

# Support Real Changes in the City's Medieval Sleeping Ban Law on March 8th at City Council

1. Eliminate the current sections A and B of 6.36.010 (sleeping and blanket bans), leaving only section 3 . 6.36.010 would then read:

## **6.36.010 CAMPING PROHIBITED.**

*No person shall camp anywhere in the city of Santa Cruz, whether on public or private property, except as hereinafter expressly permitted. "To camp" means to do any of the following:*

*Setting-up Campsite – Anytime. To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time during the day or night, a semi-permanent or permanent place for cooking or lodging, or by setting up tent or hammock or by setting up any cooking equipment, with the intent to remain in that location overnight.*

[Add the following language to that section] *Simple presence of an unrolled sleeping bag or other sleeping equipment shall not constitute evidence of a violation of this section. Nor shall the presence of a protective tent in rainy weather or where the temperature is less than 50 degrees.*

2. Remove the words " *other than subsections (a) and (b) of Section 6.36.010*" from 6.36.050 so that it will now read:

## **6.36.050 PENALTY – SUBSEQUENT OFFENSE WITHIN TWENTY-FOUR HOURS.**

*Any person who violates any section in this chapter and is cited for such violation, and who within twenty-four hours after receiving such citation again violates the same section, is guilty of a misdemeanor.*

3. Add a final section to read:

## **6.36.070 REPORTS REQUIRED BY SHELTER PROVIDERS AND LAW ENFORCEMENT AUTHORITIES**

*(a) Any shelter services receiving funding from the City shall agree to report each night whether they have any open shelter space available that night by contacting the law enforcement authorities to so inform them. If no space is available, A person shall not be in violation of this chapter nor shall law enforcement authorities contact or cite any person for "camping".*

*(b) Law enforcement authorities will provide monthly reports indicating how many hours of officer time and estimating the cost of all actions contacts and citations taken under this ordinance during the prior month. Both agencies will also provide a listing of any property seized under the law.*

*(c) The City Attorney's office shall make public a listing of all citations issued under this chapter that were forwarded to the courts and not dismissed under 6.36.055.*

It is unfortunate that Council member Lane did not seek the advice and involvement of long-time homeless activists who were a part of two lengthy city analyses of the Camping Ordinance some years ago (the Council's Task Force the Examine the Camping Ordinance) and the Homeless Issues Task Force. The latter's report and recommendations were many and too often ignored by

subsequent Council's. One prime one was to abolish the entire Camping Ordinance.

See their full report at [http://sccounty01.co.santa-](http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non_legacy/agendas/2000/20000502/PDF/020.pdf)

[cruz.ca.us/bds/Govstream/BDSvData/non\\_legacy/agendas/2000/20000502/PDF/020.pdf](http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non_legacy/agendas/2000/20000502/PDF/020.pdf)

A partial story on the part of the HITF report that calls for eliminating the Camping Ordinance is at

<http://www.huffsantacruz.org/StreetSpiritSantaCruz/136.Homeless%20Issues%20Task%20Force%20Recommends%20Repeal%20of%20Camping%20Ban%20in%20S.C.=12-99.pdf> .

A second approach to maintaining a regulated camping ban but acknowledging the necessity of sleep was proposed by activists two decades ago. There were two proposed Initiatives suggesting a different approach to eliminating the Sleeping and Blanket Ban sections of the Camping Ordinance: The second proposed ballot measure read:

“This initiative, if adopted by the voters, would serve to amend the City Camping Ordinance by limiting the conduct which would constitute a violation of the ordinance. As amended the ordinance would prohibit “setting up campsites” at any time or establish or maintaining outdoor structures not intended for human occupancy or establishing at any time of the day or night a place for cooking or sleeping by setting up a mattress, tent, hammock, or other camping gear with the intention to remain that location overnight. However the acts of sleeping or covering up with blankets or sleeping bags or protective coverings would not constitute “camping” and would be prohibited by the ordinance. In addition the ordinance would allow a person to sleep in an otherwise lawfully parked vehicle with owner permission except as otherwise prohibited.

Notwithstanding the foregoing, the ordinance proposed by the initiative would authorize the City Council to regulate or prohibit night time sleeping on public property or in vehicles on public streets in those zoning districts of the City in which residential uses are primarily permitted, in residential areas within industrial zones, and in the City's Commercial Beach, Oceanfront, and Central Business districts. Where the City Council elects to regulate or prohibit outdoor sleeping or vehicular sleeping in these districts, police officers would be required to warn sleepers and provide them with 20 minute opportunity to gather up their belongings and leave.

Failure to move in response to such a warning would constitute an infraction. Outdoor sleeping or vehicular sleeping alone would not constitute grounds for citation, however failure to move upon receiving the requisite warning would constitute grounds for citation. The proposed ordinance prohibits the city Council from criminalizing the act of outside or vehicular sleeping.”

I encourage the City Council to pass the Lane proposal and accept the need to expand it by one of the several methods proposed above. I hope the community will not be satisfied with a proposal that still criminalizes sleeping bags at night and ignores the overwhelming shelter deficiency in Santa Cruz.