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Developing a Countywide Strategy for Addressing Encampments After Grants

Pass

On Friday, June 28, 2024, the United States Supreme Court issued its highly anticipated ruling on *City of Grants Pass v. Johnson*. In a 6-3 decision written by Justice Neil Gorsuch, the Supreme Court ruled that cities enforcing anti-camping bans, even if people experiencing homelessness have no other place to go, does not violate the Eighth Amendment’s prohibition on cruel and unusual punishment. This ruling overturns the Ninth Circuit’s decisions in *City of Grants Pass v. Johnson* and *Martin v. Boise*, essentially removing six years of legal protections for unhoused residents across the country. This means that cities are no longer prohibited from punishing unhoused residents through citations or arrests for camping, sitting, sleeping, or lying in public spaces, even if no shelter beds or other resources exist.

Unfortunately, in light of the Supreme Court’s ruling, cities across the country are already seizing the opportunity to establish anti-camping ordinances. For example, the

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Palm Springs City Council recently passed a sweeping new homeless enforcement ordinance that grants police new power to arrest people who build encampments or sleep in public areas.¹ Arresting people for sitting, sleeping, or lying on the sidewalk or in public spaces does not end their homelessness, and will only make their homelessness harder to resolve with a criminal record and fines they can't afford to pay. Moving people from one community to another does not resolve their homelessness. Our homelessness and housing crisis is regional, and will only be solved with a coordinated, unified response, and resources for housing and services.

Los Angeles County has led with a Care First approach to encampment resolution. The County has long established protocols to address encampments humanely, balancing the need to maintain public spaces and rights of way with the needs of our unhoused neighbors. The County's encampment protocols exist in the context of a large and evolving humanitarian, public health, sanitation, and housing crisis. Most of the County's protocols primarily impact its unincorporated areas which the County is responsible for maintaining. However, the County's latest encampment resolution program, Pathway Home, has been implemented in partnership with several incorporated cities in the County seeking to find housing solutions for their unhoused residents. The County is committed to reducing unsheltered homelessness by helping people living on the streets come indoors, receive supportive services they need to achieve housing stability, and ultimately move into permanent housing. This year, the County has committed more than \$120 Million to its Pathway Home program.

¹ <https://www.desertsun.com/story/news/local/palm-springs/2024/07/10/palm-springs-restricts-homeless-encampments-and-sleeping-in-public/74345226007/>

As the County contends with the impacts of the Supreme Court's ruling, it should work with cities and Councils of Governments (COGs) to minimize disparate impacts of the ruling, especially on unincorporated areas. It should also leverage existing committees, such as Los Angeles County Executive Committee for Regional Homeless Alignment (ECHRA) which is tasked with crafting a unified homeless response, to seek alignment on encampment responses across the County. With representatives from the Board, the City of Los Angeles, from incorporated cities, and from the Governor's office, ECHRA can serve as an effective regional forum for discussion.

On July 30, 2024, the Board will be hearing a verbal report from the CEO Homeless Initiative, County Counsel, the Sheriff, and Executive Director of the Los Angeles Homeless Services Authority on a review of the *Grants Pass* decision, its potential implications in Los Angeles County, and any recommendations. These critical discussions should confirm the County's positions and discuss critical points for regional clarification.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Office Homeless Initiative, in collaboration with the Los Angeles Homeless Services Authority and the Los Angeles County Sherriff's Department, to:

1. Affirm Los Angeles County's Care First approach to encampment resolution.
2. Clarify that Los Angeles County jails will not be used to hold people arrested due to enforcement of anti-camping ordinances.
3. Circulate Los Angeles County's encampment resolution guidelines, including the role of each agency involved, to cities, COGs, and other local jurisdiction partners throughout Los Angeles County.

4. Work in partnership with the Los Angeles County Executive Committee for Regional Homeless Alignment to lead a convening of cities with the goal of minimizing disparate impact of the Grants Pass ruling across all the jurisdictions in the County.
5. Identify opportunities to expand the County's partnerships with cities to address encampments through shelter, resources, and regional coordination.
6. Monitor data from the HEARS system and from LAHSA and HOST to determine any impact to the number of encampments in unincorporated areas of the County.
7. Report back in 120 days at a future emergency declaration verbal update to the Board of Supervisors on the outcomes of Directives 1-6 and any recommendations to better address encampments, cross-jurisdictional coordination, and policy alignment across the County.

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