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.



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RIVERSIDE MUNICIPAL CODES RELATING TO FIRES

16.32.255 - Bonfires.

A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

16.32.272 - Open-flame Cooking Devices.

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.



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PANHANDLING AND THE FIRST AMENDMENT

Must regulate conduct, not content, of speech

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.



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RMC 9.04.010

(D) *Aggressive solicitation prohibited.* No person shall solicit, ask, or beg in an aggressive manner in any public place.

- (a) Fear of bodily harm to self, another, or damage to property
- (b) Intentional touching or physical contact
- (c) Intentional blocking or interfering with safe and free passage
- (d) Violent or threatening gestures
- (e) Persisting in closely following a person
- (f) Profane, offensive, or abusive language



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RMC 9.04.010

(E) *All solicitation at specified locations.*

- Banks and ATMs
- Parking lots after dark
- Public transportation
- Gas stations
- Driveways
- Dining establishments



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OTHER PANHANDLING STATUTES

Penal Code 647(c): Aggressive Panhandling

Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor....

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.



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WILDLAND URBAN INTERFACE FIRE RISKS



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DEFINITIONS

Wildland : An Area in which development is essentially nonexistent, except for roads, railroads, powerlines and similar transportation facilities.

Wildfire Risk: The likelihood of a fire occurring, the associated fire behavior and impacts of the fire.



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RISKS

A growing number have taken refuge in the Santa Ana River bottom or more remote canyon areas. As more people, both housed and unsheltered, live within high fire zones, the risk of fires starting and causing harm and loss of life has also increased.



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RISKS

Unsheltered individuals are often reliant on fires for everyday survival activities, including cooking food and keeping warm, but these activities also increase the risk of nearby brush catching fire and rapidly spreading. Such individuals living in high-fire zones may miss emergency notifications and may experience challenges in safely evacuating.

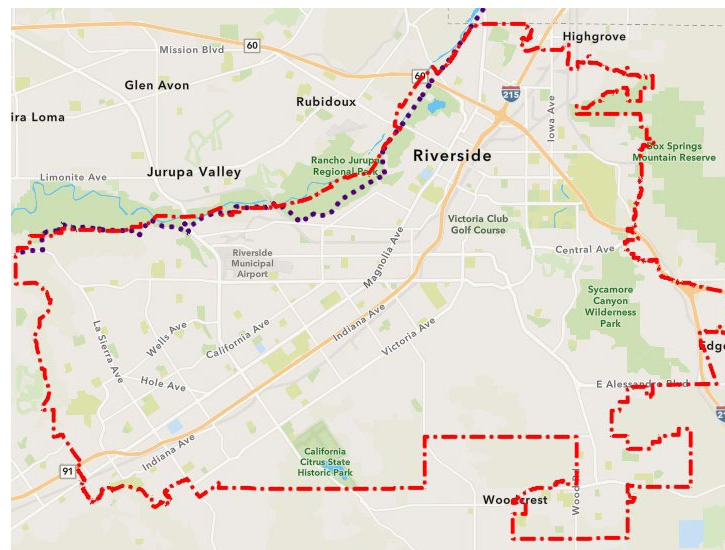


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BASE MAP OF CITY OF RIVERSIDE



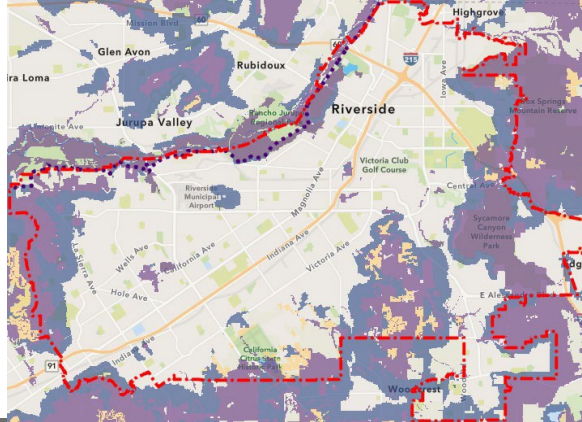
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WILDLAND URBAN INTERFACE (WUI)

Wildland Urban Interface: The area where structures and other human development meet or intermingle with natural wildland vegetation

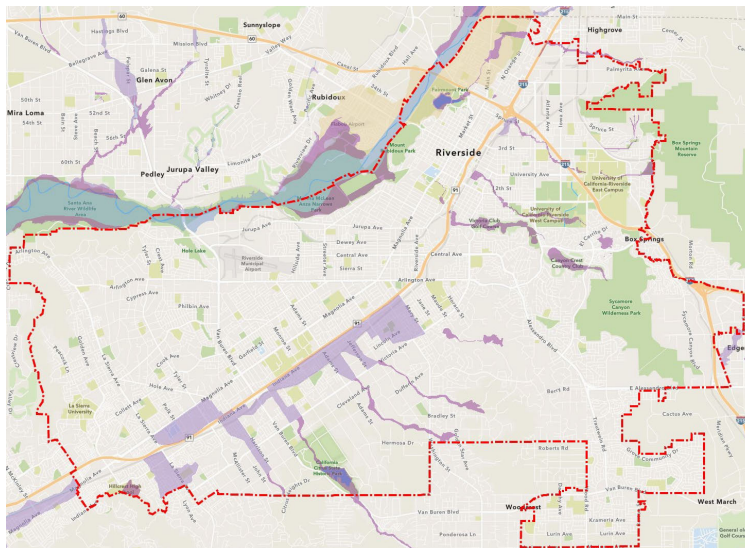


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FEMA FLOOD HAZARD AREAS



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FEMA FLOOD HAZARD AREAS

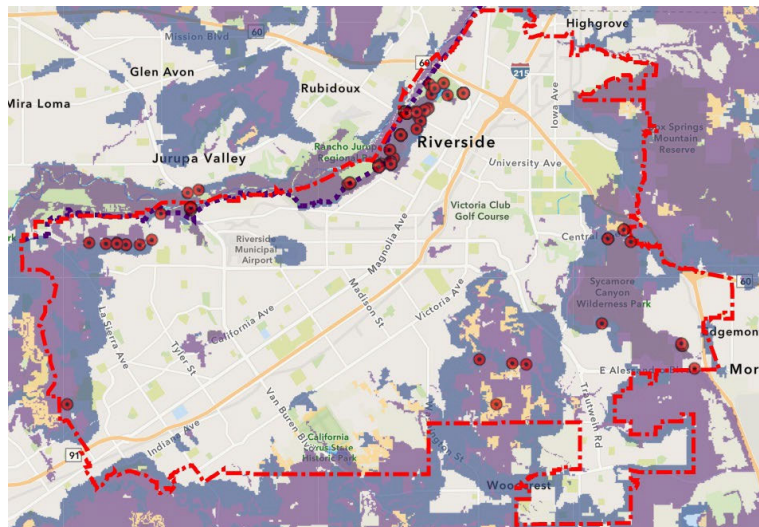


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FIRE HISTORY WITHIN THE WUI

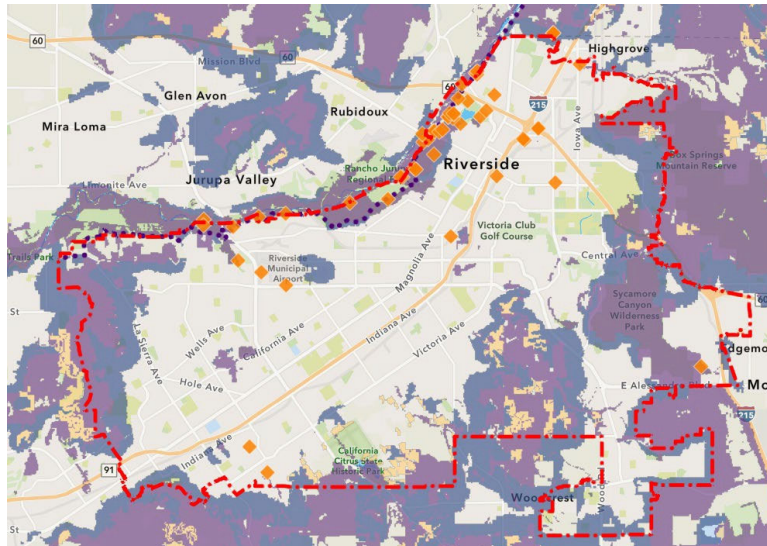


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ENCAMPMENTS WITHIN THE WUI



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Incident #22-0012320

April 11, 2022

**Dispatch Time
10:38pm**

**Martha
McClain Park
5759 Jurupa**



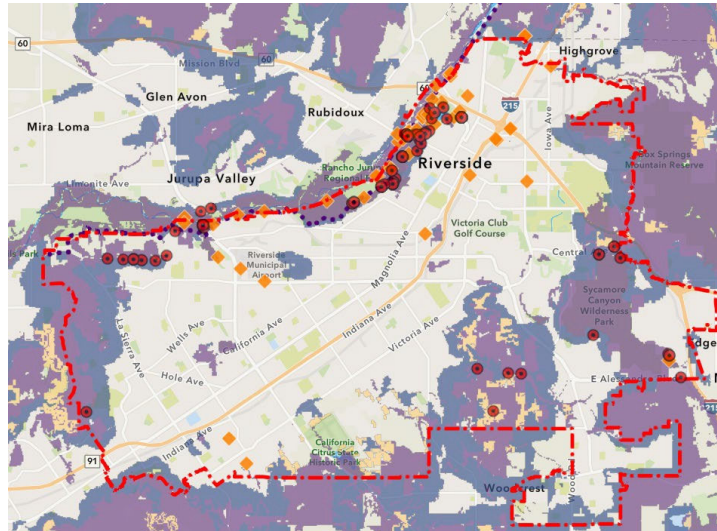
"4 Alarm Fire In Elaborate Homeless Encampment - Riverside, California 04.11.22." YouTube, uploaded by LLN Mike, April 12, 2022, <https://www.youtube.com/watch?v=NGE5nMbNYz8>

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ENCAMPMENTS, FIRES, FLOOD RISK WITHIN THE WUI



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PROPOSED ORDINANCE REVISION AND METHODOLOGY FOR ENFORCEMENT

Staff is proposing to revise the Riverside Municipal Code to identify the designated areas within the City that are determined to be hazardous. (Wildland Urban Interface & FEMA Flood Areas). Within those areas, the Fire History and encampment locations will be the causation factors used for enforcement.



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HOME COURT



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HOME COURT

HOMELESS OUTREACH, MEDIATION, AND EDUCATION

An alternative sentencing program for persons facing criminal prosecution for low-level crimes and experiencing homelessness.



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PARTNERS

- Riverside County Superior Court
- Riverside County Behavioral Health Services
- District Attorney
- Public Defender, Conflict Panel, and other defense attorneys
- Probation Department
- Sheriff's Department
- City of Riverside
 - City Manager's Office
 - City Attorney's Office
 - Police Department
 - Office of Homeless Solutions



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QUALIFICATIONS

Homeless or on the verge of becoming homeless

- Fleeing Domestic Violence or Human Trafficking also eligible

Charged with a non-violent misdemeanor

- Crimes involving violence or sex may be considered

After evaluations by court, attorneys, and RivCo Behavioral Health, deemed suitable for this program

- Post-plea diversion
- May be referred to other diversion or alternative sentencing courts



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PROGRAM

Some available services and treatment:

- Housing, outpatient or in-patient treatment, medication management, substance abuse treatment, life skills classes, parenting classes, peer support

Upon completion:

- Cases will be expunged and/or dismissed
- Early termination of probation
- Fine and fees dismissed or reduced



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RECOMMENDATIONS

That the Safety, Wellness, and Youth Committee:

1. Receive a report regarding a proposed ordinance to regulate homeless encampments in the wildland-urban interface in the City of Riverside; and
2. Recommend that the City Council adopt the proposed ordinance regarding the regulation of homeless encampments in the wildland-urban areas of the City.



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