

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
TUESDAY, OCTOBER 24, 2023**

**MINUTE ORDER NO. 19**

**SUBJECT: ESTABLISHING AN UNSAFE CAMPING ORDINANCE IN SAN DIEGO COUNTY (DISTRICTS: ALL)**

**OVERVIEW**

The County of San Diego (County), under the direction of the Board of Supervisors (Board), has undertaken a series of strategic measures to combat homelessness and address its underlying root causes. The Board continues to explore, develop, and implement additional policies that prioritize our most vulnerable residents experiencing homelessness and proactively mitigate the far-reaching impacts this public health crisis imposes on our communities.

In a ruling last month by the U.S. 9th Circuit Court of Appeals in the case of Johnson v. Grants Pass, the Appeals Court reiterated its 2018 decision in Martin v. Boise which prohibits jurisdictions from enforcing bans on certain activities by homeless individuals. These activities include camping and sleeping in public spaces that may cause a risk to public health and safety, including homeless encampments near schools and parks. The City of Grants Pass is expected to appeal the 9th Circuit Court of Appeals ruling to the U.S. Supreme Court. On September 18th, the City of San Diego's City Council overwhelmingly approved filing an amicus brief in support of the action being taken by the City of Grants Pass. Governor Newsom and the California State Association of Counties have likewise filed amicus briefs urging the court to grant review in this case. I am recommending the County join the other jurisdictions who have filed similar amicus briefs by registering our support for the City of Grants Pass in their continued legal action.

On June 13, 2023, the San Diego City Council approved the establishment of an ordinance to prohibit encampments on public property located in the City. The City's ordinance prohibits camping and maintaining an encampment on public property when shelter is available and prohibits camping regardless of available shelter in specified locations, including near schools and shelters, in all parks, open space, trolley platforms and transit hubs. It further outlines the process the City will use to abate or conduct enforcement, which includes outreach to educate individuals living in encampments prior to enforcement. The City of Poway approved a similar unsafe camping ordinance July allowing law enforcement to abate illegal encampments and remove improperly stored property. The intent of these ordinances is to help ensure public areas are properly maintained, that public property is used for its intended purposes and that it remains safe and accessible to residents and visitors. The City of Santee also enacted an ordinance to protect the San Diego River corridor from fires and pollution. This ordinance made it illegal for anyone to possess an ignition source in the corridor, to use camping equipment that could obstruct the flow of water or cause damage to any threatened or endangered species, or critical habitat within the San Diego River corridor. The City of Chula Vista City Council is also expected to receive a report back from City staff regarding the potential to enact a similar unsafe camping ordinance.

Although the County and its partners successfully cleared encampments such as the North Magnolia Avenue site in unincorporated El Cajon, the County enactment of an unsafe camping ordinance will provide another tool to help clean up similar encampments on a wider scale throughout the County's unincorporated communities. I am, therefore asking my colleagues to support the introduction of an Unsafe Camping Ordinance that would apply to the County's unincorporated area. I am also asking for support for direction to County staff to identify potential properties that could serve as regional homeless shelter solutions to help ensure the availability of shelter space to move those living in encampments and connect them with wrap around services and a path to permanent housing.

This proposed action aligns with the Board's commitment to implement comprehensive and compassionate solutions for those who continue to experience homelessness.

### **RECOMMENDATION(S)**

#### **SUPERVISOR JOEL ANDERSON**

1. Adopt an official position of the County of San Diego supporting the actions by the City of Grants Pass to overturn the U.S. 9th Circuit Court of Appeals' ruling in Johnson v. Grants Pass and direct County Counsel to file an amicus brief urging the U.S. Supreme Court to grant review in this case.
2. Direct the Chief Administrative Officer to bring forward to the Board of Supervisors draft an Unsafe Camping Ordinance, that would allow law enforcement to prohibit and abate illegal encampments, remove improperly stored property on public property, and protect vacant property, such as the San Diego River corridor, from fire and pollution.
3. Direct the Chief Administrative Officer to develop a list of properties that create the capacity needed to enforce an Unsafe Camping Ordinance and explore partnerships with other jurisdictions on regionally serving facilities. This list should include a feasibility assessment for each property that includes consideration of program operations and financial impacts, and the availability of County-owned property that fit programmatic needs and it should include consideration of vacant properties such as the former Fry's Electronics site in the City of San Diego.

### **EQUITY IMPACT STATEMENT**

The recommended actions strike a balance between public safety and the rights and dignity of individuals experiencing homelessness. The proposed regional shelter strategy, focusing on increasing capacity for unhoused individuals will provide equitable access to shelter, addressing the immediate needs of those experiencing homelessness while working toward long-term solutions.

### **SUSTAINABILITY IMPACT STATEMENT**

The recommended actions help to foster the sustainability of communities by addressing the continued and increasing homelessness in our region, reducing the impact on public spaces, and promoting a safer environment for all residents. It further ignites the County's commitment to holistic, equitable, and sustainable solutions to complex social challenges while reducing public health and safety risks.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. There may be future fiscal impacts based on recommendations following from today's action. Any such recommendation(s) would return back for consideration and approval by the Board. Upon return by staff, funding for future costs will need to be identified by the department.

**BUSINESS IMPACT STATEMENT**

This policy seeks to contribute to a more stable and secure business environment by addressing homelessness-related challenges that can impact businesses and their customers. By offering compassionate and comprehensive solutions, such as those recommended, we are able to build on the County's commitment to social responsibility and ensuring an attractive environment for local businesses to operate.

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended.

AYES: Vargas, Anderson, Lawson-Remer, Desmond

ABSENT: (District 4 Seat Vacant)

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



Signed  
by Andrew Potter