



City of Long Beach
Working Together to Serve


COUNCILWOMAN
SUZIE PRICE
Community | Creativity | Collaboration

NB-26

Date: October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Councilwoman Suzie Price, Third District *SP*
Councilwoman Stacy Mungo, Fifth District *SM*
Vice Mayor Dee Andrews, Sixth District *DA*
Councilmember Al Austin, Eighth District *al*

Subject: Resolution Supporting Los Angeles County Amicus Brief on Martin v. Boise

RECOMMENDATION:

Adopt the attached resolution in support of Los Angeles County's Amicus Brief urging the U.S. Supreme Court to take up a challenge to the 9th Circuit Court of Appeals decision in Martin v. City of Boise.

INTRODUCTION:

Homelessness continues to be an active problem in the City of Long Beach as well as throughout the state. Even with the amazing breadth and scope of work we are able to do here in Long Beach to better confront this ongoing issue, we still see incredibly concerning problems related to homelessness and the effects it has on our residential neighborhoods, business corridors, public spaces, and the City as a whole.

Our most recent Point-in-Time Homeless Count conducted January 24, 2019 saw a 2% increase in total homelessness from our previous most recent homeless count in 2017. This increase totaled 1,275 unsheltered people living on the streets, in cars, or other locations not meant for human habitation, as well as an additional 619 people in emergency shelters and transitional housing programs.¹ City data also indicates that 52 percent of homeless individuals surveyed were currently experiencing homelessness for the very first time in their lives.

Again, although Long Beach has become a leader and a model of how other cities can best approach homelessness and the effects it has, we need to continue making progress. Our approach to homelessness is well beyond what many other

¹ <http://longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-tabbed-file-list-folders/2019/june-3--2019---homeless-services-update---2019-point-in-time-homeless-count-results>



City of Long Beach
Working Together to Serve


COUNCILWOMAN
SUZIE PRICE
Community | Creativity | Collaboration

cities in the State and Nation are able to conduct, however, homelessness remains a growing concern in every part of the City and has wide ranging impacts. Long Beach has found our tools to address these issues to have been severely limited by recent court decisions limiting our abilities to enforce common sense City ordinances.

In 2019 the U.S. Ninth Circuit Court of Appeals made a decision in the case of Martin v. City of Boise. This decision forbids municipalities from enforcing ordinances that prohibit public camping, unless those local governments can offer acceptable shelter to every unhoused person in their jurisdiction. This severely limits our ability to address issues of homelessness and the appropriate protections of the rights held by everyone to access public spaces. The City needs to have the ability to appropriately regulate public camping and enforce our City ordinances with the objective of protecting everyone equally and maintaining public health standards.

People of all ages suffer from homelessness and many are in need of the services the City provides to help them get on a different path. Long Beach is making tremendous strides to better provide assistance to such individuals, but without the ability to effectively address issues of public camping the City will be expected to shoulder an unrealistic burden that harms our ability to help people experiencing homelessness, maintain our public spaces in a way that allows for use by all people equally, and prevent public health and safety dangers which are commonly found in, or originating from, encampment areas.

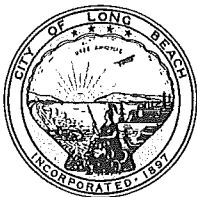
This matter was reviewed by Budget Manager, Grace H. Yoon, on October 10, 2019.

FISCAL IMPACT:

This recommendation requests the City Council to adopt the attached resolution in support of Los Angeles County's Amicus Brief urging the U.S. Supreme Court to take up a challenge to the 9th Circuit Court of Appeals decision in Martin v. City of Boise. Implementing this recommendation is anticipated to have a minimal impact on staff hours beyond the budgeted scope of duties and a minimal impact on current City Council priorities.

STATEMENT OF URGENCY:

With the County of Los Angeles, as well as numerous other municipalities throughout California supporting efforts for the Supreme Court to take up this challenge, the United States Supreme Court is expected to make decisions soon on which cases it will hear in its upcoming term.



OFFICE OF THE CITY ATTORNEY
Long Beach, California

NB-24

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lathue
Howard D. Russell

DEPUTIES

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilain
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Katrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin Weesner-McKinley
Theodore B. Zinger

October 8, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of the City Council of the City of Long Beach in Support of the County of Los Angeles' Amicus Brief in Support of the Petitioner City of Boise v. Robert Martin on Petition for Writ of Certiorari in the Supreme Court of the United States.

DISCUSSION

Pursuant to your request of October 1, 2019, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

SEG:mb A19-05392
01073243.docx

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH IN SUPPORT OF THE COUNTY OF LOS ANGELES' AMICUS BRIEF IN SUPPORT OF THE PETITIONER CITY OF BOISE v. ROBERT MARTIN ON PETITION FOR WRIT OF CERTIORARI IN THE SUPREME COURT OF THE UNITED STATES

WHEREAS, on August 22, 2019, the City of Boise filed a petition for writ of certiorari in the Supreme Court of the United States to review the judgement of the United States Court of Appeals for the Ninth Circuit in Martin v City of Boise; and

WHEREAS, on September 24, 2019, the County of Los Angeles joined 32 other cities and counties and the California State Association of Counties in submitting an amicus brief in support of the City of Boise in petitioning the Supreme Court of the United States to grant certiorari; and

WHEREAS, the Ninth Circuit's holding in this case has resulted in confusion among municipalities as to what constitutes shelter that is "practically available" within the jurisdiction; and

WHEREAS, the Ninth Circuit's holding has placed an enormous burden on municipalities in deciphering how to balance protection of public health and criminal enforcement against potential civil liability; and

WHEREAS, the Ninth Circuit's holding ultimately limits cities and counties in their ability to solve their local homelessness problem without fear of potential civil liability due to 8th Amendment implications in this case;

///

///

///

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The City Council of the City of Long Beach supports the County of Los Angeles' Amicus Brief in support of the petitioner City of Boise v. Robert Martin on petition for writ of certiorari in the Supreme Court of the United States.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk



City of Long Beach
Working Together to Serve

CITY OF LONG BEACH

REQUEST TO ADD AGENDA ITEM

Date: October 15, 2019

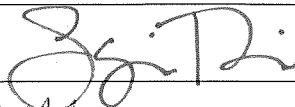
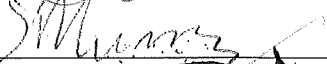

To: Monique De La Garza, City Clerk
Councilwomen Suzie Price, Third District
Councilwoman Stacy Mungo, Fifth District

From: Vice Mayor Dee Andrews, Sixth District
Councilmember Al Austin, Eighth District

Subject: Request to Add Agenda Item to Council Agenda of October 15, 2019

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title for this item reads as follows: Resolution Supporting Los Angeles County Amicus Brief on Martin v. Boise

Council District	Authorizing Councilmember	Signed by
3	Suzie Price	
5	Stacy Mungo	
6	Dee Andrews	
8	Al Austin	