

July 09, 2024

MOTION BY SUPERVISOR JANICE HAHN

Briefing on Supreme Court Decision on Grants Pass Camping Regulations

On March 4, 2024, The County of Los Angeles (County) submitted a neutral Amicus Brief regarding the City of Grants Pass v. Johnson, et al. (USSC No. 23-175.) (“Grants Pass”) court case. In its Amicus Brief the County emphasized its investment of billions of dollars to develop a wide range of interim and permanent housing solutions and wrap around services for those people experiencing homelessness. This has been done in collaboration with other government agencies, municipalities, and community partners.

Despite these achievements, with massive and long-standing affordable housing shortage and a population of 800,000 low-income and extremely low-income residents, the inflow into homelessness in the County still outpaces the outflow. This has led to encampments in Los Angeles to persist and present a serious public health and safety risks to the house and unhoused.

For the unhoused, living near roadways and freeways inflicts adverse health and safety risks including dangers of vehicle injuries and air and noise pollution. The County’s preferred approach for resolving these health and safety risks is programs like Pathway Home, which removes unsafe vehicles voluntarily relinquished by their owners, and moves people into housing, while restoring public spaces and roadways to their intended use. But other tools must be available, including

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enforcement of non-criminal public health and safety ordinances when constructive and necessary. Enforcement of such municipal ordinances even without resorting to the criminalization of homelessness, which the County rejects is sometimes necessary to ensure public safety and resolve emergent dangers.

On Friday, June 28, 2024, the Supreme Court of the United States issued its highly anticipated decision in *City of Grants Pass v. Johnson, et al.* (USSC No. 23-175.) (“*Grants Pass*”). In a 6 to 3 decision, the Court held that Grants Pass’ generally applicable laws restricting camping in public spaces do not violate the Cruel and Unusual Punishment clause of the U.S Constitution’s Eighth Amendment. Based upon this holding, the Court reversed the decision of the Ninth Circuit Court of Appeals in *Johnson v. City of Grants Pass* and sent the case back to the Ninth Circuit for further proceedings consistent with its opinion.

This decision by the Supreme Court has already caused concerns from Homeless Providers and Advocates on how this ruling will be used in addressing our Homeless Crisis. It is essential that the Board of Supervisors understand the potential implications of this precedent in Los Angeles County.

I, THEREFORE, MOVE that the Board of Supervisors:

Direct CEO Homeless Initiative, County Counsel, the Sheriff, and Executive Director of LAHSA to provide a verbal report back to the Board at the July 30, 2024 Policy and Presentation Board meeting with a review of the *Grants Pass* decision, its potential implications in Los Angeles County, and any recommendations.