

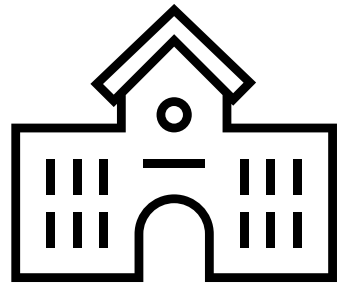
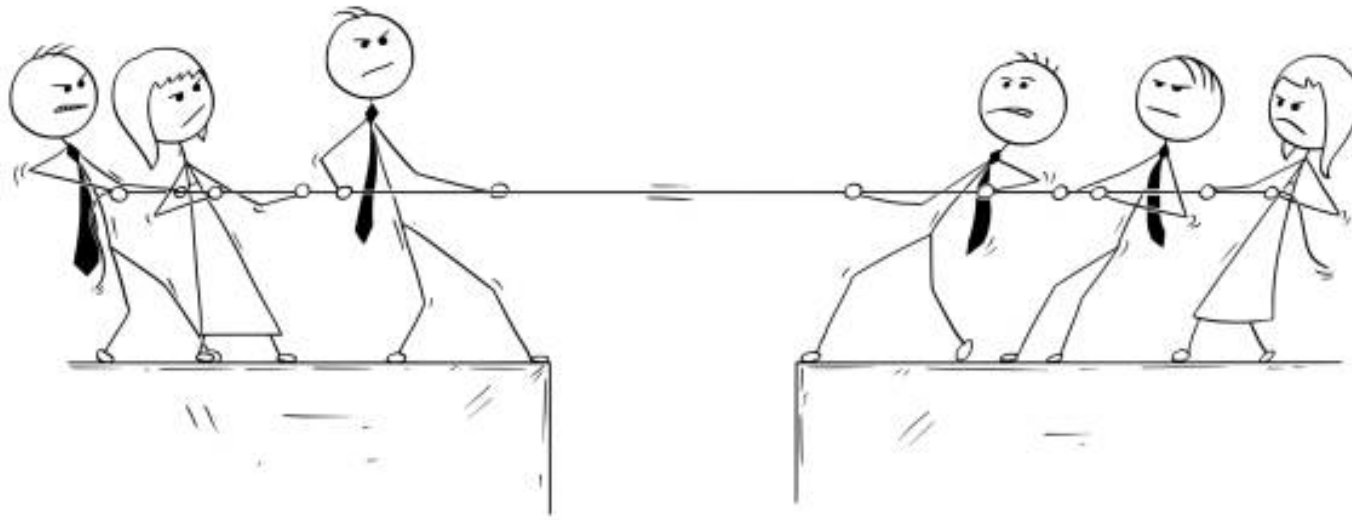
Camping Ordinances in the Ninth Circuit: Balancing Needs of the Public and a Vulnerable Population

Diana Ramos & Craig Ashford
Miller Nash LLP

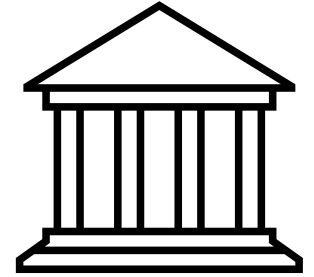
March 28, 2024

Constitutional Law
CliffsNotes

Federalism



Federal Government



**State
Government**

The U.S. Constitution

- Grants powers to the federal government
 - Article I- Legislative: Congress
 - Article II- Executive: President
 - Article III- Judicial: Federal Courts
- Reserves the remaining powers to the states
- Recognizes rights of individuals (Bill of Rights) including:
 - 8th Amendment- prohibits cruel and unusual punishment



The Court System

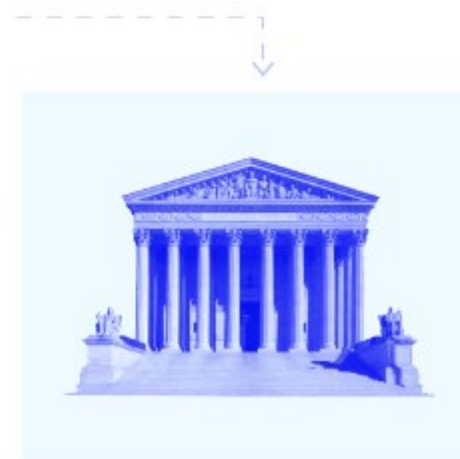
Federal Courts



U.S. District Courts



U.S. Courts of Appeals



U.S. Supreme Court

State Courts



State Trial Courts



State Appellate Courts



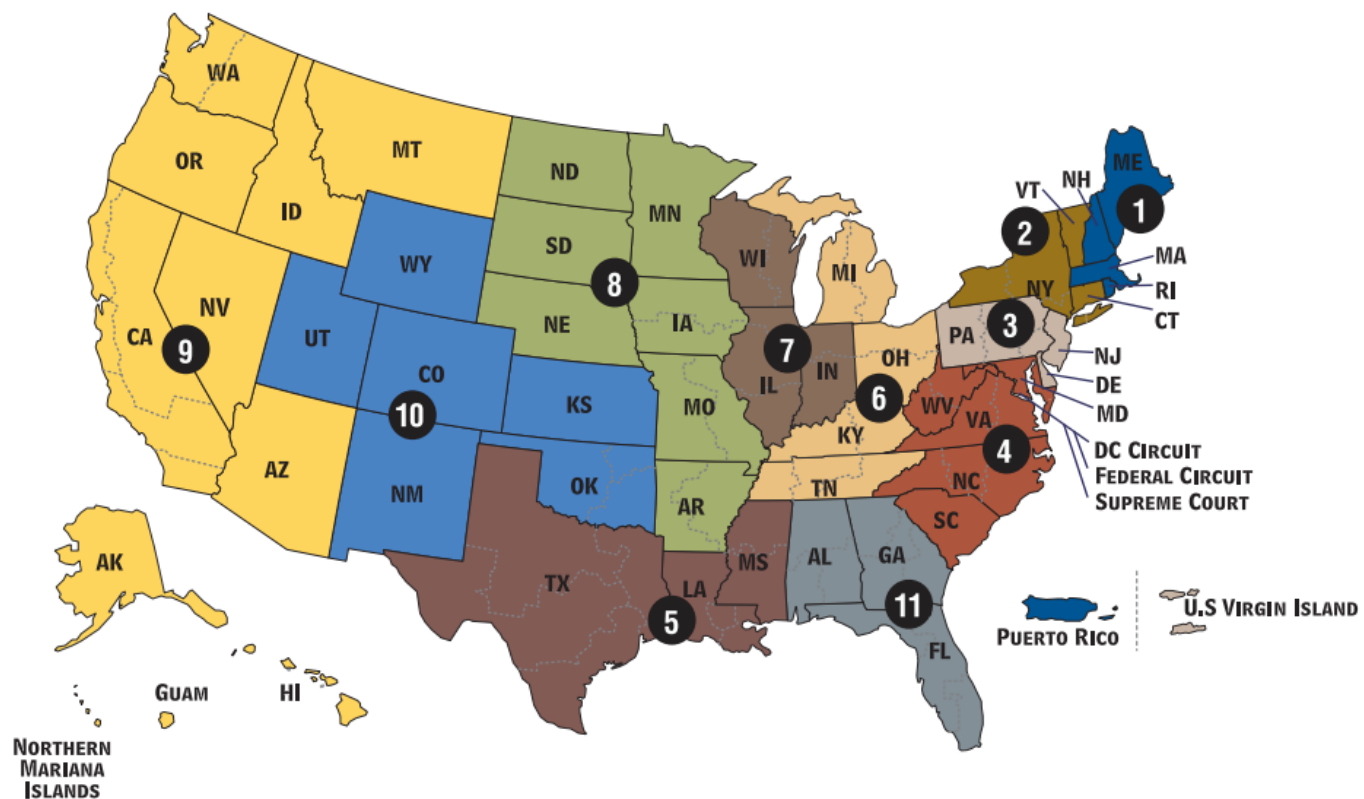
State Supreme Courts



Courts of Appeal

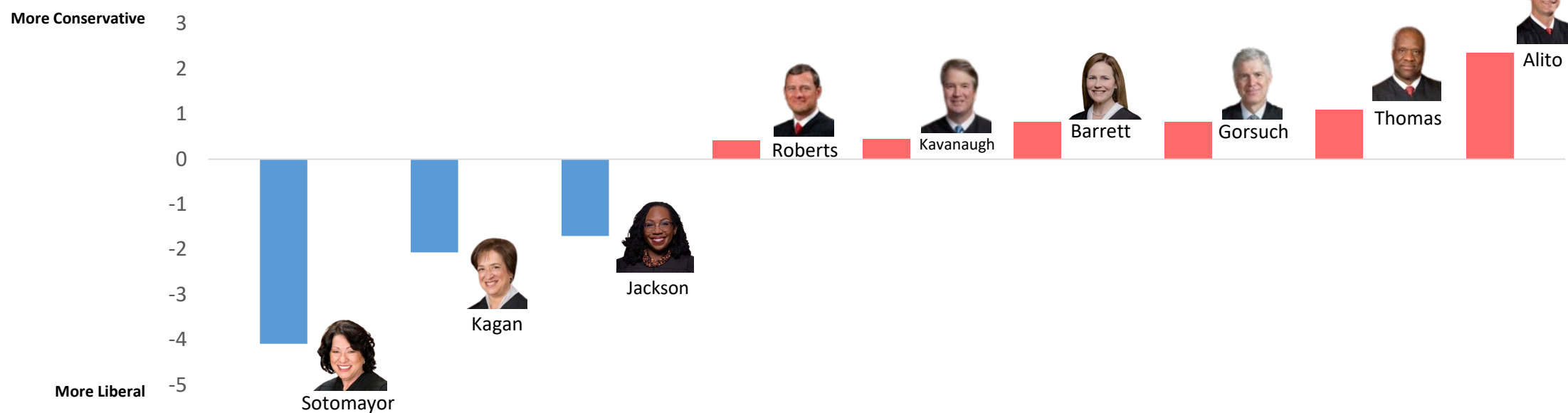
Geographic Boundaries

of United States Courts of Appeals and United States District Courts



Supreme Court Justices

Ideologies of the Supreme Court Justices
Based on Martin-Quinn scores in 2022-2023



Constitutional Protections

Principles Preventing Unfair Punishment

- **Habeas corpus- detention**

"The Privileges of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public Safety may require it."

- **Right to counsel- criminal**

"In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense."

- **Bills of attainder and ex post facto laws are unconstitutional- criminal**

"No Bill of Attainder or ex post facto Law shall be passed."

- **Cruel and unusual punishment is unconstitutional- criminal?**

Cruel and Unusual Punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

- 8th Amendment
 - (1) limits the type of punishment the government may impose
 - (2) prohibits punishment that is grossly disproportionate to the severity of the crime
 - (3) restricts what the government can criminalize
- Criminalizing “Status” is interpreted as cruel and unusual punishment
 - *Robinson v. State of California* (U.S. Supreme Court, 1962)
- “Pure Behavior” or “Mere Status”
 - *Powell v. Texas* (U.S. Supreme Court, 1968)

	Substance Abuse
<i>Status</i>	Addiction
<i>Punishable Behavior</i>	Disorderly conduct

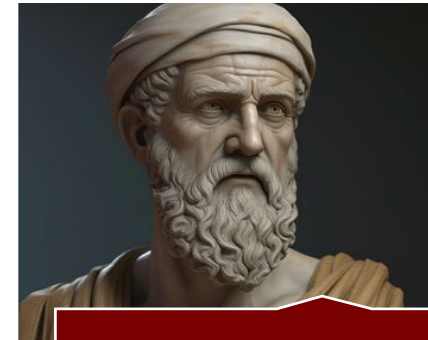
*What Is the Law in
the Ninth Circuit?*

Today's Tour Guide

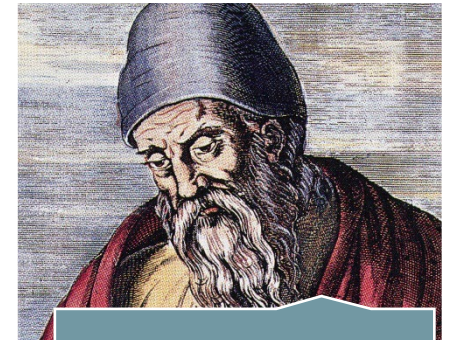
- In summarizing these cases and this body of law, I'm going to try to follow two of my father's time-honored traditions:
 - Overexplaining "why"
 - Excessive neutrality



Jay Ashford



Pythagoras



Euclid

How Do the Ninth Circuit's Cases Affect Your Jurisdiction's Ordinance?

- These cases are intended to answer four questions
 - Can my jurisdiction prohibit sleeping, sitting, lying down, or keeping warm on public property?
 - If my jurisdiction can prohibit these activities, when and how can it prohibit them?
 - How do I enforce my jurisdiction's ordinance? Can a violation be punishable as a crime? Can it be a civil violation (for example, a citation and/or fine)?
 - How is the distinction between “mere status” and “public behavior” relevant to my jurisdiction?

“Mere Status” vs. “Public Behavior”

- “Mere Status” and “Public Behavior” are phrases used to characterize regulations that are deemed constitutional and those that are not
 - If a court says the law punishes “mere status,” then it is unconstitutional
 - If a court says the law punishes “public behavior,” then the law does not violate the constitution
- How does one know if an ordinance regulates “mere status” or “public behavior”?

I’m **SO** glad you asked...



*The U.S. Supreme Court's Interpretation of
the Cruel and Unusual Punishment Clause*

Criminalizing a Person's Status

- *Robinson v. State of California* (U.S. Supreme Court, 1962)
 - Health and Safety Code § 11721
 - “No person shall use, or be under the influence of, or be addicted to the use of narcotics Any person convicted of violating . . . this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year”
 - “It is unlikely that any State at this moment in history would attempt to make it a criminal offense for a person to be mentally ill, or a leper [I]n the light of contemporary human knowledge, a law which made a criminal offense of such a disease would doubtless be universally thought to be an infliction of cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments.”
 - **“We hold that a state law which imprisons a person thus afflicted as a criminal, even though he has never touched any narcotic drug within the State . . . , inflicts a cruel and unusual punishment”**

How Far Does *Robinson* Extend? Criminalizing “Public Behavior” vs. “Mere Status”

- *Powell v. Texas* (U.S. Supreme Court, 1968)
 - An alcoholic individual is arrested under a Texas statute criminalizing public intoxication
 - Defendant argues that he’s punished for a status because he has an involuntary illness which leads to conduct that he can’t change or avoid
 - Court decision: Conviction is upheld
 - Plurality Opinion: *Robinson* prohibited criminalizing “mere status,” but this Texas statute criminalizes a public behavior: public intoxication (four justices)
 - Concurring Opinion: “[I]f individuals could show both ‘that resisting drunkenness is impossible and that avoiding public places when intoxicated is also impossible,’ a statute banning public drunkenness would be unconstitutional as applied to them. . . . “[T]he statute would, in effect, ‘ban[] a single act for which [homeless alcoholics] may not be convicted under the Eighth Amendment — the act of getting drunk.’ Id. To do so, Justice White concluded, would punish ‘addiction under a different name.’” (one justice)
 - Dissenting Opinion: *Robinson* should require the Court to reverse Powell’s conviction “because it stood for . . . the principle that “[c]riminal penalties may not be inflicted upon a person for being in a condition he is powerless to change.” In both *Robinson* and *Powell*, “the particular defendant was accused of being in a condition which he had no capacity to change or avoid.” (four justices)
- The concurring and dissenting opinions (five out of nine justices) adopted the same rule. They argue that a law that ostensibly regulates behavior is actually still a regulation of “mere status” if someone can be criminally convicted for behavior that they cannot change or avoid.

Scope of the Cruel and Unusual Punishment Clause

- *Ingraham v. Wright* (U.S. Supreme Court, 1977)
 - Eighth Amendment prohibition on cruel and unusual punishment limits governments in three ways:
 - First, it limits the kinds of punishment that can be imposed on those convicted of crimes;
 - Second, it proscribes punishment grossly disproportionate to the severity of the crime; and
 - *Third, it imposes substantive limits on what can be made criminal and punished as such.*
- In *Ingraham*, the Court seemingly rules that someone must be convicted under a law first before they can challenge that law as violating the Eighth Amendment

The Ninth Circuit's Application of the Cruel and Unusual Punishment Clause

“The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.”

— Anatole France
The Red Lily

“[T]he ordinances criminalizing sleeping in public places were never a viable solution to the homelessness problem. People with no place to live will sleep outside if they have no alternative. Taking them to jail for a few days is both unconstitutional . . . and, in all likelihood, pointless.”

— Judge Marsha S. Berzon
Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019)

First Trial Court Case Concerning Camping

- *Joyce v. City and County of San Francisco* (N.D. California, 1994)
 - City institutes the Matrix Program which is “initiated to address citizen complaints about a broad range of offenses occurring on the streets and in parks and neighborhoods.”
 - “The program addresses offenses including public drinking and inebriation, obstruction of sidewalks, lodging, camping or sleeping in public parks, littering, public urination and defecation, aggressive panhandling, dumping of refuse, graffiti, vandalism, street prostitution, and street sales of narcotics, among others.”
 - Plaintiffs argue that lack of housing is an involuntary status, particularly in areas where there’s not enough publicly provided housing. As a result, sleeping, eating, sitting, or remaining in a public place are, therefore, involuntary life-sustaining activities that can’t be punished.
 - District Court (trial court) disagrees and rules in favor of the City of San Francisco

If at First You Don't Succeed . . .

- *Jones v. City of Los Angeles* (Ninth Circuit, 2006)
 - City of Los Angeles adopts an ordinance that makes sitting, lying, or sleeping on public streets or sidewalks at all times and in all places is punishable with civil citations and criminal charges, and the City also has insufficient space to give shelter to its unhoused population
 - Six individuals challenge the ordinance after civil citations and criminal arrests
 - Court decides:
 - No Home + Inadequate Shelter in Community = **Involuntarily Unhoused**
Individuals without homes and inadequate alternative shelter in their area have an involuntary status that they cannot change or avoid
 - Prohibiting an involuntarily unhoused individual from “sitting, lying, or sleeping at night,” which are involuntary byproducts of an involuntary status, is a **punishment of “mere status”** and violates the Cruel and Unusual Punishment Clause
 - The Cruel and Unusual Punishment Clause **applies to both civil and criminal penalties**
 - Plaintiffs can **challenge** an ordinance for violation of the Eighth Amendment **without being convicted under the ordinance**
- The court’s decision was vacated and retroactively discarded after the City of Los Angeles reached a settlement with the plaintiffs

“

“As a result of the expansive reach of [the ordinance], the extreme lack of available shelter in Los Angeles, and the large homeless population, thousands of people violate the Los Angeles ordinance every day and night, and many are arrested, losing what few possessions they may have. Appellants are among them.”

“Robert Lee Purrie is in his early sixties. He has lived in the Skid Row area for four decades. Purrie sleeps on the streets because he cannot afford a room in an SRO hotel and is often unable to find an open bed in a shelter. Early in the morning of December 5, 2002, Purrie declares that he was sleeping on the sidewalk at Sixth Street and Towne Avenue because he ‘had nowhere else to sleep.’ At 5:20 a.m., L.A.P.D. officers cited Purrie for violating section 41.18(d). He could not afford to pay the resulting fine.”

“Purrie was sleeping in the same location on January 14, 2003, when police officers woke him early in the morning and searched, handcuffed, and arrested him pursuant to a warrant for failing to pay the fine from his earlier citation. The police removed his property from his tent, broke it down, and threw all of his property, including the tent, into the street. The officers also removed the property and tents of other homeless individuals sleeping near Purrie. After spending the night in jail, Purrie was convicted of violating section 41.18(d), given a twelve-month suspended sentence, and ordered to pay \$195 in restitution and attorneys’ fees. Purrie was also ordered to stay away from the location of his arrest. Upon his release, Purrie returned to the corner where he had been sleeping on the night of his arrest to find that all the belongings he had left behind, including blankets, clothes, cooking utensils, a hygiene kit, and other personal effects, were gone.”

”

. . . Try, Try Again

- *Martin v. City of Boise* (Ninth Circuit, 2018 and 2019)
 - City adopts a camping ordinance that punishes the use of “any of the streets, sidewalks, parks, or public places as a camping place at any time” with misdemeanor penalties. Camping is “the use of public property as a temporary or permanent place of dwelling, lodging, or residence.”
 - City also adopts a disorderly conduct ordinance that bans “[o]ccupying, lodging, or sleeping in any building, structure, or public place, whether public or private . . . without the permission of the owner or person entitled to possession or in control thereof.”
 - “[M]unicipal ordinances that criminalize sleeping, sitting, or lying in all public spaces, when no alternative sleeping space is available, violate the Eighth Amendment Nothing in the opinion reaches beyond criminalizing the biologically essential need to sleep when there is no available shelter.”
 - In addition, the Ninth Circuit “clearly states that it is not outlawing ordinances ‘barring the obstruction of public rights of way or the erection of certain structures,’ such as tents, . . . and that the holding ‘in no way dictate[s] to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place,’”
- This one sticks! For now!

Where is the Ninth Circuit Before *Martin*?

- ✓ States, cities, counties can prohibit sleeping, sitting, warming on public property at all times and in all places
- ✗ A person's lack of housing is an involuntary status if there is inadequate alternative shelter in the community
- ✗ States, cities, counties can only prohibit sleeping, sitting, warming on public property at all times and in all places if there is adequate alternative shelter
- ✗ Cruel and Unusual Punishment Clause applies to both civil and criminal penalties
- ✗ Individuals can challenge the ordinance even if they haven't been criminally convicted

Where is the Ninth Circuit After *Martin*?

- ✗ States, cities, counties can prohibit sleeping, sitting, warming on public property at all times and in all places
- ✓ A person's lack of housing is an involuntary status if there is inadequate alternative shelter in the community
- ✓ States, cities, counties can only prohibit sleeping, sitting, and lying down at all times and in all places if there is adequate alternative shelter
- ✓ Cruel and Unusual Punishment Clause applies to both civil and criminal penalties
- ✓ Individuals can challenge the ordinance even if they haven't been criminally convicted

Recap—How Does Current Ninth Circuit Case Law Affect Your Ordinance?

- These cases are intended to answer four specific questions

- **Can my jurisdiction prohibit sleeping, sitting, lying down, or keeping warm on public property?**

Answer:

Yes, even if your jurisdiction does not have adequate alternative shelter for all of your unhoused population.

- **If my jurisdiction can prohibit these activities, when and how can it prohibit them?**

Answer:

If your jurisdiction has adequate alternative shelter, you can prohibit sleeping, sitting, lying down, or keeping warm on public property entirely. If your jurisdiction does not have adequate alternative shelter, you can still limit these activities to certain areas and perhaps certain times.

- **How do I enforce my jurisdiction's ordinance? Can a violation be punishable as a crime? Can it be a civil violation (for example, a citation and/or fine)?**

Answer:

Your ordinance can be punishable by civil or criminal penalties so long as the prohibitions or regulations meet the requirements above.

- **What is my jurisdiction supposed to do with this “mere status” vs. “public behavior” distinction?**

Answer:

These are semantics. If your jurisdiction's ordinance meets the requirements above, then it will be labeled a regulation of public behavior. If it does not meet these requirements, then it will be labeled an unconstitutional regulation of mere status.

Recap - “Mere Status” vs. “Public Behavior”

- “Mere Status” and “Public Behavior” are phrases used to characterize regulations that are deemed constitutional and those that are not
 - If a law is said to punish “mere status,” then it is unconstitutional under the Eighth Amendment’s prohibition on cruel and unusual punishment
 - If a law is said to punish “public behavior,” then it does not violate the Cruel and Unusual Punishment Clause
- **How does one know if an ordinance regulates “mere status” or “public behavior”?**

Answer:

If an ordinance prohibits sleeping, sitting, lying, keeping warm, and similar activities in all public places at all times and the jurisdiction does not have sufficient alternative shelter for its unhoused population, then the ordinance may be deemed an unconstitutional punishment of mere status.

*The Cruel and Unusual Punishment
Clause as Applied by Other Circuits*

Fifth Circuit Court of Appeals

- *Johnson v. City of Dallas, Texas* (1995)
 - A class action suit is brought by chronically unhoused individuals living in the City of Dallas. Individuals argue that the city's prohibition on sleeping in public violates the Eighth Amendment.
 - Court rules that the plaintiffs aren't allowed to bring their claim because the Eighth Amendment only protects individuals who have been convicted.

Eleventh Circuit Court of Appeals

- *Joel v. City of Orlando* (2000)
 - An individual is arrested for violating a city ordinance prohibiting “camping” on public property. This individual argues that prohibiting camping, which includes “sleeping out-of-doors,” is a violation of the Eighth Amendment because it criminalizes involuntary conduct.
 - Court upholds the city ordinance because the individual’s camping was voluntary as opposed to an involuntary result of his status. The local shelters had never reached maximum capacity and no individual was ever turned away due to inadequate space. As a result, punishment for camping on public property was not a punishment of a person’s status as chronically unhoused.

Fourth Circuit Court of Appeals

- *Manning v. Caldwell for City of Roanoke* (2019)
 - Unhoused individuals suffering from alcoholism challenge Virginia statute making it a crime for “habitual drunkards” to possess, consume, or purchase alcohol.
 - Court rules the statute might violate the Eighth Amendment if the application to “habitual drunkards” means it applies to the involuntary status of being an alcoholic.

*Rumble in the (Marble) Jungle:
City of Grant's Pass v. Johnson*

What Happened?

- *City of Grant's Pass v. Johnson*

- City adopts five ordinances, described as an “anti-sleeping” ordinance, two “anti-camping” ordinances, a “park exclusion” ordinance, and a “park exclusion appeals” ordinance.
- Sleeping ordinance
 - **Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited**
 - a) No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.
 - b) No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
 - c) In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.
 - Violations result in civil fines

What Happened?

Part Deux

- *City of Grant's Pass v. Johnson*
 - Camping Ordinance #1
 - Individuals are prohibited from occupying a “campsite” on all public property, such as parks, benches, or rights of way
 - The term “campsite” was defined as any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, leanto, shack, or any other structure, or any vehicle or part thereof.
 - Camping Ordinance #2
 - Individuals are prohibited from camping in public parks, including “[o]vernight parking” in a vehicle. Individuals would violate this parking prohibition if they parked or left “a vehicle parked for two consecutive hours [in a City park] . . . between the hours of midnight and 6:00 a.m.”
 - Both ordinances are punishable by civil fine

What Happened?

Part Trois

- Park exclusion ordinance
 - **Temporary Exclusion from City Park Properties**
 - a) An individual may be issued a written exclusion order by a police officer of the Public Safety Department barring said individual from all City Park properties for a period of 30 days, if within a one year period the individual:
 - b) Is issued 2 or more citations for violating regulations related to City park properties, or
 - c) Is issued one or more citations for violating any state law(s) while on City park property.
 - Returning to a City park in violation of the exclusion could result in criminal prosecution
- Park exclusion appeals ordinance
 - Exclusion orders under the exclusion ordinance could be appealed to the City Council

Ninth Circuit's Decision?

- *City of Grant's Pass v. Johnson*

- Involuntarily unhoused individuals in Grant's Pass **cannot change or avoid their behavior of sleeping on public property, and therefore their status** as unhoused, because there is insufficient alternative shelter in Grant's Pass

“The anti-camping ordinances prohibit Plaintiffs from engaging in **activity they cannot avoid.**”

- The Eighth Amendment protection for unavoidable behavior applies not only to **sleeping, sitting, and lying down**, but also to “**necessary minimal measures to keep themselves warm and dry** while sleeping”
- **Sufficient volume of shelter beds** in the community creates a **safe harbor to prohibit camping in public places**
- Allowing camping but not the means of camping does not pass muster

The City revised its camping ordinance to allow sleeping in City parks, this did not fix the problem

“**[T]he City's argument regarding the revised anticamping ordinance is an illusion.** The amended ordinance continues to prohibit homeless persons from using ‘bedding, sleeping bag, or other material used for bedding purposes,’ or using stoves, lighting fires, or erecting structures of any kind.”

- The Eighth Amendment **applies to civil penalties if they are intertwined with criminal penalties**

“The civil citations issued for behavior Plaintiffs cannot avoid are then followed by a civil park exclusion order and, eventually, prosecutions for criminal trespass. Imposing a few extra steps before criminalizing the very acts *Martin* explicitly says cannot be criminalized does not cure the anti-camping ordinances' Eighth Amendment infirmity.”

Why Is the Supreme Court Reviewing This Case?

- **United States Supreme Court Rules**

- Rule 10. Considerations Governing Review on Writ of Certiorari**

- Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

- (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

- (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

- (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

- A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

What Will the Court's Opinion Address?

- Can an individual challenge a law under the Eighth Amendment if they've never been criminally convicted?
- Does the Eighth Amendment limit ordinances resulting in civil punishments in addition to those resulting in criminal punishments?
- When is government punishing “mere status” or “public behavior”?
- Does a chronically unhoused individual have an involuntary status if there is insufficient alternative shelter in their community?
- Can government prohibit behaviors that an individual cannot change or avoid due to an involuntary status?

What Do We Think the Supreme Court Might Decide?

- *Ingraham* case held that the Eighth Amendment **only applies criminal punishment** and that the individual **must have been convicted** under a law before challenging it
 - Roberts, Kavanaugh, Barrett, and Gorsuch
- **Public behaviors** can be criminally and civilly punished as they are not the same as mere status as described in *Robinson* and *Johnson*
 - Thomas, Alito
- Possible dissent: Eighth Amendment allows a challenge to criminal and civil punishments and sitting, sleeping, laying down, and staying warm are unavoidable behaviors if there is inadequate alternative shelter
 - Sotomayor, Kagan, Jackson

Can I Get This in Plain English Please?

Resources for Legal Summaries

- [League of Oregon Cities Guide to Persons Experiencing Homelessness in Public Spaces](#)
- [Housing Not Handcuffs](#)
 - Report on [Ending the Criminalization of Homelessness in U.S. Cities](#)
- [Oyez.org](#)
 - [Summary of *City of Grant's Pass v. Johnson*](#)

*What your lawyer might tell you...
or should tell you...
but might not tell you...*

Lawyers Can Accidentally Create Thought Traps

- **Focus on what you can do, not on what you can't do**
 - Lawyers commonly focus on what the law doesn't allow or what you should avoid. If this becomes a predominant focus of the entire group, it can lead a group to start thinking from a mindset of "What are we forced to do?" or "What are we stuck with?" as opposed to "What can we do?" or "What do we want?"
 - Lawyers need to be equally skilled at figuring out how to make sure you don't lose sight of legal prohibitions and not making the discussion all about legal prohibitions.
 - However, lawyers must not dominate your thought process so significantly as to use prohibitions as the starting point for what you want the program to be and achieve.
 - Legal prohibitions need to be a part of the discussion, not the beginning and end or the focus of the discussion.
 - Keep in mind that lawyers are anxious worriers and will point out what is problematic.
 - However, excessive focus on what can't be done can obscure the wide field of solutions that can be done.
 - Transition focus to proactive thinking of what can be achieved through careful planning and principle-based decisions as segue to other presenters.

Lawyers Aren't Special

- **Let yourself learn.**

- Legal guidance should also be focused on the “why” of the law’s prohibitions so it can also assist in building programs based on overarching principles (in addition to current specific prohibitions).
- Programs that are shaped by legal principles and reasoning are typically more effective means for creating programs that are not only compliant with current law but also potential future legal developments.
- In addition the “why” of legal prohibitions, particularly related to constitutional principles like these are typically centered around concerns of social justice, human rights, and protection of vulnerable populations for the good of the country as a whole.

Lawyers (Usually) Don't Know the Future Any Better Than You

- **Be careful of absolutes.**

- The classic lawyer's answer of "it depends" has become a cliché for a reason.
- Some lawyers are too confident in their opinions.
- Some clients unfairly ask lawyers to be certain.
- The status of the law is up in the air right now. There are more questions than answers.

Thank You



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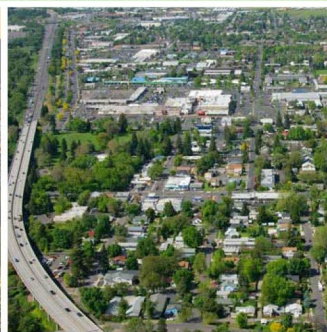
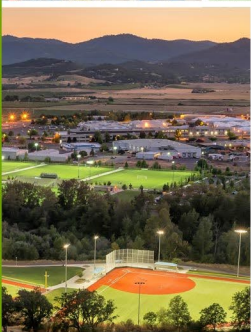


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Medford's Response: Homeless Crisis

Presented by:

Kelly Madding, Deputy City Manager
Jason Antley, Medford Police Sergeant



MEDFORD
CITY MANAGER'S OFFICE

Presentation Outline

- City's Homeless Housing Initiatives
- Evolution of Prohibited Camping Ordinance
- Legal Proceedings
- Livability Team Impact
- Financing and Implementation



City Homeless Housing Initiatives

- **2017** – City property used for Tiny Home Village
 - **Housing for 36**
- **2020** - City leases land for 1st low-barrier homeless campground



City Homeless Housing Initiatives

- **2021** - City purchases land for Navigation Center
 - **Congregate housing for 100**
- **2022** – City purchases land for campground
 - **Houses 125**

****Currently City-owned land supports 261 residents***



Municipal Code Updates

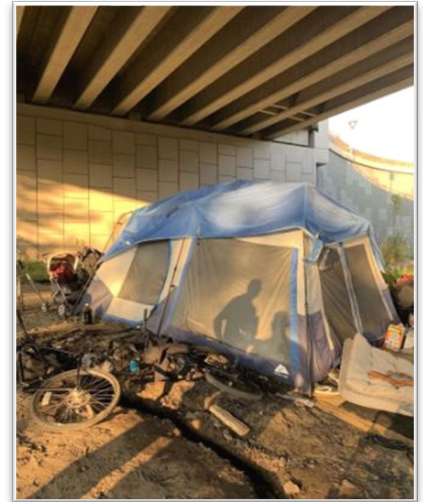
- **2021:**
 - City allows camping in vehicles in public and private property
 - City adopts Post Blake Prohibited Camping Ordinance
 - City modifies camp noticing requirements
 - 72 hours
- **2023:** City further refines Prohibited Camping Ordinance



What is Prohibited

April 2021

- With limited exceptions, tents or other structures erected to seek shelter regardless of the materials used.
- No sleeping/camping:
 - On or near railroad tracks or obstructing sidewalks such that they can't be used
 - On private property or any public property posted, "No trespassing"
 - On the Greenway - May 1st through September 30th
 - On a playground/sports field during hours of closure
 - Underneath roadways or bridges that are not open to the public
 - On streets, including planter strips, medians & parking spaces
- No sleeping in any vehicle or RV on public property



Bear Creek Greenway



Established Camping

2023

- No sleeping/camping:
 - On a baseball field or playground when being used
 - In the Bear Creek Riparian Zone (w/in 50' of top of bank)
 - Within a 500' buffer zone for any school
 - On public ROW within 500' of a homeless shelter
- Defined established campsite as 5 days



City Faces Lawsuit

Bilodeau v. City of Medford

- Sued by six homeless people
- Alleged City's ordinance unconstitutionally criminalize existence of homeless people
- Plaintiffs denied class certification
- Judge Clarke – presided over Grants Pass case

➤ *Judge Clarke decided that summary judgement be granted*

There is no constitutional right to a tent

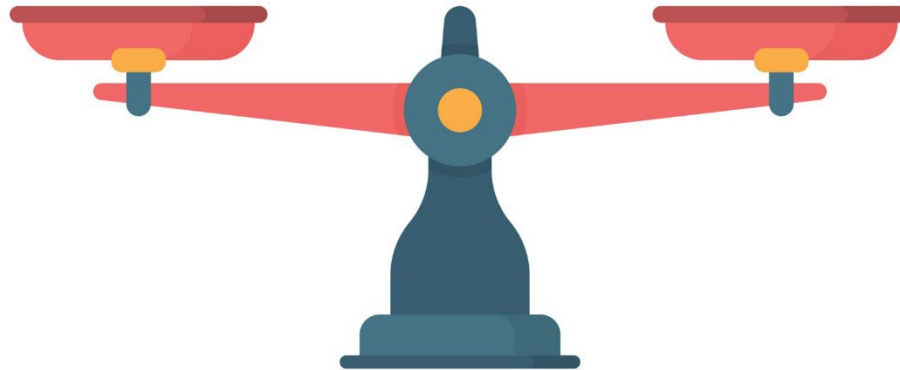
A City is not constitutionally obligated to provide a bed for each homeless resident



The Balance

**A commitment to
assisting our
unhoused neighbors.**

**Reasonability of
the restrictions
that are in place.**



Liability Team



MEDFORD
CITY MANAGER'S OFFICE

Livability Team

The mission of the Livability Team is to improve community livability by reducing criminal behavior along the Greenway and Downtown corridor.



Liveability Team Goals

- Address livability challenges throughout City
- Develop relationships with individuals
- Strengthen partnerships with community stakeholders



Connections Made

- Livability Team conducts outreach with partner agencies.
- Partner agencies help connect individuals to mental health, healthcare, housing and/or addiction services.
- Social worker embedded in the Livability Team



Chronically Homeless Outreach Partnership (CHOP)

- Focused, individualized approach
- Individuals chosen based on need(s), frequency of law enforcement contact, vulnerability, and solvability.
- Law enforcement, the courts, social service agencies, and non-profits.
- Meets every month to discuss individuals' needs and develop personalized solutions

Doe, Jane

DOB: 06/06/1991

- Frequently excluded from Alba Park and the Downtown District
- Often arrested/cited for trespass and drinking in public
 - 2 open criminal mischief cases with Circuit Court
 - 8 open cases (trespass and theft) with Municipal Court
- Known Family:
 - Grandma,
- Needs: mental health, shelter



Prohibited Camping



**CAMPS
CLEANED**



**CAMPS
OCCUPANTS**



**CRIMINAL
CHARGES**

HAZARDS PRESENT



**FIRE PIT
/HAZARD**
Camps with fire
pits/hazards



**DRUG
PARAPHERNALIA**



BIOHAZARD



**CUBIC YARDS
GARBAGE
REMOVED**

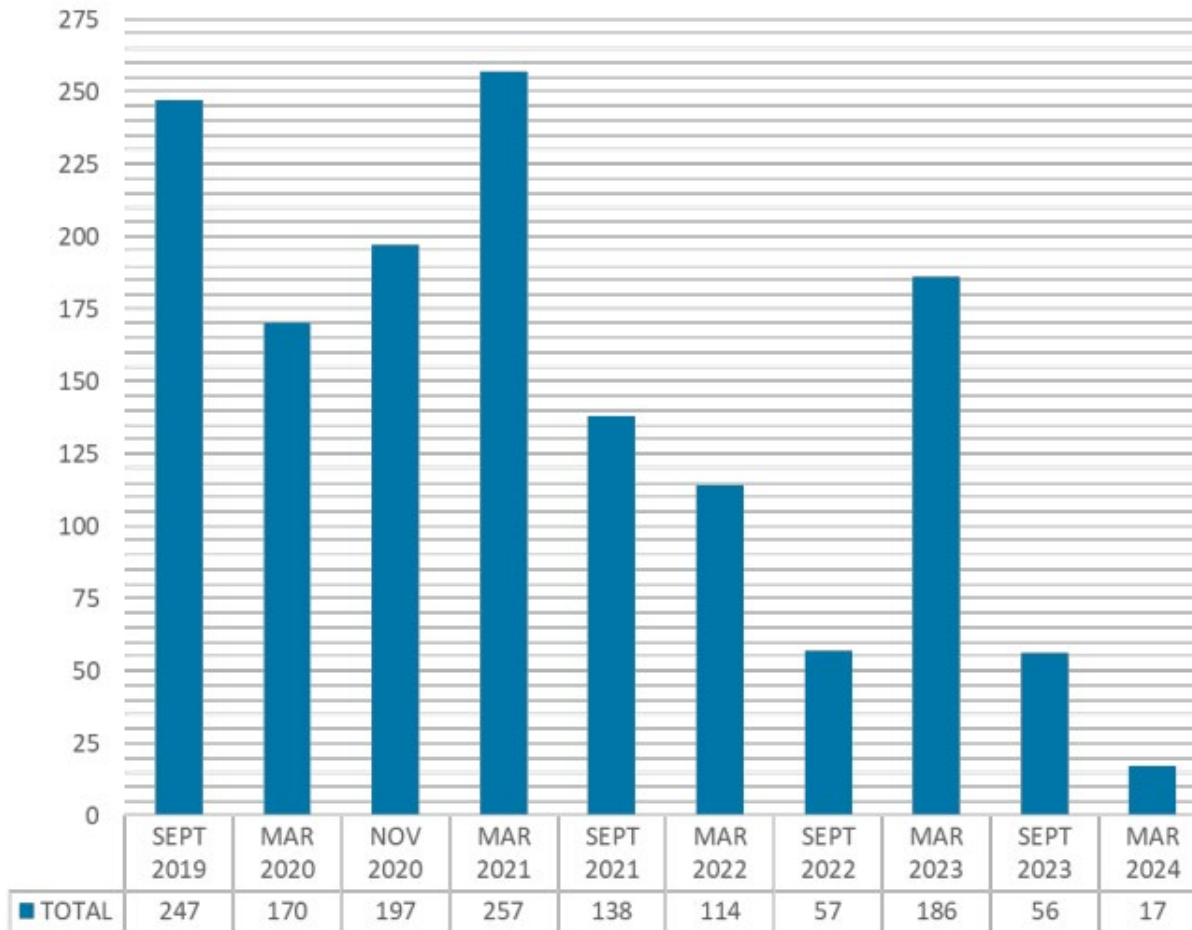
Since May 2021



Garbage Removed



Encampment Survey



March 2024 Survey Results

Total Camps: 17

Tent: 13

Vehicle: 4

City Property: 6

Private Property: 4

ODOT: 7



Financing & Implementation



MEDFORD
CITY MANAGER'S OFFICE

Financing Livability Team

Year	Public Safety Fee Increase	Total Amount	Staff
2019	\$1.06	\$500k per year	<ul style="list-style-type: none">• 3 Police Officers• 1 Code Enforcement Officer• 1 Records Specialist
2023	\$1.68	\$840k per year	<ul style="list-style-type: none">• 1 Sergeant• 7 Officers• 3 Community Service Officers• 1 Records Specialist
	\$2.74	1.3M	11.5 Positions



Connect With Us

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**THANK
YOU!**

City of Medford | City Manager's Office
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