

## MOTION

In its 2018 *Martin v. City of Boise* decision, the 9th U.S. Circuit Court of Appeals ruled that local ordinances banning camping in public spaces are unconstitutional when a city doesn't otherwise provide adequate shelter to house its homeless population.

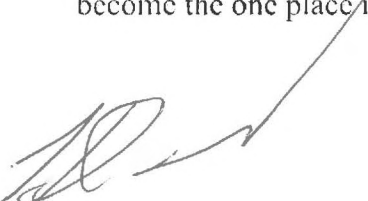
This ruling applies not just to the City of Los Angeles, but to the entire 9th Circuit jurisdiction which includes every municipality in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. This decision was reiterated earlier this month when a majority of 9th Circuit judges rejected the City of Boise's request that the full 9th Circuit reconsider the case. Today, the City of Los Angeles appears to be one of the few jurisdictions abiding by this ruling.

Due to the 2006 *Jones v. City of Los Angeles* case, and the resulting settlement agreement approved by the City Council more than a decade ago, people experiencing homelessness have been allowed to sleep or camp on Los Angeles sidewalks between the hours of 9 p.m. and 6 a.m. unless and until sufficient housing and shelter are available. In response, Los Angeles voters approved Proposition HHH to build supportive housing, and the city has begun implementing A Bridge Home to provide temporary housing, funded Rapid Rehousing vouchers, open Safe Parking programs, in addition to coordinating with the Los Angeles County on the provision of services.

For years, City of Los Angeles residents have asked why there are encampments on their sidewalks, but not the sidewalks of neighboring cities. They understandably have felt that if sidewalk encampments were legal in Los Angeles but not in neighboring cities, people experiencing homelessness would naturally gravitate to Los Angeles neighborhoods, increasing the obligation on Los Angeles to house a growing unhoused population, and making it virtually impossible to provide sufficient housing or shelter.

The Boise decision changed that, at least in theory. Under the ruling, no city in the region should be allowed to criminalize sleeping on a sidewalk unless there is an alternative -- yet unhoused residents of Los Angeles report that they are forbidden by police in neighboring cities from sleeping on sidewalks there, and are directed to Los Angeles sidewalks. This is unfair and unjust, and results in the City of Los Angeles, its neighborhoods, and its residents being asked to bear the burden of solving homelessness while neighboring jurisdictions reduce or minimize their burden to address the crisis.

This is similar to the phenomenon of "patient dumping," which the Los Angeles City Attorney has consistently and often successfully addressed. If the City of Los Angeles is the only jurisdiction in which people can sleep on sidewalks and other public spaces, it will necessarily become the one place in the region where unhoused people will sleep, and the City of Los



Angeles will be required to provide shelter for these individuals and families. That drains city resources and makes it more difficult for Los Angeles to make measurable progress in addressing homelessness.

I THEREFORE MOVE that the Los Angeles Homeless Services Authority, the Office of the City Attorney, and, if appropriate, outside counsel; and other agencies as appropriate, report on whether other municipalities in Los Angeles County are in compliance with the *Martin v. City of Boise* ruling.

I FURTHER MOVE that the City Council request that the City Attorney report, in closed session if necessary, on what legal steps the City of Los Angeles can take to compel other municipalities to comply with the Boise decision.

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