

Bipartisan group of California lawmakers bring back encampments enforcement measure

By Eric He

02/20/2024 08:00 AM EST

Republicans don't often get to take control of the narrative in the California Legislature — but when it comes to addressing encampments dotting the streets of cities across the state, they may force the issue with an anti-camping proposal modeled after policies adopted in Democrat-run cities.

[SB 1011](#), introduced by Senate Minority Leader [Brian Jones](#) (R-Santee), would allow cities to sweep unhoused individuals who set up encampments near schools, open spaces and major transit stops and charge them with a misdemeanor.

With more than 181,300 people experiencing homelessness, California [accounts for nearly](#) 30 percent of all unhoused people in the country, and nearly half of all unsheltered people — those who are unhoused and also do not reside in shelters or interim housing — in the country, according to a 2023 point-in-time count. Tents on major city thoroughfares have become more visible in recent years, with encampments popping up near places like Los Angeles City Hall and the state Capitol in Sacramento.

The bill, which mirrors [San Diego's local ordinance](#), is Jones' second attempt to pass an anti-camping measure after [last year's proposal](#) — which was modeled after [a law in Los Angeles](#) — died in the Senate Public Safety committee. The measure will continue to face fierce opposition from civil liberty groups and housing advocates, who counter that the proposal will criminalize the unhoused population and move people from street to street without providing adequate means to housing.

Jones, in an interview with POLITICO, said that people have a right to access the spaces mentioned in the bill without having to feel unsafe and the bill will help give those living in encampments “some accountability.”

“It's not compassionate to continue to let these people languish in this squalor of a life,” Jones added. “So the bottom line is we want to help people get healthy and protect the public.”

WHAT'S IN THE BILL?

This Pro Bill Analysis is based on the [text of the bill](#) as introduced on Feb. 5.

The bill would add a section to the [California Penal Code](#) prohibiting people from sitting, lying or sleeping on streets or sidewalks if a homeless shelter is available, now would they be allowed to store, use, maintain or place personal property there (Sec. 1).

Specifically, an individual would not be able to set up an encampment at the following places:

— Within 500 feet of any K-12 public or private school

— An open space, which is defined as an area that is substantially unimproved and devoted to open-space use pursuant to [Section 665560 of the Government Code](#)

— A major transit stop, as defined by [Section 21064.3 of the Public Resources Code](#) as any site that has a rail or bus rapid transit station, a ferry terminal served by a bus or rail transit service or a place where two or more major bus routes that have frequent service intervals intersect (Sec. 1)

A “homeless shelter” could refer to an “emergency shelter,” as [defined in federal law](#) as a temporary shelter or in [state law](#) as housing provided for a maximum of six months with minimal supportive services. It could also refer to a navigation center, [defined as](#) a shelter providing “temporary living facilities” as case managers work to connect individuals with services.

A peace officer would be required to give a person in violation of the law a 72-hour written notice and give the individual information about shelters and mental health services before clearing the encampment. After that, the local jurisdiction would be able to conduct a sweep and charge the person with a misdemeanor or infraction (Sec. 1).

No state funding would be part of the measure, as it would rely on local jurisdictions for enforcement (Sec. 2).

WHO ARE THE POWER PLAYERS?

Senate Republicans are once again spearheading the proposal, with Minority Leader **Brian Jones** (R-Santee) authoring the bill and all seven other GOP members of the Senate signing on as co-authors: **Brian Dahle** (R-Bieber), **Shannon Grove** (R-Bakersfield), **Janet Nguyen** (R-Huntington Beach), **Roger Niello** (R-Fair Oaks), **Rosilicie Ochoa Bogh** (R-Yucaipa), **Kelly Seyarto** (R-Murrieta) and **Scott Wilk** (R-Santa Clarita).

In the Assembly, the bill has the support of Minority Leader **James Gallagher** (R-Yuba City) and seven other Republican co-authors: **Juan Alanis** (R-Modesto), **Megan Dahle** (R-Bieber), **Laurie Davies** (R-Laguna Niguel), **Bill Essayli** (R-Corona), **Heath Flora** (R-Ripon), **Joe Patterson** (R-Rocklin) and **Kate Sanchez** (R-Trabuco Canyon).

Grove, in a Feb. 6 news briefing introducing the bill, stressed that the intent is not to ban encampments.

“It’s putting the encampments where they can be reached and services can be provided, but still allowing the safety of our community to have access to public space,” Grove said.

Republicans [have hammered Democrats](#) over the increase in encampments, seizing on Gov. **Gavin Newsom**’s statement that [officials cleared encampments](#) on some of San Francisco’s streets last November because [world leaders were in town](#) for the APEC summit.

“The governor has actually shown the way,” Gallagher said. “Because when you have the will, you clean up San Francisco, and you remove encampments. So yes, we can do this. They’ve shown that they can do it. But now, let’s actually make it so that the law allows for this.”

Newsom has publicly supported “encampment resolutions,” [filing an amicus brief](#) last September [asking the Supreme Court](#) to overturn a lower court’s ruling [in a case](#) that addresses whether cities can sweep encampments if they do not have adequate shelter beds. In January, the [high court agreed](#) to take up the case, and a decision could have a ripple effect on state and local laws regarding encampments.

“California has invested billions to address homelessness, but rulings from the bench have tied the hands of state and local governments to address this issue,” [Newsom said in a statement](#). “The Supreme Court can now correct course and end the costly delays from lawsuits that have plagued our efforts to clear encampments and deliver services to those in need.”

Newsom’s unusual stance — asking the conservative Supreme Court to hear a case after repeatedly criticizing the court for its rulings on guns and abortion — could persuade some from his own party to link with Republicans on the issue. Three Democrats are co-authors of SB 1011, including principal co-author Sen. **Catherine Blakespear** (D-Encinitas), whose district neighbors Jones’. Sen. **Bill Dodd** (D-Napa) and Sen. **Marie Alvarado-Gil** (D-Jackson) are also co-authors. Dodd was the lone Democrat who signed on last year, and Alvarado-Gil — one of the most moderate Democrats in the Legislature — represents a rural swath of the state stretching from Modesto to the Nevada border.

Blakespear, at the news briefing, described choosing to drive instead of walking seven blocks home from the state Capitol because of tents on the streets and called the proposal a “responsible and humane approach to cleaning up encampments.”

“If people aren’t going to be living outside, they need to be living inside,” Blakespear said. “And laws like this one will help create the momentum that is necessary to push all levels of society to create those inside-living places. We all deserve to have public spaces that are clean, safe and feel inviting.”

Alvarado-Gil told POLITICO that Jones has a “history of leading with sound policy” and approached many of his Senate colleagues about the proposal. Alvarado-Gil, who chairs the Senate’s Human Services Committee, signed on as a co-author because the measure provides “alternative solutions to a problem that is everywhere in California.”

She said the requirement for a 72-hour notice before a sweep is a “compassionate way to deal with the situation versus what we’ve been seeing: These surprise clearings, and potentially people that are unhoused feel like they are a nuisance or a burden.”

No organizations are formally behind the measure, as was the case last year, although Jones’ office said [more than 2,000 individuals](#) signed a [petition](#) in support of the prior bill.

Local officials would be responsible for deciding whether or how to enforce the measure.

The [Equal Rights for Every Neighbor](#) coalition — a group of housing and civil liberty organizations — plans to oppose the measure again after [successfully blocking](#) the bill last year. The coalition includes **ACLU California Action, Western Center on Law and Poverty** and **Public Advocates**.

Michelle Pariset, director of legislative affairs for Public Advocates, argued that punitive measures to address encampments are ineffective.

“Sweeping makes the person whose house the camp is in front of happy,” Pariset told POLITICO. “But once you’ve swept those people, they go down the street three blocks and they set up their camp again — because they have nowhere else to go. You’re spending money to move the problem from one place to another.”

WHAT’S HAPPENED SO FAR?

SB 1011 is similar to San Diego’s [Unsafe Camping Ordinance](#), which passed last June and has been touted by Jones and other supporters as a model for success — but the measure [has been criticized](#) for being punitive. In its first four months, the ordinance [was cited](#) in two arrests and nine citations, and the number of unsheltered residents in the city’s downtown area fell to its [lowest mark in two years](#). However the number of encampments along the San Diego River [has since increased](#), suggesting that the ordinance has been driving people to set up tents elsewhere rather than seek services or shelter.

“It’s a never-ending game of Whac-A-Mole,” said John Brady, executive director of [Lived Experience Advisors](#), which conducts outreach and advocates for unhoused residents in San Diego.

Brady told POLITICO that the broad application of the ordinance has rendered most of downtown San Diego off limits to encampments, restricting access to services among those experiencing homelessness. He also added that communities formed out of neighboring encampments over time have been severed, although the city did set up [sanctioned campsites](#) last year to help [ease the transition](#).

Other cities that have implemented similar measures include Los Angeles, where Mayor Karen Bass made addressing encampments a priority upon taking office in 2022 with a [program called Inside Safe](#), after the city council separately passed an [anti-camping ordinance](#). But the mayor’s initiative [has faced issues](#) with finding enough permanent housing.

Sacramento voters in 2022 [passed Measure O](#), which banned encampments while requiring the city to create more shelter beds, and in Santa Cruz, [encampments are illegal](#) if alternative programs and shelters are available.

The outcome of the Supreme Court’s decision in *City of Grants Pass, Oregon v. Johnson* continues to loom over SB 1011. In 2022, the 9th U.S. Circuit Court of Appeals upheld a [prior ruling](#) in *Robert Martin v. City of Boise* that restricted cities in enforcing anti-camping policies without having enough shelter beds — but did [not necessarily](#) prevent them from establishing camping regulations in public spaces.

Advocates believe that some cities have been violating the principle of *Martin v. Boise* but the ruling has still kept them from being more aggressive in conducting sweeps. If the Supreme Court strikes down *Martin v. Boise*, “it would be a free for all, and state and local jurisdictions would be free to exercise their worst impulses,” according to Pariset.

In his amicus brief, Newsom said the 9th Circuit Court’s ruling was ambiguous, unworkable and did not have a properly defined scope, making it hard for local governments to address encampments.

“Our government officials are trapped, at risk of suit for taking action but also accountable for the consequences of inaction,” Newsom’s attorneys [wrote in the brief](#). “Our communities will suffer for it.”

CARE Court, Newsom’s initiative that compels people with severe mental illness into treatment, has been cited in [amicus briefs](#) in the Grants Pass case seeking to overturn *Martin v. Boise*. The California State Association of Counties and League of California Cities said that CARE Court — which took effect in seven pilot counties last October — “will help bring some of the most difficult-to-serve populations into the system through court-adopted plans to provide them with available social services and housing.”

[Last year’s bill](#) failed to make it out of the Senate Public Safety Committee, with no Democrats on the committee supporting it. Sen. [Scott Wiener](#) (D-San Francisco) said at the hearing the measure was “unbelievably broad” and that cities should have the ability to sculpt their own laws since the state won’t be enforcing the policy. Wiener did not vote on the bill, but thanked Jones for taking on the “humanitarian disaster” on the streets.

WHAT’S NEXT?

SB 1011 will be eligible for a committee hearing on Mar. 7, and it’s likely to come before the Senate Public Safety Committee again. That committee is still chaired by Sen. [Aisha Wahab](#) (D-Hayward), who cast the lone dissenting vote last year. The three Democrats who didn’t vote last year — Wiener, Sen. [Steven Bradford](#) (D-Gardena) and Sen. [Nancy Skinner](#) (D-Berkeley) remain on the committee this year, but committee members going against the chair’s recommendation is rare in the Legislature.

Jones, the bill’s author, is keeping an eye on the pending Supreme Court decision, but said he and his co-authors decided not to wait around to introduce the measure. Even with the political headwinds, it is uncommon for a Republican lawmaker to shepherd major legislation in California, though Jones said he’s going to give Democratic leadership “every excuse” to consider the measure.

Jones also added that the bill will help cities where the “politics are too vitriolic for the city council to take action” on encampments.

“They can just fall back on this policy and not have to put their necks on the line politically,” Jones said. “They can deflect to the state and blame the state for having to go along with this.”

WHAT ARE SOME STORIES ON THE BILL?

[Read POLITICO news on SB 1011.](#)