

FREQUENTLY ASKED QUESTIONS

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The Sacramento City Council has taken significant steps to address the complex issues related to homelessness. Through the council's adoption of the Comprehensive Siting Plan, the establishment of the Department of Community Response, and ongoing collaboration with the County and State, city leaders are committed to creating support and solutions for our community.

In an effort to clarify what our city can do to legally address encampments on both public and private property, illegal parking of vehicles and trash mitigation, the City of Sacramento has created the following FAQ sheet. This is intended to help explain the parameters under which the city must operate and offer some guidance to the public when deciding who to call for help.

Q: Who can I call with a concern or complaint regarding encampments established by persons experiencing homelessness?

A: Generally, in the City of Sacramento (City), concerns or complaints regarding an encampment occupied by persons experiencing homelessness should be directed to **311**. Such encampments include those located on City-owned property, including parks, as well as occupied vehicles on City streets. The Department of Community Response (DCR) provides an alternative response that effectively transfers calls that do not require a law enforcement or fire response to DCR's teams of social workers and outreach specialists. Via **311**, DCR staff may respond to persons experiencing homelessness in need of mental health services, with substance use disorders, and other calls for service that are not criminal in nature and that do not present an immediate safety issue. Individuals in need of services, service information and resources, including, but not limited to, COVID-19 resources, should direct requests to **211**.

Reports of criminal activity—which does not include the act of camping on public property—should be directed to the Sacramento Police Department at **(916) 808-5471**. Reports of an emergency should be directed to **911**.

- Concerns or complaints regarding encampments located in Sacramento County parks should be directed to the Sacramento County Park Rangers at **(916) 875-PARK (7275)**.
- Concerns or complaints regarding encampments located on California Department of Transportation (CalTrans) property should be directed to CalTrans at <https://csr.dot.ca.gov>.
- Concerns or complaints regarding encampments located on Regional Transit (RT) property should be directed to RT at **(916) 556-0275**.
- Concerns or complaints regarding encampments located on Union Pacific Railroad (UPRR) property should be directed to UPRR police at **(888) 877-7267**.

Q: I submitted a concern or complaint regarding an encampment established by persons experiencing homelessness to 311. Why hasn't a Sacramento police officer arrested the occupants? Why hasn't the encampment been removed or relocated?

A: In *Martin v. City of Boise* (“*City of Boise*”), the Ninth Circuit Court of Appeals held that the City of Boise, Idaho’s ordinances prohibiting camping and sleeping on public property were unconstitutional. The Court stated, “[s]o long as there is a greater number of homeless individuals in (a jurisdiction) than the number of available beds (in shelters), the jurisdiction cannot prosecute homeless individuals for involuntarily sitting, lying, and sleeping in public [A]s long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property”

At present, there are a greater number of persons experiencing homelessness in the City than there are beds in shelters. Consequently, the City may not criminally enforce a law that prohibits camping or sleeping on *all* public property.

However, the Court in *City of Boise* limited the scope of its decision by stating that it did not “suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures.” It is under this limitation that the City may remove or relocate encampments on or near critical infrastructure, such as levees, and those that block passage on public rights-of-way.

Once a concern or complaint has been received via **311**, the City will determine whether, under the law discussed above, any action can be taken and by whom. If the City determines that action can be taken, the appropriate personnel will respond consistent with best practices.

Q: Is a person experiencing homelessness who uses a vehicle as shelter exempt from traffic laws and parking regulations? Specifically, can a vehicle used as shelter by a person experiencing homelessness remain in the same public parking place indefinitely; if not, why hasn't the City removed or relocated such vehicles?

A: No. Persons experiencing homelessness who use vehicles as shelter are subject to the same traffic laws and parking regulations as are the owners and operators of all other vehicles. For instance, motor vehicles must be operable and currently registered with the California Department of Motor Vehicles. A person experiencing homelessness who uses a vehicle as shelter is not legally entitled to occupy the same public parking place indefinitely. On the contrary, state and local law provide that *any vehicle* parked or left standing on a street or highway for seventy-two (72) hours or more may be towed.

However, the Sacramento County Health Officer's Stay-at-Home Order previously advised local governments, with limited exceptions, "to allow people who are living . . . in cars, RVs, and trailers . . . to remain where they are . . ." Further, the Stay-at-Home Order expressly directed local governments to "not cite persons experiencing homelessness for using cars, RVs, and trailers as shelter during community spread of COVID-19 . . ." or "remove life necessities from people experiencing homelessness, which includes . . . their vehicles . . ." As applied to persons experiencing homelessness, the Stay-at-Home Order expired June 15, 2021.

Inquires or complaints regarding vehicles occupied by persons experiencing homelessness should be directed to **311**.

Q: Can persons experiencing homelessness start a fire to cook food or stay warm?

A: In general terms, state and local law prohibit starting a fire in an undesignated area of a public park, on a public street or sidewalk, and anywhere else in a reckless manner. The Sacramento Fire Department is best qualified to determine the safety of such fires. Concerns or complaints regarding cooking and warming fires should be directed to **(916) 228-3035**. Reports of an emergency should be directed to **911**.

Q: I see a person experiencing homelessness using drugs or drinking in public. What can be done?

A: In most instances, the possession and use of narcotics, and the consumption of alcohol, in public, are unlawful and should be reported to the Sacramento Police Department at **916-808-5471**.

Q: I see used syringes on a public street or sidewalk. Can the City pick them up?

A: Yes. The City can dispatch a contractor to remove used syringes from public property. Reports of used syringes on public property should be directed to **311**.

Q: A person experiencing homelessness is camping on my private property. Can I have that person removed?

A: Yes. In general terms, a person entering or remaining upon your private property is trespassing in violation of state and local law. The *City of Boise* court decision does not apply to criminal enforcement of the City's camping ordinance on private property. Reports of someone trespassing on your property and refusing to leave should be directed to the Sacramento Police Department at **916-808-5471**. However, reports of someone trespassing on the private property of another should be directed to **311**.

Q: A person experiencing homelessness was trespassing on my private property and left trash behind. Who is responsible for removing the trash?

A: Owners of private property are responsible for maintaining their property free of junk and debris. Property owners must arrange for trash removal and secure their properties from trespassers.