



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of City Council
FROM: Ben Harvey, Interim City Manager
MEETING DATE: March 2, 2016
SUBJECT: Letter of Opposition to SB 876 (Liu) – Local Enforcement of Ordinances
CEQA: Does not Constitute a “Project” per California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Authorize the Mayor to sign a letter in opposition to SB 876 (Liu) – Local Enforcement of Ordinances.

DISCUSSION

Senate Bill number 876, introduced by Senator Liu, would preempt local authority to address important issues affecting public health and safety in public spaces and on private property that is held open to the public, including but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities, public buildings, shopping centers and parks. In such areas, homeless individuals would be empowered to occupy such spaces indefinitely, including with tents and other shelter, while reducing access to all other members of the public.

Despite this bill being well-intended, SB 876 (Liu) would not solve the challenges of homelessness in our state and within our communities. The bill contains no solutions for homelessness. It offers no new programs, no funding for housing, and no effort to improve services. In fact, the bill on page 3, line 16, specifically states, “Passing this Act will not reduce homelessness.” Instead, it creates a special set of exemptions and privileges for one group of people and undermines the equal applicability of laws. Local agencies must continue to be able to protect the public, health, safety and welfare of their communities, and this measure will not make a positive impact in the effort to address chronic homelessness.

The key to getting people off of the streets is to provide more resources: permanent housing beds and accompanying social services, such as mental health treatment, job training, addiction counseling, etc. Cities and other local agencies need more funding and flexibility to provide these proven programs. Additionally, these services should be provided as a coordinated effort. Removing local enforcement authority as proposed in SB 876 will do nothing to help the problem, and would actually undermine existing efforts.

Removing local authority would also remove incentives for some chronically homeless to take advantage of existing resources and services being offered. For example, some local jurisdictions host legal clinics where homeless clinic participants can have citations and related fines removed from their records in exchange for community service and for taking advantage of housing and other services.

Considering the efforts and progress made by the City of Pacific Grove and other Monterey Peninsula cities over the past couple of years to provide homeless services (for example, the Pacific Grove Homeless Challenge in 2014, as well as the Monterey Homeless Challenge in 2015), SB 876 is a step backward, and not a step forward.

ALTERNATIVES CONSIDERED:

As an alternative, the City of Pacific Grove could consider supporting Senator De Leon’s recent “No Place Like Home” proposal (<http://sd24.senate.ca.gov/news/2016-01-04-senate-announces-%E2%80%9Cno-place-home%E2%80%9D-initiative-tackle-homelessness-california>), and other options that provide communities with constructive tools for providing homeless services.

OPTIONS

Take no action.

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

1. Text of SB 876 (Liu)
2. Letter of Opposition to 876 (Liu) from League of California Cities
3. “Martinez opposes SB876 on homelessness,...” *Contra Costa Times* 2-24-16
4. Proposed Letter of Opposition to SB 876 (Liu) from City of Pacific Grove

RESPECTFULLY SUBMITTED,

Ben Harvey

Ben Harvey
Interim City Manager



California
LEGISLATIVE INFORMATION

SB-876 Homelessness. (2015-2016)

AMENDED IN SENATE FEBRUARY 22, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 876

Introduced by Senator Liu

January 14, 2016

An act to add Part 2.2 (commencing with Section 53.8) to Division 1 of the Civil Code, ~~and to amend Section 11135 of,~~ and to add Section 11139.2 to, the Government Code, relating to homelessness.

LEGISLATIVE COUNSEL'S DIGEST

SB 876, as amended, Liu. Homelessness.

Existing law provides that no person shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

~~This bill would expand those provisions to also include exclusion or discrimination based upon homeless status. The bill would prohibit cities, counties, cities and counties, and municipal agencies that receive state funds from enacting or enforcing a law that bans resting in a public space, as defined. The bill would afford persons experiencing homelessness the right to use public spaces without discrimination based on their housing status and describe basic human and civil rights that may be exercised without being subject to criminal or civil sanctions, including the right to use and to move freely in public spaces, the right to rest in public spaces and to protect oneself from the elements, the right to eat in any public space in which having food is not prohibited, and the right to perform religious observances in public spaces, as specified. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program. The bill would state the intent of the Legislature that these provisions be interpreted broadly so as to prohibit policies or practices that are discriminatory in either their purpose or effect.~~

The bill would authorize a person whose rights have been violated pursuant to these provisions to enforce those rights in a civil action in which the court may award the prevailing party injunctive and declaratory relief, restitution, damages, statutory damages of \$1,000 per violation, and fees and costs.

The bill would also require all applicants for the United States Department of Housing and Urban Development's Continuum of Care Homeless Assistance Program to annually provide to the Department of Housing and

Community Development's Division of Housing Policy Development a copy of its application for funding from the United States Department of Housing and Urban Development that includes the organization's response to the application question regarding steps that its community is taking to reduce criminalization of homelessness. *Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) According to the United States Department of Housing and Urban Development's report to Congress, 115,738 people were estimated to be homeless in California in 2014, a rate that is unprecedented following a deep and prolonged economic recession, a severe shortage of safe and affordable housing, a failed veteran and civilian mental health system, and a diminished social safety net.
- (b) According to the United States Department of Education, 284,086 schoolchildren were known to have experienced homelessness in the 2013–14 school year.
- (c) Homelessness is an independent risk factor for a number of illnesses, making people more susceptible to increased health problems due to high stress, sleep deprivation, unsanitary surroundings, lack of access to hygiene facilities, and a myriad of other situational stressors experienced by people without stable housing. Subsequently, people who are chronically homeless are more medically frail and three to four times more likely to die prematurely than their housed counterparts.
- (d) Throughout California, local governments have enacted ordinances that make it illegal to rest or receive nourishment in public spaces.
- (e) Ending homelessness in California will require significant state and federal resources and there is ample evidence that policies that invest in ending homelessness, rather than criminalizing and marginalizing people who are experiencing homelessness, adequately balance the needs of all parties: community residents, government agencies, businesses, and men and women who are experiencing homelessness.
- (f) Passing this act will not reduce homelessness, but neither will local ordinances that criminalize homelessness. Instead, ordinances that criminalize homelessness result in increased incarceration rates and financial indebtedness of people who simply have no means of support and prolong homelessness by making it more difficult for people to secure housing, employment, and medical care. Criminalization policies further marginalize men and women who are experiencing homelessness, fuel inflammatory attitudes, and may even unduly restrict constitutionally protected liberties.
- (g) That is why, on September 18, 2015, the United States Department of Housing and Urban Development included in the annual Notice of Funding Availability for the Continuum of Care funding competition, provisions that would award additional points to any application that could include steps the community is taking to reduce criminalization of homelessness.
- (h) It is also why, on August 6, 2015, the United States Department of Justice submitted a rare statement of interest in a United States District Court in opposition to the criminalization of people who are homeless, calling it cruel and unusual punishment to punish someone for a crime with the potential for imprisonment and a violation of constitutional rights.
- (i) While these ordinances apply to all residents, they disproportionately impact people without homes, who have no private place to rest or seek nourishment, and are often selectively applied by law enforcement to people based upon their appearance or an assumption of homelessness.
- (j) In practice, these ordinances deprive persons experiencing homelessness and those who may be perceived as homeless of a safe and legal place to rest and seek nourishment, which adversely impacts their health and

well-being.

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(k) Sleep deprivation impairs cognitive processes and puts one at risk for obesity, heart disease, heart attack, heart failure, irregular heartbeat, high blood pressure, stroke, diabetes, and depression. People who are homeless suffer from sleep deprivation and, absent a place to rest, they suffer it more frequently.

(l) Because current practices have denied the right to adequate legal representation to people cited or arrested while resting or sharing food, homeless persons are often denied relief or damages through the courts.

(m) Both the federal government, through its Interagency Council on Homelessness, and the United Nations have recognized that discrimination and criminalization violate a homeless person's human rights and have called upon state and local governments to cease enactment and enforcement of those laws.

(n) Homelessness and the increasing criminalization of homelessness and discrimination against those experiencing homelessness are widespread throughout California and are matters of statewide concern.

(o) Section 1 of Article I of the California Constitution provides that "[a]ll people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy," without qualification as to whether or not a person is, or appears to be, homeless.

(p) Subdivision (a) of Section 7 of Article I of the California Constitution provides that "[a] person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws"

(q) Concordant with this fundamental belief, a person should not be subject to discrimination based on his or her income, housing status, or ability or desire to appear housed. Therefore, it is the intent of the Legislature in enacting this legislation to protect the rights of all Californians, regardless of their housing status, and ameliorate the adverse effects caused by the criminalization of homelessness on our communities and our citizens.

(r) Decriminalization of rest allows municipal governments to redirect resources from local enforcement activities to activities that address the root causes of homelessness and poverty.

SEC. 2. Part 2.2 (commencing with Section 53.8) is added to Division 1 of the Civil Code, to read:

PART 2.2. Homeless Persons

53.8. For purposes of this part, the following definitions shall apply:

(a) "Homeless persons," "homeless people," or "persons experiencing homelessness" means those individuals or members of families who lack a fixed, regular, and adequate nighttime residence, including people defined as homeless using the criteria established in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.

~~(b) "Motor vehicle" means a motor vehicle as defined in Section 415 of the Vehicle Code.~~

~~(c)~~

(b) "Public space" means any property that is owned by a government entity or any property upon which there is an easement for public use and that is held open to the public, including, but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers, and parks.

~~(d) "Recreational vehicle" means a recreational vehicle as defined in Section 18010 of the Health and Safety Code.~~

~~(e)~~

(c) "Rest" means the state of not moving, holding certain postures that include, but are not limited to, sitting, standing, leaning, kneeling, squatting, sleeping, or lying.

53.81. (a) ~~Persons~~—It is the intent of the Legislature that this section be interpreted broadly so as to prohibit policies or practices that are discriminatory in either their purpose or effect.

(b) Persons experiencing homelessness shall be permitted to use public space in the ways described in this

section at any time that the public space is open to the public without discrimination based upon their housing status, and without being subject to criminal, civil, or administrative penalties. Permitted use of public space include, but are not limited to, all of the following:

- (1) Free movement without restraint.
- (2) Sleeping or resting, and protecting oneself from the elements while sleeping or resting in a nonobstructive manner.
- (3) Eating, sharing, accepting, or giving food in a space in which having food is not otherwise generally prohibited.
- (4) Praying, meditating, worshiping, or practicing religion.

~~(b)~~

~~(c) Nothing in this section shall prevent law enforcement from enforcing laws to protect the right of people to use the sidewalk, sidewalk pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).~~

~~(e)~~

~~(d) Nothing in this section shall prevent law enforcement from enforcing the Penal Code, except subdivision (e) of Section 647 of the Penal Code, so far as it prohibits rest.~~

53.82. (a) Any person whose rights have been violated pursuant to this part may enforce those rights in a civil action.

(b) The court may award appropriate injunctive and declaratory relief, restitution for loss of property or personal effects and belongings, actual damages, compensatory damages, exemplary damages, statutory damages of one thousand dollars (\$1,000) per violation, and reasonable attorney's fees and costs to a prevailing party.

~~SEC. 3. Section 11135 of the Government Code is amended to read:~~

~~11135.(a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, disability, or homeless status, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.~~

~~(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.~~

~~(c)(1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.~~

~~(2) The Legislature finds and declares that the amendments made to this act are declarative of existing law. The Legislature further finds and declares that in enacting Senate Bill 105 of the 2001-02 Regular Session (Chapter 1102 of the Statutes of 2002), it was the intention of the Legislature to apply subdivision (d) to the California State University in the same manner that subdivisions (a), (b), and (c) already applied to the California State University, notwithstanding Section 11000. In clarifying that the California State University is subject to paragraph (2) of subdivision (d), it is not the intention of the Legislature to increase the cost of developing or procuring electronic and information technology. The California State University shall, however, in determining the cost of developing or procuring electronic or information technology, consider whether technology that meets the standards applicable pursuant to paragraph (2) of subdivision (d) will reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law, including this section, Title II of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 and following), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).~~

~~(d)(1)The Legislature finds and declares that the ability to utilize electronic or information technology is often an essential function for successful employment in the current work world.~~

~~(2)In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard of hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the federal Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations.~~

~~(3)Any entity that contracts with a state or local entity subject to this section for the provision of electronic or information technology or for the provision of related services shall agree to respond to, and resolve any complaint regarding accessibility of its products or services that is brought to the attention of the entity.~~

~~(e)As used in this section, "sex" and "sexual orientation" have the same meanings as those terms are defined in subdivisions (r) and (s) of Section 12926.~~

~~(f)As used in this section, "race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability" includes a perception that a person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.~~

~~(g)As used in this section, "genetic information" has the same definition as in paragraph (2) of subdivision (e) of Section 51 of the Civil Code.~~

~~(h)As used in this section, "homeless status," or "people experiencing homelessness" means those individuals or members of families who lack a fixed, regular, and adequate nighttime residence.~~

~~(i)As used in this section, "public space" means any property that is owned by any government entity or any property upon which there is an easement for public use and that is held open to the public, including, but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers, and parks.~~

~~(j)As used in this section, "rest" means the state of not moving, holding certain postures that include, but are not limited to, sitting, standing, leaning, kneeling, squatting, sleeping, or lying. Rest also includes the act of protecting oneself from the elements, in a nonobstructive manner.~~

~~(k)The Legislature finds and declares that people with a homeless status lack a private space to rest, and, therefore, they must rest in a public space.~~

~~(l)It is the intent of the Legislature to protect the rights of all people, including those experiencing homelessness, in order to diminish the adverse effects of municipalities engaged in violating the fundamental right to rest.~~

~~(m)In order to ensure full and equal access to the benefits and protections afforded by this section against discrimination in the administration of any program or activity conducted, operated, or administered by the state or any state agency funded directly by the state, or that receives any financial assistance from the state, no city, county, city and county, or municipal agency that receives state funds shall enact or enforce a law that bans resting in a public space, as defined in Part 2.2 (commencing with Section 53.8) of Division 1 of the Civil Code.~~

SEC. 4.~~SEC. 3.~~ Section 11139.2 is added to the Government Code, to read:

11139.2. To improve monitoring of discrimination based upon housing status and violations of ~~Section 11135, Part 2.2 (commencing with Section 53.8) of Division 1 of the Civil Code,~~ and to ensure that people who are experiencing homelessness are not unlawfully denied full and equal access to the benefits of state-funded programs or assistance, or unlawfully subjected to discrimination, all applicants for the United States Department of Housing and Urban Development's Continuum of Care Homeless Assistance Program shall annually provide to the Department of Housing and Community Development's Division of Housing Policy Development a copy of its application for funding from the United States Department of Housing and Urban Development that includes the organization's response to the application question regarding steps that its community is taking to reduce criminalization of homelessness.

~~SEC. 5.~~ SEC. 4.

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~~SEC. 5.~~ SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



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February 4, 2016

The Honorable Senator Carol Liu
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814

**RE: SB 876 (Liu) Homelessness
Notice of Opposition**

Dear Senator Liu:

The League of California Cities regrets to inform you of our opposition to your SB 876. As we conveyed to your staff at our recent meeting, we view this measure as preempting local authority to address important issues affecting public health and safety in public spaces and on private property that is held open to the public, including not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities, public buildings, shopping centers and parks. We recognize that this measure is well intentioned; however, local agencies must continue to be able to protect the public, health, safety and welfare of their communities. Moreover, we do not believe this measure will make a positive impact in the effort to address chronic homelessness.

Homelessness is a pervasive problem affecting many communities across our state. As a result, many local governments, non-profits and social service providers are trying various creative solutions to get people housed and into the treatment programs they need to permanently get off of the streets. Last fall, the League formed a statewide working group of city officials and staff who are tackling the problem to share best practices and receive input on what is needed to make additional progress with strategies that best serve local needs. The consensus was clear: legislation that seeks to combat homelessness should focus on solutions and provide resources that help get people off of the streets and into shelter and housing.

The key to getting people off of the streets is to provide more shelter, permanent housing beds and accompanying social services such as mental health treatment, job training, addiction counseling, etc. Cities and other local agencies need more funding and flexibility to provide these proven programs. Additionally, these services should be provided as a coordinated effort. We have heard from members of our working group that many cities have formed special task forces on homelessness that combine city, county, law enforcement, social service providers and non-profits all working together to come up with creative ways they can partner and address the homeless problem.

In our discussions with local officials who are working on a daily basis on these issues, the consensus was clear. Removing local enforcement authority as you propose in SB 876 will do

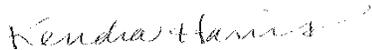
nothing to help the problem, and would actually undermine existing efforts. SB 876 contains no solutions for ending homelessness. In fact, the bill on page 3, line 16, specifically states, “Passing this Act will not reduce homelessness.” Removing local authority could exacerbate the problem by removing incentives for some to take advantage of existing resources and services being offered. For example, some local jurisdictions host legal clinics where homeless clinic participants can have citations and related fines removed from their records in exchange for community service and for taking advantage of housing and other services.

While we oppose this measure’s approach, the League is committed to supporting efforts across the state and in our communities that address the homeless issue in a constructive manner. In that vein, we are encouraged by Senator de León’s recent “No Place Like Home” proposal that will provide much needed funding for housing for the mentally ill homeless, and augmentations to existing shelter resources. We look forward to supporting such efforts to develop resources to provide affordable housing and services to actually serve our chronically homeless and help them get off of the streets.

The League is genuinely interested in finding workable solutions to this growing problem. We appreciate the meeting we had with your staff where we expressed our concerns, and we look forward to continued discussions.

If you have any questions or if I can be of any assistance, please call me at (916) 658-8250.

Sincerely,



Kendra Harris
Legislative Representative

Cc: Chair and Members, Senate Committee on Transportation and Housing
Alison Dinmore, Consultant, Senate Committee on Transportation and Housing
Doug Yoakam, Housing Consultant, Senate Republican Caucus

Martinez opposes SB876 on homelessness, contends it pre-empts local efforts

By Dana Guzzetti
Correspondent

Contra Costa Times

Posted: Wed Feb 24 11:45:06 MST 2016

MARTINEZ -- The City Council joined the League of California Cities in unanimous opposition to state Sen. Carol Liu's SB 876, and authorized Mayor Rob Schroder to send a letter to Liu explaining why it does not help cities address the challenge of homelessness.

There are around 100 local homeless people, according public comment at the council meeting Feb. 17. But Contra Costa County courts, the county jail and other county services located in Martinez make it a destination for people with problems, including homelessness.

Police, and the council members receive a steady stream of complaints about the intimidating and unacceptable behavior of some itinerant people who loiter in the downtown area.

Chief of Police Manjit Sappal has given the problem extra attention since he was hired in 2015, and said he is recruiting and hiring more help, but that it takes six-to-eight months before new officers are on the streets "solo."

The chief welcomed a recent Martinez ordinance that prohibits sleeping overnight in cars parked in public places, and sees it as one of many tools for protecting the health, safety and welfare of the community. If SB 876 becomes law, it would pre-empt the local law, and the proposed measure clearly states that it is not intended to reduce homelessness.

City leaders wrote, "Removing local authority could exacerbate the problem by removing incentives for some to take advantage of existing resources."

Sappal explained how passage of SB 876 could make it more difficult to guide offenders to resources they need, and mentioned his concern about the potential loss of Central County Homeless Outreach (CCHO), which he said is a big benefit to police.

Founded by Doug Stewart, CCHO helps deliver the homeless to shelters, BART and elsewhere, and connects them with services so officers can attend to other police business.

That service may not be available next year.

"There is no funding from the county," Sappal said. "(CCHO) will close at the end of the year."

Voted 2012 Man of the Year, Stewart began personally helping homeless people in Pacheco years ago. Through CCHO, and with no pay, he continues those efforts in Pacheco, Martinez, Richmond and Concord.

Stewart later said Contra Costa County administers grants and received \$10 million from HUD to address homelessness.

"We are the last line of defense for homeless needing help after sundown," he added. SB 876 would not relieve homelessness at any time of day, according to the city's letter, "Despite being well intended ... The bill contains no solutions for homelessness. It offers no new programs, no funding for housing, and no effort to improve services."

As written, SB 876 essentially expands equal protection laws that now apply to race, ethnic background, age, sex,

disability, national origin, sexual orientation and so on, to cover homeless persons as a special class to be protected against discrimination.

The city's letter to Liu claims that SB 876, " ... Creates a special set of exemptions and privileges for one group of people and undermines the equal applicability of laws."

Reach Dana Guzzetti at dguzzetti10@gmail.com or call 925-202-9292.

FOR MORE INFORMATION

To read the full text of proposed California State Senate Bill 876, visit <http://www.cityofmartinez.org/depts/mayor/meetings.asp> and click on Feb. 17 Cty Council agenda and SB876 Enforcement of Local Ordinances.



**300 Forest Avenue
Pacific Grove, California, 93950**

March __, 2016

The Honorable Senator Carol Liu
California State Senate
State Capitol, Room 5097
Sacramento, CA 95814
FAX: (916) 651-4925

**RE: SB 876 (Liu) Enforcement of Local Ordinances
Notice of OPPOSITION**

Dear Senator Liu:

On behalf of the City of Pacific Grove, I regret to inform you of our opposition to Senate Bill 876 (Liu).

This measure is preempting local authority to address important issues affecting public health and safety in public spaces and on private property that is held open to the public, including not limited to, plazas, courtyards, parking lots, sidewalks, public transportation facilities, public buildings, shopping centers and parks. We recognize that this measure is well intentioned; however, local agencies must continue to be able to protect the public, health, safety and welfare of their communities. Moreover, we do not believe this measure will make a positive impact in the effort to address chronic homelessness.

Removing local enforcement authority as you propose in SB 876 will do nothing to help the problem, and would actually undermine existing efforts. SB 876 contains no solutions for ending homelessness. In fact, the bill on page 3, line 16, specifically states, "Passing this Act will not reduce homelessness." Removing local authority could exacerbate the problem by removing incentives for some to take advantage of existing resources and services being offered.

The key to getting people off of the streets is to provide more shelter. We need resources: permanent housing beds and accompanying social services such as mental health treatment, job training, addiction counseling, etc. Cities and other local agencies need more funding and flexibility to provide these proven programs.

Considering the efforts and progress made by the City of Pacific Grove and other Monterey Peninsula cities over the past couple of years to provide homeless services (for example, the Pacific Grove Homeless Challenge in 2014, as well as the Monterey Homeless Challenge in 2015), SB 876 is a step backward, and not a step forward.

Sincerely,

Bill Kampe
Mayor
City of Pacific Grove

cc: State Senator Monning
Assembly Member Stone
Alison Dinmore, Consultant, Senate Committee on Transportation and Housing, fax: (916) 445-2209
Doug Yoakam, Housing Consultant, Senate Republican Caucus, fax: (916) 445-2209
Deanna Sessums, League of California Cities, dsessums@cacities.org
Meg Desmond, League of California Cities, mdesmond@cacities.org