



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Community Services
Department No.: 057
Agenda Date: January 14, 2025
Placement: Departmental Agenda
Estimated Time: 60 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Jesús Armas, Director, Community Services Department,
(CSD), (805) 568-2467
Contact Info: Joe Dzvonic, Deputy Director, Housing and Community Development,
(HCD), (805) 568-3523
SUBJECT: Consideration of Possible Revisions to the Encampment Response Protocol and Safe
Parking Program; Amendments to the County Code; and Possible Development of a
Safe Sleeping Program.

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file a presentation from staff regarding possible revisions to the Encampment Response Protocol;
- b) Provide direction to staff to prepare amendments to the Encampment Response Protocol to reflect the following:
 - i) Reaffirm the Protocol provision which calls for identifying or providing alternative shelter before removing any encampment that does not exist in a waterway or present a threat to public health and safety;
 - ii) Remove the requirement to identify or provide alternative shelter before posting notices referencing the potential for enforcement of applicable County ordinances to clear an encampment in any waterway or other areas where it presents a threat to public health and safety;

- iii) Reduce, from 72 hours to 48 hours, the period of time during which notices are required to be posted regarding the removal of personal property from unauthorized encampment sites in the enforcement of applicable County ordinances; and
- iv) Reduce, from 90 days to 60 days, the duration of the County's commitment to store personal property removed from unauthorized encampment sites in the enforcement of applicable County ordinances;
- c) Provide direction for Staff to prepare an ordinance amending the County Code to allow the Board to approve parking restrictions by resolution rather than by ordinance, and to delegate to the Road Commissioner authority to establish parking restrictions along roadways directly adjacent to row crop agricultural operations;
- d) Provide direction to staff to develop and return to the Board with options expanding the Safe Parking Program to increase participation by all cities within the County and maximize participation by private parking lot owners;
- e) Provide direction to staff to obtain and present to the Board information concerning possible development of a Safe Sleeping Program which aims to increase the availability of living space when traditional emergency shelter is not available; and
- f) Determine that the recommended actions do not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), as the actions do not involve any commitment to any specific project.

Summary Text:

This item recommends that the Board approve the preparation of certain amendments to the Santa Barbara County Encampment Response Protocol (the Protocol) adopted in 2021. Such potential revisions to the Protocol are presented in response to a Board request. In part, consideration of the aforementioned changes is prompted by the United States Supreme Court's *City of Grants Pass v. Johnson* decision.

This item also recommends that changes to County processes concerning the establishment and approval of parking restrictions.

Finally, this item also requests the Board provide specific direction concerning the possible modifications to the Countywide safe parking strategy and direction on pursuing the development of Safe Sleeping locations in the unincorporated County.

Background:

Encampment Response Protocol

On June 28, 2024, in a 6-3 decision, the U.S. Supreme Court ruled in *City of Grants Pass, Oregon v. Johnson* that enforcement of anti-camping laws does not necessarily violate the Eight Amendment prohibition against cruel and unusual punishment as punishment of unhoused individuals based on homelessness status, even in instances where shelter beds are not available. Previously, Courts had held that enforcement of anti-camping laws with regards to persons experiencing homelessness,

without first offering such individuals adequate shelter, was prohibited under the Eighth Amendment.

In light of the *Grants Pass* decision, and following Board direction staff presented options related to current County practices involving encampment resolution at the Board meeting on October 8, 2024. Following deliberation, the Board continued the matter and directed staff to engage in a more robust interactive process, including with service providers.

In response to this Board direction, staff conducted outreach sessions with various homeless service providers, city staff members, law enforcement agencies, the Santa Maria/Santa Barbara County Continuum of Care, and internal working groups consisting of members from General Services, Public Works, Sheriff and Parks.

As the October 8th Board Letter regarding the aforementioned staff presentation is attached hereto (Attachment A), this Board Letter will not repeat the information contained therein.

The most significant policy determination for which staff seeks Board direction centers on whether the County's Encampment Resolution Protocol should continue to require refraining from enforcement of anti-camping laws against unhoused individuals without first offering them adequate shelter, or whether that requirement should be removed from the County's Encampment Resolution Protocol in certain circumstances as no longer required to avoid violating the Eighth Amendment's prohibition against cruel and unusual punishment in light of *Grants Pass*.

As staff noted in October, the County has a demonstrable track record of addressing homelessness with purpose and compassion, taking care to not treat unhoused individuals as criminals solely for being homeless.

Going forward, staff recommends that the County generally continue the current practice of refraining from enforcement of anti-camping laws against unhoused individuals without first offering them shelter.

At the same time, staff notes there may be instances where utilizing the flexibility provided by the *Grants Pass* decision is appropriate. Accordingly, staff recommends amending the Protocol to remove the requirement to identify or provide alternative shelter to persons experiencing homelessness prior to enforcing applicable County ordinances against such individuals in clearing an unauthorized encampment in either of two instances: 1) when such encampments exist in waterways, or 2) when encampments otherwise present a threat to public health and safety.

The determination as to whether a specific encampment presents a threat to public health and safety will be determined through a collaborative process involving multiple departments, with the final decision resting with the Director of the Community Services Department (CSD) as allowed under the protocol. The Protocol, as currently written, already calls for close collaboration between CSD, the Public Health Department, the Fire Department, the Sheriff's Office, Behavioral Wellness, the Public Defender, the Probation Department, as well as outreach staff from contracted service providers. Therefore, collaboration among these same departments will occur (as appropriate) to determine whether or not an encampment presents a threat to public health and safety and should consequently be removed rapidly and without the requirement of identifying or providing alternative shelter options for the inhabitants of that particular encampment. Later in this Board Letter, staff explores the concept of developing a Safe Sleeping Program to address these types of emergency situations.

Regarding other potential amendments to the Protocol, as indicated in October, staff recommends reducing the period of posted notification of intent to enforce applicable laws, including removing personal property, in clearing unauthorized encampments from the current standard of 72 hours to 48 hours. Additionally, staff recommends shortening the commitment to store personal property

removed from such unauthorized encampments from a duration of 90 days to 60 days. The recommendation to reduce the notification timeline from 72 hours to 48 hours, if approved, will be used judiciously, limited to those instances where a quick response is justified. In most encampment clearing operations, a notification period of 72 hours is appropriate and will remain standard practice for County operations. The recommendation to decrease the storage commitment from 90 days to 60 days stems from the observation that individuals have not routinely returned to reclaim any stored items after 60 days, combined with cost savings resulting from a reduced storage period.

Recreational Vehicle Parking Restrictions

In October, staff presented options related to issues with RVs parked in the road right of way. Based on feedback from the Board and collaboration with departments, staff recommends the Board direct the Public Works department to explore modifications to the County Code allowing parking restrictions to be adopted by the Board by resolution instead of by ordinance, which is the current practice. This would streamline implementation of restrictions where the Board determines appropriate.

In addition, staff recommends the Board consider directing staff to bring a resolution restricting RV parking in areas adjacent to row crop agricultural operations. This would help reduce the risk of potential crop contamination, and improve buffers to minimize pesticide drift during application.

Implementation of new parking restrictions will require installation of a large number of new signs, and will necessitate law enforcement resources for enforcement.

Safe Parking Location Expansion

At the December 3, 2024 Board session, staff presented a five-month update on the progress of the California Encampment Resolution Fund, round-3 (CERF-3) strategy, which is specifically designed to serve 300 individuals living in their vehicles at 21 specific vehicular encampment clusters in cities and unincorporated areas throughout the County of Santa Barbara.

As the December 3rd Board Letter report is attached (Attachment C), this Board Letter will not repeat the information contained therein.

In December, Supervisor Williams requested that staff explore the possibility of using CERF-3 funds to pay property owners for the use of select parking lots in those areas where safe parking locations are not being provided in support of the CERF-3 strategy. The CERF-3 budget as approved by State permits up to \$300,000 for such purposes, and this relatively small amount would provide limited use while establishing a precedent that may prove unaffordable in the longer term. However, the idea of paying for specialized parking capability, for example, for recreational vehicles, is a concept worthy of exploring further. Currently, there are no State or Federal parking lots being made available to the program, despite such requests from County and provider staff. At the Board's direction, assistance from State representatives is being pursued.

Safe Sleeping Program

In October, Supervisor Hartmann referenced a Safe Sleeping Program operating in San Diego. San Diego describes this program as one which "offers safe, legal space as an alternative to traditional congregate shelters for people experiencing homelessness." Instead of a traditional shelter with extensive "brick and mortar" structures, homeless individuals are sheltered in tents within a secure space, where basic sanitation, showering facilities and access to needed support services is made available to unhoused individuals who enroll and accept shelter at this location. A number of other

communities, including the city of San Jose, have either initiated or are exploring the implementation of similar programs. The intent of such a program is to more quickly provide shelter options, presumably at a lower cost. Such programs can be particularly effective in providing shelter options for individuals in encampments that must be resolved quickly, such as those mentioned earlier as existing in either waterways or otherwise presenting a risk to public health and safety.

This approach may represent a viable alternative to the current method of shelter provision. However, before considering embarking on such a program, staff recommends the Board direct staff to review this option in detail, identify the pros and cons, along with anticipated costs, and whether suitable candidate sites for such a program are available in the County. It is further recommended that staff be directed to report its findings during budget hearings later this Spring.

Fiscal and Facilities Impacts:

If so directed by the Board, the protocol, ordinance changes and concept developments discussed herein can be achieved utilizing existing resources.

Staffing Impacts:

There is no staffing impact associated with the recommended actions. If so directed by the Board, the protocol and ordinance changes discussed herein can be achieved utilizing existing staff.

Attachments:

Attachment A – October 8, 2024 Board Letter: Consideration of Possible Revisions to the Encampment Response Protocol and Amendments to County Code

Attachment B – Encampment Response Protocol

Attachment C – December 3, 2024 Board Letter: 5-Month Performance Update Concerning the California Encampment Resolution Funding, Round 3 (CERF-3) Strategy

Attachment D—PowerPoint Presentation

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