



City of Long Beach
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R-29

Date: October 1, 2019

To: Honorable Mayor and Members of the City Council

From: Councilwoman Suzie Price, Third District *SP*
Councilwoman Stacy Mungo, Fifth District *SM*
Councilmember Roberto Uranga, Seventh District *(R)*
Councilman Al Austin, Eighth District *al*

Subject: Explore Joining Amicus Brief on Martin v. Boise

RECOMMENDATION:

Request the City Attorney to explore joining an 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 cities in the state and nation are able to conduct, however, homelessness remains

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>



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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 September 20, 2019.

FISCAL IMPACT:

This recommendation requests the City Attorney to explore joining an 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 of staff hours beyond the budgeted scope of duties and a minimal impact on current City Council priorities.