

ACLU

AMERICAN CIVIL LIBERTIES UNION
FOUNDATIONS

California

OUTSIDE THE LAW

The Legal
War Against
Unhoused
People





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The ACLU SoCal is grateful to Christine and James Keegan for their generous support of this project. We dedicate this report to individuals who have been denied full and equal participation in our society because they are unhoused, because the forms of discrimination they face cannot be understood without the information they have obtained through their lived experiences.

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EXECUTIVE SUMMARY

*Discriminatory
and violent
strategies instead
of real solutions*

The state of California is facing a housing displacement crisis that has been decades in the making. Local governments across the state have responded to this crisis not by providing the resources needed to address Californians' unmet housing needs, but with discriminatory animus directed at unhoused community members. Yet, although Californians who are displaced from their housing are routinely discriminated against and harmed, such discrimination is not recognized under the law.

This report presents numerous cases to demonstrate that, throughout California, local governments have discriminated against unhoused people by harassing, citing, segregating, banishing, and confining them; withholding lifesaving public services from them; and targeting the organizations that try to help them. As the case studies show, local governments are attempting to skirt legal jeopardy by finding new ways to persecute and discriminate against unhoused people. To justify discrimination, public officials weaponize empirically baseless stereotypes that demonize the survivors of our unjust system. We find that:

- **Discrimination against unhoused people is spreading and becoming more commonplace.** Local governments are finding new legal loopholes and sharing these efforts with one another to exploit them.
- **Discrimination against unhoused people takes an increasingly wide variety of forms.** Policies, practices, and proposals include citing, jailing, displacing, and harassing people for being unhoused (i.e., living or camping in vehicles, on the streets, or in other places not fit for human habitation); forcibly segregating them in mass shelters by threat of citation or jail time (often in warehouses); and geographically and socially marginalizing and banishing them to remote places, like riverbeds and deserts, where they are far removed from lifesaving resources like food, water, and health care.
- **Local governments discriminate against unhoused people by withholding lifesaving services.** For example, municipalities withhold public restroom facilities from unhoused people who rely on them (and then criminalize them for necessary bodily functions like urination).

- **When directly targeting unhoused people is not effective in ridding the community of houselessness, local governments target the places unhoused people turn to for respite and care:** Local governments harass, sue, and try to shut down a wide range of places and establishments that provide respite and refuge for unhoused people. Examples include a day center for unhoused people with mental disabilities, a cultural center, and even Union Pacific Railroad.
- **Local governments also dismantle or interrupt efforts by activists to provide humanitarian aid like food, water, trash removal, blankets, and clothing:** These activist efforts attempt to fill the gap that is left when local governments withhold lifesaving resources from unhoused people.
- **Rampant and unchecked discrimination against unhoused people can have life-threatening consequences:** As the case studies illustrate, the forms of discrimination documented in this report deprive people of necessary bodily requirements like rest, sleep, and sanitation, separate them from life-saving resources like food, water, and healthcare, segregate them in (often unsanitary and abusive) mass shelters and jails (away from family, loved ones, and animal companions), and isolate them in hazardous environments like riverbeds or deserts. These tactics threaten the health, well-being, and lives of unhoused people.

All levels of government must do their part to end the violently discriminatory policies and practices proliferating across California. Yet, as discrimination against unhoused people has intensified at the community level, most state-level leaders have remained on the sidelines at best. At worst, many have proposed discriminatory policy ideas of their own.

The ACLU of California makes the following recommendations to state lawmakers to address discrimination against people who are unhoused.

California lawmakers should:

- ☐ **Amend** California's anti-discrimination laws to protect people from discrimination on the basis of housing status and acknowledge their fundamental human rights,
- ☐ **End enforcement** of state laws that discriminate against people for being unhoused and lacking access to services, and
- ☐ **Invest** in subsidized, permanent affordable housing, social housing, and services.

Legal recognition that people experiencing housing displacement are stigmatized and therefore targeted for unequal treatment will give community members and advocates an urgently needed tool with which to fend against the current wave of discrimination. It will help turn the tide of public sentiment in favor of justice for unhoused people by affirming their dignity and humanity. It will discredit discriminatory and ineffective responses to the housing crisis and the victim-blaming tropes that support them. It is the necessary next step in California's legal, political, and moral evolution.

*We comprehend it now
this land is two lands /
one triumphant bully and
one still hopeful America /
Imagining amber waves of grain
blowing in the wind /
purple mountains and
no homeless in America*

FROM GHAZAL: AMERICA THE BEAUTIFUL
BY ALICIA OSTRIKER

INTRODUCTION

The State of California is facing a housing displacement crisis that has been decades in the making.¹ This crisis was first exacerbated by rising economic inequality², stratified by race³, and then made even more stark by displacement from climate change-induced wildfires and a once-in-a-generation pandemic.⁴ The epidemic of houselessness, borne by untenable rent burdens and an inexplicable lack of investment in affordable housing, has reached a fever pitch.⁵ Rather than responding to the pressing needs of this humanitarian emergency with policy proposals that respect the dignity and humanity of unhoused people and acknowledge them as neighbors and constituents, municipalities all over California have chosen to scapegoat and discriminate against them. Much of this discrimination is difficult to challenge under current law.

When people are displaced from their homes, they face widespread discrimination. They are labeled as “homeless,” a deeply dehumanizing social category that provides the ideological scaffolding for violent policies that target those who are stigmatized by this language.⁶ Cognitive research demonstrates that people who are unhoused elicit reactions of contempt and disgust more than any other stigmatized group in the U.S., and are regularly viewed as less than human.⁷ These dangerous perceptions form the basis for a slew of discriminatory public policies designed to persecute, harass, segregate, and jail our most economically disadvantaged community members.

Unhoused people are discriminated against in a variety of ways. To name a few, government actors prohibit them from moving freely in public spaces and eject them from public accommodations; confiscate and destroy their property; surveil, criminalize, and police them; subject them to exorbitant, counterproductive fines and fees for engaging in life-sustaining activities like sitting and sleeping outside; banish them to remote, often dangerous areas far removed from lifesaving resources like food, water, and health care; and segregate them in unsanitary, inhumane mass shelters by threat of citation and jail time.

The consequences for people who are unhoused are dire. They have greater morbidity and mortality rates⁸ and higher levels of involvement in the criminal legal system, mostly for innocent conduct such as sitting, resting, sleeping, or having personal property in public.⁹ They must contend with more exposure to violent and non-violent victimization than the general population.¹⁰ They are socially marginalized, politically disenfranchised, and economically disadvantaged. And until California unequivocally prohibits discrimination against unhoused people as unlawful, civil and human rights advocates will never be able to fully protect their rights and will expend considerable resources fighting never-ending battles.

In this report, we detail the legal and political framework in which discrimination against unhoused persons is taking place. We then discuss how and why current legal protections are insufficient to meet the urgency of the moment and to counter the concerted efforts to dehumanize unhoused persons. Next, we present case studies to demonstrate the various ways that local governments are enacting policies to discriminate against and push out unhoused persons. Many of these cases provide insight into the ways in which local governments are seeking to narrowly avoid legal jeopardy using finely crafted exclusionary policies. Finally, we provide recommendations for solutions that create protections for impacted communities. We argue that state legislation recognizing the full personhood of people who are unhoused and prohibiting discrimination against them is urgently needed. We hope that this report provides a catalyst for positive change.

POLICY & POLITICAL BACKGROUND

The housing displacement and affordability crisis: a political gambit and a policy failure

We all want pretty much the same things: to provide for our families, to have a home where we can safely rest, and to pursue our dreams. But because of California's chronic and burgeoning housing displacement crisis—an epic policy failure at all levels of government—these modest goals are currently unattainable for too many people.

It doesn't have to be this way. Thanks to decades of federal investment beginning in the Great Depression, houselessness was extremely rare as recently as 1970, when the nation had a surplus of affordable housing. Everything changed during the 1980s, when the Reagan Administration gutted federal funding for affordable housing by almost 80 percent while dramatically lowering taxes on the highest income earners.¹¹ This political gambit, designed to massively redistribute wealth and income upward, contributed to the decimation of the nation's subsidized housing stock. As a result, demand for subsidized affordable housing quickly exceeded the supply. By 1990 there were five million more people who needed affordable housing than units available, and the number of people who were unhoused quickly rose. In the intervening decades, wages have stagnated, housing costs have become increasingly prohibitive, investments in subsidized affordable housing at all levels of government have remained inadequate, and housing displacement has grown exponentially.¹² Now, only one in five households that are eligible for affordable housing receive it.¹³

Take Los Angeles County, where rent is out of reach for many Angelenos, who must earn an annual income of around \$60,000 to afford a one-bedroom market rate apartment. At the same time, subsidized affordable housing supply does not come close to meeting demand.¹⁴ According to the Los Angeles Homeless Services Authority (LAHSA), "732 new permanent supportive housing units opened in 2019... including 2360 scheduled to open in the next 12 months..."¹⁵ This is nowhere near enough permanent supportive housing to meet the needs of the county's more than 25,000 chronically homeless people with disabilities.¹⁶ Section 8 Housing Choice Vouchers are also in short supply.¹⁷ In Los Angeles City, the waiting list stayed closed for 13 years before opening for two weeks in 2017. People who applied were put in a lottery for 20,000 spots on the list. Even before the new applicants were added, the wait was 11 years long.¹⁸ While waiting for up to a generation for subsidized housing, many people are pushed out of their market rate housing.

Los Angeles is not an outlier. Statewide, it takes an annual income of over \$64,000 to afford a one-bedroom apartment at market rent.¹⁹ In the priciest counties, the situation is worse. Orange County residents, for example, must now earn an annual income of over \$71,000 to afford a one-bedroom apartment at market rent.²⁰ Meanwhile, in 2016 the cumulative wait list for subsidized affordable housing in the county was around 90,000 people (more than the entire population of Orange County cities like Buena Park).²¹ Not surprisingly, the unhoused population in Orange County has increased by over 50 percent since 2015.²²

The COVID-19 pandemic and the resulting economic hardship,²³ along with the looming wave of evictions in the wake of the Supreme Court's recent ruling to end eviction moratoriums,²⁴ only add to what is an already historic housing crisis. For example, over one in seven renters nationwide are not caught up on their rent, according to the Center on Budget and Policy Priorities, with almost one quarter of Black renters not caught up during the pandemic.²⁵

Given the state's dire shortage of subsidized affordable housing, people who cannot afford market rate rent often have no choice but to live in places not fit for human habitation. These housing options lack access to basic life-sustaining resources, such as water and sanitation.

Discrimination in all of its forms is a key driver of housing displacement. As noted in a report by LAHSA, "The impact of institutional and structural racism in education, criminal justice, housing, employment, health care, and access to opportunities cannot be denied: homelessness is a by-product of racism in America."²⁶ As a result, people who identify as Black or African American are disproportionately impacted by homelessness; they account for about 6.5 percent of Californians but 30 percent of the state's unhoused population, according to the Department of Housing and Urban Development.²⁷

The avoidable and life-threatening deprivation of affordable, safe housing that unhoused people face is a humanitarian crisis, created and enabled by the state, and a form of structural violence.

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and violent
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of real solutions*

Instead of meeting the affordable housing and basic survival needs of its entire unhoused population, local and state governments are responding to the increased visibility of houselessness with misguided and discriminatory strategies. Many of these tactics are designed to rid the community of the visible presence of unhoused people. They have proliferated throughout California in tandem with the growing housing displacement and affordability crisis,²⁸ and are based on the absurd premise that being unhoused, or providing humanitarian aid to people living without a house, should be a crime. Of course, these tactics are completely ineffective, as houselessness is not a “choice” that can be deterred. Moreover, they make the problem worse by exacerbating the barriers to securing stable housing. These policies cause more harm by confiscating and destroying the very items that people need to survive and move forward (such as their vehicles, essential medications, and identification documents). They also impose exorbitant municipal debt on them in the form of fines and fees and subject them to the traumatizing experience of arrest and jail. And by misdiagnosing the symptoms of oppression and injustice as crimes perpetrated by the survivors, these policies deflect attention from real causes and solutions. These discriminatory tactics cause incredible suffering and deprivation among people who are already among California’s most economically deprived and vulnerable community members. And, by scapegoating the survivors of an unjust system, they promote the dangerous idea that unhoused people are deviant and deserving of punishment, confinement, or removal.

Throughout California, local governments have attempted to rid their communities of unhoused people by harassing, segregating, banishing and confining them, withholding lifesaving public services from them, and targeting the organizations that try to help them. They cite, jail, displace, and harass people for being unhoused; forcibly segregate them in mass shelters (often warehouses); and geographically and socially marginalize and banish them to remote places where they are far removed from lifesaving resources like food, water, and health care. Local governments also withhold lifesaving services such as public restroom facilities and then criminalize unhoused people for necessary bodily functions like urination, target the places unhoused people turn to for respite and care, and dismantle or interrupt efforts by activists to provide humanitarian aid like food, water, blankets, and clothing.

The rhetoric that public officials use to justify these policies and practices is often dangerously dehumanizing. Without evidence, officials frame unhoused people as dangerous to housed people, particularly their children. They are condemned as a threat to public safety, and a form of blight that needs to be swept up, disappeared, and excluded from places housed people gather. Officials rarely include the voices, perspectives, and interests of people who have been displaced in the public dialogue, or recognize housing-displaced people as the constituents, residents, and community members that they are.

It is important to note that discrimination against unhoused people intersects with and reinforces other forms of discrimination. A September 2020 report by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area shows that, across California, Black adults are much more likely than their white counterparts to be cited for local anti-homeless infractions.²⁹ Data provided in this report shows that people in Lancaster who identify as Black are specifically targeted for enforcement of anti-loitering and anti-camping laws. Therefore, discrimination against people experiencing housing displacement can be a proxy for veiled racial discrimination.

*The urgent need for
state leadership*

While the houselessness crisis stems from policy failures at all levels of government, its effects are experienced most viscerally in local communities. This is where unhoused and housed neighbors encounter one another. It is where “not in my backyard” politics are the most vicious, and where local governments try to discourage the in-migration of unhoused people by being “meaner” than neighboring municipalities, disregarding the reality of how long-time residents have become unhoused. It is where discriminatory policies and the denigrating rhetoric that justifies them bubble up and proliferate.³⁰

As discrimination against unhoused people has intensified at the community level, state-level leaders have remained largely on the sidelines, or, at worst, have proposed discriminatory policy ideas of their own. This vacuum of leadership poses a threat to the dignity, wellbeing, and lives of unhoused Californians.

But it is not too late to turn the corner. It is time for the state to uphold the bedrock principle of equal treatment under the law by taking a stand on behalf of a widely persecuted group of people. The state must prohibit discrimination based on housing status.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

EQUAL PROTECTION CLAUSE,
FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION

LEGAL FRAMEWORK & LIMITATIONS

Martin v. Boise

Martin v. Boise is the seminal case that advocates rely on to challenge the proliferation of ordinances that criminalize unhoused communities. In *Martin*, “the Court held that the two city ordinances—a disorderly conduct ordinance and a camping ordinance, which criminalized sleeping outside on public property, whether bare or with a blanket or other basic bedding—violated the Eighth Amendment insofar as it imposed criminal sanctions against homeless individuals for sleeping outdoors on public property, when no alternative shelter was available.”³¹ So as a general rule, “‘so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],’ the jurisdiction cannot prosecute homeless individuals for ‘involuntarily sitting, lying, and sleeping in public.’”) *Martin v. City of Boise*, 920 F.3d 584, 617 (2019) (quoting *Jones v. City of Los Angeles*, 444 F.3d 1118, 1138 (9th Cir. 2006)). Such shelter must be “adequate,” “realistically available for free,” and otherwise “practically available.” For example, barriers such as shelter rules regarding curfews or lengths of stay may make shelters unavailable. Similarly, the government cannot coerce use of religion-based shelter, which would violate the Establishment Clause of the First Amendment.³²

Over written dissents, the Ninth Circuit declined a request to rehear en banc the *Martin* decision.³³ And on December 16, 2019, the Supreme Court denied³⁴ a petition for review from the City of Boise, effectively keeping the original decision binding the states within the jurisdiction of the 9th Circuit, including California.³⁵

Current limitations of California’s Legal Framework

As highlighted in the municipal profiles discussed below, the current legal framework, buoyed by *Martin*, is helpful but not sufficient to protect unhoused communities. Advocates share that while the decision prohibits the criminalization of existing in public when people have nowhere else to go, it has at the same time spurred new forms of discrimination that attempt to exploit loopholes.

Cities, in a choreographed crackdown, are passing ordinance after ordinance in hopes that they can continue targeting unhoused individuals with punitive measures while narrowly escaping the holding of *Martin*. As described below, proposals have included forcibly segregating unhoused people in costly mass shelters by threat of citation and jail time in lieu of housing, implementing daytime camping bans, prohibiting the use of life sustaining tools like tents,

impounding vehicles, and otherwise restricting where unhoused people can go. Many local governments acknowledge that their actions are aimed at driving unhoused people out of town and will likely invite litigation, but the specter of court filings is not strong enough to stave off hardline enforcement of anti-homeless actions. Their actions are emboldened by a limited interpretation of the *Martin* decision, which focuses on language suggesting that some enforcement of ordinances that prohibit obstruction of public rights of way or limit when and where people may sit, lie, or sleep, may survive scrutiny.³⁶

Deploying this constrained reading of *Martin*, local governments with limited and inadequate housing have passed draconian laws under the thinly veiled guise of public health and safety, with the rationale that displaced people must be forced to relocate to some congregate shelter, regardless of whether said shelter is actually adequate and accessible, as *Martin* requires, “or else.”

For example, in Chico, discussed in more depth below, the judge presiding over the litigation filed by Legal Services of Northern California, and supported by an amicus brief filed by the ACLU of Northern California, ultimately approved a preliminary injunction. However, in doing so, he relied on an extremely narrow reading of *Martin* focused exclusively on whether shelter was available indoors. In his reading, *Martin* prohibits criminalizing sleeping, sitting, or lying outside if individuals are unable to obtain such indoor shelter. Left out of the Court’s consideration was whether such shelter is “realistically available” and “adequate”—whether it meets the needs of impacted individuals, accommodates disabilities, or has too many restrictions, like curfews and pet policies.

The judge’s ruling in the Chico litigation also leaves out of consideration whether the order to go to a shelter or face citation, as well as the threat of jail time—a tactic that some advocates call “soft incarceration”³⁷—is just another form of discrimination designed to forcibly segregate, concentrate, and confine unhoused people out of sight. As the Downtown Women’s Action Coalition noted in a statement opposing a similar proposal in Los Angeles, “Inadequate housing and more policing do not repair harms. Shelters do not end homelessness. You cannot claim to end homelessness by forcing people to go to shelters. Instead, you are just moving people out of sight to satisfy business interests.”³⁸

Local governments have also responded to *Martin* by obscuring where unhoused people can remain and avoid citation and jail time. The point of this strategy is to make the threat of criminalization for living in public seem ubiquitous, and ultimately, to drive unhoused people out of the community.

The City of Novato took a similar tactic. In enacting a partial camping ban in response to *Martin*, Novato banned camping in city parks, open spaces, and within 50 feet of critical infrastructure and waterways. Novato left it unclear where unhoused people could actually exist. In response to a question asking where people could go, the Novato City Manager demurred, stating “Anywhere it’s not illegal would be legal.” In essence, it seems that in Novato unhoused people must scour maps and conduct land surveys to find where they can rest, sleep, or eat without fear of arrest or citation.

In other words, local governments have taken the Ninth Circuit’s decision in *Martin* not for its judicial disapproval of cruelty against people experiencing housing displacement, but as an invitation to deploy new, more convoluted forms of discrimination that still serve the underlying aim of stigmatizing unhoused people while banishing or isolating them away from public sight.

*Equality, and I will be free.
Equality, and I will be free.*

FROM EQUALITY,
BY MAYA ANGELOU

CASE STUDIES

*Politically-
Driven Increased
Enforcement:
City of Chico*

Over the past year, the City of Chico has skirted around the civil rights protections established in cases like *Martin* to appease growing animus against unhoused people.³⁹ While homelessness is not unique to Chico, its affordable housing crisis has been exacerbated by wildfire-induced displacement,⁴⁰ like the Camp Fire that displaced about 53,000 people and destroyed almost 14,000 homes.⁴¹ As a result, hundreds of Chico residents have been staying on public property or in their vehicles every night.

The most recent count places Butte County's unhoused population at 2,304 people, 44 percent of whom reside in Chico. Homelessness is also not distributed equally across populations. People of color, and particularly Black and Indigenous peoples, are disproportionately represented in Chico's unhoused population.⁴² Although Indigenous peoples only represent 0.6 percent of Chico's population, they comprise 10 percent of the unhoused population. Black people are overrepresented by close to a factor of two. Furthermore, a large number of unhoused people have physical or mental health disabilities.⁴³

Despite *Martin*, a court order, and admonishments from a federal judge, Chico's efforts to harass people who are unhoused continue. The city now conducts homeless sweeps under the guise of maintenance. And most recently, as discussed below, the city has proposed to corral people to a barren human stockade next to the airport on the edge of the city limits.

1. Web of ordinances

Although enforcement has increased recently, the groundwork of the ordinances began in the early 2010s, when the city developed a web of ordinances that effectively criminalize houselessness, including the Sit/Lie Ordinance (Ordinance No. 2445), the Offenses Against Public Property Ordinance (Ordinance Nos. 2446 and 2479), and the Public Property Ordinances (Ordinance No. 2520). Chico's Sit/Lie Ordinance, passed on November 19, 2013, made it unlawful for any "person [to] sit or lie down upon a public sidewalk, curb or street, or upon a blanket, stool, chair or other object placed upon a public sidewalk, curb or street which is adjacent to any property zoned or used for commercial uses...between the hours of 7:00 a.m. and 11:00 p.m.," except for

limited exceptions.⁴⁴ Violations are infractions and can result in graduated monetary penalties.⁴⁵ The final adopted version defined the enforcement areas⁴⁶ as “all sidewalks abutting commercial properties throughout” and contained a sunset provision that ended it in January 2016.⁴⁷

In October 2015, the city further adopted an ordinance, “Offenses Against Waterways and Public Property Initiative”, to broaden the Sit/Lie restrictions in order to “eliminate potential obstructions to the private right of way and interference with public property” and establish a civic center to “allow and prohibit a set of uses that preserve government and civic functions.”^{48 49} The ordinance was clearly designed to eliminate houselessness in public places. It prohibited, among other things, sitting, standing, or otherwise occupying the entrance of any building; storage of personal property in public places; public urination and defecation; public consumption of alcohol; and smoking on public property.⁵⁰ Violation of any of the provisions of the ordinance are either a misdemeanor or an infraction.⁵¹ The city’s attorney was also directed to “review the City’s current Obstruction Ordinance and Camping Ordinance, and to revise and broaden the scope of those ordinances in accordance with existing laws.”^{52 53}

On September 4, 2018, at the direction of the City Council, Deputy Chief of Police Matt Madden reported on the outcomes of the previous Sit/Lie Ordinance, which was expired by operation of law on January 1, 2016.⁵⁴ The report stated that during its time of enforcement, “221 people received a total of 247 verbal warnings and 39 people received 56 total citations.”⁵⁵ The report observed that many citations resulted in warrants for failure to appear.⁵⁶ The City Council directed the city attorney to review the city’s sitting and lying restrictions in light of *Martin*.⁵⁷ In the city attorney’s report analyzing the proposed ordinance, he believed that the city would be insulated from a finding of unconstitutionality since the ordinance only restricted the time, place, and manner of sitting and lying, and did not establish a universal ban.⁵⁸ The city attorney then recommended the city permanently adopt the Sit/Lie Ordinance by amending Chico Municipal Code.⁵⁹ The final reading and adoption took place at the November 6, 2018 City Council meeting.⁶⁰

2. A wave of animus toward unhoused community members emboldens a new City Council

Prior to the COVID-19 pandemic, the City of Chico's enforcement of its web of anti-homelessness ordinances effectively prevented the formation of encampments. However, a moratorium on forcing unhoused people to relocate, enacted in March 2020 in response to the Center for Disease Control's (CDC) guidance,⁶¹ allowed for the formation of more encampments within Chico. As the city's compassion for its unhoused community members living through a deadly pandemic and wildfires waned, and its citizens' complaints increased, 2020 city council candidates ran campaigns focused on driving out unhoused people. "Cleaning up Bidwell Park and downtown Chico is the next thing on my list," said city council candidate, Kami Denlay.⁶² "Safety of the residents, cleaning up downtown Chico and parks," agreed city council candidate, Deepika Tandon.⁶³ "We need to get the campers out of there," emphasized city council candidate Sean Morgan.⁶⁴

With mounting political pressure to rid the community of unhoused people, in November 2020 the Chico citizenry voted in a majority anti-homeless City Council (including the above three quoted candidates) with the explicit desire for them to take action.⁶⁵ And they did. Almost immediately after the new council was sworn in, they used their emergency powers to make camping illegal within Chico's public parks and greenways. Rather than an administrative citation, violations would be subject to jail time. The city reasoned that "a stronger approach [was] needed to gain compliance."⁶⁶ The ordinance was adopted on December 8, 2020,⁶⁷ and the city announced that people residing in encampments should begin looking for new places to go.

Beginning in January 2021, the city engaged in sweeps about two to three times a month with the expressed goal of pushing unhoused people out of the city. As newly re-elected City Councilman Sean Morgan declared:

The police department's going to keep moving them. And they're going to keep moving them. And the stragglers that just came to Chico, which is the great majority of them, because it was convenient and it was easy, and they heard somewhere 'I can get needles and drugs, healthcare, and free camping,' they're gonna go somewhere else. And those are people that we can't help. Now is there going to be a little pain while that's happening? Yes, and you're seeing it, and we'll stay on top of it.

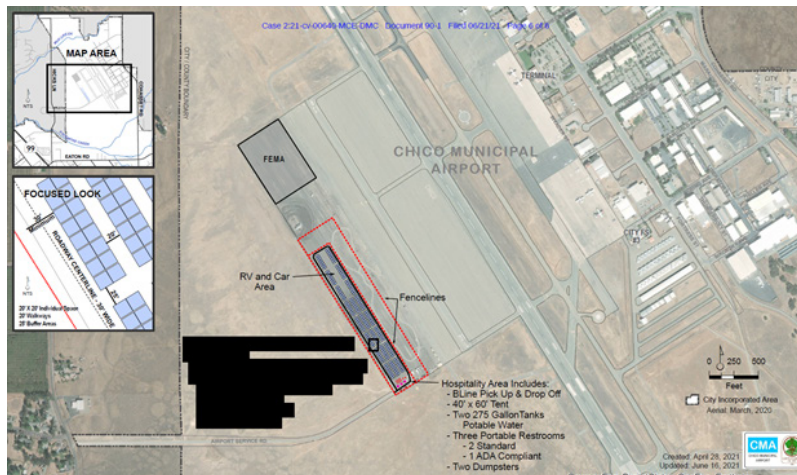
This common narrative, that a majority of the influx are newcomers, is false. As the 2019 Point In Time Survey shows, the vast majority of unhoused community members have lived in Butte County for years. So instead, the encampment sweeps—each costing an estimated \$25,000⁶⁸—resulted in the frequent migration of unhoused people and entire encampments throughout the city's parks and parkways. At the same time, public animus remained unabated, with members of the public threatening citizen arrests for those who assisted unhoused people in moving.⁶⁹ At its height, a city council member Scott Huber, who was sympathetic to the plight of unhoused people, resigned following harassment by the public.⁷⁰

3. Federal Lawsuit: *Warren et al. v. Chico et al.*

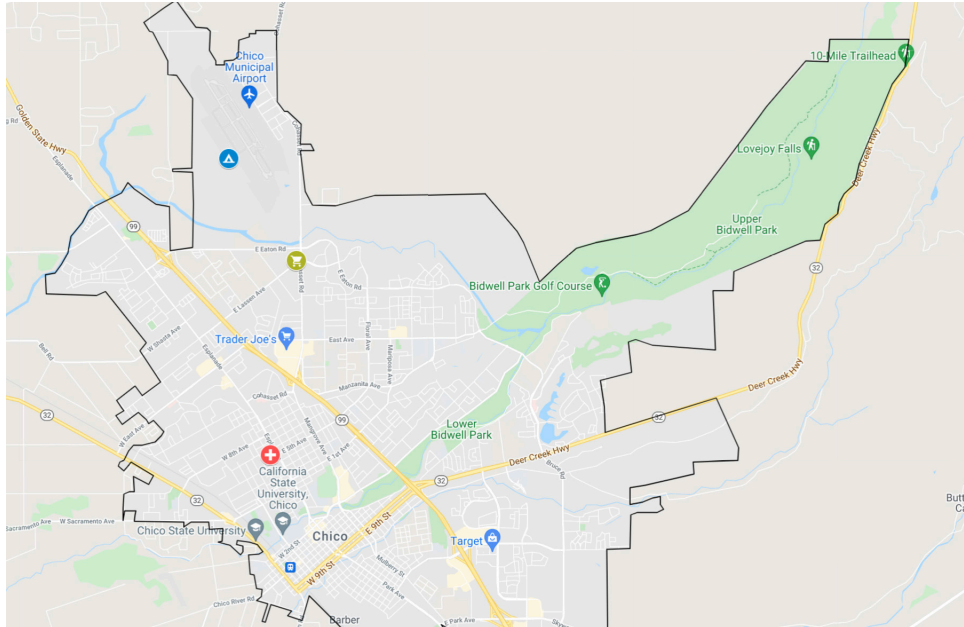
In response to the sweeps, Legal Services of Northern California (LSNC) filed a lawsuit against the City of Chico on April 8th, 2021, on behalf of eight unhoused people.⁷¹ In its lawsuit, LSNC alleged that Chico's web of ordinances are cruel and unusual, impose excessive fines, allow for a state-created danger, unlawfully seize property, and otherwise deprive plaintiffs of due process under both the federal and California constitutions. Following the issuance of a temporary restraining order which enjoined the enforcement of the above-named ordinances, the parties engaged in settlement discussions. Such discussions failed following the city's proposal to corral people to a barren human stockade next to the airport on the edge of the city limits.



Ground Level Photo of Airport "Shelter"
[Credit: ACLU NorCal Dylan Verner-Crist]



City-provided Aerial of Proposed Airport "Shelter"
[Warren et al. v. Chico et al., Dkt. No 90-4]



Google Map showing airport at northern edge of city limits

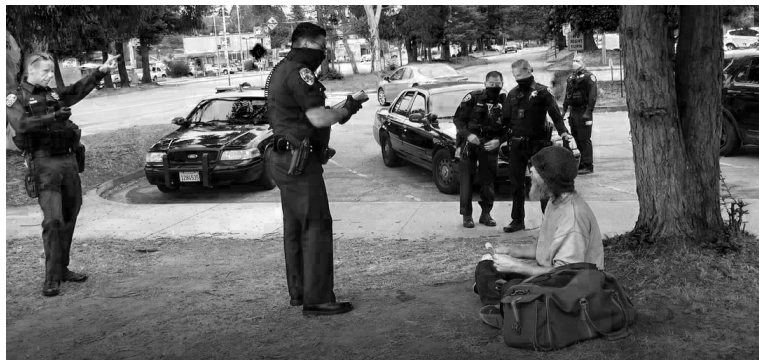
The city proposed segregating unhoused people on a blacktop, hundreds of feet from an airport runway, where temperatures routinely reach above 100 degrees Fahrenheit in the California sun. Aside from a single communal tent, the “shelter” would be barren and unimproved. This proposed “shelter” amounted to an open space and umbrella.⁷² There would be no real protection from the elements as well as no power or running water. Food and any other services would be miles away. Those who refused to go to the airport shelter would be subject to being fined or arrested, effectively pushing unhoused people out of town.

In considering plaintiffs’ request for a preliminary injunction, the court rejected the airport location as a “shelter” under *Martin*. But before ruling, the court admonished the city for allowing the public to be misinformed on the law. Rather than pass constitutional laws for which they are accountable, the city passed laws to make the “public feel good” and force the court to be the “bad guy.”⁷³ Ultimately, because the city conceded that “a person could never sit, sleep, lie on any property or else they would... be criminally prosecuted... unless the person walked 24 hours a day and had no personal property,” the court enjoined the city from enforcing the challenged ordinances until the case can be heard fully.⁷⁴

4. Evading a Court Order

Despite the court rejecting the airport site as a shelter, Chico continues to move forward with its displacement policy. As late as September 2021, Chico has proposed amending the challenged ordinances to define shelter as including the same airport site to allow for police enforcement.⁷⁵ At the same time, smaller scale sweeps continue. This has included towing away vehicles used by unhoused people, dispersing unhoused people during purported warrant searches, and destroying property that is allegedly abandoned.⁷⁶ The city has also asserted the right to move people under the guise of “maintenance”; most recently, it closed and fenced off the City Plaza that was utilized by unhoused residents as a gathering space with bathroom facilities and a cooling fountain.⁷⁷ So thus far, neither the legal holding of *Martin* nor a federal judge have been able to prevent the systematic displacement of Chico’s unhoused residents.

In the meantime, anti-homeless sentiment has run rampant. The city mocks plaintiffs’ desires for a dignified living situation. “The plaintiffs want — AC, they want heat — not everyone in town has AC for people who do have homes. They want hot plates, they want a shower a day, they want places for their dogs, they want laundry services AC, they want heat — not everyone in town has AC for people who do have homes. They want hot plates, they want a shower a day, they want places for their dogs, they want laundry services,” according to newly elected City Councilman Sean Morgan.⁷⁸ Rather than view unhoused people as constituents, such requests are “strange things for people that don’t contribute at all to society” in Morgan’s view. As such, the city is providing some limited services “not to make the plaintiffs happy, because they’re never going to be happy — but to ... to make it as good for those business owners that contribute to society.”⁷⁹ Worse still, the city leadership has promoted directing the public’s anger at the unhoused, with Morgan commenting, “The only people anyone should be upset with is anybody supporting the unhoused plaintiffs.” Such dehumanizing language may have deadly results by fostering violence against unhoused people as seen in Chico.⁸⁰



Santa Cruz police cite unhoused person.
[Credit: Abbie Dale]

*Sleeping as a crime:
City of Santa Cruz*

Before 2018, the city of Santa Cruz prohibited camping in the entirety of its public spaces, streets, and parks under penalty of citation or misdemeanor. With the *Martin* decision, however, the city was forced to end the enforcement of that city ordinance. But instead of ending criminalization altogether, the city has crafted a new ordinance that it hopes will survive court scrutiny.

In the city's own words, in the wake of *Martin* it shifted its focus to "eliminating the impacts of large encampments; establishing time, place, and manner provisions for people living outside; and increasing support for the unhoused residents on their path toward housing." (May 11, 2021 City Agenda Report at 2). At first, the city introduced a "Temporary Outside Living Ordinance" (TOLO).

To date, the city of Santa Cruz has introduced five different versions of a modified camping ban.⁸¹ The work to pass such an ordinance began in April 2019 with the establishment of the Community Advisory Committee on Homelessness (CACH).⁸²

At the November 2019 City Council meeting, a report and discussion was placed on the agenda titled *Shelter Capacity Update and Ordinance Amending Ch. 6.36 – Camping of the City of Santa Cruz Municipal Code (CM/CA)*.⁸³ In this report, the city discussed the holding of *Martin v. Boise* and its impact on the enforcement of city of Santa Cruz Municipal Code Chapter 6.36, which prohibits camping on all public and private property, except in areas specifically designated for camping.⁸⁴ The report clarified that 6.36 was not enforceable under *Martin* "because there is insufficient temporary space available to shelter the number of homeless individuals currently sleeping out of doors in the City."⁸⁵

In an effort to “continue to prohibit camping on public property throughout the City in a manner that ensures compliance with federal law and the enforceability of the City’s regulations,” the city sought to amend 6.36.⁸⁶ Some of the proposed changes included making it unlawful to establish a camp between the hours of 10 p.m. to 7 a.m. instead of a universal ban and amending the hours for excluding sleeping or setting up bedding on public property from 11:30 p.m. to 8:30 a.m. to 10:00 p.m. to 7 a.m.⁸⁷

Over the next year and a half, the city researched and debated how to address houselessness within its limits. Its CACH committee proposed a host of recommendations, ranging from increased access to shelters and hygiene services, to a renewed partial camping ban.

Coming out of this process, the city introduced a new anti-camping ordinance, known as the “Temporary Outdoor Living Ordinance.”⁸⁸ In its staff report, the city cited the previous work and recommendations from the CACH.⁸⁹ The motion introducing the ordinance was passed with a revision removing vehicles and vehicle camping outfits from the definition of “Outdoor Living Facilities”.⁹⁰ At the April 13, 2021 City Council meeting, it was decided once again to administratively enforce the temporary outdoor living ordinance pending further revisions.⁹¹ The proposed ordinance was revised another time at the May 11, 2021 City Council meeting.⁹² Amendments included modification to the definition of “personal effects” as well as to the city’s potential cooperation with community partners providing shelter. Other changes were made to the policy for responding to indigent or homeless persons with a qualifying disability, among others.⁹³ Even so, TOLO criminalized nearly all activities related to taking shelter on public property. The council voted to introduce the ordinance for publication and for a second reading of the ordinance to occur at a subsequent meeting.⁹⁴ As part of its ordinance package, the city released a series of maps showing where people could and could not park in the city.

After these maps were released, though, homeowners and business owners raised paranoid fears of an increase in camping in the city limits, so the city rescinded TOLO and instead, on June 8, 2021, passed a new measure referred to as the “Camping Services and Standards Ordinance” (CSSO).⁹⁵ Under CSSO, which revises Section 6.36 of the Santa Cruz Municipal Code, it is a criminal offense to engage in “camping” during nighttime hours, even if there are not sufficient shelter beds available⁹⁶ (a provision designed to comply with *Martin*); but it is also an offense to engage in “camping” during the day if the city provides a remote storage facility where people can go in the morning, drop off their possessions⁹⁷, and pick them up before evening. In other words, in order to reside in an outdoor space, an unhoused person is required to make two long roundtrips to drop off and pick up virtually all of their earthly possessions. They must then go about their day without those possessions.

The CSSO has other significant problems as well. It improperly permits the imposition of criminal sanctions in connection with inherently subjective judgments such as that a person is engaged in “other illegal behaviors” or that a person “interferes with” the closure or removal of an encampment.⁹⁸ It also contains a provision that would permit the city to summarily discard and destroy personal effects without storing them under certain circumstances. These conditions vest significant discretion in city officials. The ordinance includes a provision that would require the city, either alone or in conjunction with community partners, to “provide not less than 150 additional shelters, managed camps, or safe sleeping spaces in the City of Santa Cruz on City-owned or operated properties or facilities.”⁹⁹

Of most concern, though, is that the ordinance would provide safe camping to only 150 people—even though the unsheltered unhoused population in the city is at least 800 people. In other words, the selection of these 150 people will be left to city officials.¹⁰⁰

*Banning RVs: City
of Mountain View*

The unhoused population in Mountain View increased by almost 200 percent from 2013 to 2018. According to a recent court, there are well over 200 inhabited RVs parked on city streets in Mountain View. Most of the people who live in these vehicles have no alternative source of shelter. Many have disabilities. Several dozen are families with children enrolled in the Mountain Unified School District. There is almost no indoor shelter space available in Mountain View and extremely limited “safe parking” for RVs on privately owned lots.

Nevertheless, on September 24, 2019, the Mountain View City Council passed two ordinances that together effectuate a ban on parking RVs almost anywhere in the city. Ordinance No. 14.19 (the “Bike Lane Ordinance”), which passed by a 7-0 vote, defines an OSV according to specified dimensions, and prohibits parking of OSVs on specified main thoroughfares adjacent to Class II bikeways. Ordinance 15.19 (the “Narrow Streets Ordinance”), which passed by a 4-3 vote, prohibits parking of OSVs on streets less than or equal to 40 feet in width—the width of most residential streets in Mountain View. Both ordinances contain exceptions for commercial or construction vehicles, vehicles with city-issued permits, transit vehicles, and wheelchair-accessible vans with valid placards. These ordinances become enforceable after appropriate signage is installed and provide for parking penalties and the towing and storage of vehicles at owners’ expense.

At the same time, the city passed ordinance 16.19 (“Safe Parking Ordinance”), requiring the issuance of a conditional use permit for all overnight “safe parking” sites operated on land not owned by the city, or during a declaration of a shelter crisis, and established stringent standards to be met for the operation of such a site. Mountain View residents subsequently gathered enough signatures to challenge the Narrow Streets Ordinance, but the City Council placed a referendum on the ordinance on the November 2020 ballot. No challenge was made to the Bike Lane Ordinance. Unfortunately, the referendum upheld the Narrow Streets Ordinance, with the result that both ordinances went into effect on December 18, 2020. The city also announced that it would begin installing signage prohibiting OSV parking in April 2021, one neighborhood at a time, after which it could begin ticketing and towing vehicles parked in violation of the ordinances. The city has now started installing signs.

Together, the Bike Lane Ordinance and the Narrow Streets Ordinance severely restrict parking for RVs throughout the city, covering 89% of streets in the city, and of the other 11% of streets, many are made unavailable by other restrictions. There is no overnight parking on any part of El Camino Real, a main thoroughfare, and there are only a few non-bike lane streets that are not also covered by the Narrow Streets Ordinance. There is no dispute that the city does not have enough indoor shelter space or allocated parking spaces that are not on city streets to accommodate the households that currently live in RVs in Mountain View.

In July, 2021, the ACLU of Northern California and other legal organizations sued the City of Mountain View for violating the constitutional rights of unhoused people living in RVs.

The harm done by Mountain View’s passage of these ordinances extends beyond its own residents. Other cities in the region, having learned of Mountain View’s action, then adopted ordinances modeled on those of Mountain View. For example, in December 2019, the City of Pacifica adopted a similar ban on oversize vehicle parking. As in Mountain View, the ACLU of Northern California and other legal organizations have sued the City of Pacifica. These bans represent a growing proliferation of ordinances that call for a state based solution to stop their expansion in the region.

*Criminalize,
displace, and
banish: Los Angeles
County and its cities*

The City and County of Los Angeles have long criminalized homelessness instead of adequately addressing residents' needs for safe, affordable housing and other life-saving resources.¹⁰¹ This approach, predictably, has not solved housing displacement in Los Angeles, and annual point-in-time counts show double-digit percentage increases every year. Los Angeles County saw a 12 percent annual increase in houselessness in 2019—and that was before the pandemic-related recession hit the area.¹⁰² But elected officials have doubled down on the punitive approach to houselessness, notwithstanding its proven inefficacy. These efforts are fueled by a dramatic increase in violent vitriol directed at the growing number of unhoused people in Los Angeles. In some cases, elected and public officials have deliberately contributed to this hateful discourse.

Los Angeles County Sheriff Alex Villanueva, for example, stirred controversy in June 2021 when he ordered his deputies to patrol unhoused people living along the Venice Beach boardwalk, even though policing in that neighborhood is the responsibility of the Los Angeles Police Department. Without evidence, the sheriff warned that the encampment residents were destructive outsiders who were invading the community and announced that he was coming after them. "The people that come from out of state here, to set up shop in LA County because they think everyone here is a fool and we're giving away free condos and free everything, well, word to you: We're coming for you," Villanueva told a TV reporter. "LA cannot be the receiving body for the entire nation's homeless," he continued. "We're going to be overrun. It's going to destroy our community."¹⁰³

Facing re-election in 2022, Sheriff Villanueva has agitated for the forced removal of unhoused people from public places. “People understand that when we lose control of our public space, when we fail to regulate our public space, we’re surrendering it to anybody who shows up, in whatever condition they show up, and they’re here, and they’re going to do all the bad things that we’re seeing in these photos,” he said during a public meeting in Granada Hills, gesturing to photos he was presenting. “Yup, that’s ‘cause we failed to regulate public space.”¹⁰⁴ And in a recent Los Angeles Times interview, he said of unhoused people, “We could actually take them to jail, clean them up, straighten them out and then take them to a halfway house once we stabilize them. It’s probably one of the things we might strive for in the next year.”

Meanwhile, some present and former Los Angeles police officers have contributed to this denigrating discourse by participating in the neighborhood Facebook vigilante groups “Crimebusters of West Hills and Woodland Hills” and “Homeless Transient Encampments of our West Valley.”¹⁰⁵ In one thread from January 2018, as described by Los Angeles Magazine:

*... individuals suggest using baseball bats, fire hoses, pigeon spike strips, Clorox, stink bombs, poison oak, and “sugar solution and spray” to remove homeless people from the area surrounding a restaurant. “Every insect and ant will overwhelm them, as they have overwhelmed our community,” writes one commenter. In another screenshot, a commenter suggests that a homeless person in an outdoor area should be lynched.*¹⁰⁶

The activist group KTown for All preserved screenshots from the group pages. In many cases, they observed, LAPD officers posted private information of unhoused individuals, including their medical information and whereabouts.¹⁰⁷ Along with Los Angeles Community Action Network (LACAN), National Law Center on Homelessness and Poverty, and Western Regional Advocacy Project (WRAP), KTown for All co-signed a letter to the California Attorney General detailing the findings and requesting an investigation of the Facebook groups.¹⁰⁸

We, the unhoused residents of Echo Park Lake, are coming to you as your constituents, and fellow human beings to express our fear, grief, and anger in regards to the severe harassment and persecution we have felt at the hands of law enforcement and city employees over the past three months. We have built a community at this lake that is now made up of more than 60 people, and we are facing the threat of eviction and being displaced from our community, the family we have built here every single day, and we are devastated.

We are appealing to you today because we are hoping that as our council member, you will stand by us and work WITH us to develop a solution. We need you to hear us, and we would like to share our stories with you. We care about this lake, we want to HELP keep it clean — the fact that we do not have homes does not mean that we are dirty, dangerous, drug users, or unemployed (many of us have lived and worked in CD13 for over a decade). We hope you understand what this lake means to us — this has become our home in what is one of the darkest times of most of our lives. Having camaraderie and connection to those who care about us (which is what we have here) is an integral part of our future success.

We did not end up unhoused by choice, nor do we desire to stay on the streets forever. At this point there is no viable option for shelter within, or near CD13 for all of us. Many of us have tried to enter the shelter system elsewhere, and do not feel safe or comfortable returning to those places. Many of us have section 8 vouchers, many of us are on 2–3 year long waiting lists for programs that would lead to permanent supportive housing. But what we need and what we desire is to create a solution within this city council district, our home.

Mr. O'Farrell, we understand your job is difficult. We understand that a small amount of housed residents in our area and some park goers have lodged complaints against us—largely because they do not know us personally, and do not understand our situation. We hope you can be our champion in pioneering a solution. We would like to present a motion that would allow us to remain in the park until we are able to find stable, permanent supportive housing. Before you answer, or take any action against us, please come and meet our community and discuss this matter with us first.

If we are allowed to stay at Echo Park Lake, we would like to establish a community contract with you, and our housed neighbors in regard to our residency in the park.

On our end, we pledge to:

1. Keep the park clean. We would be happy to help the rangers in maintaining the beauty of this space, we will be drafting a proposed residential volunteer job summary (i.e. trash collection, gardening, sweeping, beautification projects, maintenance, bathroom cleaning etc.) that we would each agree to be a part of to ensure that our residency does not detract from the beauty of the park
2. Be respectful to our neighbors and community
3. We will be compliant with cleanups that are in line with the demands of the Services Not Sweeps coalition.

In return for being able to stay at Echo Park lake until we each have a housing plan in place, we ask that neighbors, law enforcement, park employees and park goers do the following:

1. Not gawk at us and film us as if we were in a freak show
2. Not pollute our living space or the environment of the park
3. Not harass and criminalize us, but accept us as members of the community
4. Not intimidate us with late night police raids
5. No more frequent and unpredictable "clean ups"

As it stands, we are being told that if we do not vacate this park by this evening each of us will be cited. We do not wish to be unlawful, nor can we afford the fines that would be issued to us. We hope to come to a more holistic solution or agree to have longer discussion about this before that takes place.

We hope to hear from you soon.

Yours truly,

Your constituents of Echo Park Lake

The aggressive law enforcement approaches taken in the Los Angeles neighborhood of Echo Park and the City of Lancaster, detailed below, are emblematic of a widespread pattern and practice in Los Angeles City and County that involves discriminatory animus directed at unhoused community members as the primary response to the region's housing displacement crisis.

1. The aggressive displacement of a community of unhoused people in Echo Park

Starting in late 2019, scattered tents in Echo Park evolved into a larger community of unhoused people, which expanded during the COVID-19 pandemic. At the same time, the Centers for Disease Control issued recommendations advising against displacing encampments to help prevent the spread of the virus.¹⁰⁹

As the crisis unfolded, unhoused community members at Echo Park Lake developed a communal support system that provided some measure of security and respite.¹¹⁰

But that sense of security was shattered when law enforcement and city employees began increasing their harassment of the unhoused park residents, spurred by complaints by housed neighbors based on hateful stereotypes and fear. Residents garnered over 5000 signatures on a petition containing unsubstantiated accusations against unhoused community members, including that they stalked, harassed, and spit on housed people, and that “mentally ill” people committed “animal cruelty against the geese and ducks of our beautiful park...”¹¹¹

One person who signed the petition commented, “Where are our police? Where are our congress people? Get these people out and give our community our beautiful lake back!”¹¹²

The unhoused residents of Echo Park Lake reached out to their city council member, Mitch O’Farrell, in a plea to work together to ensure the safety and dignity of both unhoused and housed community members—noting that many of them had lived and worked in the council member’s district for years.¹¹³

In March 2021, the city moved in to displace the residents, touching off protests across Los Angeles.

At the lake, police in riot gear clashed with protesters and were seen shoving some of them.¹¹⁴ They detained an LA Times reporter.¹¹⁵ Later, under the cover of darkness, work crews installed a fence around a handful of remaining unhoused residents. As helicopters circled overhead, police forcibly removed them.¹¹⁶

2. Banished and abandoned in Lancaster

Unhoused residents in Lancaster, a sprawling community along the northern outskirts of Los Angeles County, must endure the harsh climate of the Mojave Desert with little to no protection from the elements. Instead of meeting the survival needs of unhoused people, city officials' primary response has been to cite and jail them for being unhoused and banish them to the high desert in unincorporated Los Angeles County.

Los Angeles Sheriff's Department (LASD) officers are contracted to provide police services in Lancaster, and as part of this function, they enforce the ordinances that criminalize houselessness, such as anti-camping and loitering ordinances. They also use their authority to banish unhoused community members outside of city limits and deep into the high desert.

Public statements of top elected officials reflect the deeply dehumanizing animus toward unhoused people that undergirds these policies and practices. In a 2019 op-ed, Lancaster Mayor R. Rex Parris stated bluntly that "homeless encampments pose public safety risks" and went on to say that "Public Health officials have alerted us to the extreme danger these encampments pose to all of us."¹¹⁷ He told the Antelope Valley Press, "We do know that 60 percent of the homeless have criminal backgrounds; they're criminals and thugs," and "When [unhoused people] rob somebody, somebody ought to shoot him."¹¹⁸ City council member Raj Malhi concurred. "I own a small business and the other day, I asked someone to move, and the next morning I come in and my window is broken," he said, suggesting, without evidence, that the perpetrator must have been an unhoused person. He added, "I do agree with Mayor Parris. He said it hypothetically. Hopefully it won't come to that."¹¹⁹

Findings from an ACLU SoCal report, summarized below, paint a different picture. They demonstrate that unhoused people are primarily cited on the basis of their housing status—that is, for being unhoused—and that the dragnet of criminalization they face is the real public health and safety threat.

A. Dragnet of enforcement

In February 2021, the ACLU SoCal published a report on the criminalization of unhoused people in Lancaster.¹²⁰ The report was based on a 1 ½ year investigation that included the review of public records, surveys of unhoused people, and informal conversations with unhoused community members and advocates. As shown in Figure 1, the investigation found that unhoused people are disproportionately targeted by law enforcement. While they represent only 1.3 percent of Lancaster’s population, unhoused residents comprise a full quarter of all infraction citations LASD officers reportedly issued from 2018 to 2021.

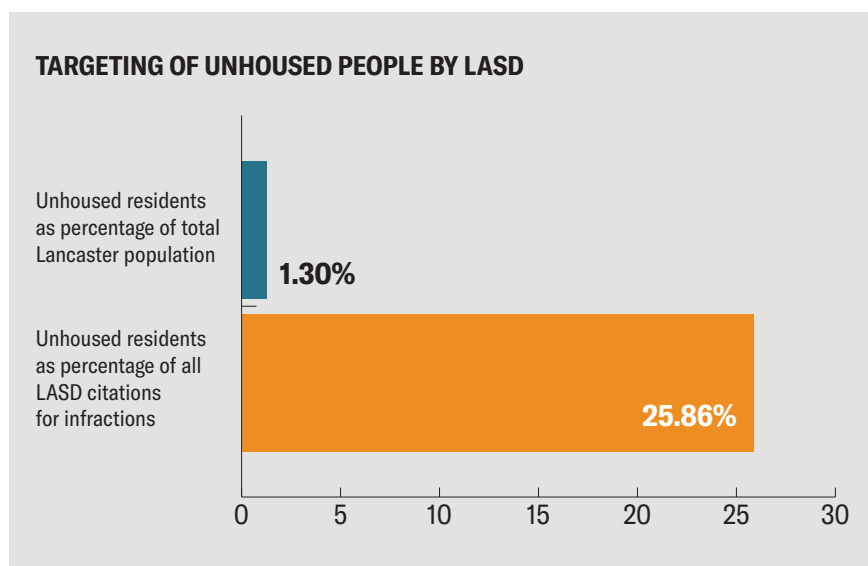


FIGURE 1

Targeting of unhoused people by LASD

Sources: <https://data.lacounty.gov/d/wraf-ix3i/visualization>; Los Angeles Homeless Services Authority (2020). 2020 Homeless count by community/city. Data (lahsa.org); U.S. Census Bureau QuickFacts: Lancaster City, California. <https://www.census.gov/quickfacts/lancastercitycalifornia>

Over 90 percent (123) of these infractions are for conduct that is unavoidable for people who have no homes or money, such as camping, loitering, possession of a shopping cart, (often used for stowing and transporting belongings like blankets, clothing, and water), and panhandling (See Figure 2). The small number of infractions for conduct not related to unhoused status includes four bicycle-related infractions, two calls for service for unknown reasons, one collision, one warrant, one assault, and one incident of waving a knife.

We also analyzed criminal misdemeanor citations for camping and loitering in public issued by LASD deputies between June 17, 2018 to July 26, 2019. As shown in Figures 3 and 4, we found that Black people in Lancaster are disproportionately targeted by law enforcement. While they represent 21.8 percent of Lancaster's population, Black people comprise over half of all people who received loitering citations and over a third all camping citations.

There is no way for most unhoused Lancaster residents to comply with orders to stop living in public. According to official records, the city has one homeless shelter that

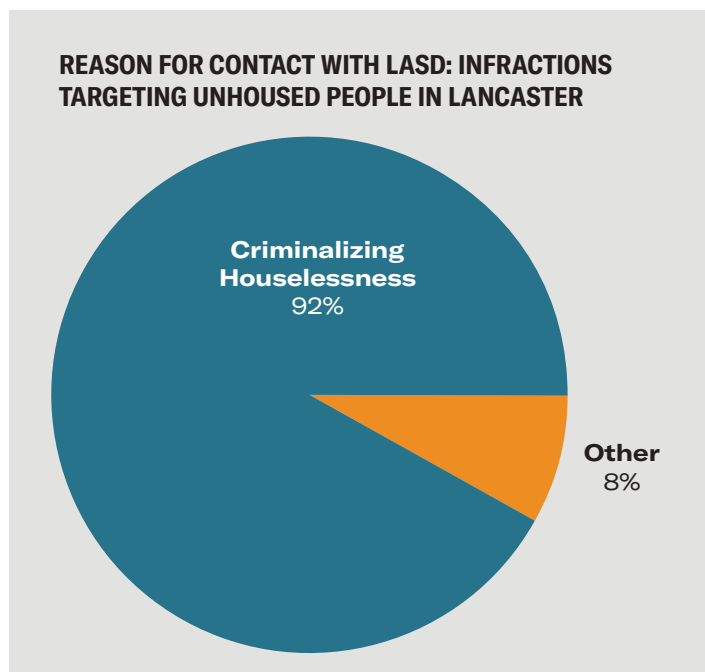


FIGURE 2

Reason for Contact with LASD:
Infractions targeting unhoused people
in Lancaster

Source: <https://data.lacounty.gov/d/wraf-ix3i/visualization>

can accommodate only around 7.5 percent of the unhoused population, leaving everyone else with no alternative but to live in public.¹²¹

Even so, about four-fifths of the 53 unhoused people we interviewed in and around Lancaster in 2019 and 2020 said they were incessantly harassed by law enforcement. One man told us he had been cited at least 20 times for camping in public. A veteran who uses a wheelchair said the cartilage had worn down in his shoulders because law enforcement officers continuously told him to move, which required him to constantly wheel away. “They harass me at least 14 time a day,” he said. “They come to where I am, at any time of day or night. They tell me they’ll give me a ticket if I don’t move, or throw me in jail.”

LASD and code enforcement officers often target encampments for removal. The people we surveyed said enforcement officers cite people who do not leave soon enough and bulldoze or discard their property. They told us they have lost precious belongings during evictions, such as family heirlooms, as well as life-saving resources like tents, medications, and blankets.

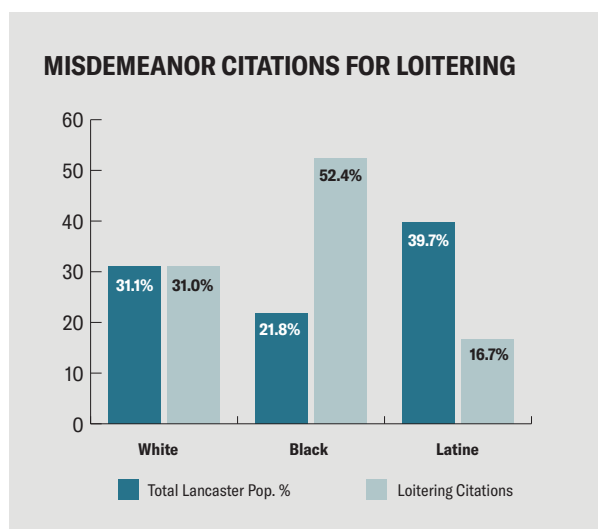


FIGURE 3
Racial Disparities: Misdemeanor Citations for Loitering

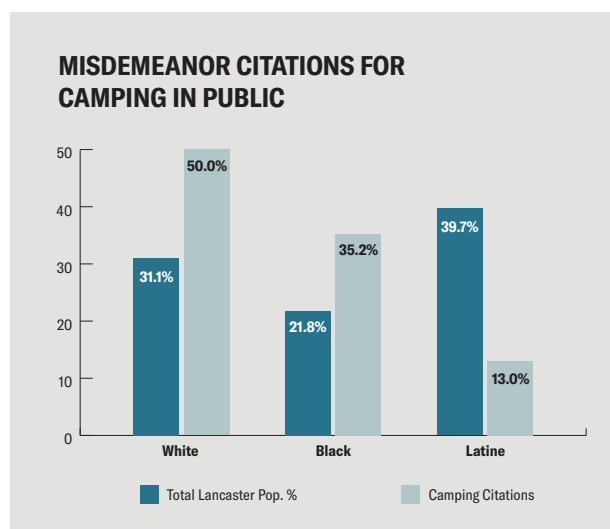


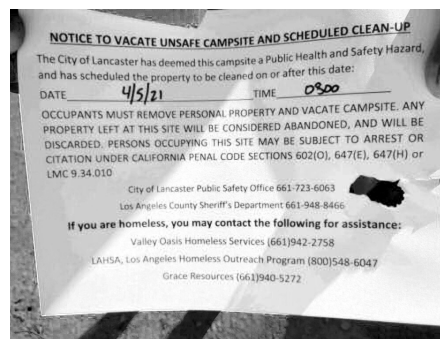
FIGURE 4
Racial Disparities: Misdemeanor Citations for Camping in Public

B. Banished to the Mojave Desert

If constant harassment does not convince unhoused Lancaster residents to leave the city, survey respondents told us, LASD officers often give them a firm “suggestion” or order to move outside of city limits, far from life-saving resources like water and food. Banishment to the Mojave Desert can result in serious harm, and even death, as J.’s story so poignantly illustrates:

Last summer, the city kept red-tagging us and telling us to go further out into the desert. I ended up living out in the desert at F and 20th Street West. The nearest store, at a Shell station, is at H and 10th Street West. I had to walk, and there are no lights out there. It’s very dark. I had to haul water in a stroller in 5-gallon jugs. I got heat stroke because I was trying to walk to the store in the heat. Walking back and forth was making me sick. I laid in my tent for three days. My phone died, and I couldn’t get help. Nobody else was around. I was rationing my water, and it was over 100 degrees. I was waiting to die.

J. survived her brush with death—but only because her daughter, unable to reach J. by phone, set out to search for her. By luck, she found J. and nursed her back to health.



Left: Part of an encampment near Avenue G, right outside of Lancaster city limits.

Right: Encampment eviction notice. Unhoused Lancaster residents use the term “red-tagging” to describe the notices, which are typically red.

[Credit: Ruth Sanchez]

*The parochial
politics of
discrimination:
Orange County*

Orange County has a long and ignominious history of discrimination against unhoused community members. As documented in the ACLU SoCal report *Nowhere to Live: the Homeless Crisis in Orange County & How to End It*,¹²² the county and 33 of its 34 cities ban camping, resting, or otherwise being in public places. Many people we have interviewed complain that police officers in every city harass them. They describe a pattern of being pushed from city to city by law enforcement officers who threaten to cite them if they stay within city limits and tell them to move along. To avoid police harassment, many end up in geographically remote places like riverbeds and other undeveloped lands.

1. Geographic marginalization at the Santa Ana River Trail

By the second half of 2017, county officials estimated that over 600 unhoused people resided along a stretch of the Santa Ana River Trail.¹²³ We surveyed 48 of them [see Appendix II]. The most frequently reported reason survey respondents gave for living at their current location was contact with law enforcement. Most people were trying to avoid the police, and many reported that officers had directed them to move to the River Trail to avoid further police harassment. These findings are consistent with previous research.¹²⁴



The Santa Ana River.
[Credit: Sandra Hernandez]

Some people reported that law enforcement officers attempted to keep the encampment contained by harassing those who ventured out of the River Trail area. One man who lived at the River Trail told us, “When I go out to the streets, I get harassed. Especially when I’m riding my bike. It’s happened three or four times. The police pulled me over last time and asked me if I was on probation or parole.” Another resident of the River Trail area said:

Every time we leave the riverbed, we get harassed. Especially at night. They harass me and say that my bike doesn’t have all the lights and reflectors it needs and threaten me with tickets. One time I was leaving the riverbed to go to the Der Wienerschnitzel and a cop started questioning me. I asked if I was being detained and he wouldn’t answer.

Staying in the River Trail area did not always provide respite from law enforcement harassment, however. Periodically, officers descended into the area to displace people, cite them for sleeping in public, and destroy their property.

People resorted to desperate measures to avoid encounters with law enforcement. For example, we talked with several people who moved deep into drainage tunnels that empty onto the banks of the Santa Ana riverbed. The tunnels are dark, dangerously unsanitary, and often filled with water. One man who had been repeatedly harassed and displaced by Caltrans workers said:

Back when Caltrans would come, post, and we’d have to move. When I moved into the tunnel, I was able to avoid all that. Only one cop—[name of police officer]—has ever come into the tunnel. He talked to us and told us he would never go back in there. There are rats, and water problems. There is running water, and we get wet, even though we made platforms 5 feet off the ground. It’s not good for the feet. I have a planter’s wart that I cannot get rid of.

SEEKING WATER TO STAY ALIVE

Segregated in a remote place that lacked fresh, potable water, people living at the River Trail engaged in water-seeking strategies to avoid dehydration and death. For example, some people told us they washed dishes, bathed, and even drank water from drainage pipes. They showed us open sores on their bodies and mouths, which had presumably resulted from contact with contaminated water.

Not surprisingly, the most frequently mentioned way of obtaining water was tampering with public or private sources, like sprinklers, water pipes, motel ice machines, and spigots. A spigot was attached to a water fountain for horses along the River Trail so that people could access the water. Unhoused community members who lived nearby told us a local church group had jerry-rigged the horse fountain for them and said that the spigot was their primary source of water.

According to the people we surveyed, donations from charities were a critical source of water. However, survey respondents worried about the unpredictability of donations. Sometimes, they told us, charity groups ran out of water before reaching them, or failed to show up at all.



Left: A square key used to obtain water from exterior spigots.

Right: Jerry-rigged equestrian fountain.

When residents fanned out to seek water, many local establishments and public organizations responded by hiring security guards, erecting fences, or shutting off water sources. As one man explained, “I used to go to the Motel 6 [for ice from the ice machine]. Now they cracked down. They have surveillance cameras from the office, and security. I don’t want to put another burden on them.”

These responses forced people to travel longer distances to obtain water, leaving those with disabilities at a particular disadvantage. We found that the young and strong often retrieved water for older adults and people who were frail or ill.

A woman in a wheelchair told us, “My leg is broken. I’ve been in a wheelchair for 8 weeks. I rely on other people to fetch water for me... With the wheelchair it’s impossible to get water. I can’t move it and carry water at the same time.”

We found that the consequences of social and geographic marginalization were dire. Many people reported that they were unable to stay clean, resulting in conditions such as abscesses and cellulitis—a potentially deadly skin infection that can enter the blood stream. Others said that lack of access to water resulted in dehydration and exacerbated pre-existing health problems.

In early 2018, Orange County displaced the River Trail encampment and offered the residents one-month motel room placements. Since then, the county and its cities have drastically expanded homeless shelter capacity. Rather than providing people with respite from criminalization, however, the new shelters have become an arm of Orange County’s project of displacement and containment of unhoused community members.



People living along the Santa Ana River Trail walked long distances to collect water.

[Credit: Sandra Hernandez]

2. Segregation in so-called “spaces of care”

In stark contrast to their reputation as service-rich spaces of care, homeless shelters in Orange County now work in tandem with law enforcement to criminalize unhoused people and exclude them from public places. They have become an arm of the local government’s revanchist campaign to “reclaim” the city for housed people.

Like other areas throughout the state, Orange County and its cities are expanding their shelter capacity with the understanding that they can criminalize unhoused people for living in public once they provide them with alternative living arrangements. This expansion comes at the expense of investments in permanent supportive housing.

As shown in Figure 5, the number of homeless shelter spots in Orange County has increased by 159 percent since 2015, while the number of permanent supportive housing spots has increased by only 13 percent. Put another way, shelter capacity has increased at 12 times the rate of permanent supportive housing capacity over the last six years.

Meanwhile, people often languish in mass shelters for many years while waiting on long lists for permanent affordable housing—and the ACLU SoCal has found that these mass shelters are often dangerously unsafe, unsanitary, and downright abusive.¹²⁵

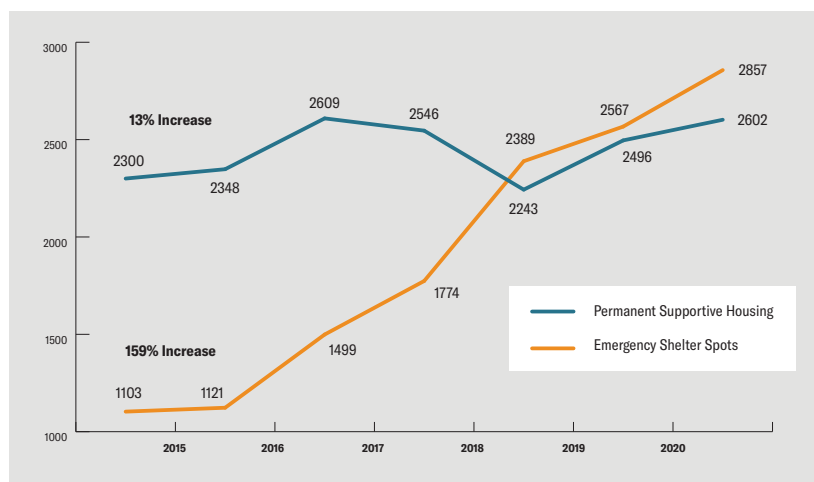


FIGURE 5
Orange County Permanent Supportive Housing and Emergency Shelter Inventory

[Source: Orange County HMIS Housing Inventory Count. <https://ochmis.org/housing-inventory-count-hic/>]



One of the mass shelters highlighted in the ACLU SoCal report *This Place is Slowly Killing Me: Abuse and Neglect in Orange County Emergency Shelters*

“GO TO SHELTER OR GO TO JAIL”

When shelter space is available, law enforcement officials order unhoused residents to accept the placement or face criminalization.¹²⁶ Often, law enforcement agencies reserve what are colloquially known as “cop spots” for these shelter placements.

While local officials frame the referral to a shelter spot as an “offer,” in practice the choice between shelter or citation and jail time is never voluntary and always coercive. As an unhoused resident of Anaheim told us, “When police approach you, it’s ‘go to shelter, or go to jail.’”

WHEN BEING A “GOOD NEIGHBOR” MEANS SEGREGATING UNHOUSED PEOPLE

Almost all homeless shelters in Orange County are funded by local governments that require them to enforce so-called “good neighbor” policies. Being a “good neighbor” means policing the movement of unhoused people to keep them segregated from

housed neighbors. The policies prohibit shelter residents from coming or going on foot and from being anywhere in the neighborhood surrounding the shelter. Shelter residents must take a shuttle to predetermined drop off and pick up locations or leave by car. As described in its operations manual, the plan for a shelter in Costa Mesa calls for security guards to police shuttle drop off and pick up locations and prohibits loitering “in the neighborhood surrounding the Bridge Shelter facility or the bus and/or shuttle pick up locations at any time.”¹²⁷ Within a ½ mile radius of the shelter and drop off and pick up locations, the plan also calls for security “to enforce shelter rules and avoid loitering and homeless congregations.” According to the plan, shelter residents are not even allowed to walk their pets in the ½ mile radius around the shelter.

These discriminatory plans are fueled by baseless negative stereotypes about unhoused people. Their purpose is to assure housed residents that they will never encounter their neighbors living at the shelters, who are depicted as a threat to public safety. For example, the Anaheim Police Department’s “mitigation” strategy justifies the no walk up and no loitering policies at an Anaheim shelter as necessary to “reduce and minimize the potential for crime that may occur as a result of the proposed emergency temporary shelter...”¹²⁸ At the same time, the police department acknowledges that it “does not have any statistical information related to the types of crimes associated with emergency shelters such as that proposed by the County.”¹²⁹ One of the county supervisors who approved the shelter plan, Todd Spitzer, concurred that the “good neighbor” policy would protect housed residents from unhoused community members. “... we now have the opportunity to drill down on a safety plan, an operations plan, specific to this location,” he said, “and so we will be meeting and convening and working with people... to make sure we do everything we can to protect the community.”¹³⁰

The ACLU SoCal has sued the City of Anaheim and County of Orange for enforcing the “good neighbor” policies at their shelters, which the lawsuit accurately describes as “lock in/shut out” policies.¹³¹

*Using Trespass
Letters of
Authorization
programs to expand
the purview of
law enforcement:
Laguna Beach*

Normally, private property owners must issue a complaint about a particular incident before officers can enforce trespass laws, including California Penal Code 602. So-called “trespass letters of authorization” expand the purview of enforcement by providing officers with preemptive authorization to arrest and prosecute anyone on property that does not have explicit permission. Trespass letters of authorization are available in 26 of Orange County’s 34 cities and on unincorporated county land [see Appendix III]. Even cities that do not have a formal program sometimes offer informal services. When we contacted the Newport Beach Police Department to inquire about a trespass letter of authorization program, the person who answered the phone said that, while the department does not have a program, it would accept a trespass letter of authorization in any form. “There is no specific template to request a trespass letter,” the employee explained, “but you can use any letter or letterhead and you can make it your own. As long as you mention Section 602, you should be golden.”

The wealthy, but unequal, seaside community of Laguna Beach provides an example of how trespass letters of authorization enable police, local businesses, public services, and even homelessness service providers to work together to control the movements of unhoused people and exclude them from both public and private spaces.

Laguna Beach’s small community of unhoused residents understands that it is unwelcome in the city. The one homeless shelter, which can only accommodate a small fraction of all unhoused community members, is located on a winding canyon road almost three miles inland, separating shelter residents from the downtown district along the beach. The ACLU SoCal has twice sued the city for enforcing ordinances that prohibit sleeping and camping in public when unhoused people literally have nowhere else to go.¹³²

While the city has always persecuted unhoused community members for being in public places, trespass letters of authorization enable police to make private land off limits as well, effectively preventing unhoused people from resting anywhere.

Often, police officers pressure local establishments to sign the letters. In one case, an unhoused community member reached out to the ACLU SoCal when a business owner signed a trespass letter of authorization, thereby breaking an informal agreement that allowed the man to sleep in the establishment's doorway in exchange for keeping the grounds around the business tidy. When the ACLU SoCal discussed the issue with the business owner, he said that he felt pressured to comply when a police officer requested his signature on the letter.

A review of all trespass letters of authorization submitted in 2019 and 2020 shows that the letters criminalize being unhoused in large swaths of the city. As shown in the maps below, trespass letters are widely used and cover almost every building in the downtown area.

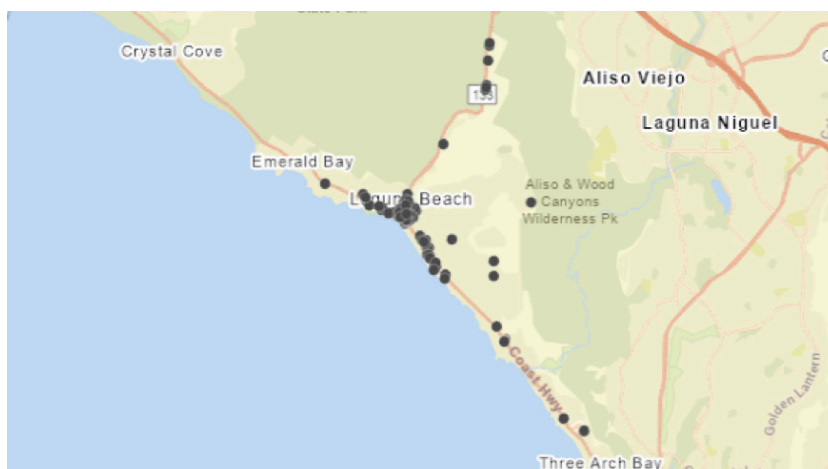


FIGURE 6
Establishments in Laguna Beach with Trespass Letters of Authorization (2019-2020)

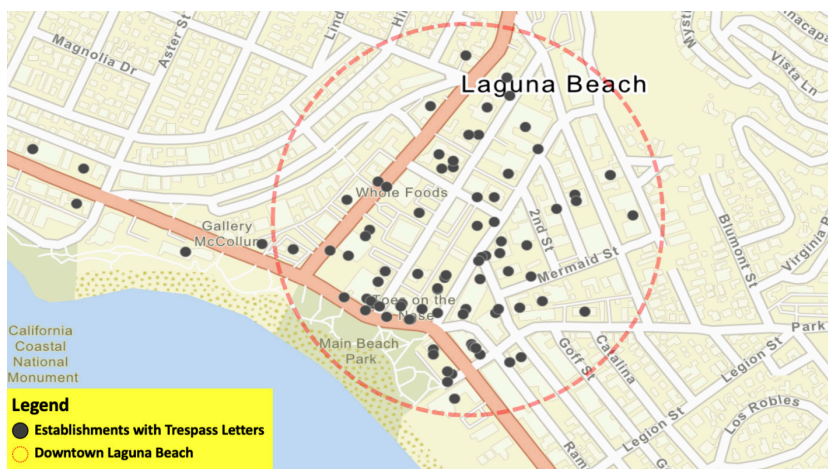


FIGURE 7
Establishments in downtown Laguna Beach with Trespass Letters of Authorization (2019-2020)

As shown in Figure 8, a variety of establishments have submitted these letters, including retail businesses, public services like the library, the post office, schools, and a city senior center, restaurants, coffee shops such as Starbucks, and hotels. Even organizations that Hennigan and Speer call “spaces of care,”¹³³ including four downtown congregations and a transitional shelter for unhoused people, collude with law enforcement by signing trespass letters of authorization [see Appendix IV].

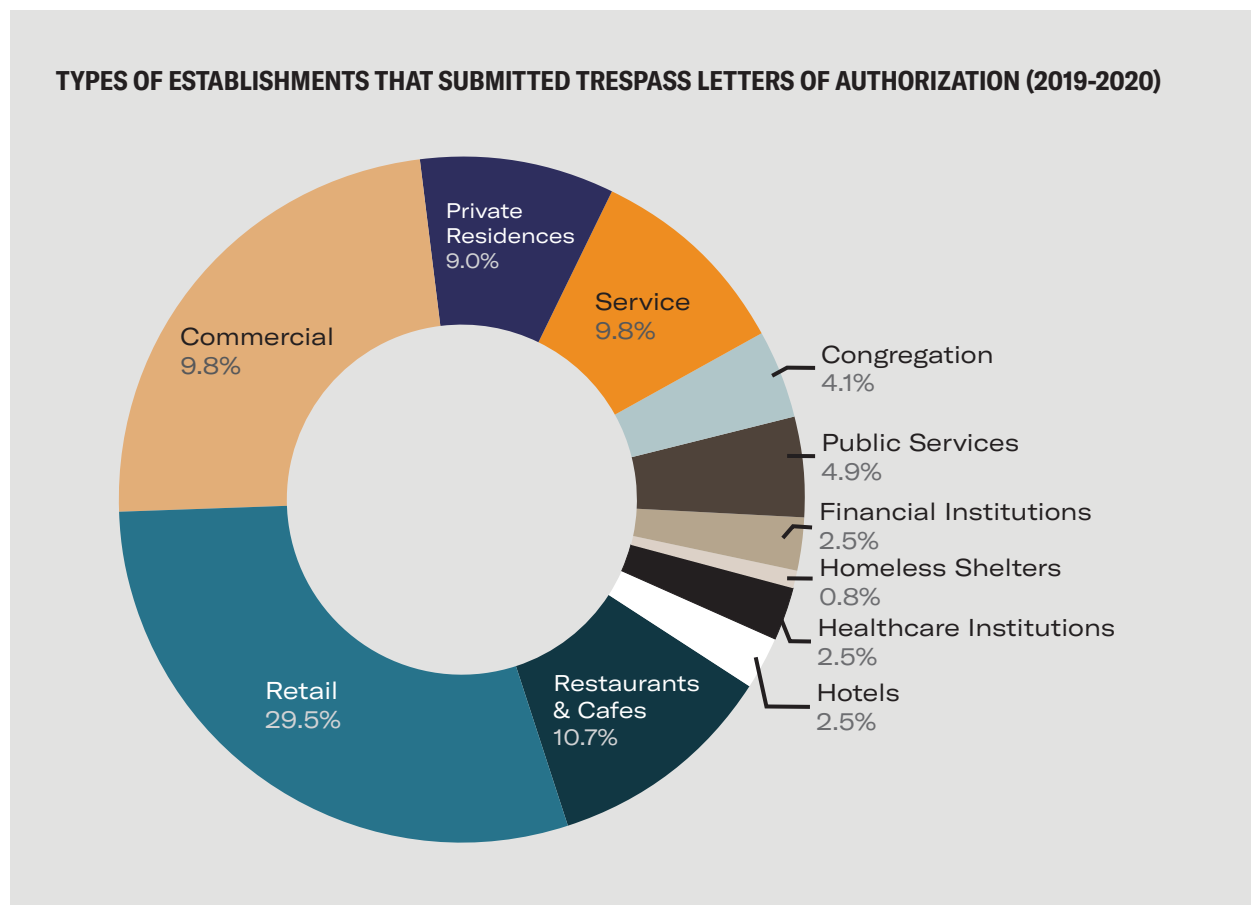
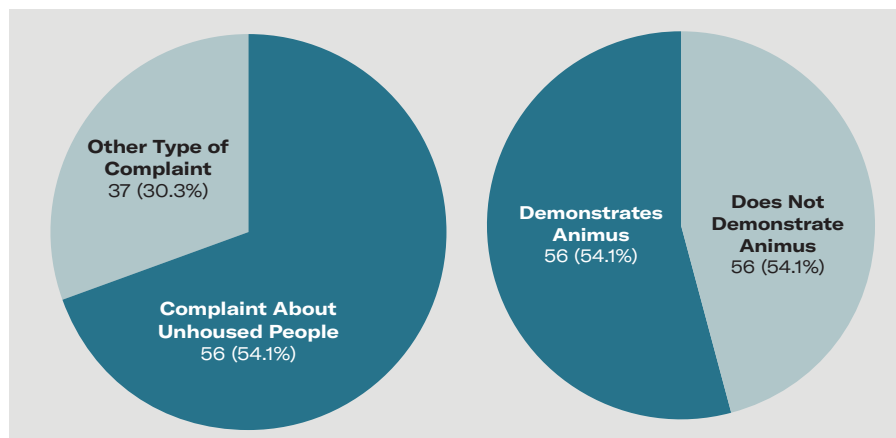


FIGURE 8

Types of Establishments that Submitted Trespass Letters of Authorization (2019-2020)

**FIGURE 9 (LEFT)**

Percentage of Trespass Letters of Authorization Referencing Unhoused People as a Reason for Letter

FIGURE 10 (RIGHT)

Trespass Letters of Authorization Expressing Animus toward Unhoused People as a Percentage of all Trespass Letters of Authorization that Reference Unhoused People

Seventy percent of the trespass letters of authorization reference unhoused people as an impetus for the letter by identifying “illegal lodging” or other conduct related to being unhoused as a problem experienced on the property. They also mention “transients,” “vagrants,” or “homeless people” when describing how the establishment is affected (See Figure 9).

In 54 percent of those cases, hostility toward unhoused people provides the expressed motivation for the effort to eradicate them from public and private land. For example, the letters frequently depict unhoused people as a blight or threat to health and safety. “We are concerned for the safety and appearance of our property,” wrote the owner of an antique store, while another business owner said, “I have residential tenants on the property and the problems we are experiencing are a health and safety issue.” One person stated simply, “Makes me feel unsafe.”

Even “spaces of care” sometimes express animus toward unhoused people as the impetus for the letter. A letter from one congregation depicts unhoused people as unsafe, dirty, and unsightly, noting that, “Our private church property needs to remain safe, clean, and well cared for in order to welcome members and guests onto our campus.” Another letter identifies “safety issues for parishioners and others using our facility” as an overriding concern. A letter from a transitional shelter for unhoused people claims that “aggressive individuals pose a safety threat to staff and shelter guests.” The public library—a utopian model of public space that is supposed to be welcoming of all—also submitted a trespass letter of authorization.

The letter is particularly denigrating in its depiction of unhoused people, many of whom are loyal library patrons, asserting that “... sleeping in the parking spot creates a safety hazard. Trash, urine, lodging discourages patrons from using the library.”

Our analysis of trespassing citations issued in Laguna Beach demonstrates that unhoused people are overwhelmingly targeted for enforcement. From the beginning of 2020 through April 22, 2021, a full three-quarters of all trespassing citations were issued to people that police officers identified as being unhoused (see Figure 11). In some of the remaining cases, the housing status of the person issued the citation is unknown.

Most of the citations issued to unhoused people resulted from trespass letters: of the 97 citations issued to unhoused people, 67 (69 percent) resulted from trespass letters of authorization. Moreover, a full 87 percent of all citations resulting from trespass letters of authorization were issued to people police officers identified as being unhoused (See Figure 12).

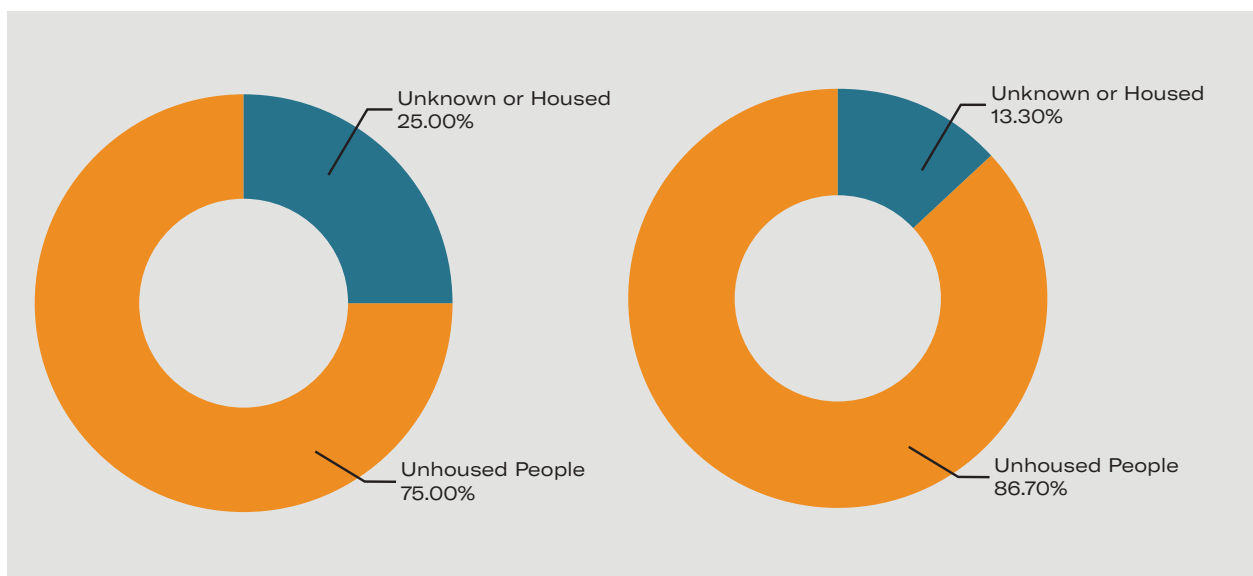


FIGURE 11

Trespass citations issued to unhoused people (1/1/2020 - 4/22/2021)

FIGURE 12

Citations stemming from trespass letters of authorization (1/1/2020 - 4/22/2021)

Withholding life-saving resources from those with the greatest needs

When harassment and criminalization do not effectively rid the community of houselessness, local governments often pivot to strategies designed to “starve” unhoused people out by withholding life-saving resources from them. San Diego provides a stark example of the repercussions that can occur when a local government withholds sanitation and restroom facilities from those who need them the most.

1. Restricting access to public restroom facilities: San Diego

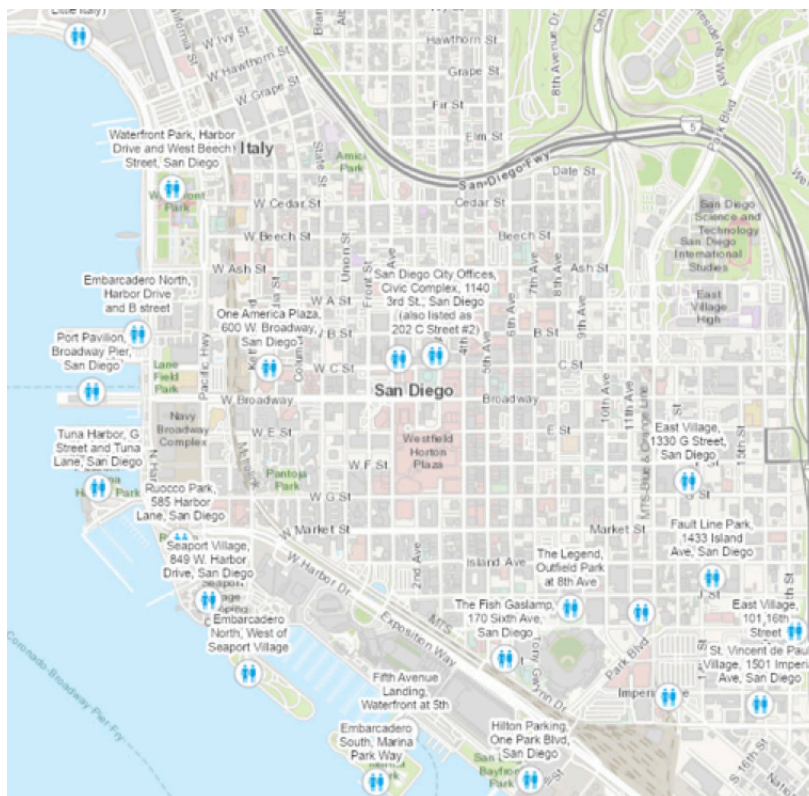
Everyone needs a restroom. It is an urgent, daily, and bodily requirement we all share. As the Hepatitis A outbreak in San Diego demonstrates, the failure of local governments in California to provide even this most essential service to unhoused people is a failure of public health. And to criminalize these necessary bodily functions instead is preposterously cruel.

The outbreak of Hepatitis A-related illness that ravaged San Diego in 2017 should not have come as a surprise.¹³⁴ Between the early aughts and the outbreak, the San Diego grand jury issued four reports describing the risks posed by the city’s ongoing failure to provide adequate sanitation facilities and toilets for unsheltered people.¹³⁵ As the reports noted, such humanitarian aid would not only have provided unhoused people with dignity and crucial resources, but also would have acted as a critical public health measure to prevent such outbreaks, which are commonly spread by human waste.

According to the San Diego Union-Tribune, the number of Hepatitis A cases in the San Diego outbreak—20 people dead (more than half of whom were unsheltered) and almost 600 infected—exceeded the combined total reported by California, Texas, and New York in all of 2015.¹³⁶ Instead of meeting the human needs of San Diego’s unhoused community members, however, local officials responded by offering temporary “band-aid” solutions¹³⁷ and doubling down on the violent criminalization of biologically necessary functions, like urination, that unhoused people without bathroom access are forced to perform in public places.¹³⁸ Meanwhile, police officers cracked down on encampments in the city center, displacing unhoused people and moving them even farther away from public restrooms.¹³⁹

Now, several years after the Hepatitis A outbreak, public restroom access remains scarce. As shown in the map below, unhoused people must often walk long distances to access a public restroom—even in downtown San Diego.

Meanwhile, unhoused people continue to pay the price for a system that deprives them of sanitation facilities and affordable housing. The criminalization they face at the hands of law enforcement can be violent. Recently, for example, San Diego police officers were caught on video repeatedly punching an unhoused man during an arrest for public urination, even as the man pleaded with them and explained that he desperately needed to urinate.¹⁴⁰ Often, criminalization borders on the absurd. As Think Dignity’s Executive Director Mitchell Woodson told us, police cited one unhoused San Diegan for spitting on the public sidewalk as he brushed his teeth. “He did not have access to a bathroom or running water,” explained Woodson. “Further,” she said, “because of his failure to appear [in court], this fine ended up costing him over \$1000.”



[Source: <https://www.voiceofsandiego.org/topics/government/san-diego-scrambles-to-address-long-festering-lack-of-restrooms/>]

*Sanctioning
or eradicating
establishments
where unhoused
people seek refuge*

When unhoused people seek respite from discrimination, local governments often try to eradicate their presence by citing or shutting down the places that provide them with refuge and care. The city of Santa Ana, for example, has cited and sued a variety of establishments that provide unhoused people respite from the daily drumbeat of criminalization. To justify this tactic, public officials depict unhoused community members—and by extension, the places they gather—as a threat to the health and safety of housed people.

1. Closing a drop-in center: Mental Health Association in Santa Ana

Mental Health Association of Orange County (MHA) is a longtime fixture in Santa Ana. A drop-in center for unhoused people with mental health disabilities, the center offers a welcoming refuge from the law enforcement harassment many unhoused people with disabilities face on the streets. It provides psychosocial and rehabilitative services, including resources like hot meals, warm showers, bathrooms, laundry facilities, and a safe place to take a nap.

In early 2020, the city sued MHA to shut down the center. Stating that it brought the action “to protect the health, safety, and welfare of its citizens,”¹⁴¹ the city claimed that “the maintenance and operation of the Property in such a continuous manner is injurious to public health, safety and welfare; offensive to the senses, and obstructs the free use of the properties in the neighborhood.”¹⁴²

A cross-complaint filed by Disability Rights California notes that the city points to behaviors related to the disabilities of MHA clients, such as a man yelling in the street who later received psychiatric care, as justification for the lawsuit. Disability Rights California contends that closure of the center “discriminates against people with disabilities by depriving them of medical care and social services” and “will devastate the very life and health of its homeless members.”¹⁴³

2. Displacing an encampment by targeting the landowner: Union Pacific Railroad

When unhoused Santa Ana community members fleeing police persecution in the city center appeared along the railroad tracks—an undoubtedly perilous place to live—Santa Ana officials did not cease their reign of criminalization. Nor did they provide safe, affordable housing for Santa Ana’s unhoused population. Instead, the city filed a nuisance abatement lawsuit to force Union Pacific Railroad to clear out the encampments and evict and criminalize the unhoused residents.

The lawsuit maintained that “[T]he Railroad [Right of Way] is a nuisance due to Union Pacific’s complete failure to manage or patrol its property, resulting in continuous unauthorized access to the property and the occupation of said property by individuals experiencing homelessness and other persons.”¹⁴⁴ In an agreement reached in April 2021, the City of Santa Ana and Union Pacific Railroad agreed to additional protocols along the railroad right-of-way, including “additional policing, security, and fencing where appropriate.”¹⁴⁵ The city issued a statement that said, in part, “We are hopeful that this agreement [with Union Pacific Railroad] will provide relief to neighboring residences and businesses by helping to keep our community clean and safe.”¹⁴⁶

3. Displacing an encampment by targeting a community center: El Centro Cultural de México

In Spring of 2021, a group of unhoused people set up camp in the parking lot of El Centro Cultural de México after the closure of a local homeless shelter left them with nowhere to go. Leaders of the cultural center refused to evict the parking lot residents, and instead challenged the city to find acceptable places for them to live. Ben Vasquez, a board member with El Centro, said that the center was also working with other nonprofits to try to connect the residents to housing and services. “The city wants us to let them come and give them tickets, harass them or criminalize them,” he told the Los Angeles Times. “We won’t do that. We need to get them into places, get them services and make sure we don’t criminalize the homeless and treat them like human beings. We decided as a group we didn’t want to criminalize them.”¹⁴⁷

Before long, the city started fining the cultural center, alleging trash and noise complaints.

Soon, the fines added up to thousands of dollars. When the cultural center volunteers remained steadfast in their refusal to evict the encampment, city officials obtained an abatement warrant to enter the property and remove unhoused people. After months spent harassing El Centro, the city executed the warrant in May 2021 and forcibly displaced the encampment.¹⁴⁸

The clash over the El Centro encampment reflected a battle between three distinct narratives about unhoused people. El Centro volunteers placed the blame squarely on elected officials who have failed to provide housing to people who are displaced and who continued to criminalize them instead. As board member Carolina Sarmiento explained to the Los Angeles Times, “We’re not just a facade of Mexican culture. The question of displacement is at the heart of who we serve. It would be a contradiction to be talking about housing rights and immigrant rights and talk about not treating these folks as part of our community.”¹⁴⁹ Allies echoed this framing. “Our position towards homelessness is that our neighbors who lack shelter must always be treated with dignity, compassion, and assistance,” stated a letter submitted by Irvine United Congregational Church for the March 2 city council meeting. “To treat the state of being unsheltered as a misdemeanor or as a ticket-able offense,” the letter continued, “or to fine an institution such as El Centro Cultural de Mexico who are offering dignity, compassion, and assistance to the unsheltered, is simply indefensible.”

In their interviews with local media, people living in the parking lot mostly expressed gratitude to El Centro for providing them with a safe place to camp when they had nowhere else to go. Parking lot resident Nathan Muiars told the Los Angeles Times, “They have been very helpful. Most people would just call the police.”¹⁵⁰ Ruben Cruz, another El Centro parking lot resident, said that El Centro’s generosity gave him hope. “All of us here gave up on the word ‘love,’” he told the Los Angeles Times. “But people letting us stay here gives me hope that there is love out there.”¹⁵¹

Santa Ana public officials weaponized negative stereotypes about unhoused people to justify the eviction. “Santa Ana’s Mayor Vicente Sarmiento is also hearing from families at nearby Willard elementary school that they are concerned about walking their children to school because the nearby encampment is growing,” according to the Voice of OC.¹⁵² And City Manager Kristine Ridge told the Voice of OC in an interview, “Are police involved sometimes? Absolutely. There are some dangerous encampments. And to send outreach workers without security, it would be [an] additional liability for the city.”¹⁵³

4. Disrupting humanitarian aid in Calexico

The city of Calexico has similarly eradicated places of refuge for unhoused people—most recently, by targeting the humanitarian efforts of local community organizations.

Every day, people stream across the border from Mexicali into the U.S. to work in Imperial Valley’s agricultural fields. Fed by the Colorado River, the thriving farms stretch incongruously across the Colorado Desert.

A challenging environment for anyone, the Colorado Desert is especially hazardous for the migrants who work in the fields. Summers are relentlessly hot, with daily maximum temperatures of 104 to 120°F, and winters can be extremely cold.

In addition to the often-brutal climate, Calexico’s farmworkers from Mexicali and the Imperial Valley contend with low wages, lack of access to affordable housing, and barriers to healthcare. When they are unable to afford market rate rent, many sleep outside in Calexico to avoid the onerous hours-long commute across the border.

Frustrated by the failure of local elected officials to meet the survival needs of the workers commuting from Mexicali, in January 2021 the Coalition for Humane Immigrant Rights (CHIRLA) set up an encampment for them on city-owned land between an easement and a border barrier. When the workers arrived at the camp after a long day in the fields, they were met with a meal and hot chocolate. Other organizations, including Our Roots Multicultural Center and Comité Civico del Valle, donated

items such as sleeping bags, blankets, socks, gloves, bottled water, sweatpants, sweatshirts, jackets, and hand sanitizer. Soon, makeshift gardens popped up at the site in old tires filled with soil. “We are providing essential services for essential workers,” said Hugo Castro, a regional organizer for CHIRLA. “They are the most vulnerable and neglected.”¹⁵⁴

In February 2021, two Calexico city council members held a community forum to discuss proposed alternative sites that would provide shade, water, restrooms, and kitchens on city property.¹⁵⁵ The city council failed to act on the plan, and instead moved to dismantle the camp. A local community group, Calexico Needs Change, protested the displacement. Rudy Marchello, a 66-year-old camp resident who works in the fields, told a reporter he just wanted affordable housing. “That’s what I want,” he said as he left the encampment. “I want to find my place, a room, and I pay my rent.”¹⁵⁶ As the camp thinned out, while the farmworkers staying at the camp were working, law enforcement officials arrested Hugo Castro, the regional organizer, who protested the eviction by refusing to leave the site’s community garden.¹⁵⁷

Noting that the easement rendered the parcel unusable to the city, the Calexico City Council voted in March 2021 to sell it to the federal government, which had attempted to buy the land during the Trump Administration and use it to build a second border wall. After the vote, council members discovered that they were unable to move forward with the sale because the Biden Administration had suspended border wall construction.¹⁵⁸ Apart from the constant border patrol units driving in that area waiting for undocumented people to pass, the land is now unused. Meanwhile, life is harder than ever for the unhoused farm workers.



Calexico Police Clear Out Controversial Farmworker Encampment
[Credit: Zoe Meyers/Inewssource. <https://www.kpbs.org/news/2021/apr/08/calexico-police-clear-out-controversial-farmworker/>]



“A lot of people in this town blame us for being homeless, like we’re the worst people on Earth. **I just want to go home, but I don’t have a home to go to.** I’ve been trying to get an apartment for five years. I used to be a big-time bartender, but since my stroke in 2011, I have to survive on SSI. I have no family to help me, so here I am.”

THOMAS COVINGTON, CHICO

“I was living in an apartment with my girlfriend for 13 years and we got an eviction notice and got kicked out. So we lived in a car, but she got sick and was in the hospital. After four months she passed away. They took away my car, and I was living with my three dogs in the park. Back then it wasn’t that cold, and I had to sleep on the benches. I stayed around there until I made it here to the desert. I don’t have a way to walk, and people pick me up and bring me to different places. It’s difficult living out here. **Sometimes I cry because who wants to live like this?**”

OCTAVIO RAFAEL MOSQUERA,
LANCASTER



“The hardest part about living out here is probably having **no showers, no bathrooms...** It’s rough during the summertime and it’s rough during the wintertime.”

TOMAS KINSLEY, LANCASTER



“The harassment from the police is relentless. It’s a 24-hour setup. **There’s no way to feel safe.** You have to be on your guard all the time, it’s unrelenting. I lost everything in the Camp Fire. I had a full landscaping business and a wife, and now I have nothing. And it’s really hard to come back on your own. The police harassment almost made me give up on it all.”

KENNETH MITCHELL, CHICO

SEAN GEARY has lived in his RV since losing his housing two years ago. He’s spent the majority of his life in Pacifica and was married on the beach near where he now parks his RV. **The stress of living in a vehicle** has greatly exacerbated Sean’s **bipolar disorder** and hampered his attempts to get back on his feet.



RECOMMENDATIONS

Making it a crime to be unhoused

This report demonstrates the urgent need for stronger legal protections for unhoused people, who are discriminated against every day by local and state government officials on the basis of their housing status.

Looking ahead, we see even more disturbing developments at the local and state levels that portend an urgent need for anti-discrimination legislation, including proposed legislation that specifically targets unhoused people for more expansive conservatorship and forced mental health treatment. But we do not have to look ahead to see the destruction wrought by the proliferation of discriminatory policies and practices targeting Californians on the basis of their housing status. As documented in this report, it is not an exaggeration to say that unhoused Californians already live in an oppressive and life-threatening police state.

As this report demonstrates, discrimination against unhoused people is so widespread, so varied, and so entrenched that we cannot sit by and wait for local governments to change their ways. State leadership and intervention are desperately needed to stem this human rights crisis. The state must recognize the persecution of unhoused people as discrimination, and it must take a strong and unequivocal stand against it.

California must adopt legislation that protects people from discrimination on the basis of housing status and acknowledges their fundamental human rights. There are many ways the state can do this, but one straightforward way is to add housing status to the protected statuses recognized by California’s existing anti-discrimination legislation.

Protecting people experiencing housing displacement from discrimination on the basis of “housing status” will help curb the discriminatory policies and practices this report documents and more, including unjust policing and prosecution, cruel and unusual local ordinances, arbitrary exclusion from public spaces, forced segregation, seizure of persons and property without probable cause, and shutting people out of housing opportunities and services.

California lawmakers should also:

- **End enforcement of state laws that criminalize people for being unhoused and lacking access to services. For example, the state should:**
 - repeal penal codes that do nothing but criminalize housing status and enable persecution of unhoused people; and
 - ensure that funding and grants for housing and services are contingent upon the decriminalization of housing status.
- **Invest in subsidized, permanent affordable housing, social housing and services.**
 - This funding should follow “housing first” principles that are grounded in the idea that people need housing as an immediate response to their needs.
 - The funding should not be used to expand the homeless shelter system—a strategy that local governments hope will enable them to forcibly segregate unhoused people in warehouse-like settings.
 - State funding for housing and services should never be used for false solutions to housing displacement, like “safe” parking, police outreach, jail, and other forms of forced confinement.

By taking a moral stand against discrimination directed at the most vulnerable among us, and by investing in real solutions addressing housing displacement, California lawmakers can steer our communities away from the corrosive hatred and failed punitive tactics afflicting the state today and towards a more just, equitable, and humane future.

*For there is always light,
if only we're brave enough to see it.
If only we're brave enough to be it.*

FROM THE HILL WE CLIMB,
BY AMANDA GORMAN

CONCLUSION

All Californians deserve equal protection under the law, free from state persecution and discrimination. That is the promise of our evolving experiment in democracy. To further this goal, California prohibits discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, and sexual orientation. Yet, although Californians who are displaced from their housing are routinely discriminated against and harmed, such discrimination is not recognized under the law.

As this report demonstrates, discrimination against unhoused community members has reached a dangerous inflection point in California. The government's failure to provide subsidized, permanent, affordable housing to people as an immediate response to their housing needs has allowed houselessness to fester. Compassion fatigue has grown. Instead of investing the resources necessary to end the crisis, officials at all levels of government have become increasingly inventive in their attempts to segregate, displace, jail, and otherwise persecute their unhoused community members.

These strategies are violent, exclusionary, and, like all forms of discrimination, corrosive to the common good. They are also spreading as local governments learn from one another and continuously adapt to a changing legal and social environment. They can be found in all regions of the state, where they have resulted in tragic and needless harm, suffering, and death.

The case studies we have included in this report are not isolated incidents. Nor are they an exhaustive catalogue of the types of discrimination unhoused Californians endure. Rather, they are exemplars of widespread practices selected to give a sense of the sheer variety of forms that such discrimination can take.

To justify discrimination, we find that officials weaponize empirically baseless stereotypes that demonize the survivors of our unjust system. Most often, they blame unhoused people for the conditions of their oppression—a sleight of hand that deflects responsibility from the policymakers who have failed to replenish California’s decimated affordable housing stock. They also depict unhoused community members as less-than-human, damaged, deviant, or a danger to the housed community, thereby reinforcing their subaltern position in the social hierarchy.

To address this burgeoning catastrophe, state leaders must step up to the challenge by passing state legislation prohibiting discrimination based on housing status. Legal recognition that people experiencing housing displacement are marginalized and targeted for unequal treatment will give advocates an urgently needed tool with which to fight discrimination. It will help turn the tide of public sentiment toward justice by placing blame where it belongs—with an unjust system. It will also affirm the dignity and humanity of unhoused community members. It is the necessary next step in California’s legal, political, and moral evolution.

APPENDICES

Appendix I

Between June 2020 and May 2021, the ACLU of Northern California received approximately seventy-five intakes related to housing and homelessness issues.

EXAMPLES:

Fines and Fees

- Sacramento Intake dated June 9, 2020: California Highway Control impounded my vehicle. I was unable to transfer the title and register due to COVID-19, and I was inside the vehicle to lock the doors since there was a stay-at-home order. I'm homeless now. I'm on the streets and unable to do anything. I have to like go to court ... I have no license because I can't get a job without one to pay the fine for a ticket.
- Greenbrae Intake dated October 26, 2020: [Intake's] car was impounded and license taken for expired tabs and driving with a suspended license for expired registration. [Intake] lost the car because impound costs outweighed the value of the car. [Intake's] registration was expired because the DMV wanted over \$1000+ in traffic tickets to renew. [Intake] is low-income... with environmental health issues and immune system struggles and doesn't keep a regular residence. [Intake's] car was [Intake's] safe haven and port in the storm. [Intake's] car and license were taken with zero consideration for [Intake's] ability to pay, circumstances, safety, or borderline homelessness. Also, when [Intake] explained that [Intake's] already difficult situation would implode further due to the pandemic shutdowns, because my entire season of gigs was cancelled, the rookie California Highway Patrol officer... drove [Intake] to a local plaza with [Intake's] car-belongings (bags of clothes and essentials that lived in my car) and left [Intake] there.
- Castro Valley Intake dated November 19, 2020: [Intake] accumulated tickets and fines/fees from the courts that [they] couldn't pay. This went to collections about 2 years ago and [their] license was suspended. [Intake was] under the impression that [their] license couldn't be suspended for unpaid tickets and fees, but [theirs] was. [Intake] has been homeless for about 4 years, is 62, and a veteran. [They] recently set up a payment plan... for [their] outstanding balance and has made one payment. [Intake] was told that after [their] first payment, [they] could get [their] license back. But now the DMV is saying that [they were] never told that.

Mistreatment/Lack of Accommodations/Discrimination in Shelters

- Santa Rosa Intake dated December 30, 2020: Redwood Gospel Mission refuses to allow guests to leave by themselves for any reason. Locked in 24 hours a day. Cannot leave for any reason during the day.
- Santa Cruz Intake dated May 24, 2021: Living in a homeless shelter and not being treated fairly or equally due to color of skin. Being asked to leave due to “being here longer than allowed time” with no referrals or assistance. There are others (not my skin color) that have not only been here longer than I but have received lots of help and referrals to secure housing. Others are also not made to provide search logs, financial statements, weekly check-ins, etc. as I am.

Criminalization/Harassment of Vehicularly Housed People

- Oakland Intake dated June 30, 2020: I am a displaced Oakland resident and I live in my car. I am a solar installer by trade and must have my vehicle to work. Now I don’t have anywhere to put my belongings or sleep. It was before the deadline the governor set in April due to COVID-19. The officers had no right to tow my vehicle. They actually found me parked and asleep in my vehicle. I was just offered a job and can’t work because that’s how I get to the various jobsites all over Northern California with my tools and safety equipment.
- Pacifica Intake dated August 4, 2020: The city of Pacifica has passed an ordinance banning “oversized vehicles” aimed at banning the homeless in RVs from Pacifica... Unless I am wrong, no homeless in RVs will soon be allowed in Pacifica. Meanwhile, the ordinance also allows the housed to apply for a permit to park an RV in Pacifica for 36 hours to “load and unload” RVs. This seems to constitute an unjust situation allowing the housed a right that the homeless will soon be denied (enforcement will start soon, as signs forbidding “oversized vehicle” parking are currently going up).

Criminalization/Harassment of Unhoused People

- Visalia Intake dated August 7, 2020: [Intake] is unhoused, living in parks and on streets in Visalia and other parts of Tulare County. [They] said the [Visalia Police Department] have been rousting the homeless in and around Visalia, telling them they can't park on the streets, running their personal information every time [VPD Officers] encounters someone living in a car. The unhoused try to sleep in parks, talk to the rangers about what they can and can't do, the cops come to the parks and tell them they have to leave even though the rangers told them they could stay.
- Antelope Intake dated January 4, 2021: [Intake] is homeless. [Intake] says a private security firm in Sacramento, Sacramento Protective Services, has been harassing [them] personally, demanding receipts when they see [them] with food, rousting [them] out of locations where [they are] sitting. [They have] no criminal record. [They have] complained to the police who have told [them] to get an attorney.
- Santa Cruz Intake dated April 12, 2021: The City of Santa Cruz is attempting to pass an unjust and legally questionable "Temporary Outdoor Living Ordinance" to criminalize the unhoused, without offering any housing alternatives. A shelter was just closed, and the ordinance basically makes those living outside have to pack up their belongings each morning, and only live in sidewalks on busy streets in town. They will be subject to fines, court fees, and incarceration if they don't comply. And the Santa Cruz Police Dept is working closely with the city to be enforcing this, selectively and unevenly.

Encampment Sweeps

- Fresno Intake dated June 16, 2020: [Intake] lives with about 200 other people on a bike path near Cordelia St. [Intake] and [their] homeless neighbors have been forced to move 9 times in the past 11 days. The police come in at around 4:00 a.m. and tell everyone to move by the time they come back in the afternoon with the garbage trucks to confiscate belongings via siren and loudspeaker. In the past, when police come through, they are given 3 to 7 days' notice, now they have just been given a couple hours' notice.
- Sacramento Intake dated December 2, 2020: Homeless encampment on 1955-1957 Railroad Drive and Del Paso Blvd. in Sacramento is being bulldozed. Belongings were bulldozed over. No notice was given. The Sacramento Police Department came with the individual who says he owns the property. There has been a homeless encampment there for years. [Anon] has the maps of building owner's property and [they] say the encampment [was] outside the gates by at least 6 feet. [Anon] also said that the property owner pulled a gun on another person in the encampment. Probably no specific permission but the city put up portable bathrooms and there were no "no trespassing" signs posted. There are at least 100 people camped in this location.
- Tulare Intake dated December 10, 2020: City, Tulare Police Department, and city parks department made [Intake] move today because...the "regional stay at home order does not apply to [unhoused people]." They cleared out other people at the other part of the trail as well. [Intake] added that the city only gave [them] 2 days' notice.

- Chico Intake dated January 14, 2021: Since [the 2018 fire], more people have arrived and set up encampments throughout Chico, with Bidwell being the largest one. Bidwell is a relatively large park and there are at least 20 to 30 tents set up, some with multiple people, but there are more throughout the park. During the last election, there was a shift in how the city council and new mayor wanted to deal with the unhoused people and they are moving towards forcibly removing them from the park. The city council had a meeting in December and moved forward with their plan fairly quickly without giving too much notice to the public. The local news has reported that there would be warnings and citations given out to the people encamped at the park. On Tuesday there was a small protest with about 60 people at the entrance of the park where people tried to defend the unhoused people as they have not been given any alternative locations to move to. Park staff and clean-up crews were there on that day clearing out unclaimed property by the tents and law enforcement (Chico PD) were present although no citations were given out. 1/14/21 [Intake] called again to let us know that the homeless campers have been given 72 hours' notice to vacate. Also, there are future plans for law enforcement to put notices up in other parks within the city. She indicated that after the fires in this area (Paradise and such) the politics of the mayor and City Council have changed to be less sympathetic.

*Appendix 2:
Interviews of
unhoused people
living at Santa
Ana River Trail*

Reasons for Moving to River Trail					
Survey respondent ID number	Law enforcement harassment/law enforcement told me to move here	Complaints by businesses	Fleeing domestic violence or sexual assault	Heard about it from others	Eviction/incarceration
1	x				
2					
3	x	x		x	
4	x			x	x
5	x				
6	x		x		
7	x				x
8	x				
9					
10					
11	x	x			
12					
13	x				
14					x
15					
16					x
17					x
18	x				
19	x				
20	x				
21					x
22	x				
23					
24					x
25					
26					

Reasons for Moving to River Trail					
Survey respondent ID number	Law enforcement harassment/law enforcement told me to move here	Complaints by businesses	Fleeing domestic violence or sexual assault	Heard about it from others	Eviction/incarceration
27					
28					
29	x				
30				x	
31					x
32					x
33	x			x	
34					x
35					
36					
37					
38					x
39					
40	x				
41					
42	x				
43				x	x
44			x		
45			x		
46					x
47	x				
48					
Total	18	2	3	5	13
Percentage giving response	37.50	4.17	6.25	10.42	27.08

Where do you get water?						
Survey respondent ID number	Donations	Unauthorized private sources	Tampering	Public sources	River runoff	Purchases water
1	x	x	x			
2						x
3	x		x			
4	x	x	x			
5		x				x
6	x	x	x			
7			x			
8	x					x
9	x		x			x
10	x	x	x			
11	x	x	x	x		x
12	x		x			
13	x	x				x
14	x			x		x
15	x		x			
16	x	x	x			x
17						
18	x		x			x
19	x		x			x
20						x
21			x			
22	x		x		x	
23			x			x
24			x			
25			x			
26						

Where do you get water?						
Survey respondent ID number	Donations	Unauthorized private sources	Tampering	Public sources	River runoff	Purchases water
27			x			
28			x	x		
29	x	x	x			
30	x					
31			x	x		x
32			x			
33		x	x	x		
34	x	x	x			
35	x	x	x			
36		x	x			
37	x		x			
38	x		x			
39	x		x	x		
40	x		x			x
41		x	x			x
42			x			
43			x	x		
44			x	x		x
45			x			x
46	x		x	x		
47	x		x			x
48			x	x		
Total	26	14	39	10	1	18
Percentage giving response	54.17	29.17	81.25	20.83	2.08	37.50

Survey respondent ID number	What difficulties do you face getting water?			Consequences of inability to obtain sufficient water		
	Security guards/ other restrictions	Sources shut off	Disability/ mobility challenge and/ or distance	Skin infection/ abscess	Inability to stay clean	Dehydration
1						
2						
3	x					
4	x	x				
5	x	x				
6	x		x			
7						
8			x			
9						
10	x	x	x			
11						x
12						
13			x			
14						x
15	x	x				
16	x		x		x	x
17						
18			x			
19						
20						
21						
22		x		x	x	
23						
24					x	
25			x			x
26						

Survey respondent ID number	What difficulties do you face getting water?			Consequences of inability to obtain sufficient water		
	Security guards/ other restrictions	Sources shut off	Disability/ mobility challenge and/ or distance	Skin infection/ abscess	Inability to stay clean	Dehydration
27			x		x	
28	x	x				x
29	x	x	x			
30				x	x	
31			x	x		
32				x	x	
33	x	x	x	x	x	
34	x	x				
35	x		x			
36	x	x		x	x	x
37						
38				x	x	
39						
40	x			x	x	
41	x			x	x	x
42	x		x			
43	x	x				
44						
45			x		x	
46	x	x			x	x
47			x			x
48	x	x				
Total	19	13	15	9	13	9
Percentage giving response	39.58	27.08	31.25	18.75	27.08	18.75

*Appendix 3:
Trespass letter
programs in
Orange County*

City	City trespass letter program	Uses county trespass letter	None found	Notes
Aliso Viejo		x		
Anaheim	x			
Brea			x	
Buena Park	x			
Costa Mesa			x	
Cypress			x	
Dana Point		x		
Fountain Valley			x	
Fullerton	x			
Garden Grove	x			
Huntington Beach	x			
Irvine			x	
La Habra			x	
La Palma			x	
Laguna Beach	x			
Laguna Hills		x		
Laguna Niguel		x		
Laguna Woods		x		
Lake Forest		x		
Los Alamitos			x	
Newport Beach			x	Does not have a program but you can request the service
Orange			x	
Placentia			x	
Rancho Santa Margarita		x		
San Clemente		x		
San Juan Capistrano		x		
Santa Ana	x			
Seal Beach			x	
Stanton		x		
Tustin	x			
Villa Park		x		
Westminster			x	
Yorba Linda		x		
Total	8	13	13	

*Appendix 4:
Summary of
Laguna Beach
Trespass Letters
of Authorization
submitted in
2019/2020*

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Property Management	Commercial	X	X	The vagrants are discouraging my customers from either parking or going to my business.
Restaurant	Cafe/restaurant			
Interior design contracting	Commercial			
Residential complex	Residential complex	X	X	
Home decor	retail	X	X	
Retail	Retail	X		
Residential complex / association	Homeowners Association	X	X	
Retail	Retail			
Retail	Retail	X	X	
Real Estate	Real Estate	X	X	My employees feel unsafe and this causes a negative effect financially as I have a tenant in this building.
Restaurant	Cafe/restaurant			
Grocery	retail			
Retail	Retail			
Animal Hospital	Health Care	X		
private foundation	Commercial	X		
Clothing store	Retail	X	X	
Religious Property	Congregation			
Gas Station	Service	X	X	
Homeowners Association	Homeowners Association			
Fitness	Service			
Senior Center	Public	X		
Copy store	Service	X		
Retail	Retail			
Retail, service	Retail	X	X	

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Real estate business for retailers	Real Estate	X	X	
Art Gallery	Retail	X	X	
Retail complex	Retail	X		
Real Estate, commercial	Real Estate	X		
Retail	Shopping Center	X	X	
Grocery	Retail			
Transitional homeless shelter	Homeless shelter	X		Aggressive individuals pose a safety threat to staff and shelter guests.
Residential complex	Residential complex	X	X	
Tire shop	Service			
Restaurant	Cafe/restaurant			
Corporation Trust Company	Commercial			
Surf shop	Retail	X	X	
Leisure/hotel	Hotel			
Office complex	Commercial	X	X	Tenants and visitors have to walk thru the homeless set up. We have to clean up the reminder of their set up.
Clothing store	Retail	X		
Home decor	Retail			
Contractor	Service			
Attorney	Service	X	X	
Historical society	Public	X	X	
Hotel	Hotel	X		
City Entity	Public	X	X	Individuals sleeping in the parking spot create a safety hazard. Trash, urine, lodging discourages patrons from using the library.
Real Estate	Real Estate			

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Parking structure	Commercial	X	X	
Leisure	Service	X	X	
Private University	Service	X		
Shopping center	Retail			
Shopping center	Retail	X	X	The property is damaged by vagrant activity and there is an increase of danger to tenants.
Gas Station	Service			
Auto repair	Service	X		
Congregation	Congregation	X		
Congregation	Congregation	X	X	
Office complex	Commercial	X		
Homeowners Association	Homeowners Association			
Retail	Retail	X	X	
Mortuary	Service	X		
Law firm	Service			
Restaurant	Cafe/restaurant	X		
Residential complex	Residential complex			
Retail complex	Shopping Center	X	X	
Art Museum	Retail	X		
Congregation	Congregation	X	X	
Retail	Retail	X		
Design	Service	X	X	
Public transportation	Public			Vandalism, theft, and interference with operations.
Retail complex	Retail			General concern for our tenants' safety, appearance of our property.
Business complex	Commercial	X	X	

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Retail complex	Retail	X	X	
Business	Retail	X	X	
Grocery	Retail	X		
Restaurant	Cafe/restaurant	X		
Real Estate	Commercial	X	X	Homeless people frequent the back alley and sleep under the stairs by our backdoor. Makes me feel unsafe.
Real Estate office & Escape room	Real Estate	X	X	Most recent there were blankets and burned pieces of paper in the parking garage of the building. A fire would be devastating to the area. The defecation and urination is horrible at a workplace environment let alone, disgusting! People don't feel safe parking in the garages.
Retail	Retail	X	X	Homeless people congregating around the area of my business makes it less desirable for customers to come into my business
Restaurant	Cafe/restaurant			
Real Estate, commercial	Real Estate	X		
Real Estate, commercial	Real Estate	X		
Business/office	Commercial	X	X	
Restaurant	Cafe/restaurant	X	X	
Clothing store	Retail	X	X	
Retail complex	Retail	X		
Health Care Institution	Health Care Institution			
Congregation	Congregation			
Congregation	Congregation	X		

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Cafe	Cafe/restaurant	X		These are places of business. People have been sleeping in doorways, blocking entrances, and deterring customers.
Cafe	Cafe/restaurant	X		
Retail	Retail	X	X	
Restaurant	Cafe/restaurant	X		
Retail	Retail	X	X	
Real Estate, commercial	Real Estate	X	X	
Massage	Service			
Hotel	Hotel	X		
Restaurant	Cafe/restaurant	X	X	Vagrants loitering behind building. Disturbing tenants and customers, causing concerns for personal safety, security, and vandalism.
Retail	Retail	X		These are places of business. People have been sleeping in doorways, blocking entrances, and deterring customers.
Retail	Retail	X		
public elementary school	Public			
home decor	Retail	X	X	Absolute nuisance, employees do not feel safe, property damage.
Home decor	Retail	X	X	
Bank	Financial Institution	X		
Bank	Financial Institution	X		

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
post office	Public	X	X	Postal patrons are hindered in getting to their PO Box. Safety concern for our postal patrons. Littering, defecating, & urinating in our lobby is a HAZ MAT concern my employees and our postal patrons.
Office complex	Commercial	X		
Financial	Financial Institution	X		
Art Gallery	Retail	X		
Grocery	Retail	X	X	Safety and sanitation for my team members and customers.
Restaurant	Cafe/restaurant	X		These are places of business. People have been sleeping in doorways, blocking entrances, and deterring customers.
Private club	Service	X	X	
Restaurant	Cafe/restaurant	X	X	
Private Residence	Private Residence			
Private residence	Private Residence			
Private Residence	Private Residence	X		
Private Residence	Private Residence	X		
Private residence	Private Residence	X	X	Vagrant activity at the building is causing health/safety issues urinating, defecating, trying to break locks, jam elevator it is getting out of hand.
Private Residence	Private Residence	X		
Private Residence	Private Residence			
Private Residence	Private Residence			

Type	Category	Complaint about unhoused people	Demonstrates animus toward unhoused people	Selected quotes from letters
Private Residence	Private Residence			
Private Residence	Private Residence			
Private residence	Private Residence			
Total				85

ENDNOTES

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