

Lassen County's Community Social Services

Homeless Services

February 18, 2020

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- Affordable Housing
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Lassen *WORKS*

California Work Opportunities and Responsibility to Kids (CalWORKs)

General Relief (Cash Aid)

CalFresh (Food Stamps)

Medi-Cal (Medical Coverage)

Welfare to Work (Employment and Self-Sufficiency Services)

CalWORKs – Families with Dependent Children

- California Work Opportunities and Responsibility to Kids (CalWORKs) is a public assistance program that provides cash aid and services to eligible families that have a child(ren) in the home. (WIC Section 11200-11218)
- If a family has little or no cash and needs housing, food, utilities, clothing or medical care, they may be eligible for ongoing assistance each month to help pay for housing, food and other necessary expenses.
- CalWORKs is an entitlement Program, if families meet the eligibility criteria they are entitled to the benefits of the Program.

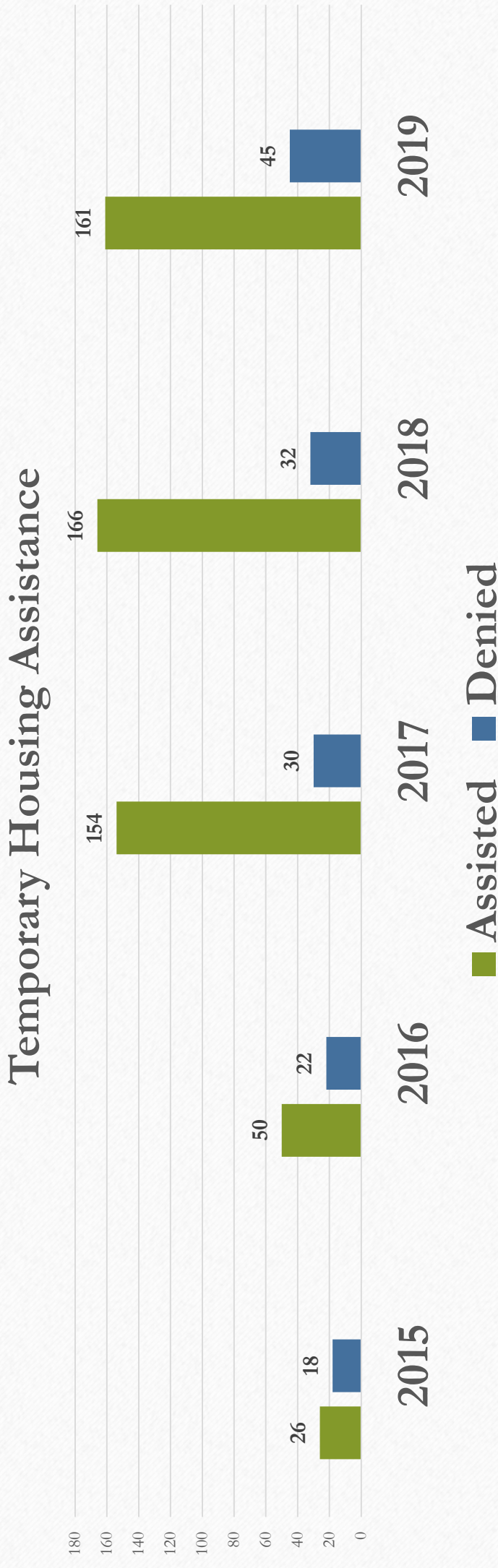
CalWORKs – Families with Dependent Children

- Temporary and Permanent Homeless Assistance Programs
 - Up to 16 nights in a temporary housing/motel
 - Permanent housing deposits and utility deposits
 - Eligible for one year; re-evaluated annually
- Housing Assistance for Domestic Violence Victims
 - Temporary housing-up to 32 nights
 - Eligible once in a lifetime

CalWORKs – Families with Dependent Children

Statistics

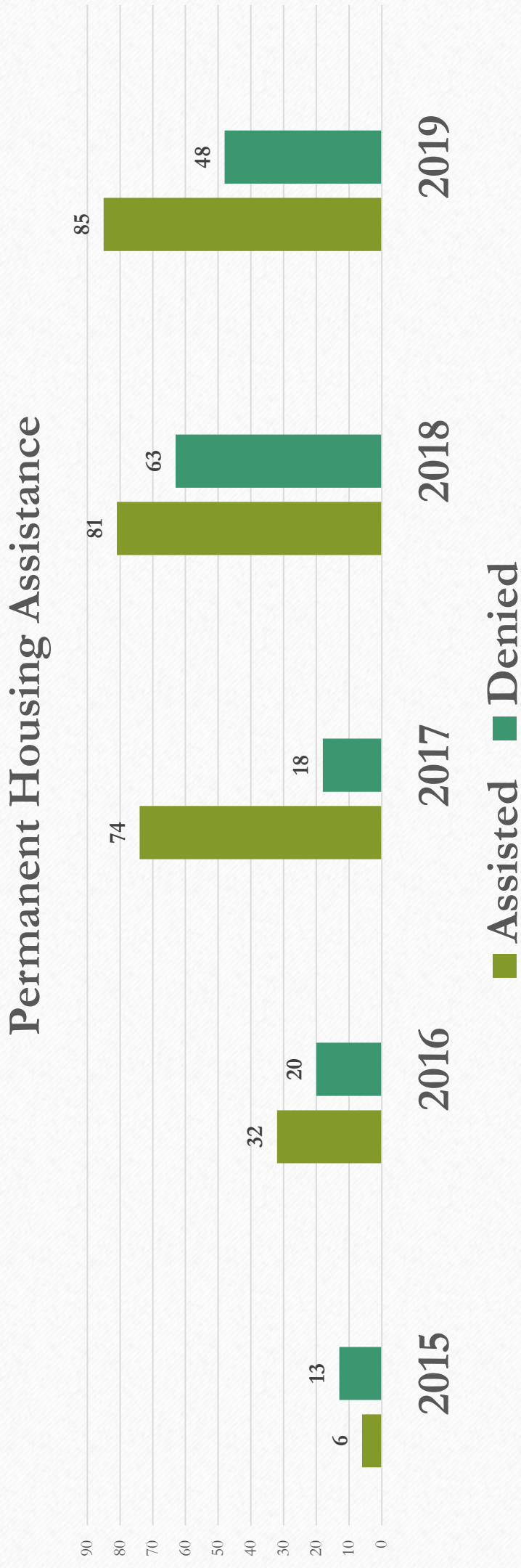
*These counts are individuals within families, everyone in the household is counted.



CalWORKs – Families with Dependent Children

Statistics

*These counts are individuals within families, everyone in the household is counted



CalWORKs – Families with Dependent Children

Success Stories

- **One parent, three children**

- Permanent Homeless Assistance received in February 2020
- Left domestic violence situation and requested Permanent Housing Assistance, as she had already been searching for a place to live with her children. Issued deposit and housed within same month of request. Client returned to work after being out on leave due to the domestic violence situation.
- Currently receiving Cal Works/CalFresh/Medi-Cal

- **Two parent household, seven children**

- Temporary Homeless Assistance and Housing Support Program referral in beginning of 2020.
- Clients applied for temporary housing assistance in February 2020 and are actively looking for suitable housing on a daily basis.
- Currently receiving Cal Works/Cal Fresh/Welfare to Work

CalWORKs – Families with Dependent Children

Success Stories

- **Two parents, one child**

- Temporary Homeless Assistance, Permanent Homeless Assistance
- Clients applied for Temporary Homeless Assistance in October 2019 and used all 16 nights. Clients then found temporary housing with friends. Clients returned and applied for Permanent Homeless Assistance in January 2020. Security deposit was issued for their new housing. Family is now housed.
- Currently receiving Cal Works/Cal Fresh

- **One parent, three children**

- Permanent Homeless Assistance
- Client applied for Permanent Homeless Assistance in August 2019 for security deposit and utility deposits. Permanent Homeless Assistance deposits issued, and client was able to move into their new home the next day. Clients have been housed ever since. This mother is now enrolled full time at Lassen Community College, experiencing great success with her classes, and fully participating in Welfare to Work.
- Currently receiving Cal Works/Cal Fresh/Welfare to Work

CalWORKs – Families with Dependent Children

Success Stories

- **One parent, two children**

- Permanent Homeless Assistance
- In May 2019, client had become unemployed and applied for Cal Works, Cal Fresh, and Medi-Cal. She was homeless and staying with a family member. She was able to find permanent housing and applied for Permanent Homeless Assistance in July 2019. After her housing issue was resolved, she was able to secure a full time job and transitioned off of Cal Works one month later. She has maintained her employment and housing for the last 6 months.
- Currently receiving Medi-Cal/Welfare to Work Retention Services

- **One parent, two children**

- Temporary Homeless Assistance and Housing Support Program/Family Stabilization - referrals in December 2019
- Client fled her housing due to a domestic violence situation. She was struggling to find housing for herself and her 2 children. Once referred, she received 16 nights of Temporary Homeless Assistance. She was relocated to a neighboring County, utilizing Housing Support Program funds. She and her children are now safe from her domestic violence perpetrator and beginning a new life in a secure location.

CalWORKs – Housing Support Program (HSP)

- Housing Support Program assists CalWORKs families experiencing barriers to self-sufficiency due to homelessness or housing instability. [SB 855 (Chapter 29, Statutes of 2014)]
- Supplements Temporary/Permanent Homeless Assistance and Family Stabilization Services.
- Must be active in CalWORKs, and homeless or at-risk of homelessness.
- HSP is not an entitlement program, if consumer/families meet the eligibility criteria they are not entitled to the benefits of the Program.
- Lassen County applied for the allocation from California Department of Social Services (CDSS) in FY 2017/2018, and received approximately \$185,000 for our first year of implementation.

CalWORKs – Housing Support Program

Statistics

- From March to November 2019, 12 consumers/families have been successfully permanently housed.
- 44 Program Referrals
 - 24 approved and 20 denied
- Examples of Denials:
 - Not meeting the eligibility criteria, deferred and exhausted other primary resource program, self-resolved, and unreachable.
- Examples of Approved Services:
 - Permanent and temporary housing assistance, transportation, vehicle repair, credit repair, basic household necessities, and basic cell phone (for safety, contact, to secure employment, housing, and contact with mandatory agencies)

CalWORKs – Housing Support Program

Success Stories

- **Two parents, one child**

- Intake in April 2019 with permanent housing services provided in the same month. Exited Program June 2019. Off cash-aid October 2019, due to over income.
- Lassen County's first success story. She had new baby at beginning of April and got behind in rent due to maternity leave and father of baby being unemployed. HSP assistance prevented eviction by working closely with the apartment manager and to bring her rent payments up to date and pay for eviction notice legal fees. She returned to work following maternity leave and went off CalWORKs cash aid in October.

- **One parent, three children**

- Referred May 2019, re-referred in July 2019, exited Program in October 2019.
- Single mother with three school aged children fleeing southern California due to domestic violence; her perpetrator continued to stalk and terrify her. Family resided in Lassen Family Services (LFS) shelter. The Social Worker was able to secure HSP funds to purchase new beds for entire family when the client was able to obtain permanent housing. LFS provided the rental subsidy.

CalWORKs – Housing Support Program

Success Stories

- **Two parents, three children**

- Referral received in April 2019.

- Spent several months in hotel housing with their special needs child and a newborn baby.

They were able to obtain permanent housing in August 2019; Lassen WORKs Social Worker met with landlord and assisted with the home walk-through, signing of the rental agreement and developing a rental subsidy. Both parents have a history of personal and family drug uses, poor choices and legal involvement in this community.

- They continue to learn budgeting and bill paying skills, and being responsible parents. Their Social Worker conducts regular home visits to assist with setting goals and finding resources for their various needs. Rent is partially subsidized and they continue to receive Family Stabilization Services.

CalWORKs – Housing Support Program

Success Stories

- **Two parents, one child; one parent, one child; and disabled father**
 - Referred in July 2019.
 - Family was approved for Section 8 housing voucher and had *great* difficulty finding a landlord in the Susanville area that would accept it. Social Worker assisted with housing relocation services, and worked with local landlords and property managers. Family moved into permanent housing in January 2020. HSP funds used to secure utility and security deposits, purchase firewood, repair refrigerator, and purchase new bed for the youth.
- **One parent, two children; and mother of parent**
 - Referred in July 2019. Exited CalWORKs in October 2019 for being over income.
 - Family used HSP funds in August 2019 for short-term temporary housing in hotel. In September 2019, they were able to use HSP funds to purchase beds and used Permanent Homeless Assistance for deposits and utilities to get into permanent housing. After obtaining permanent housing, the parent was able return to work and stop her CalWORKs benefits.

CalWORKs – Family Stabilization Program

- The Family Stabilization Program provides intensive case management services, supportive services, rental assistance, utility deposits/payments, moving costs, legal services and credit repair, that may help participants through their current situation or crisis and get them back on the road to self-sufficiency. [AB 74 (Chapter 21, Statutes of 2013); WIC (W&I) Code Section 11325.24]
- Types of situations or crisis that may qualify:
 - Homelessness or at immediate risk of homelessness
 - Lack of unreliable transportation
 - A lack of safety due to domestic violence
 - Untreated or undertreated behavioral needs, including mental health or substance abuse-related needs
- Family Stabilization is not an entitlement program, if families meet the eligibility criteria they are not entitled to the benefits of the Program.

CalWORKs – Family Stabilization Program

Statistics

- In 2019, the Family Stabilization Program received 20 referrals related to homelessness.
- 16 Approvals, 4 Denials
- Examples of Denials:
 - Choosing not to participate, did not complete the application, choose to participate in a different program, timed out of CalWORKs.
- Examples of Approved Services:
 - Utility payments, intensive case management, bus passes for transportation to appointments, clothing, bike accessories for transportation, rental assistance, hotel payment assistance, basic baby supplies, and other transportation costs.

CalWORKs – Family Stabilization Program

Success Stories

- **Two parents, one child**

- Temporary Homeless Assistance in November 2019, Housing Support Program in December 2019, Family Stabilization referral in December 2019
- Clients called staff, fleeing from a situation with a relative in November 2019. Clients were homeless during the biggest snow storm of the year and were traveling from Doyle. It took the family 4 hours to get to our office due to the poor weather conditions. Multiple employees stayed late to ensure these clients were not on the streets during this major snow storm. Clients reached our office around 6pm and we issued first set of Temporary Homeless Assistance hotel vouchers. Clients used all 16 temporary Homeless Assistance nights and was then referred to the Family Stabilization Program. The Family Stabilization funds are currently being used to pay for motel nights while the family is looking for suitable housing. Furthermore, the father in the home has gained employment while still looking for housing.
- Currently receiving Cal Works/Cal Fresh/Welfare to Work

CalWORKs – Family Stabilization Program

Success Stories

- **One parent, three children**

- Permanent Homeless Assistance September 2019, Housing Support Program referral made October 2019, Family Stabilization referral made October 2019
- Client was living in substandard housing. One of the three children is disabled. She applied for and received permanent Homeless Assistance and moved into a home with a roommate. In October, the roommate left and she could not afford to pay the entire rent. In addition, based on her previous rental history, she found it difficult to find new housing options. She was accepted into the Family Stabilization/Housing Support Program. These programs provided her with rental subsidies allowing her to stay in her existing home.
- Currently receiving Transitional Cal Fresh/Medi-Cal

Housing Disability Assistance Program

- Housing and Disability Advocacy Program (HDAP) provides housing and disability advocacy to clients who are applying for and potentially eligible for SSI/SSDI or Veterans Administration benefits, and are experiencing a housing crisis that interferes with stable housing. (ACWDL 7/27/17, AB 1603)
- HDAP is not an entitlement program, if consumer/families meet the eligibility criteria they are not entitled to the benefits of the Program.
- Lassen County applied for the allocation from CDSS in FY 2017/2018, and received approximately \$75,000, with a \$75,000 match from Community Social Services, for our first year of implementation.

Housing Disability Assistance Program

Statistics

- From April 2019 to January 2020, HDAP permanently housed 4 Consumers-Individuals.
- 9 Referrals
 - 5 approved and 4 denied
- Examples of Denials:
 - Already receiving Social Security and already have permanent housing.
- Examples of Approved Services:
 - Credit repair, utility deposit, permanent housing deposits, necessary household items, and rent subsidies.

Housing Disability Assistance Program

Success Stories

- **Current HDAP Consumer #1**

- Homeless due to eviction. Chronic medical issues created employment barriers and transportation challenges. Difficulty finding housing that could accommodate medical accommodations.
- Social Worker worked intensively with landlords to find appropriate housing. Consumer currently in transition from temporary housing in motel to permanent housing. In January 2020, consumer signed rental agreement for permanent housing.
- HDAP provided social security advocacy, temporary housing, permanent housing deposits, utility deposits, food bank services, basic household needs, intensive case management, and transportation and hotel for Social Security consultative exam.

Housing Disability Assistance Program, Success Stories

- **Current HDAP Consumer #2**

- Consumer initially came to Lassen WORKs for Social Security advocacy services in 2017. Consumer was not complying with Social Security requirements and claim ended. Social Worker continued advocacy and client re-opened a new claim. During that time, consumer was evicted and HDAP services began. Consumer is now residing in income-based housing and continues with advocacy as she awaits the Administrative Law Judges' final decision.
- HDAP provided social security advocacy, temporary housing, permanent housing deposits, utility deposits, basic household needs, intensive case management, home visits, transportation to Behavioral Health appointments.

Grants and Loans Division, aka Housing Team

Case Management

Street Outreach

Grant Administration

Newly formed in Fall 2019

Housing's Case Management Success Stories

- Elderly Veteran

- Became homeless due to an unhealthy relationship. Client has income and savings for a deposit but has a hard time navigating his way to housing. Case management is being provided to get pre-approved through a rental company.
- Once pre-approved client will select a location he can call home.

- Elderly Woman

- Became homeless and was camping in the woods. She gave up her apartment in search of something closer to accessing her needed medical prescriptions. Case management was provided in navigating rent and lease between landlord and client. Move-in navigation and assistance provided.
- Referred to IHSS so she never has to give up a home again to access needed medical supplies.
- Client permanently housed in December 2019.

Housing's Case Management Success Stories

- Disabled Adult

- Barrier to obtaining housing with few ADA low income apartments/homes available Case management and housing search assistance provided.
- Client received notice that an apartment is becoming available and he will be given a move in date as soon as it is cleaned up.

- Adult Male

- Was stranded in Susanville and sleeping on the streets. Client was assisted with transportation back to Redding where he was from.

- Adult Male

- Found himself stranded in Susanville, living on the river, after working at the fair. Client was assisted with transportation to return to his family in Arizona.

Housing's Case Management Barrier Stories

- **Disabled Adult**

- He is navigating school while on the verge of becoming homeless. Case management and housing search assistance is being provided.
- Barriers: No rental history due to young age, disability strongly limit his ability to find appropriate housing, limited low income ADA apartments/homes available; unable to get around due to disability and current housing location

- **Adult**

- Left previous residence to escape an unhealthy situation. Ended up stranded in Susanville by their car breaking down and being impounded.
- Barriers: Suspected behavioral health concerns and physical disability preventing client from accessing services.

- **Adult**

- Longtime resident of Susanville with ties to the community, family separated due to substance use and custody of her child going to extended family.
- Barriers: Substance use preventing stable living and support.

Housing's Case Management Barrier Stories

- Common barriers to obtaining housing:
 - Not able to afford deposits for the house or utilities
 - Lack of rental assistance
 - No income (looking for employment or applying for SSI)
 - Lack of housing availability
 - Lack of ADA housing
 - Lack of housing accepting pets
 - Bad credit

Housing/Behavioral Health Outreach Efforts

- In October 2019, the Housing Team joined the Behavioral Health Outreach staff to complete bi-weekly outreach visits to people who are camping along the Susan River and other locations within Lassen County.
- In general, people are open to talking to outreach workers.
- They are working on building trust in order to better assist individuals in need.
- There are a variety of reasons why people are camping and not accessing shelter, but everyone they have asked about housing would like to have stable housing.

Funding Sources, Awarded

Program	Amount	Description	Status
No Place Like Home (NPLH) - Technical Assistance	\$ 75,000	Technical assistance funds	Currently spending funds
No Place Like Home (NPLH) - Program	\$ 500,000	Funding for permanent supportive housing for persons experiencing homelessness and who are in need of mental health services.	Pending Homeless Strategy
Homeless Emergency Aid Program (HEAP)	\$ 76,927	Funding for street outreach and emergency services for persons experiencing homelessness (no housing assistance funds). Includes funds set aside for homeless youth services.	Currently spending funds
Partnership Healthcare of CA - Local Innovation Grants on Housing	\$ 323,225	Funding to expand housing options for low-income Medical members. Includes funds for rental assistance, housing relocation, and system support	Awaiting MOU Amendment
California Emergency Solutions and Housing Program (CESH)	\$ 57,000	Funding to assist persons experiencing homelessness or who are at risk of homelessness. Includes funds for rental assistance, housing relocation, stabilization and system support.	Awaiting MOU Finalization
HOME - Program Income	\$ 1,618,415	Funding to assist with housing rehabilitation; and new construction, and acquisition and rehabilitation, for both single-family and multifamily projects. All activities must benefit lower-income renters or owners.	In Trust Account
Whole Person Care	\$ 418,556	Funding for coordinated health, behavioral health, and social services (including housing).	Awaiting MOU Finalization

Funding Sources, Pending and Upcoming

Program	Amount	Description	Status
Homeless Housing, Assistance and Prevention Program (HHAP)	\$ 50,553	A one time fund to support jurisdictions in addressing immediate homelessness challenges.	Application due 2/15/2020
HHAP (COC Allocation)	\$ 50,395	A one time fund to support jurisdictions in addressing immediate homelessness challenges.	NOFA has not yet been released
Permanent Local Housing Allocation (PLHA)	\$ 84,366	Ongoing funding to help local government increase affordable housing opportunities.	NOFA has not yet been released
County Medical Services Program (CMSP) - Local Indigent Care Needs (LICN) - Planning Grant	\$ 50,000	Funding to plan for a program to better serve low-income persons that are uninsured and under-insured.	Application submitted
CMSP -Implementation Grant	\$ 1,500,000	Funding to better serve low-income persons that are uninsured and under-insured (includes opportunity to use funding to meet housing needs).	Will apply if Planning Grant is received

Homeless Emergency Assistance Program (HEAP)

- Homeless Emergency Assistance Program (HEAP) provides emergency assistance for people experiencing homelessness or those at imminent risk of homelessness. (SB 850)
- NorCal Continuum of Care released Notice of Funding Availability (NOFA) in FY 2018/2019. Lassen County applied for the funding and the Board of Supervisors approved our MOU in September 2019.
- Allocation Amount: \$79,927.80
 - \$36,346.40, Set-Aside for Homeless Youth

Homeless Emergency Assistance Program

Statistics

- 23 Referrals
 - 12 assisted
- Examples of Denials:
 - Not meeting the HUD definition of homelessness, clients needing more than “emergency services” that this grant can not cover, or client being assigned to a grant that can better assist their needs.
- Examples of Approved Services:
 - Bus passes to get to services, food, flashlights, sleeping bags, gas for those sleeping in their vehicles to stay warm at night, housing navigation, and case management.

2020 Point-In-Time Count

PIT Requirements

- Count of sheltered and unsheltered homeless persons on a single night in January.
- Federally Mandated Requirements:
 - Must occur in the last 10 days of January
 - Must count all adults, children, and unaccompanied youth, meeting the HUD definition
 - Must survey for chronic homelessness

US Department of Housing and Urban Development – PIT Homeless Definition

- An **unsheltered** homeless person, as defined at 24 CFR 578.3 the Homeless Definition Final Rule:
 - “An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.”
- A **sheltered** homeless person, as defined at 24 CFR 578.3 of the Homeless Definition Final Rule:
 - “An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals).”

PIT Count Dates

- The PIT count has three components:
 - Shelter and institution (1/22/2020);
 - Street (1/23/2020); and,
 - Service-based counts (1/23 - 1/29/2020).
- The results of the three components are combined to determine the total estimated number of homeless people in Lassen County.

PIT Shelter Count

- The shelter-based count includes all individuals who stayed in emergency shelters (including individuals who stayed in domestic violence shelters or who received motel/hotel vouchers) or transitional housing on the night of January 22, 2020.
- The shelters that participated in the shelter-based count include:
 - Crossroads – Emergency and Transitional Housing
 - Lassen Family Services
 - Community Social Services – Temporary Housing Assistance (i.e. Motels)

PIT Street Count

- The street-based count took place on January 23, 2020, from 5:00 am to 11:00 am.
- Trained enumerators checked-in at the Monticola Club in Susanville.
- Conducted the street count as an Emergency Preparedness Drill with an Incident Command System (ICS) structure.
- Enumerators received an initial briefing, and then dispersed into teams. Each team received surveys, supplies, and maps to assist them with their street count.
- 34 people from Lassen County and Lassen Family Services participated in the 2020 Street Count.

PIT Service Count

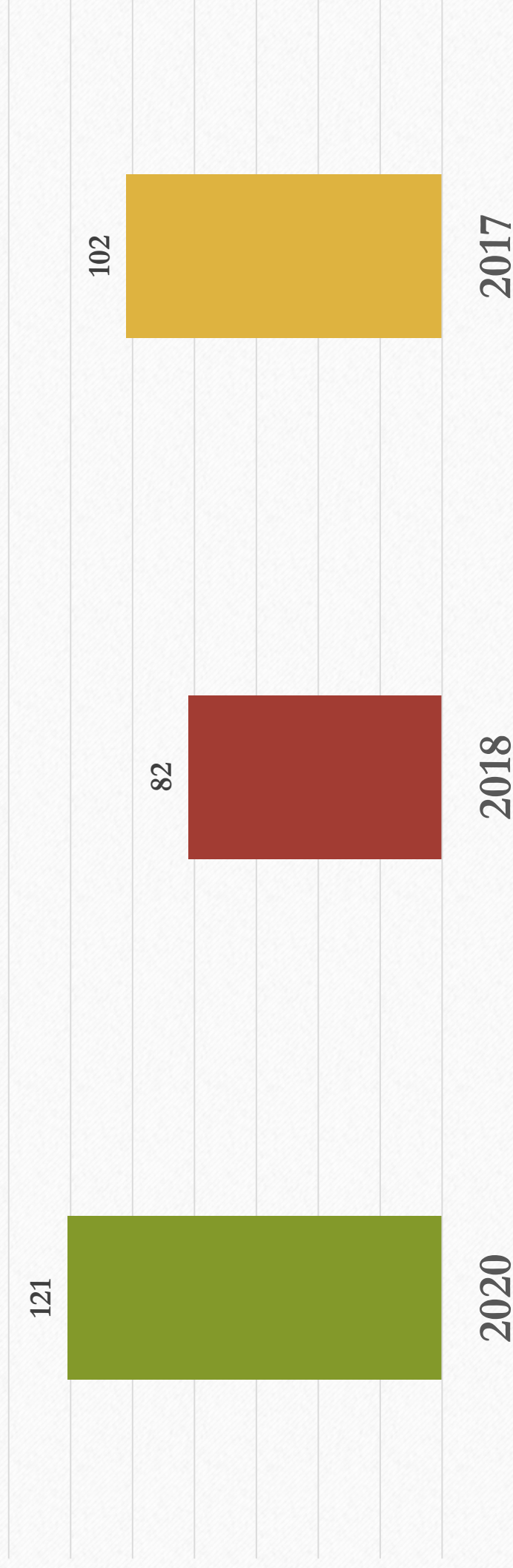
The service-based count took place from January 23-29, 2020. County staff compiled a list of agencies that provided services to homeless people and provided them with surveys and instructions on how to collect the information.

- Agencies included: Crossroads, Big Valley Family Resource Center, Fort Sage Family Resource Center, Salvation Army, Westwood Family Resource Center, Lassen Family Services, Lassen WORKs, Lassen County Behavioral Health, Judy's House, Banner Lassen Medical Center, Lassen County Probation, and Lassen County Jail.

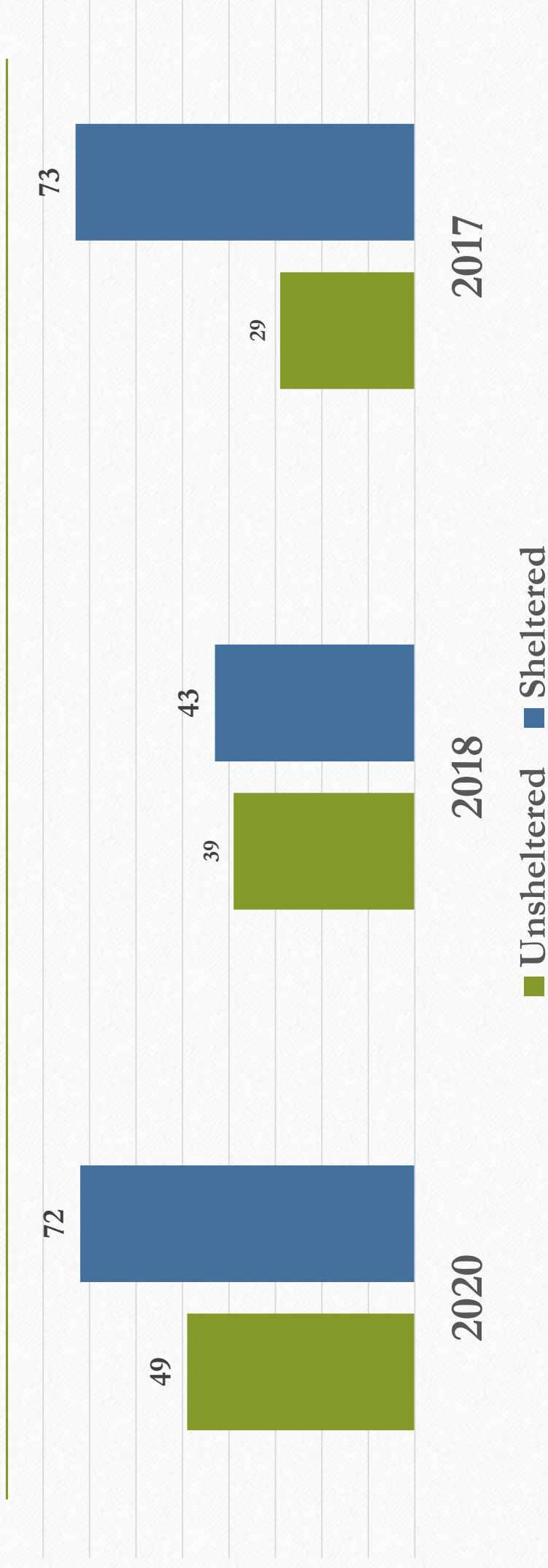
The Westwood, Bieber/Nubieber, and Herlong/Doyle Family Resource Centers hosted their own magnet events with the goal of encouraging homeless people to come to Centers. The magnet events were held as follows: during the service-based counts were as follows:

- Big Valley Family Resource Center – January 23, 2020
- Fort Sage Family Resource Center – January 27, 2020
- Westwood Family Resource Center – January 24, 2020
- Salvation Army – January 24, 2020

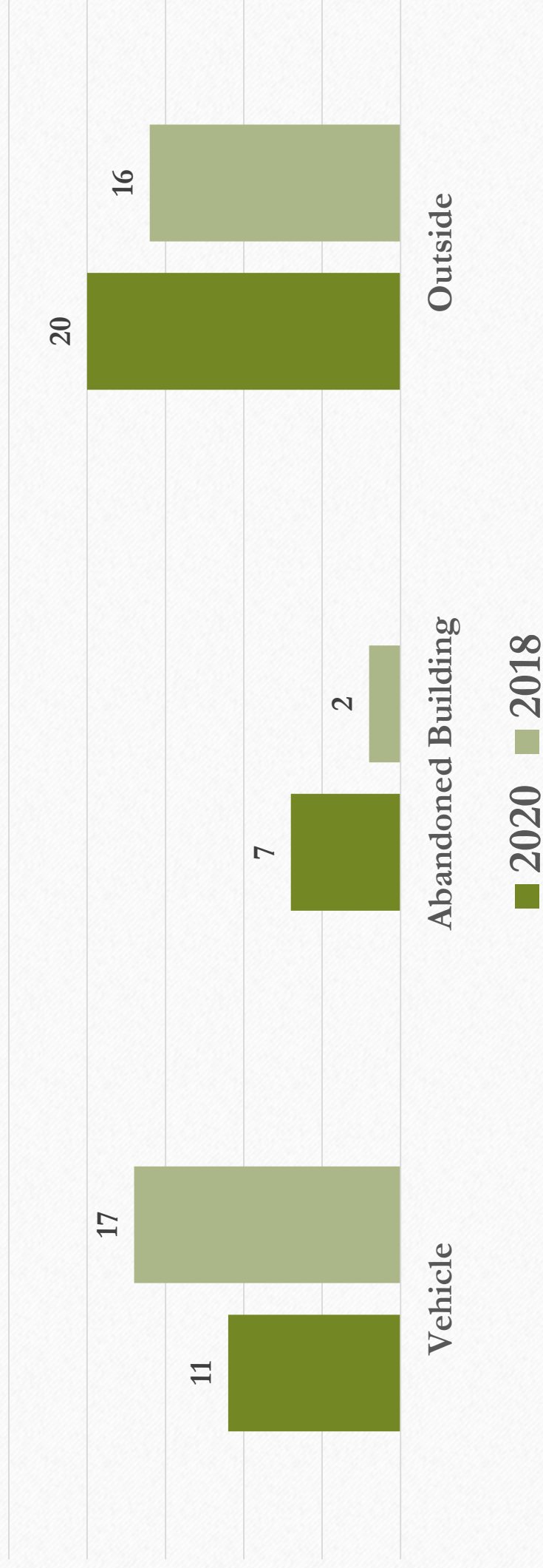
Total Number of Individuals Counted



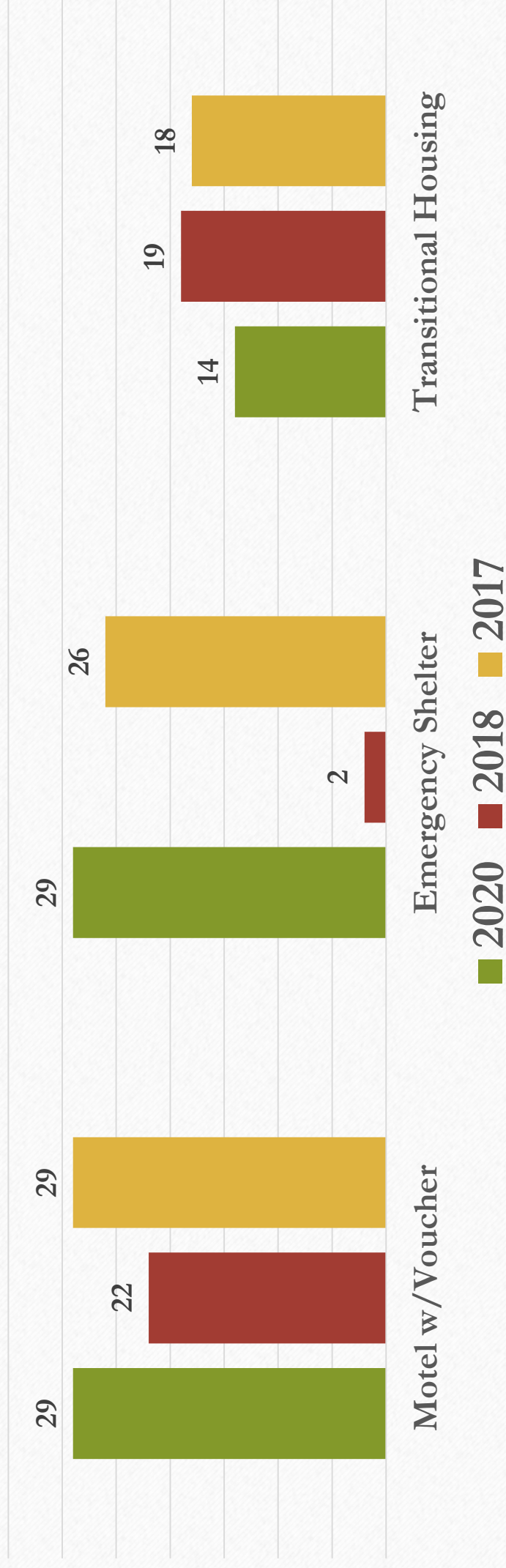
Unsheltered/Sheltered Count



Unsheltered – Living Situations



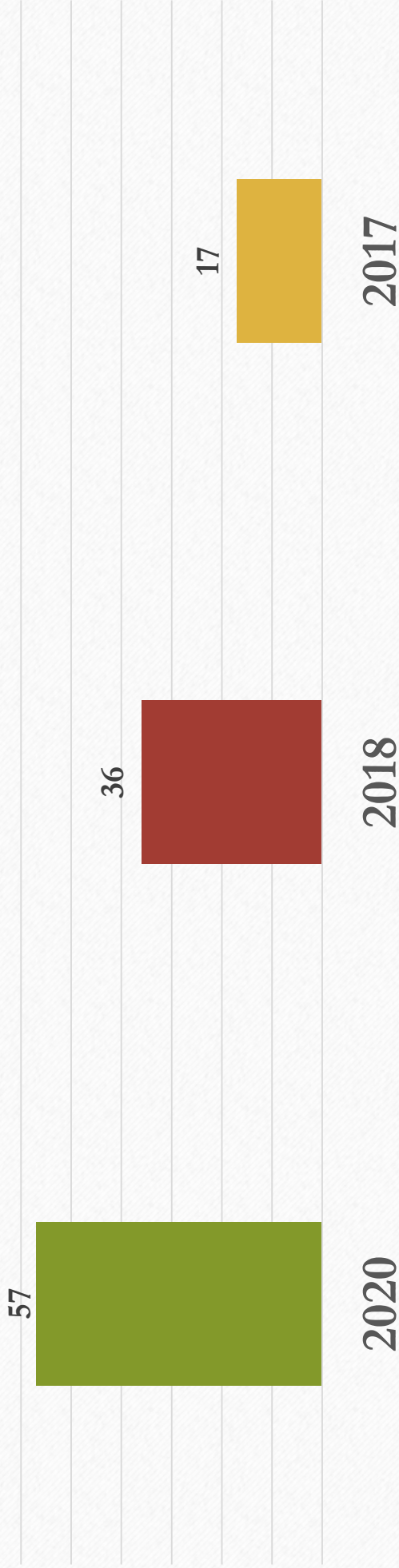
Sheltered – Living Situations



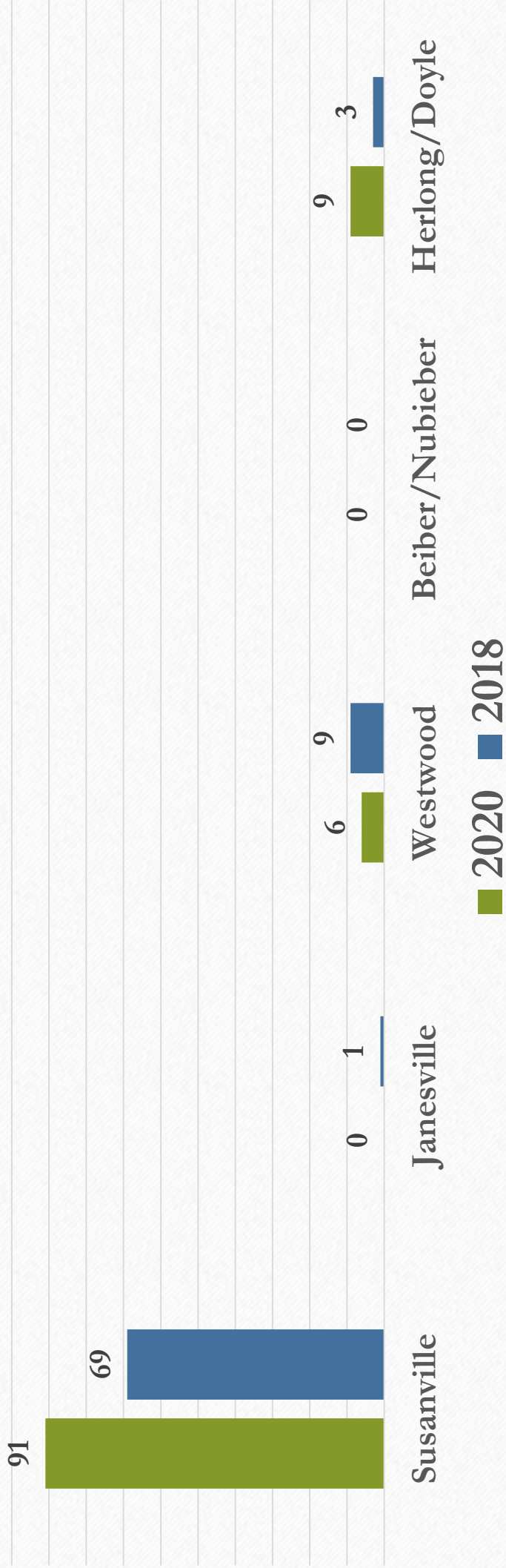
Chronically Homeless Individuals

HUD DEFINITION: An adult with a disabling condition or a family with at least one adult member with a disabling condition who:

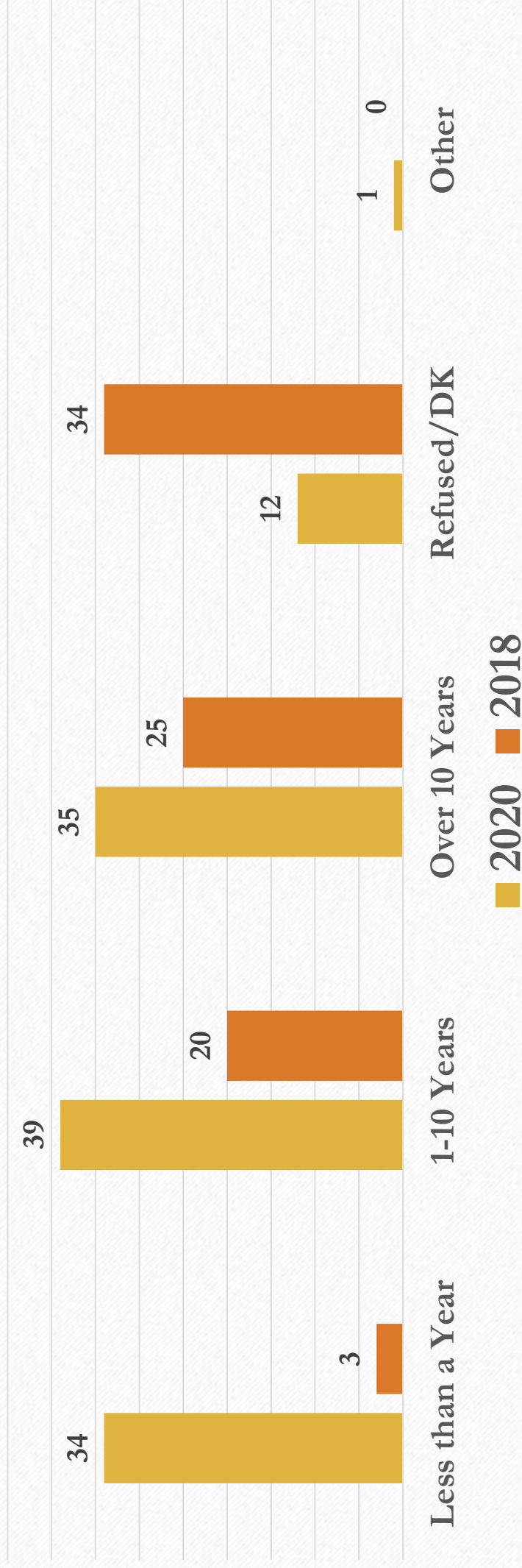
- *Has been continuously homeless for 1 year or more and/or;
- *Has experienced 4 or more episodes of homelessness within the past 3 years.



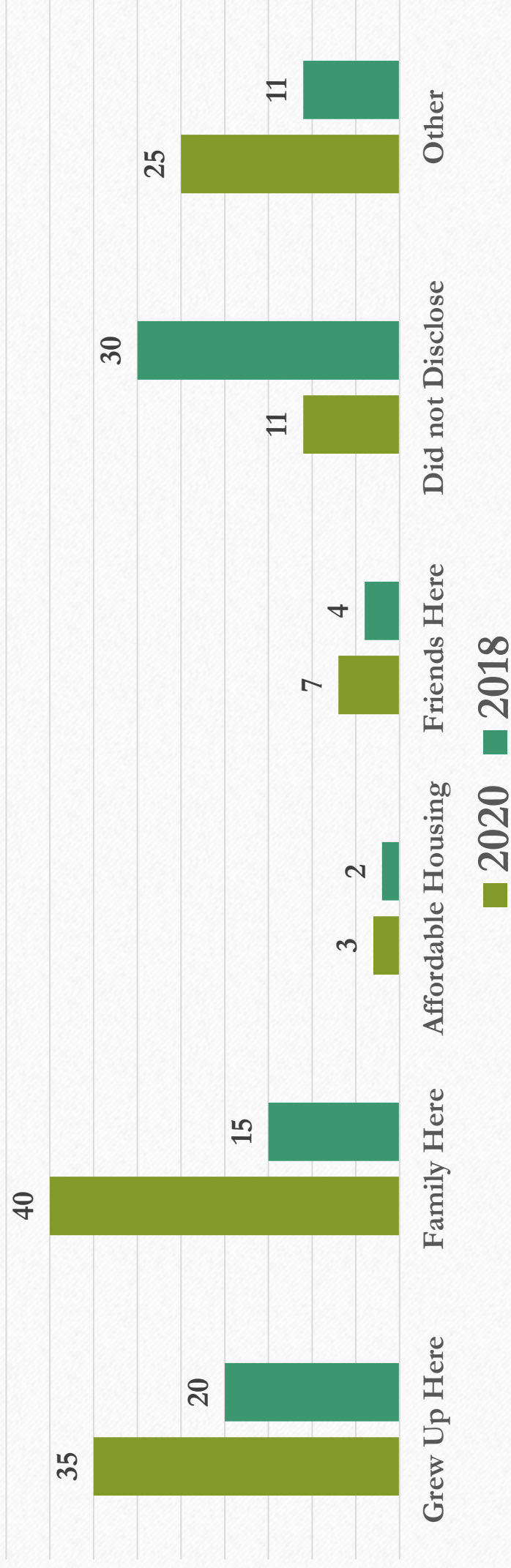
Survey Locations in Lassen County



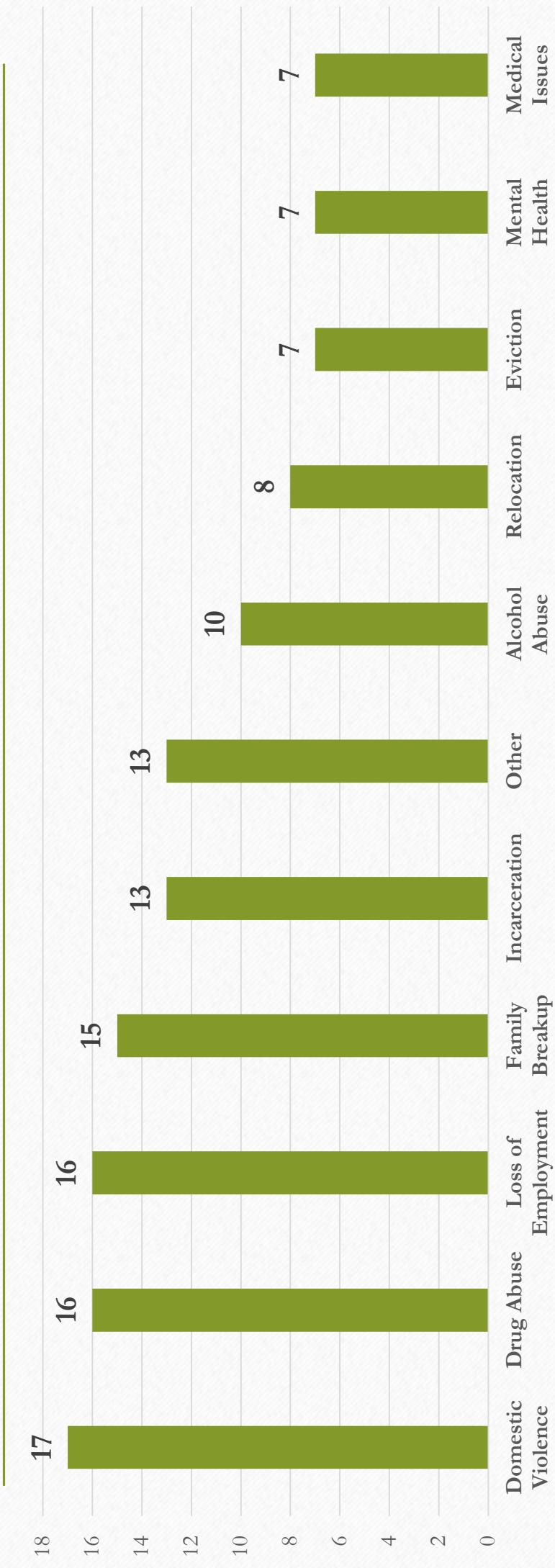
Length of Time in Lassen County



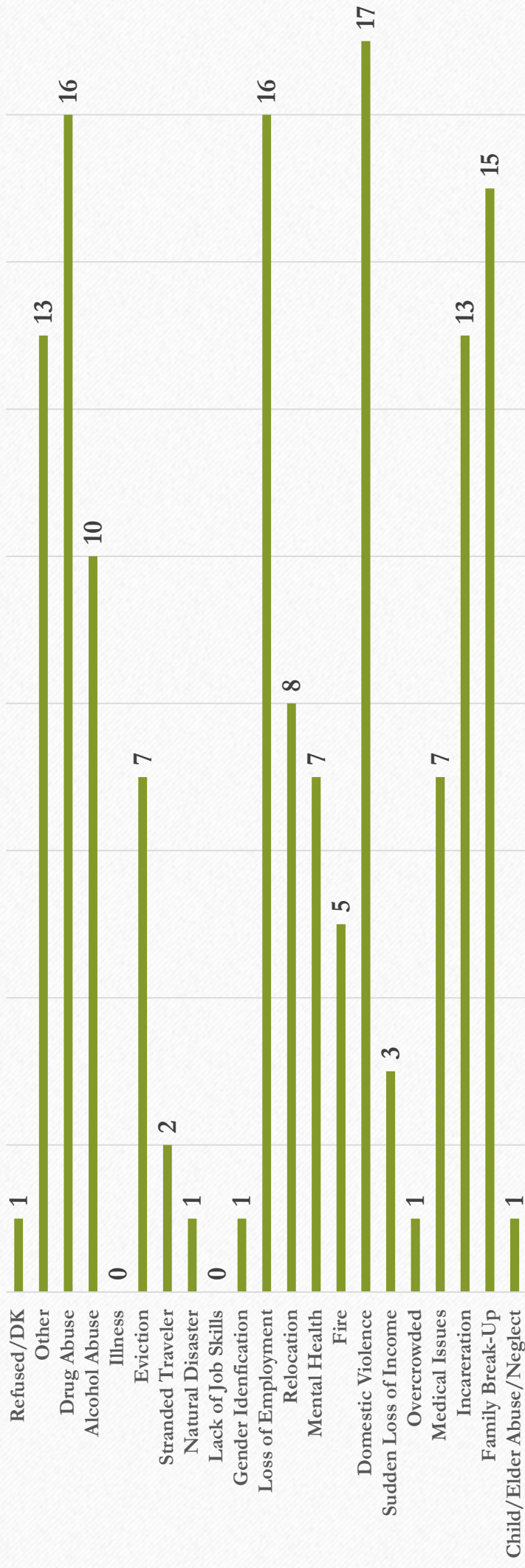
Connection to Lassen County



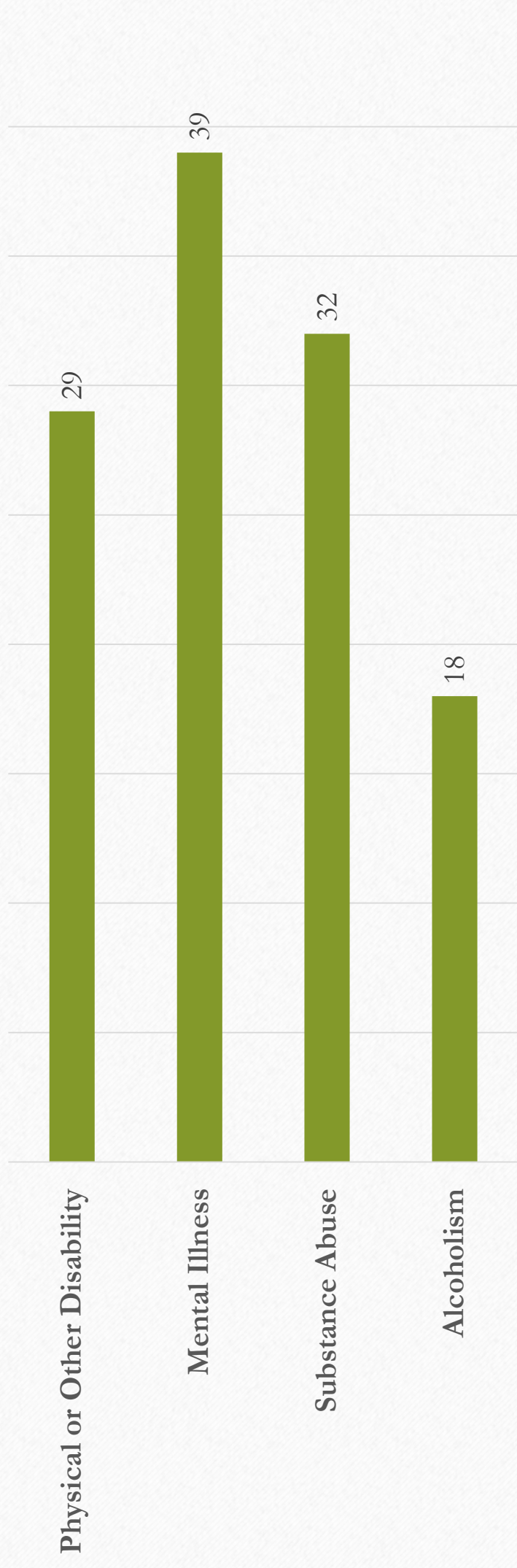
Top Causes of Homelessness, 2020



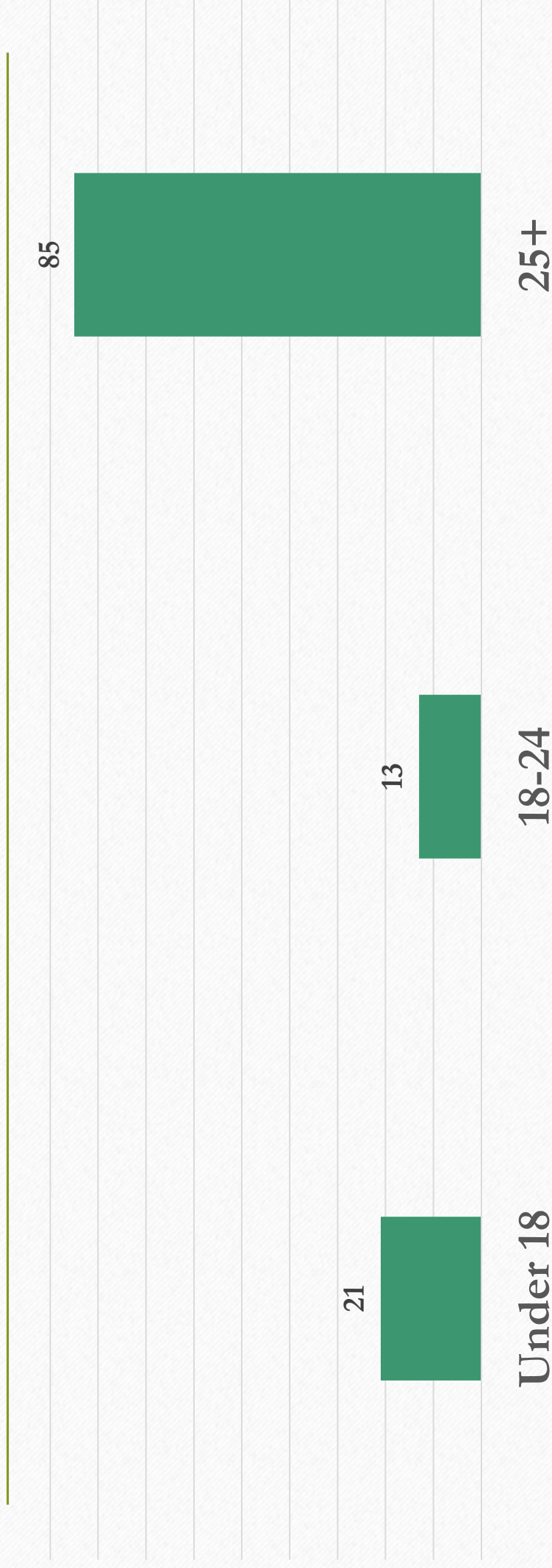
All Reported Cause of Homelessness, 2020



Reported Conditions, 2020



Age Range, 2020



Let's Talk Housing

Data provided by Housing Tools

Presented at Community Meeting, November 12, 2019

Housing Affordability and Income

- Affordability Calculations Use Area Median Income (AMI) so that we can understand the housing needs of the whole community. It is the “middle” income for all households with a region.
- Households who earn between 31%-50% or less of AMI (\$27,041 or less) are considered to be very low income and are at risk of becoming homeless.
- Households earning 30% or less of AMI (\$16,225 or less) are extremely low income and at high risk of becoming homeless.

Area Median Income in Lassen County in 2017 was \$54,083

1,435 very-low income households (31-50% AMI) in Lassen County

1,529 extremely-low income households (30%<AMI) in Lassen County

Lassen County's Households

- There are 9,441 households in Lassen County
- Of the total, 3,211 are renter households or 34% of all households in the County

What does affordable mean?

- Housing affordability standard set by HUD is no more than 30% of income towards housing costs, ie. rent.
- Households who pay more than 30% of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care.
- These households are unable to participate fully in the local economy and are at an increased risk of becoming homeless.

47% of all renters in Lassen County pay more than 30% of their income for rent.

Rent Burden of Lowest Income Households in Lassen County

50% of all very-low income households pay more than 30% of their income towards rent.

82% of all extremely-low income households pay more than 30% of their income towards rent.

Affordable Rent Compared to Fair Market Rent in Lassen County, 2019

Monthly Rent, in Dollars

AFFORDABLE RENT FOR A 3 PERSON 30% AMI
HOUSEHOLD

\$405

AFFORDABLE RENT FOR A 3 PERSON 50% AMI
HOUSEHOLD

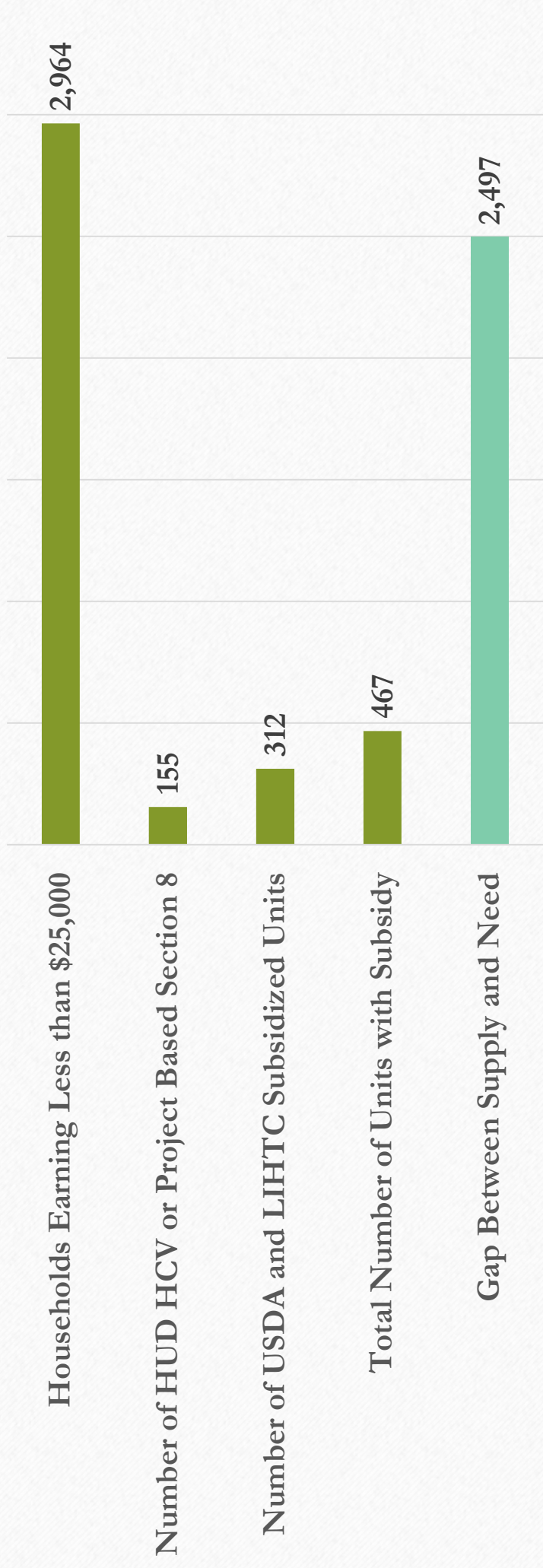
\$676

2019 FAIR MARKET RENT: 2 BEDROOM UNIT IN
LASSEN

\$848

\$0 \$100 \$200 \$300 \$400 \$500 \$600 \$700 \$800 \$900

Supply of Affordable Housing Units and Needs, Using 50% AMI Household Earnings



Questions?

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GIBSON DUNN

Martin v. City of Boise will ensure the spread
of encampments that threaten public health and safety

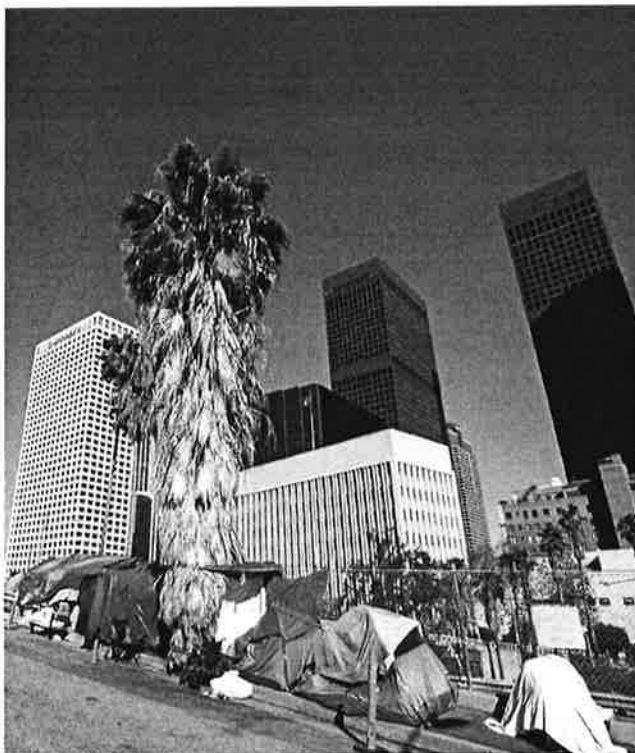


GIBSON DUNN

Martin v. City of Boise will ensure the spread
of encampments that threaten public health and safety

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Homelessness, a crisis of staggering proportions, is growing worse every day. The alarming trend is the spread of encampments, semi-permanent tent cities that threaten the health and safety of those living in them as well as the broader community. Yet as residents, government officials, public-health experts, and law enforcement all struggle to cope with the calamity, lawsuits have hijacked the policy debate. And a recent court ruling—*Martin v. City of Boise*—will make it all but impossible for cities to curb the dangers posed by encampments—at a time when all available tools are needed to alleviate the tragic situation.

The Ninth Circuit's recent decision in *Martin v. City of Boise*

- The Ninth Circuit in *Martin v. City of Boise* held that governments may not enforce ordinances that ban public camping *unless they first provide enough shelter beds to house every person experiencing homelessness within their jurisdictions*. In the County of Los Angeles, there are nearly 60,000 homeless persons (an increase of 12% over last year). This means that the County is powerless to address public camping by *anyone* until it provides shelter for *everyone*—all 60,000. See [2019 Greater Los Angeles Homeless Count](#).
- Specifically, the Ninth Circuit held that an ordinance in Boise, Idaho, barring public camping, violated the Eighth Amendment's Cruel and Unusual Punishment Clause because it criminalizes the "status" of homelessness. The court wrote that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." *Martin v. City of Boise*, 902 F.3d 1031, 1048 (9th Cir. 2018). The decision is wrong as a matter of constitutional law and conflicts with decisions of the U.S. Supreme Court holding that state and local governments may prohibit harmful conduct that threatens public health and safety.
- The *Martin* decision purports to rely on two U.S. Supreme Court decisions from the 1960s. One case, *Robinson v. California* (1962), struck down a California law that punished a person simply for being a drug "addict." In the second case, *Powell v. Texas* (1968), Justice Thurgood Marshall, for a plurality of the Court, upheld a statute outlawing public drunkenness. Together the two cases hold that government cannot punish a "status," like addiction, but that it can punish behavior that threatens public health and safety, like public drunkenness.
- In fact, the Supreme Court has never held—as the *Martin* court did—that individuals may be exempted from compliance with a generally applicable law because the conduct at issue is purportedly "involuntary." On the contrary, Justice Thurgood Marshall, writing for the plurality in *Powell*, explained that "[t]raditional common-law concepts of personal accountability and essential considerations of federalism" preclude such an interpretation of the Eighth Amendment. *Powell*, 392 U.S. 514 at 535 (plurality op.). Otherwise, there would be no "lim-

This important case is about ensuring that cities have all the tools they need to protect public health and safety.



The Ninth Circuit's decision exacerbates the current homelessness crisis from a public policy standpoint.

iting principle that would serve to prevent [the Supreme Court] from becoming, under the aegis of the Cruel and Unusual Punishment Clause, the ultimate arbiter of the standards of criminal responsibility, in diverse areas of the criminal law, throughout the country." *Id.* at 533.



- The Ninth Circuit held that it would violate the Eighth Amendment to criminalize so-called “involuntary actions” such as, in this case, sleeping or camping on a public sidewalk, because sleep is “biologically essential.” But as the dissent points out, by that logic, a local government could not prohibit public urination, defecation, or other conduct that government must regulate. For this reason, the Ninth Circuit’s decision is not limited to public camping ordinances but threatens a whole host of health and safety laws, including those prohibiting public urination, defecation, and public drug use. *Martin v. City of Boise*, 920 F.3d 584 at 590 (9th Cir. 2019) (Smith, J., dissenting from denial of rehearing en banc).
- The Ninth Circuit is the only federal appellate court to declare a public camping ordinance unenforceable under the Eighth Amendment. The decision effectively grants constitutional protection to encampments, thus rendering the more than 1,600 municipalities in the nine States in the Ninth Circuit powerless to curb the growth of encampments.
- The *Martin* decision actually revived an earlier Ninth Circuit decision, *Jones v. City of Los Angeles*, from 2016. That decision held that “so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, the City may not enforce [a prohibition] at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public.” 444 F.3d 1118, 1138 (9th Cir. 2006), *vacated*, 505 F.3d 1006 (9th Cir. 2007).
- About a year and a half after *Jones* was decided, the City of Los Angeles settled the underlying suit. That required the court to vacate its decision. For a decade thereafter, activists sought to get the same ruling from the court in a new decision. In the *Martin* decision, they finally did.
- As one of the dissenting judges in *Martin* explains, the Ninth Circuit’s decision will “wreak havoc on local governments, residents, and businesses” unless it is overturned by the Supreme Court. The decision stretches the Eighth Amendment beyond all recognizable limits, drastically curtails the traditional police powers of municipalities, and will ultimately exacerbate the homelessness crisis in the western

United States by tying the hands of state and local governments as they work to alleviate this urgent humanitarian crisis.

- The court's decision is unworkable in practice. The upshot is that cities are suspending enforcement of common-sense ordinances, afraid of lawsuits and expansive liability.
 - Los Angeles will always have more individuals experiencing homelessness than shelter beds. Therefore, under the Ninth Circuit's decision, Los Angeles County will be unable to prohibit encampments in any particular neighborhood, even if it builds new shelters with thousands of beds in that neighborhood, until it provides more than 60,000 beds to house every single person experiencing homelessness in the entire jurisdiction (a number growing by double digits annually). This would cost billions.
 - The panel said that a city *could* enforce public camping ordinances against individuals who "have the means to pay for" shelter but "choose not to." But how is an officer, on the street, supposed to ascertain inability to pay in the moments before he makes a decision to cite an individual? One plaintiff in *Martin* stated that he lived on the street simply because he didn't like paying rent. Or how are police supposed to know if a person in a park at night claims to be "homeless" but is in fact a drug dealer with a home? This is occurring.
- The decision is especially troubling because the City of Boise was not enforcing its ban on public camping as to any individual for whom a shelter bed was unavailable. Instead, Boise considers issuing citations for violations of its public camping ordinance only as a last resort, typically when the camping is connected to serious public health and safety concerns, such as the accumulation of trash, rotting food, and human waste, as well as rampant drug use and violence (which recently included a murder in an encampment).
- The only way to overturn the *Martin* decision is through Supreme Court review. Boise will file a petition seeking review of the decision in August 2019. Briefs in support of Boise urging the Court to grant review will be due in September 2019.

Cities need to have the ability to regulate, and even ban, encampments to protect everyone, especially the most vulnerable and in need.

The dangers of encampments

Encampments are contributing to a ***public health crisis***.

- Encampments threaten those outside as well as those inside of them—not because of the sleeping that occurs there, but because of the vandalism, defecation and urination, violent assaults and rape,

littering of contaminated blankets and uneaten food, blocking of walkways, harassment of passersby, pest infestations, open drug use, and illegal fires.

- Medieval diseases, such as typhus, as well as typhoid fever and tuberculosis, have re-emerged particularly from encampments. See Anna Gorman & Kaiser Health News, "[Medieval Diseases Are Infecting California's Homeless](#)," *The Atlantic*, March 8, 2019.
- A Deputy City Attorney in Los Angeles contracted typhus while working in City Hall. David Zahniser, "[Lawyer Files \\$5-Million Claim, Saying L.A. City Hall Rat Problem Caused Her Illness](#)," *Los Angeles Times*, April 21, 2019.
- An LAPD officer working downtown contracted typhoid fever. City News Service, "[Officer at LAPD Station in Downtown Contracts Typhoid Fever](#)," *Los Angeles Daily News*, May 30, 2019.
- According to state authorities, California is experiencing the largest person-to-person general hepatitis A outbreak in the United States since the hepatitis A vaccine became available in 1996. Furthermore, the majority of people infected in this outbreak are homeless, use illicit drugs (injected or noninjected), or both. Cal. Dep't. of Public Health, [2016-2017 Hepatitis A Outbreak Fact Sheet](#).
- Kaiser Health reports that, in Los Angeles County, 918 homeless died last year—a record number—on sidewalks, bus benches, hillsides, parking lots, riverbeds, and freeway on-ramps. These sufferers are dying because they are mentally and physically exhausted; because they are battered by the elements or poisoned by drugs; and because they almost never see a doctor. Anna Gorman and Harriet Blair Rowan, "[The Homeless Are Dying in Record Numbers on The Streets of L.A.](#)" *Kaiser Health News*, April 24, 2019. See also Derek Wang & Gil Aegerter, "[Deaths of homeless people jump in Seattle area](#)," *KUOW*, May 9, 2019.
- San Francisco received 5,874 calls reporting feces on streets and sidewalks in the first three months of 2019—about 65 calls a day—a 7% increase over the same time period last year. Phil Matier, "[Cleaning Up SF's Tenderloin Costs a Lot of Money—Soon it Might Cost Even More](#)," *San Francisco Chronicle*, May 1, 2019.
- San Francisco now has a dedicated four-person team just to clean feces five days a week. The city also contracts with a separate crew to pick up used syringes 12 hours each day. Bigad Shaban, Robert Campos, Anthony Rutanashoodech, Mark Villarreal and Jeremy Carroll, "[Mayor Breed's First Year: Feces, Needles Complaints Decline; Trash Gripes, Homelessness Rise](#)," *NBC Bay Area*, July 10, 2019.



- An ever-growing number of rodents in California—particularly in Los Angeles—is being fueled by a spiking homeless population, according to a study released in July. Travis Fedschun, [“Los Angeles, California cities ‘overrun by rodents’ that pose public health epidemic, study says,” Fox News](#), July 17, 2019. See also Dennis Romero and Andrew Blankstein, [“Typhus zone”: Rats and trash infest Los Angeles’ skid row, fueling disease,” NBC News](#), October 14, 2019.
- The author of a leading history of black plague in America recently warned: “Los Angeles finds itself in unique danger of disease because of its rapidly growing homeless crisis. As more people live in closer contact with rodent fleas that can carry the plague bacterium, preventing an outbreak of one of the most frightening diseases in human history will require a stronger push to eradicate potential hosts.” David K. Randall, [“Op-Ed: Climate change could bring bubonic plague back to Los Angeles,” Los Angeles Times](#), May 16, 2019.
- Many chronically homeless people are unwilling or unable to receive proper care because of serious mental illness. They often can be unaware of the fact that they are suffering from illness and in need of help. Mental illness creates distrust, paranoia, and fear, which can lead individuals to shun shelters and avoid services. The mentally ill have uncommonly high rates of victimization.
- Skid Row is L.A.’s present—but also a frightening vision of the future for other cities, like Seattle, San Francisco, and Portland, as miniature Skid Rows expand there.

**No one should
be exempt from
generally applicable
laws designed to
protect everyone.**

These encampments are **dangerous**.

- Serious crimes *against* homeless persons in Los Angeles rose dramatically between 2017 and 2018—robbery was up 89%, larceny was up 86% and rape was up 71%. See Kate Cagle, [“Crime Rate Among Homeless Skyrockets in Los Angeles,” Spectrum News 1](#), May 7, 2019.
- According to Andy Bales, CEO of L.A.’s Union Rescue Mission: “There’s over a thousand registered sex offenders on the streets of Skid Row. This place is like a Petri dish for disease.” He added: “Skid Row is the worst man-made disaster in the United States. ... You can hear the violence out there right now. It’s ready to blow at any time. People get beaten, women get raped. It’s just a brutal environment.” [“Paradise Lost: Homeless in Los Angeles,” KOMO News](#), June 18, 2019.
- “Tasked with cleaning up rapidly multiplying numbers of homeless encampments, Los Angeles sanitation workers have asked the city for more resources to handle a backlog of thousands of service requests. ... [S]anitation officials say they have requested \$17 million to bring on new staff trained to clean in and around encampments—up from about \$6 million this year.” [“LA sanitation needs \\$17M to keep up with homeless encampments,” Curbed LA](#), Feb. 22, 2018.

- Numerous wildfires have originated from homeless encampments (whether from open fires or cigarettes). The Skirball fire that burned more than 400 acres in Los Angeles in 2017 “started as a cooking fire at a homeless encampment, according to an investigation by the Los Angeles Fire Department.” Jennifer Medina, [“Los Angeles Fire Started in Homeless Encampment, Officials Say,”](#) *The New York Times*, Dec. 12, 2017. By mid-2018, Skid Row had seen 81 tent fires, up from 59 during the entirety of 2017. Amy Pollard, [“Tent Fires Are on the Rise Among the Homeless in L.A.’s Skid Row,”](#) *Slate*, July 24, 2018.
- *NBC4* reports that L.A. firefighters are now extinguishing almost seven fires a day started at homeless encampments or tents across the city. This is a 211% increase in the number of fires from 2018. Some homeless tap into power lines to provide electricity in their tents; this can cause wires to short out and spark a fire. Firefighters say other fires begin when the homeless use stoves and barbecues in highly flammable tents. Meanwhile, hydrants are disabled by being jerry-rigged with faucets or repurposed as water pumps. Joel Grover and Amy Corral, [“Firefighters Lose Critical Tool to Battle Rise in Homeless Fires,”](#) *NBC4 News*, July 22, 2019.

Homelessness is causing extensive **environmental harm**.



- Workers cleaned thousands of pounds of human waste, and nearly 14,000 hypodermic needles, from Santa Ana River homeless encampments. Some 700 people were living in those encampments. Theresa Walker, [“Thousands of pounds of human waste, close to 14,000 hypodermic needles cleaned out from Santa Ana River homeless encampments,”](#) *The Orange County Register*, March 8, 2018.
- A California water quality control district has sought to address the toxic water that encampments create. An affiliated geologist said: “It’s a health issue. You know there’s E.coli, there’s fecal-born coliform in this water from these buckets and their toilets that are all along the stream.” Steve Large, [“Debris From Homeless Camps Ending Up In Local Waterways After Storms,”](#) *CBS Sacramento*, Jan. 9, 2018.
- According to an NBC report, “[g]arbage and human waste from homeless camps pouring into rivers and creeks are creating a pollution problem in the South Bay.” “It’s a threat to all the communities around the Bay,” said a water district official. “All the water flows through the creeks, ends up in the Bay and carries whatever trash, debris and contaminants.” Terry McSweeney, [“Pollution Problem: Water District Pulls in San Jose, County to Help Clear Homeless Camps From Creeks,”](#) *NBC Bay Area*, Feb. 9, 2016.

Criminals use encampments to prey on, and hide among, the homeless.

- In Seattle, police seized crack, heroin, meth, pills, guns, machetes, a sword, purses, tablets, cell-phones, watches, clothing, and perfume—all from a crime ring run out of tents. ["Seattle police bust drug rings in homeless camps,"](#) KOMO News, May 15, 2019.
- In Los Angeles, NBC reported that gang members "hid[e] in plain sight" in Skid Row's tents to "prey on many who live here looking for services and help." Lolita Lopez & Phil Dreschler, ["Gangs of LA on Skid Row,"](#) *NBC Los Angeles*, February 19, 2018.
- Sex trafficking is rampant among encampments and homeless communities. One journalist reported that there are "between 4,800 and 10,000 homeless minors in Los Angeles on any given night... Many will fall into, or be pressed into, sex work." The National Runaway Switchboard believes that "one in three teens will be recruited into sex work the first 48 hours on the street," and a U.S. Department of Health and Human Services study found that 46% of runaway and homeless youths report physical abuse. Lane Anderson, ["Saving 'Throwaway Kids,' in Los Angeles, sex trafficking doesn't look like it does in the movies,"](#) *Deseret News*, December 31, 2015.



Encampments harm local businesses, tourism, and residents.

- Many residents who live near encampments are experiencing the dangers of encampments. Typical is Mark Shinbane, president of Ore-Cal Corporation, in Skid Row, who has faced multiple break-ins and thefts and now spends tens of thousands of dollars replacing doors, adding fences, and cleaning needles out of drains. Bob Smiland, CEO of Inner-City Arts, a school in Skid Row, has been forced by encroaching encampments to redirect thousands into security. Students and teachers walk in the street to avoid the tents that clog the sidewalks. See Motion to Intervene, *Mitchell v. City of Los Angeles*, No. 16-CV-1750-SJO (C.D. Cal.), Doc. 120 (June 24, 2019).
- In San Francisco, Matthew Zimmerman, who runs Aspect Framing Studio and Art Gallery on Polk Street, told the *S.F. Chronicle* that "[h]eaps of trash, sleeping bags, and used syringes line the alley bordering his business." "The last couple of years, things have gotten worse as far as the amount of people that are on the streets and the amount of open drug use is another thing that is pretty detrimental to the community," he said. "I actually just checked my revenue from last year to this year, and

I'm down 25%." Bigad Shaban, Robert Campos, Anthony Rutanashoodech, Mark Villarreal and Jeremy Carroll, "[Mayor Breed's First Year: Feces, Needles Complaints Decline; Trash Gripes, Homelessness Rise](#)," *NBC Bay Area*, July 10, 2019.

- Representatives of San Francisco's business and tourism industry are warning city officials about permanent harm to the city's reputation. "[Tourists] see the same things we see every day—the human waste on the street, the needles—and they're shocked, they're completely stunned," said the Vice President of Public Policy for SF Travel. "Unfortunately, they're going back and they're telling their friends and family about that experience and they're not coming back." Bigad Shaban, Robert Campos and Tony Rutanooshedeche, "[San Francisco's \\$65 Million 'Street Cleaning' Budget Raises Concerns at City Hall](#)," *NBC Bay Area*, April, 12, 2018.
- Last year a major medical group decided to move its \$40 million convention out of San Francisco due to concerns for the safety of conventioners, including those posed by open drug use and tent encampments. Brock Keeling, "[Major medical group cancels San Francisco convention due to safety concerns](#)," *Curbed SF*, July 3, 2018.
- In downtown Los Angeles, small business owners are suffering. One purchased a small event property only to learn that proliferating tents were driving away the customers he hoped to lure for weddings. He would receive text messages such as: "I'm sorry, I really like your place, but the street is unacceptable." Benjamin Oreskes, "[Desperate to Get Rid of Homeless People, Some are Using Prickly Plants, Fences, Barriers](#)," *Los Angeles Times*, July 10, 2019.
- In Oakland, California, *CBS* reports that residents were "shocked" when an encampment arose by city permission next to a soccer field. "This is ... where kids play and you are exposing them to hazards and dangers and rodents and needles," one father said. Some of the encampment's homeless residents actually *agreed*. Susan Steimle, "[West Oakland Neighbors Shocked by City-Sanctioned Homeless Camp](#)," *KPIX 5 Bay Area*, July 2, 2019.
- The injury to tourism and business districts harms the city at large through loss of tax revenue—revenue needed to subsidize clean-up costs on the streets and shelters.

Encampments impose massive costs on communities.

- A report by the Reno City Attorney's Office found that individual clean-ups of encampments in downtown Reno and on the adjacent Truckee River ranged in cost from over



\$7,000 to \$36,000. In one five-month period, 277 needles were collected. Reno personnel gather an average of two 30-yard dumpsters of abandoned garbage a week.

- S.F. will spend a record-breaking \$72.5 million this fiscal year on street cleaning. According to the *S.F. Chronicle*, every morning a Public Works crew hits the streets at 4:30 a.m. to clean up tent camps and other items. At 5 a.m.—seven days a week—41 blocks of sidewalks and 12 alleys are manually swept by a nonprofit cleanup program that contracts with the city. At 6 a.m., mechanical sweepers start cleaning the Tenderloin. From 11 a.m. to 8 p.m., the Public Works Poop Patrol steam-cleans alleyways along lower Polk Street. From 3 p.m. to 8 p.m., Civic, another nonprofit under contract with Public Works, manually sweeps 41 blocks in the Tenderloin.
- But according to the S.F. Public Works Director: “It’s not just about the money anymore, it’s about also needing to deal with the people who are creating the problems. Cleaning the same area three, four, five times a day is not the best use of our money, but it is necessary until the behavior changes.” The *Chronicle* reports that “[s]treet people with drug and alcohol problems openly urinate and defecate in broad daylight—with no consequences.” Phil Matier, [“Cleaning Up SF’s Tenderloin Costs a Lot of Money—Soon it Might Cost Even More,”](#) *San Francisco Chronicle*, May 1, 2019.



The *Martin* ruling prevents cities from stopping the spread of encampments

- *Martin* forbids cities from enforcing common-sense ordinances that prohibit public camping, unless the city can offer acceptable shelter to **every** unhoused person in the jurisdiction. Forced clean-up or removals of encampments, in particular, are a last resort for most cities. Offers of help usually come first. Yet sometimes these law enforcement tools are necessary as the only way to urge an individual into drug treatment or into housing programs or even into the arms of family members. At other times, individuals refuse to allow clean-up crews to scrub the streets or collect biohazards. Cities must have the power to address the health and safety threats that endanger those inside and outside of the encampments that keep people on the streets. Until *Martin* is overruled, this power will be curtailed.

Cities are grappling with the complex challenge of homelessness with compassion and attempting to devise innovative solutions based on input from experts with experience in mental health, addiction, and housing issues.

- The Ninth Circuit's decision, creating a constitutional right to camp in public, is the opposite of compassionate. It is not compassionate to ensure that the conditions that trap and sicken individuals will spread. It is not compassionate to deprive cities of any authority to urge individuals to accept help from service providers, counselors, shelters, or family. It is not compassionate to ensure that for many hurting souls, their fate is to be alone without assistance.
- Darrell Steinberg, the Mayor of Sacramento, recently observed in an op-ed in the *L.A. Times* that cities certainly need to build more shelter. But as shelter becomes available, cities need the tools to require people to accept shelter and services instead of living and dying on our streets—in Mayor Steinberg's words, "the right to shelter must be paired with the obligation to use it." See Darrell Steinberg, "[Op-Ed: Building more permanent housing alone won't solve homelessness in California](#)," *Los Angeles Times*, July 17, 2019.
- The Ninth Circuit's decision in *Martin* is the major legal impediment to this important step in the right direction because it holds that cities can't prohibit *anyone* from camping in public until it has enough beds for *everyone*. Los Angeles raised billions of dollars to solve this problem through recent tax increases enacted via Measure H and Proposition HHH, and we need similar innovative solutions. What we don't need is a court decision that ties the hands of cities as they struggle to deal with these challenges.



New lawsuits under the Ninth Circuit's en banc decision in *Martin* since April 2019

Advocates are already suing cities under *Martin* to block city efforts to stop encampments.

- *Shipp v. Schaaf*, No. 19-CV-01709-JST, 2019 WL 1644401 (N.D. Cal. Apr. 16, 2019)
- *Le Van Hung v. Schaaf*, No. 19-CV-01436-CRB, 2019 WL 1779584 (N.D. Cal. Apr. 23, 2019)
- *Quintero v. City of Santa Cruz*, No. 5:19-CV-01898-EJD, 2019 WL 1924990 (N.D. Cal. Apr. 30, 2019)
- *Phillips v. City of Cincinnati*, No. 1:18-CV-541, 2019 WL 2289277 (S.D. Ohio May 29, 2019)
- *Aitken v. City of Aberdeen*, No. 3:19-CV-05322-RBL, 2019 WL 2764423 (W.D. Wash. July 2, 2019)

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MARTIN V. BOISE: WHAT DOES IT MEAN FOR COMMUNITIES?



MARTIN V. BOISE

On September 4, 2018, the 9th Circuit Court of Appeals affirmed that the state may not “criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets” when there are more homeless persons than available shelter beds or in the absence of other adequate alternatives. Alternatives must be *practically accessible* to a given individual, taking into account disability, religious beliefs, or other restrictions.



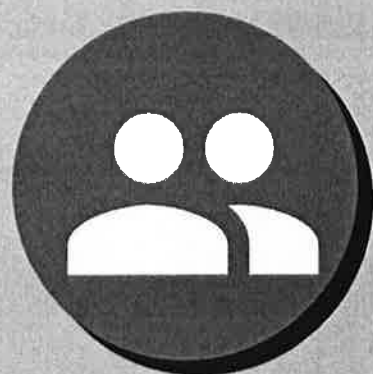
LEGAL RATIONALE



The 9th Circuit reasoned that sitting, lying down, and sleeping in public is unavoidable conduct that is inseparable from a homeless person's status when they have no other place to live. To punish that conduct is akin to punishing a person's homeless status - a result that cannot be tolerated under the 8th Amendment. This rationale can be - and has been - applied to laws ranging from camping bans to disorderly conduct laws.

EFFECT ON PEOPLE EXPERIENCING HOMELESSNESS

This case makes it illegal for your community to punish you for sitting, lying down, or sleeping outside when you have no option to do so inside. If you are asked to leave public space, you have the right to ask where you can go, instead. If there is no other place for you to lawfully go, and you are violating no other law, then you may have the right to refuse to move.



EFFECT ON COMMUNITIES

The rationale underscoring the *Martin v. Boise* decision may apply to a wide range of policies and practices that have the effect of punishing a homeless person for sitting, lying down, and sleeping outside when they have no other option. Communities should immediately repeal such ordinances and view this as an opportunity to invest in cost-effective solutions proven to prevent and end homelessness. Elected officials can create wins for business, taxpayers, and homeless persons by actually reducing homelessness, rather than just its visible effects.



EFFECT ON ADVOCATES & SERVICE PROVIDERS

Advocates and service providers should emphasize that this ruling does not limit their community's options but rather opens them up to the proven cost-effective solutions that have worked elsewhere and that they know how to implement. Advocates and service providers can call on local governments to redirect savings from reduced law enforcement to outreach, low-barrier shelter, and Housing First solutions that will reduce the number of homeless persons on the street, and thus the visible impacts of those people.



ADDITIONAL RESOURCES

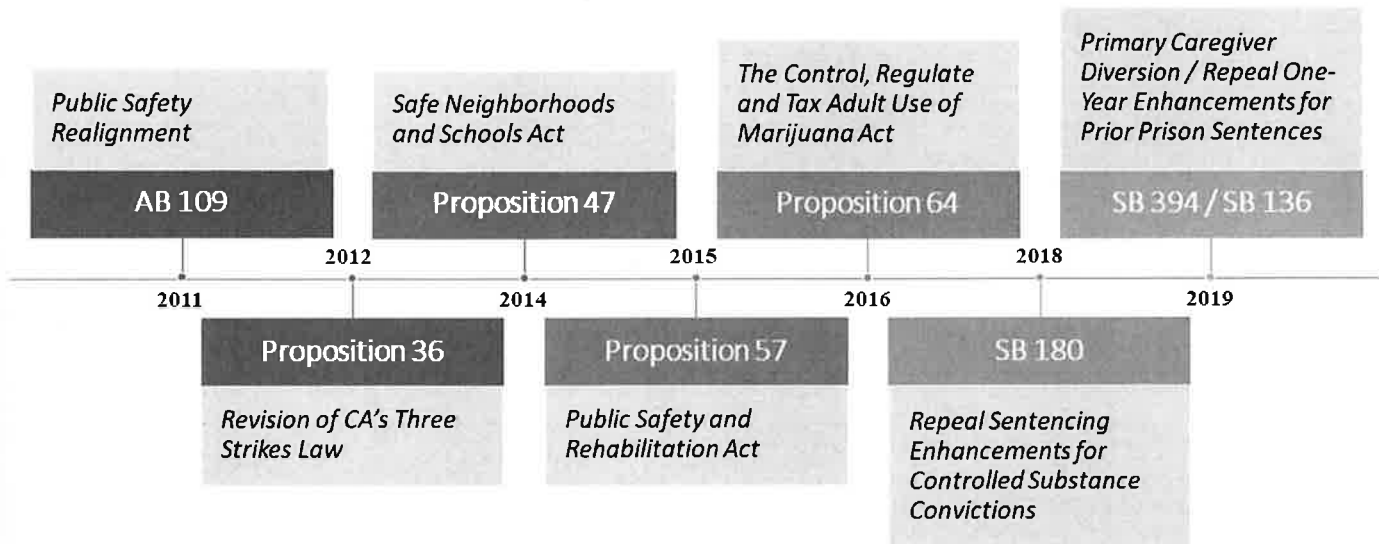
Model policies, communications materials, and other resources are available at www.housingnohandcuffs.org and www.nlchp.org/modelpolicies



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CRIMINAL JUSTICE REFORMS IN CALIFORNIA



HOW WE GOT HERE

AB 109 - In 2011 Public Safety Realignment was implemented in CA. Some of the key changes to the Criminal Justice System as a result are:

- Many low level felons are now housed in County Jails
- Parole violators no longer sent back to State Prison, they are now housed at the County Jails
- All County Jail inmates became eligible to receive day for day, or "half-time credits", as opposed to the "third-time" credits prior. This significantly reduces the periods of confinement for all offenders sentenced to serve time in County Jails.
- Low level felons released from State Prison are now supervised by County Probation Departments on Post Release Community Supervision (PRCS), not State Parole.
- Mandatory Supervision is added to County Probation Department. Judges can now order a "split sentence" where the offender will serve part of their sentence in a County Jail and the remainder on Mandatory Supervision through the County Probation Department.

Proposition 36 - Passed by CA voters in 2012, this proposition revised CA's 3-strikes law to impose a life sentence only when the new felony conviction was considered "serious or violent" and allowed inmates already serving a state prison sentence to be re-sentenced if their third strike was not serious or violent and if a judge determined they did not pose a risk to public safety. Additionally, drug related crimes for simple possession/personal use mandates drug treatment and eliminates incarceration in most cases.

THE LINGO EXPLAINED

ASSEMBLY AND SENATE BILLS (AB OR SB) ARE PROPOSALS TO CHANGE, REPEAL OR ADD TO EXISTING STATE LAW

PROPOSITIONS ARE MEASURES PLACED ON THE BALLOT FOR CALIFORNIA VOTERS TO VOTE ON

SENTENCE ENHANCEMENTS ARE ESSENTIALLY FACTS OR CIRCUMSTANCES IN A CRIME THAT MAKE THE CRIME WORSE OR MORE DANGEROUS THAT ALLOW A JUDGE TO INCREASE A SENTENCE

Proposition 47 - This proposition passed in 2014, reducing many felonies to misdemeanors, and allowed some convicted felons to petition the court for re-sentencing. These petitions can be filed through November 4, 2022. The options available to Judges and Prosecutors in choosing the appropriate level of disposition for many prior "serious" crimes has been greatly reduced by Prop 47. Law enforcement officers are limited in their ability to make arrests for violations and offenders who commit these types of crimes are not supervised by the County Probation Department.

Proposition 57 - In 2016, this proposition was passed and was designed to make offenders convicted of "non-violent" felonies eligible for parole consideration after serving the full sentence on their primary charge, excluding any sentence enhancements. This prop also provides state prison inmates multiple opportunities to earn "credits" which reduce their state prison sentence. This resulted in over 4,500 felons released early from state prisons. When voters approved Prop 57, they did it with the belief that violent sex offenders would be exempt from the provisions. In January of 2018, a Superior Court judge ruled that sex offenders must be given the same early parole consideration as "non-serious" and "non-violent" offenders.

Proposition 64 - Passed by CA voters in 2016, this prop allows adults, aged 21 years or older, to possess and use marijuana for recreational purposes. Up to 28.5 grams of marijuana and 8 grams of concentrated marijuana are legal to possess. Offenders serving criminal sentences for activities made legal under the measure became eligible for re-sentencing.

SB 180 - This bill limits sentence enhancements in relation to controlled substance crimes. Prior to the bill, an offender convicted of certain controlled substance crimes would receive a 3-year sentence enhancement for each prior conviction of certain controlled substance crimes. Now, an offender will only receive this sentence enhancement if the prior offense included a minor.

SB 394 - SB 394 enacted the "Primary Caregiver Diversion" to allow certain offenders to be diverted if they are the primary caregiver of a child under 18 unless the crime they are accused of was committed against that child.

SB 136 - Prior prison terms are not taken into consideration during sentencing of a new conviction, unless certain criteria is met regarding violent felonies and sex offenses.

Other Changes Include:

CA's Felony Murder Law has also changed. Under the old felony murder rule, a person could be convicted of murder if they aided in a felony where a murder occurred, even if they didn't know about or participate in the killing. The new law limits murder charges to a person who actually kills, intends to kill or is a major participant in the underlying crime.

In 2021 tiered sex offender registration will take place. This will change the requirement for some sex offenders to register. Depending on the crime, the registration requirement will be for 10 years, 20 years or lifetime.

The cumulative effect of all of these reforms is apparent in our communities. The Criminal Justice System in Lassen County has not thrown in the towel and given up our responsibility to preserve the peace in our communities. Personnel on patrol and in the jail work hard each day within the confines of the law to provide the best service possible. Probation staff utilize Evidence Based Supervision Practices (EBP) in order to encourage offenders to be productive members of our community. The Lassen County District Attorney's Office continues to file these cases and bring the individuals committing crimes to court. The role we play may have changed, and the outcomes may be different, but we remain diligent in our service to the people of Lassen County.