



**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

**Department Name:** Community Services  
**Department No.:** 057  
**For Agenda Of:** October 8, 2024  
**Placement:** Departmental  
**Estimated Time:** 45 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

**TO:** Board of Supervisors

**FROM:** Department Jesús Armas, Community Services Director  
Director(s)  
Contact Info: Jesús Armas, Community Services Director (805) 568-2467

**SUBJECT:** **Consideration of Possible Revisions to the Encampment Response Protocol and Amendments to the County Code**

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Receive and file this report;
- B. Provide direction to staff concerning possible revisions to the Encampment Response Protocol;
- C. Provide direction to staff concerning possible amendments to County Code Sections 23-13.3 (Parking) and 24-7 (Watercourses); and
- D. 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 receive and file this report and provide direction to staff concerning possible revisions to the Encampment Response Protocol, originally adopted in 2021, and possible amendments to County Code Sections 23-13.3 (Parking) and 24-7 (Watercourses). 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 *Grants Pass v. Johnson* decision.

**Background:**

Earlier this year, in a 6-3 decision, the U.S. Supreme Court ruled that enforcement of anti-camping laws does not violate the Eight Amendment prohibition against cruel and unusual punishment even in instances where shelter beds are not available. Under prior Court decisions, anti-camping laws were prohibited from being enforced when beds were not available.

In light of this decision, at the Board session of July 9, 2024, Supervisors Joan Hartmann and Bob Nelson directed Staff to return to a future session with options related to current practices involving encampment resolution and existing anti-camping regulations.

In response, Staff convened an internal working of representatives from General Services, Publics Works, Sheriff and Parks to examine this issue more carefully and to identify potential revisions for the Board's consideration.

Santa Barbara County has a history of devoting considerable resources to assist homeless individuals. The County has responded with purpose and compassion, taking care to not treat unhoused individuals as criminals solely for being in an unhoused status. At the same time, it is recognized that the County has ordinances in place that prohibit certain activities such as overnight occupancy, overnight parking, camping, and sleeping in certain areas.

*Grants Pass* does not directly affect the County's ability to enforce laws and ordinances-- illegal conduct remains illegal conduct. The essential element of the *Grants Pass* decision is the removal of the obligation to assure the availability of shelter beds in advance of any encampment resolution. The Court's decision provides the opportunity to determine whether modification in current practices are appropriate.

Accordingly, what follows are options involving possible changes to the Board-adopted encampment response protocol and the County Code for the Board's considerations.

**Encampment Response Protocol**

In 2021, the Board adopted an Encampment Response Protocol outlining the manner in which the County would respond to and address homeless encampments on property owned or controlled by the County or its organization units such as dependent special districts in unincorporated Santa Barbara County. At its core, the Protocol underscores the importance of responding to issues of homelessness with compassion and care, aimed at offering shelter and services to those in need. This approach has realized effective results, including development and operation of three interim shelter facilities (Dignity Moves Santa Barbara, Hope Village, and La Posada) allocation of funds to support construction of permanent supportive housing, and assisting thousands of people experiencing homeless in finding shelter in the past several years.

The Protocol, as presently written, reflects both policy decisions made by the Board, and operational procedures. In reviewing the Protocol, it seems appropriate to revise the Protocol and produce two distinct documents: one which encompasses Board decisions and direction, and another reflecting operational practices to guide staff in implementing the policy direction provided by the Board. Staff proposes to revise the Protocol with this mind and present it to the Board for its consideration.

Before speaking to specific revisions, staff notes it would be appropriate to revise the Protocol to delete any statement that suggests encampment resolution may only be initiated following demonstration that

shelter beds are available. As stated above, the *Grants Pass* decision has made this requirement moot. While it is appropriate to continue to represent that the County will endeavor to identify and make shelter beds available, it should no longer be characterized as a prerequisite to initiating encampment resolution. While certain modifications are presented below for the Board's consideration, these changes are not intended to suggest the County should forego the current practice of approaching and addressing homelessness with compassion and care. Utilizing the flexibility made possible by the Court's decision is not incompatible with, nor does it compromise, the underlying premise of treating the unhoused humanely.

With regard to specific operational modifications, staff is presenting two revisions for the Board's consideration. These changes relate to posting of notices, and duration of storage of personal property.

Presently, prior to clearing an encampment, notices are posted at least 72 hours before the start of any resolution. In most instances, this time frame is reasonable. In some instances, a shorter noticing period is advisable. Accordingly, staff suggest reducing this period to 48 hours. The 48-hour timeframe is consistent with the procedure in an Executive Order recently issued by the Governor aimed at addressing encampments on properties under State jurisdiction.

Another revision staff suggests the Board consider is modifying the period that the personal property of an encampment resident will be stored. Currently, the Protocol calls for such property to be stored for 90 days. Staff suggests the Board consider reducing the time period to 60 days. This time frame is also consistent with the Governor's Executive Order. Storing personal property is costly, and reducing it to 60 days offers the potential to realize cost savings that can best be directed to other purposes. Anecdotally, staff observes that it is not usual for the owners of the property to forego claiming it from storage.

On September 18, Community Services staff attended the regular meeting of the City Managers and provided information regarding the Protocol as presently written and the changes described in this report. Following a thoughtful and informative discussion, a consensus emerged in support of the proposed changes. Additionally, the group agreed to review the Protocol more fully, and to explore the feasibility of presenting a similar Protocol to their respective City Councils. Support was also expressed in exploring preparation of a common Protocol that the cities and County can embrace in order to provide for a coordinated and collaborative approach to addressing this issue.

#### Additional Options for the Board's consideration

Besides possible changes to the Protocol, staff examined other County regulations related to parking recreational and similar vehicles and residency in waterways, and has identified two additional options for your consideration. Each is explained below.

#### Camper Parking Restrictions

County Code Sec. 23-13.3 states:

"No person shall park any vehicle, including but not limited to campers, trailers, semi-trailers and housecars, for the purpose of occupancy, or sleeping or camping between the hours of 10:00 P.M. of one day and 6:00 A.M. of the next day in or on any highway or portions thereof that the board of supervisors has designated as a 'No Overnight Parking for Occupancy Zone'."

The current County Code Sec. 23-13.3 enforcement practice is to establish parking prohibitions and post required signage in response to requests from the public. Upon receipt of the request, staff assesses the situation and if appropriate brings forward a recommendation to the Board for its consideration, noting the street segment subject to the prohibition. Responding to requests routinely involves multiple weeks, both in terms of determining if the prohibition is appropriate and scheduling the item for placement on the Board agenda.

To streamline this process and enable a more timely response to parking not in compliance with County Code Sec. 23-13.3, staff suggests modifying the County Code to delegate authority to designate this zone and place signage on highways or portions thereof within the jurisdiction of the County, without having to return to the Board for authorization to post a sign restricting parking. If the Board is supportive of this approach, staff will prepare the appropriate Code revision, explore how best to address the delegation and signage requirement, and return to the Board for further consideration.

### Camping in Watercourses

County Code Sec. 24-7 states:

“The term "watercourses" means and includes streams, creeks, arroyos, gulches, washes and the beds thereof, whether containing water or dry.

“It shall be unlawful for any person to construct or maintain, or to permit to be constructed or maintained, in any watercourse, any building or structure which obstructs, prevents or diverts, or tends to obstruct, prevent or divert the normal, natural and ordinary flow of water in such watercourse, or which at any time may be therein, in such manner as to endanger, or tending to endanger public property, including bridges, roads, buildings, structures or facilities, or the lands, crops, buildings or structures of other persons.”

Regrettably, it is common for individuals to establish encampments in rivers and other water ways in the County. When this happens, individuals are likely living in unhealthy conditions and the water way is negatively impacted through the introduction of debris, as well as combustible and hazardous material, including propane gas and other fuel. While individuals living in the waterway may not construct or maintain a building or structure as those terms are commonly understood, it is not uncommon to find a tent or other similar fixture in a river. For clarity, staff suggests the Board consider revising Code Sec. 24-7 to add camping paraphernalia to the list of items which may not be constructed or maintained in watercourses. County Code Section 24-5.2 defines camp paraphernalia as follows:

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncounty designated cooking facilities and similar equipment.

Should the Board indicate support for revising the Protocol and one more of the County Code sections described in this report, the appropriate items will be brought back to the Board for formal action.

### **Fiscal and Facilities Impacts:**

If so directed by the Board, the protocol and ordinance changes 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:**

- A. Encampment Response Protocol
- B. County Code-Camping and Parking
- C. Executive Order N-1-24

**Authored by:**

Jesús Armas, Community Services Director