



OFFICE OF THE GOVERNOR

Model Ordinance: Addressing Encampments with Urgency and Dignity

After the Supreme Court's decision in *Grants Pass v. Johnson* clarified that officials can take reasonable actions to clear encampments, the Governor signed Executive Order N-1-24, which directed state agencies to develop policies to prioritize addressing encampments on state property while providing reasonable advance notice and partnering with shelter and services providers. That Executive Order also encouraged local governments to adopt similar policies, and to use all available resources and infrastructure, including the historic resources provided by the State, to take urgent action to humanely remove encampments from public spaces. And the Governor directed the California Interagency Council on Homelessness to create guidance, published here, for local governments to follow in creating and implementing those programs.

This model ordinance is intended to provide a starting point that jurisdictions may build from and adjust in creating their own policies. It draws from the state's proven and workable approach — an approach that, between July 2021 and May 2025, has cleared more than 16,000 encampments and over 311,873 cubic yards of debris from sites along the state right of way. These results demonstrate that the policy is both effective and scalable, offering a sound, adoptable framework for jurisdictions to resolve encampments with urgency and dignity.

This model ordinance is not intended to be comprehensive or to impose a one-size-fits-all approach for every city. Tailoring is expected and appropriate to account for local differences and priorities. For example, a jurisdiction may choose to restrict camping at all times in certain sensitive locations, such as near schools; limit camping to no more than one night in the same location; or require a longer notice period before removal. While specific policies may vary, all local approaches should reflect three basic principles embodied in this model:

- No person should face criminal punishment for sleeping outside when they have nowhere else to go. Policies that prohibit individuals from sleeping outside anywhere in the jurisdiction without offering adequate indoor shelter, effectively banishing homeless individuals from the jurisdiction's borders, are both inhumane and impose externalities on neighboring jurisdictions, which must face the costs and challenges of an increased unsheltered homeless population.
- Encampment policies must prioritize shelter and services and ensure that people experiencing homelessness and their belongings are treated with respect.
- Policies must not unduly limit local authority to clear encampments. Officials must be able to enforce common-sense policies to protect the health and safety of their residents and maintain their public spaces. When officials lack appropriate tools, encampments persist, endangering the health and safety of those living in and alongside them.

There is no compassion in abandoning Californians to the dangers and indignities of encampments. Encampments pose a serious public safety risk, often causing fires and exposing encampment residents to increased risk of sexual violence and criminal activity, to property damage and break-ins, and unsanitary conditions affecting both residents and neighbors. And they dampen and deter both commercial and recreational activity through the accumulation of hazardous material and excessive debris, harming downtowns and depriving Californians of their public spaces. Large encampments and those with semi-permanent structures exacerbate and perpetuate these harms. Every local government must have a plan to address them.

Model Ordinance [For Local Customization]

Section XX1. Encampments

Unless authorized by permit or other applicable law, it is unlawful:

- (a) To construct, place, or maintain on public property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of sheltering one or more persons.
- (b) To camp on public property, including but not limited to using, placing or maintaining a tent, sleeping bag, blanket, or other materials for the purpose of sleeping, lying, or sheltering one or more persons for more than three consecutive days or nights in the same location. For purposes this section, the same location shall mean within 200 feet of the location in which the person camped on the previous day or night.
- (c) To camp within 200 feet of any posted notice to vacate or other official signage designating a location for encampment clearance or otherwise prohibiting sitting, sleeping, lying, camping, or placing personal property in that location.
- (d) To sit, sleep, lie, or camp on any public street, road, or bike path, or on any sidewalk in a manner that impedes passage within the meaning of the American Disabilities Act.

Section XX2. Enforcement

- (a) Except in exigent circumstances involving an imminent threat to life, safety, health, or infrastructure, each of the following shall be satisfied prior to the enforcement of section XX1:
 - (i) City officials, or any agent acting on their behalf, shall make every reasonable effort to identify and offer shelter at an emergency shelter, navigation center, or other appropriate housing, and to offer supportive services, to persons living in the encampment.
 - (ii) City officials, or any agent acting on their behalf, shall post a notice to vacate in a prominent location at the encampment site at least 48 hours prior to the enforcement action. That notice shall include, at a minimum:
 - (1) The anticipated date and time of the enforcement action

- (2) Information on services, including shelter, that are immediately available to persons living in the encampment
 - (3) Information on how unattended belongings will be handled the day of the enforcement action, including what will be stored, how they can be recovered, and the date by which they must be claimed.
- (iii) No enforcement operations shall begin earlier than the date and time on the notice to vacate. If the enforcement work does not begin within two days of the date written on the notice, a new notice must be posted a minimum of 48 hours before enforcement operations may begin.
- (b) Where exigent circumstances require less than 48 hours' notice prior to enforcement of section XX1:
 - (i) City officials, or any agent acting on their behalf, shall provide as much advance notice of enforcement as reasonably possible under the circumstances; and
 - (ii) As soon as reasonably possible following enforcement action, city officials or any agent acting on their behalf shall post notice at or near the encampment site describing where items taken during the enforcement action are stored, how they can be recovered, and the date by which they must be claimed.
- (c) Personal belongings collected at the encampment site that are not a health or safety hazard shall be collected, tagged, and stored for not less than 60 days following an enforcement action.
 - (i) "Personal belongings" includes:
 - (1) items of apparent value of \$50 or more
 - (2) items of apparent personal value, including, but not limited to: eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment, habitable tents, personal papers (such as photographs, albums, ID's, bank statements, and legal papers), backpacks, containers, and operational bicycles, scooters, and strollers.
 - (ii) Items that constitute a health and safety risk and will not be collected include, but are not limited to:
 - (1) Toxic sharps: needles, scissors, knives.
 - (2) Chemicals: bleach, paint, oils, etc.
 - (3) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids.

- (4) Moldy, mildewed items.
 - (5) Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
 - (6) Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
 - (7) Backpacks and closed containers that have been determined by an individual licensed to identify and handle hazardous materials to contain items listed in (1)-(6) above or (iii) below. Such backpacks and closed containers may be discarded where no individual licensed in hazardous materials is present to make a determination.
 - (8) If personal belongings are co-mingled or littered with needles, human waste, or other health risks, the entire pile of belongings may be disposed of. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
- (iii) Bulky items such as mattresses and sheds, perishable items such as food, controlled substances, contraband, and trash or debris will not be collected and stored. Contraband and controlled substances should be handled by trained professionals and consistent with applicable law.
- (d) Nothing in this section shall be construed to limit or prohibit city officials from enforcing any other city or state laws, including, but not limited to, laws governing use of controlled substances or weapons, fire codes, and public nuisance laws.

Section XX3. Regulations

- (a) The [relevant department or agency] shall issue regulations or guidelines necessary to aid in the implementation or enforcement of this chapter.