



Housing and Homelessness Advisory Commission

August 20, 2024

Item No. 5.1

ITEM TITLE: Consider Restrictions for Campsites and Sitting, Lying, Sleeping, or Storage on Specified Public Property

Location: Various

Recommended Action: Commission provide an advisory recommendation to City Council on the proposed restrictions.

SUMMARY

In the last four years, the unsheltered crisis has grown with a number doubling from prior years. The unsheltered persons frequently occupy public spaces and other places not meant for human habitation, which poses a significant threat to the health and safety of both the unsheltered as well as the rest of the community. In response, the City developed and implemented a multi-faceted approach inclusive of initiatives, programs, and projects to address the unsheltered needs. However, the concentration of growing encampments has resulted in a public health and safety hazard which has adversely impacted the surrounding areas. City staff has been researching and drafting potential policies that would address this matter.

This item seeks a recommendation from the Housing and Homeless Advisory Commission to prohibit encampments and encroachment on and around certain public properties, which will be incorporated into an ordinance to come before the City Council soon.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act ("CEQA") and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

DISCUSSION

The National homelessness crisis affects nearly every community. The potential causes of homelessness are varied and further complicated by the wide range of affected people including single adult men and women, families, single mothers with children, transitional age youth, seniors, and veterans. The complexity and diversity of its population creates significant challenges for the City of Chula Vista as it seeks ways to assist the homeless.

Unfortunately, unsheltered persons frequently occupy public spaces and other places not meant for human habitation, which poses a significant threat to the health and safety of these individuals who are already vulnerable to illness, crime, malnutrition, and harmful weather exposures (such as excessive heat, excessive cold, rain, and flooding). Thus, the establishment of emergency housing in the region is of urgent necessity for the preservation of life, health, and property. In response, the City developed and implemented a multi-faceted approach inclusive of policies, initiatives, programs and projects to address the multitude of needs in the growing crisis, further detailed below.

Homeless Outreach: Since 2015, the City of Chula Vista has used a collaborative multidisciplinary community partnership working towards alleviating the effects of homelessness, addressing the short-term needs of those experiencing homelessness to foster long-term housing stability, and with a goal of ending homelessness in Chula Vista by providing a consistent results-based multidisciplinary approach to serving the homeless, meeting them where they are.

Internally, City staff from the Housing and Homeless Services Department, Police Department, Development Services Code Enforcement, and Public Works Park Rangers work collaboratively to form the Homeless Outreach Team (“HOT”). In collaboration with a dedicated Psychiatric Emergency Response Team (PERT) and a County of San Diego Health and Human Services eligibility technician, real time outreach and engagement services are provided for individuals and families living on the street or in places not meant for habitation.

Client-centered Housing and Services: There are proven models for housing services that address the specific needs of individuals and families experiencing homelessness. The City has taken appropriate housing measures to meet these needs through a myriad of housing projects and programs including:

- *Substance Abuse Programs (Detox):* Due to the high usage of illegal substances in the homeless population, the City arranges for detox services through partnering agencies.
- *Emergency Shelters and Hotel Vouchers:* Depending on the level of need, there a number of programs and facilities operated by the City or other partnering agencies. These emergency shelters provide support services and short-term stabilization for individuals and families before finding appropriate housing that meets their long-term needs.
- *Rapid Re-Housing:* The program provides assistance to help individuals and families find a home of their own as quickly as possible, limiting the number of days they are unsheltered. It is a housing first solution for non-chronic homelessness where individuals or families rent an apartment of their own and are provided temporary support services which can include case management and time-limited financial assistance, with the goal to bring them quickly out of homelessness.
- *Homeless Prevention:* The program was designed to prevent individuals and families that are at risk of eviction and becoming homeless by stabilization through rental arrears and utility assistance.
- *Tenant-based Rental Assistance:* The program provides targeted, very low-income individuals and households with utility assistance, deposit, and rent subsidies for up to two years as they improve their financial situation and obtain self-sufficiency.
- *Partnering Housing Options:* Understanding the complexity and different level of individual service needs, the City relies on its partnerships for additional housing options including client-specific programs targeted for special populations such as seniors and veterans.
- *Permanent Supportive Housing (Under Development and Proposed):* This housing program is designed to provide subsidized housing and intensive supportive services on a long-term basis to formerly

chronically homeless people who have a diagnosed physical or mental disability and have been continuously homeless for one year or more.

- *Job Training/Reentry and Clean-Up Efforts:* Operation Pride is city-created program that provides unsheltered individuals with immediate transitional employment and training while providing the community with vital services that clean, beautify and maintain the City's public spaces.

Unsheltered Population

In January of 2024, the National Homeless Point in Time Count was conducted. The results, released by the [Regional Task Force on the Homeless](#), was a total number was 650 in the City of Chula Vista. These results do not include individuals/families placed in Chula Vista hotels through the use of outside provider vouchers, which are estimated to be approximately 250 additional unsheltered as they would be homeless had it not been for government public assistance.

On August 13 and 14, 2024 the City conducted an independent count to gather additional and current data. Outcomes of the count will be presented at the meeting.

Impacts and Community Concerns

The increase in the number of unsheltered and the statutory limitations on corrective and enforcement actions has further exasperated the impacts to the community including illegal activity (drugs, prostitution, theft, assaults, trash and debris). This is of particular concern as the majority of the unsheltered individuals and encampments are concentrated on the west side, in proximity to "sensitive receptors" such as schools, housing, transit areas, open and sensitive environmental protected areas. These impacts have led to a number of City actions including the addition of outreach staff, budgeted funds to add park rangers, and the closure and fencing of areas in the Harborside neighborhood.

Despite the HOT and other advocates' efforts to move unsheltered individuals into housing, the concentration has resulted in a public health and safety hazard that has adversely impacted the surrounding neighborhoods and commercial areas, preventing general community use of open space areas, growing complaints from the business community, and increasing the number of unsheltered moving into Chula Vista.

Policies to Mitigate

On [October 5, 2023](#) the City Council held a workshop on the state of unsheltered in Chula Vista and discussed possible actions and policies to mitigate the impacts. Subsequently, on [December 10, 2023](#), Council continued the discussion and provided direction for staff to explore five policy areas. A summary of each policy area and subsequent actions since the Council direction are summarized below.

- 1) Licensing Process for Service Providers issuing Hotel/Motel Voucher: On April 23, 2024 staff presented an ordinance to require services providers placing individuals and families in Chula Vista hotels/motels with reporting data such as number of placements and participating hotels. This requirement would be processed in conjunction with the annual business license and permitting process. Council did not move forward on the adoption of the ordinance; however, directed staff to examine other mechanisms to obtain this data.
- 2) Ordinance - Encroachment Restrictions on Public Property: On April 1, 2019, the Ninth Circuit Court of Appeals issued its decision in the *Boise* case, holding that enforcement against individuals camping and

storing property in public places violates of 8th Amendment's prohibition on cruel and unusual punishment when no sheltering options are available. Subsequently, on April 22, 2024 the Supreme Court heard oral arguments in the *Grants Pass v. Johnson* case, which included a review of the *Boise* case. On June 28, 2024, the Supreme Court issued its final decision in the *Grants Pass* case, overturning *Boise* and stating that anti-camping bans do not violate the 8th Amendment.

In addition, on July 25, 2024, Governor Newsom issued an Executive Order directing state agencies to remove homeless encampments and encouraging local jurisdictions to adopt the state's guidelines for providing notice to vacate appropriate for the site conditions, providing outreach services in coordination with service providers, and removing and storing personal property collected at removal sites.

In response to Council and the federal and state actions, Staff has continued working on a proposed ordinance to provide the City and the Police Department with the avenues to enforce illegal encampments and storage in public spaces and on public rights-of-way. This item seeks to receive Commission and community input on allowing the City to remove unlawful campsites on specific sensitive locations on public property after providing proper notice. The proposed provisions include the following:

A person shall not sit, lie, sleep, or store personal property on public property as follows:

- *ADA Access*. Upon a street, sidewalk, or other public property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.* (1990)
- *City Permit Activity*. Obstruction or interference with the use of the right of way for any activity for which the City has issued a permit.
- *Motor Vehicles or Bike Paths*. Upon a street, bike lane, bike path, or other public property open to use by motor vehicles or bicycles.

No person may maintain or occupy a Campsite in or upon public property within the following locations:

- Five hundred feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.
- A City Park and the area within five hundred feet of a City Park.
- Five hundred feet of an area designated by the City as a safe camping or safe parking site.
- A Major Transit Stop and the area within five hundred feet of a Major Transit Stop, including:
 - Palomar Street, H Street, and E Street Trolley stops.
 - Rapid Bus Service, Line 225, stops (East Palomar, Heritage, Lomas Verde, Santa Venetia, Otay Ranch, and Millenia Stations).
- Any Multiple Species Conservation Program (MSCP) Subarea Plan (inclusive of the Otay Valley Regional Park and Sweetwater Valley Regional Park).

Attachment 1 provides a map of the resulting areas sensitive locations where encampment restrictions would be in place without the five hundred foot buffers.

3) Policy on Storing Items on Public Property. To be addressed along with the item above.

4) Recreational Vehicle Permit Program. Due to the complexity of developing a permitting system, needed funding, and the supporting resources, this item was identified as needing the longest time to develop. Staff will continue to explore this policy area and adjoining services such as a safe parking site.

5) Regulations to Address Abandoned Shopping Carts. Staff is currently working on this policy item with an intent to conduct stakeholder outreach in late September and bring forward provisions for Council consideration in the fourth quarter of 2024.

Conclusion

The unsheltered crisis is a complex issue which requires a vast array of resources, housing options, and policy to assist those seeking to regain self-sufficiency and mitigating the unintended impacts to the community. The adoption of policies to reduce impacts to public property and public right-of-way is an important step.

In the interim, the Homeless Outreach Team will continue to offer services including sheltering options and storage for personal belongings as well as examining the policy recommendations described above.

DECISION-MAKER CONFLICT

To the extent that any decision would have a reasonably foreseeable financial effect on any Housing and Homeless Advisory Commission member's real property, the effect would be nominal, inconsequential, or insignificant. Additionally, the decision solely concerns repairs, replacement or maintenance of existing streets, water, sewer, storm drainage or similar facilities, and the member's property will not be affected disproportionately to other properties receiving the same services. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702.2(b) and (d)(1)), this item does not present a real property-related conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any Housing and Homeless Advisory Commission member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

Staff Contact: Angélica Davis, Homeless Solutions Manager

ATTACHMENTS

1. Map of Sensitive Locations.

Attachment 1

Map of Sensitive Areas

