



AMENDMENTS TO THE MUNICIPAL CODE REGARDING UNAUTHORIZED CAMPING OR ENCAMPMENTS ON PUBLIC PROPERTY

City Attorney's Office

Safety, Wellness, and Youth Committee
September 18, 2024



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BACKGROUND

Eighth Amendment prohibited the imposition of criminal penalties for sitting, sleeping, or lying outside on public property on homeless individuals who could not obtain shelter; while this was not to say that city had to provide sufficient shelter for the homeless, **as long as there were a greater number of homeless individuals in city than the number of available beds in shelters, city could not prosecute homeless individuals** for involuntarily sitting, lying, and sleeping in public on the false premise they had some choice in the matter.

Martin v. City of Boise (9th Cir. 2019) 920 F.3d 584



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BACKGROUND

City ordinances which prohibited sleeping or camping on public property and which provided for progressive consequences in form of civil fines, exclusion orders, and criminal prosecution for trespass **did not constitute cruel and unusual punishment when applied to individuals experiencing homelessness, even if homelessness was involuntary;** sanctions were not designed to superadd terror, pain, or disgrace, sanctions were similar to usual modes for punishing offenses throughout the country, **ordinances did not criminalize mere status,** as ordinances could apply, for example, to backpacker passing through on vacation or a student who abandoned their dorm room to camp out in protest on lawn of municipal building, and Eighth Amendment protections did not apply to any claim of selective enforcement.
City of Grants Pass, Oregon v. Johnson (2024) 144 S.Ct. 2202



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PUBLIC HEALTH AND SAFETY RISKS



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PUBLIC HEALTH AND SAFETY RISKS

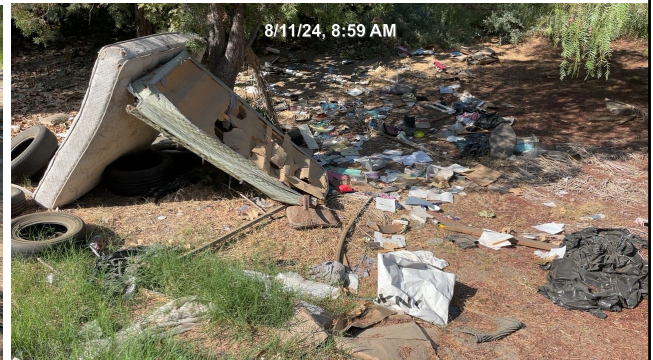


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PUBLIC HEALTH AND SAFETY RISKS

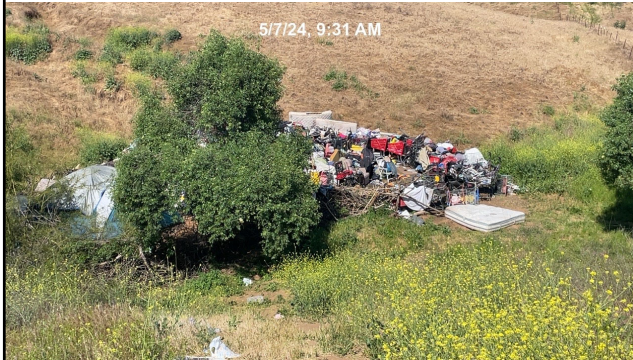


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PUBLIC HEALTH AND SAFETY RISKS



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ORDINANCE KEY FACTS

The proposed ordinance establishes that it is unlawful for any person to camp in or upon any public property.

- Within two blocks of an elementary, middle, or high school citywide.
- Within two blocks of any shelter citywide, provided signs are posted prohibiting camping that are clearly visible to pedestrians.
- In any park citywide, provided signs are posted prohibiting camping that are clearly visible to pedestrians.
- In the Wildland Urban Interface.



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HOMELESS IN THE CITY OF RIVERSIDE

- The 2023 Point-in-Time Count administered by the County of Riverside Continuum of Care reported **605 people** were experiencing unsheltered homelessness within the City, which represents a **18 percent increase** from the prior year; and
- In 2023, Fire Rescue indicates that fire crews responded to **848 vegetation and rubbish fires** in the City's open space areas, which were all suspected to have resulted from human activity in these areas; and
- The City counted approximately **730 encampments**, including contacts and notices issued, along the riverbed in 2023 and collected over **267.29 tons of trash**.



PUBLIC HEALTH AND SAFETY

Garbage	E-waste
Human and Animal Biological Wastes	Household Hazardous/Special Wastes
Combustible and Noncombustible Rubbish	Medical Wastes, Sharps Waste and Pharmaceutical Wastes
Recyclables	Used Oil
Non-CRV Recyclables	Abandoned Vehicles
Waste Tires	Dead Animals



PUBLIC HEALTH AND SAFETY

- Just prior to 2019, California experienced a large hepatitis A outbreak, primarily among persons experiencing homelessness and/or using drugs in settings of limited sanitation. (CDC website)
 - ✓ California - 708 Cases - 464 (66%) Hospitalization
- On June 5, 2023, a 3-year-old child suffered Fentanyl exposure and stopped breathing.
 - ✓ The child, his 2-year-old sister, 5-year-old brother, and parents had been experiencing homelessness for the past few months and living in their car. All exposed to Fentanyl, parents died attributed to illicit drug use.



STRATEGIC PLAN ALIGNMENT

2.4. Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust.

6.2. Maintain, protect and improve assets and infrastructure within the City’s built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



RECOMMENDATIONS

That the Safety, Wellness, and Youth Committee:

1. Receive a report regarding a proposed ordinance to regulate homeless encampments throughout the City of Riverside; and
2. Recommend that the City Council adopt the proposed ordinance.

