

MOTION BY SUPERVISORS KATHRYN BARGER AND
JANICE HAHN

September 17, 2019

File or Join Amicus Brief Regarding Martin v. City of Boise

The severity of the homelessness crisis in Los Angeles County is acute. According to the Los Angeles Homeless Services Authority (LAHSA), a record-high 58,936 county residents are experiencing homelessness, an increase of more than 12% from 2018, with increases among children and youth, 8,500 of whom are experiencing homelessness, up 24% from 2018. LAHSA also reports that approximately 44,214 individuals experiencing homelessness are unsheltered. Some estimates indicate that for every 133 people leaving homelessness in the County, another 150 per day become homeless.

All across the County, there are men, women and children experiencing homelessness who desperately need assistance and vital services. The average life expectancy for individuals experiencing homelessness in the County is 48 for women and 51 for men, compared with California’s average life expectancy of 83 years for women and 79 years for men. In 2018, 918 individuals experiencing homelessness died across the County. This year, nearly three homeless persons die each day. As of early September 2019, 698 homeless people have died.

At a time when the County needs tools—not roadblocks—to bring essential services and housing to persons experiencing homeless, in 2019, the U.S. Ninth Circuit Court of Appeals published *Martin v. City of Boise*. The *Martin* decision forbids municipalities from enforcing common sense ordinances that prohibit public camping unless those local governments can offer acceptable shelter to every unhoused person in the jurisdiction. In other words, the County could be powerless to address camping in public places by anyone until it provides shelter for everyone.

--- MORE ---

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

BARGER _____

HAHN _____

Martin places an enormous burden on the County. Local governments need to have the ability to regulate public camping to protect everyone, especially the most vulnerable and in need. Unregulated encampments can create a public health crisis to those inside and outside those encampments. The County has already seen the spread of communicable diseases in public areas, with recent outbreaks of medieval-era illnesses such as typhus and tuberculosis. In addition, the 2017 Skirball/405 Fire, caused by an unregulated encampment, resulted in the damage or destruction of nearly 500 acres of property, twenty homes, and countless wildlife.

Anti-camping laws should exist to protect everyone equally. Without the ability to enforce such laws, homeless individuals living in encampments are vulnerable to becoming victims of crime. Recent media reports detail the rise in serious crime against the homeless between 2017 and 2018, with robbery up 89%, larceny up 86%, and rape up 71% in Los Angeles. In late August, a homeless encampment was the epicenter of an arson attack by a non-homeless individual, resulting in dangerous brush fires requiring 300 firefighters and prompting evacuations in Eagle Rock and Glendale. Just a day before those fires, another arson incident rocked Los Angeles' homeless community, causing the death of a resident of Skid Row. The *Martin* decision hamstring the County from stopping the rash of violence and crime on our streets.

The only way to overturn the *Martin* decision is through U.S. Supreme Court review. The City of Boise filed a petition seeking review in August 2019. Amicus briefs in support of the City of Boise are due later this month. Local governments throughout California have lined up in support of the City of Boise. At least two dozen cities and counties, including San Jose, Sacramento, San Diego County and Sacramento County, are supporting an amicus brief, along with a collection of other California cities. The City of Los Angeles is also filing an amicus brief in opposition to *Martin*.

Other impacted sectors will also be filing amicus briefs in opposition to *Martin*, including stakeholders from local business partners and on-the-ground homeless services providers like The People Concern and Chrysalis, who deal firsthand with the homelessness crisis that affects our communities.

--- MORE ---

The County has the opportunity to have its voice heard. It has remained at the forefront of addressing the scourge of homelessness in the region. In 2015, the County created the Homeless Initiative. In 2016, the Board began implementation of nearly four dozen strategies to combat and prevent homelessness in partnership with the Homeless Initiative. In 2017, County voters approved Measure H, a quarter-cent sales tax that is generating an estimated \$355 million annually. Since 2017, efforts supported by Measure H have allowed for historic housing and service delivery outcomes across the County, with more than 16,000 individuals placed in permanent housing since July of 2017 and almost 11,000 individuals newly linked to County Outreach Teams. Through these efforts, the County has demonstrated a vested interest in continuing as a leader in combating homelessness.

Martin could very well drain County resources and cause the County to take a step backward. The County should take all necessary steps to preserve the progress it has made, continue to address homelessness head-on, and improve public health and safety for everyone in the region.

WE, THEREFORE, MOVE that the Board of Supervisors instruct County Counsel to file an amicus brief and/or join as amici to any legal action seeking to overturn *Martin v. City of Boise*, and any other litigation aimed at challenging this decision, as deemed appropriate by County Counsel.

#

KB:dvs