



Homelessness and the BCC Supreme Court Amicus Brief

September 25, 2019

Dear Community,

The Brentwood Community Council has filed an amicus brief with the Supreme Court, requesting the Court hear the *Boise v Martin* case (“Boise”) regarding camping ordinances and homelessness. The BCC joins 33 other California cities and counties, including the City and County of Los Angeles, along with local homeless service providers, such as The People Concern, and neighboring communities, including Venice. Our brief contains a letter of support from the Pacific Palisades Community Council.

The following link to the Supreme Court Docket will provide a list of all parties who filed amicus briefs:

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/19-247.html>

Why Did We File?

The 9th Circuit ruling in *Boise* casts uncertainty on our camping bans in high fire areas and other health and safety ordinances; it also fails to provide clarity on any middle ground between reasonable camping and sleeping ordinances. Both of these issues directly impact Brentwood. To paraphrase the amicus brief of homeless services provider The People Concern, we require clarity on camping ordinances to prevent endless rounds of litigation and entrenched encampments where service providers cannot get people out of homelessness.

What is an amicus brief?

It is essentially a letter to the Supreme Court from someone who is not a direct party to a suit; in this case, we are asking the Court to “grant cert” or “hear” the *Boise* case; the BCC is not asking for a specific outcome, while the County of Los Angeles is asking for the *Boise* case to be reversed. Our goal is simply for the Court to hear the case and provide definitive clarity on multiple Federal rulings regarding camping.

Why does this impact Brentwood?

1. The 2017 Skirball Fire was caused by a homeless cookfire. It destroyed 422 acres, burned down 6 houses and damaged 12 more. Pacific Palisades has dealt with the same issue. We fear any wiggle room in the 9th Circuit opinion to contest these safety ordinances. The current City and County ordinances are in effect today, but they can be challenged under the 9th Circuit ruling in *Boise*.
2. Brentwood has a 24/7 encampment on San Vicente and Bringham Avenues, next to the fence of the West Los Angeles Veterans Affairs property and clarity would be helping in dealing with quality of life issues and

social service outreach. Over the past 2 years, the encampment has expanded and become the focus of intense social service outreach, resident engagement and health and safety issues. We've obtained 11 sanitation clean ups, ensured homeless outreach services 2-3x per week, sheltered 16 people, pushed to get the new VA shelter in place for homeless Veterans and tried to jump start affordable housing for the West LA Courthouse complex redevelopment project.

However, it must be acknowledged that it is very difficult to coax our homeless neighbors to accept services while they camp indefinitely. Data from the VA and County of Los Angeles tell an unfortunate story: thus far in 2019, less than 25% of our homeless Brentwood neighbors have engaged with outreach workers and less than 10% have accepted shelter. While we seek to ensure outreach and fast track housing options, health & safety issues have increased - the last encampment clean up required a bulldozer.

The 9th Circuit assumes all camping ordinances criminalize homelessness and provides no clear middle ground on either the ordinances or incentivizing the acceptance of social services. the City of Thousand Oaks allows people to sleep on public property from 10PM to 6AM, but no tents or make-shift shelters, and no sleeping during the day. Is this ordinance lawful? Thousand Oaks filed an amicus brief as well.

3. Brentwood residents care about this issue. 71% of Brentwood voters approved Measures H and HHH, and, by a 3-1 margin, Brentwood residents have contacted the Brentwood Community Council ("BCC") about homelessness more than any other topic over the past two years. In response, the BCC established a Task Force on Homelessness and we've heard a wide range of opinions from Brentwood residents through a series of 5 public meetings from April, 2018 to September, 2019 (be sure to join the BCC mailing list on our website) and we established a working plan and gap analysis to target our efforts, including:
 - A. **Shelter:** We've tried to facilitate shelter projects where we could set aside beds for Brentwood homeless residents, including the use of surplus City and County property, prefabricated housing and non-profit business models for homeless bridge housing, emergency shelters and permanent housing to keep costs down and speed building time; we've supported safe, overnight homeless Veteran parking at the VA and voiced early support for proposed transitional housing behind the Federal Armory on Federal Avenue, South of Wilshire Boulevard; we've reached out to other councils to partner on housing or safe parking programs and we've advocated for more group housing and increased subsidies for group housing from Measure H funds;
 - B. **VA Policy:** We continue to strongly advocate with the VA and Federal officials for immediate and substantial change in Veterans Affairs homelessness strategy & policy, including immediate emergency housing, recuperative/skilled nursing facilities and additional rehab options. The pace is disgracefully slow;
 - C. **Health, Safety:** We've worked closely with all elected officials to ensure encampment clean-ups, adding trash cans and no trespass signage; local doctors have volunteered time to conduct mental health assessments; the BCC Safety Rep advocated and obtained the return of the LAPD Transient detail to West LA and the BCC has filed an amicus brief with the Supreme Court requesting the Court hear the Martin v. Boise case to obtain clarity on multiple Federal rulings related to camping ordinances.

BCC Process:

The BCC had a lengthy, transparent process culminating in the brief. In June, 2019, the BCC Homelessness Task Force met to discuss results after 14 months of advocacy and effort. After significant discussion, we agreed to include an amicus brief for Boise on our publicly posted Task Force update and seek public comment. We subsequently noticed and held the 4th BCC Homelessness Task Force public meeting on September 7, 2019. The Boise case was discussed at length and, after receiving extensive public comment in support of filing a brief, the Task Force immediately contacted all BCC Board members. A majority of the BCC Board wished to have further discussion and information. However, due to the September 25, 2019 deadline for filing with the Supreme Court, the BCC noticed a Special Public Meeting on September 15, 2019, where the Board and members of the public reviewed an extensive presentation on the Boise case, discussed the topic at length and voted unanimously to file the brief. The Pacific Palisades Community Council sent a Representative to the September 15, 2019 meeting and provided a letter of support, as did the Brentwood Homeowners Association, both of which were filed with the BCC brief.

Again, our goal is to obtain clarity among the many Federal rulings on this issue, as ***we continue to support housing and shelter, ensure outreach services and remain diligent about the health and safety of Brentwood.*** There is no 1 silver bullet to end homelessness, however, we believe with both Measure H & HHH funding, plus VA policy changes and Court guidance on camping ordinances, we can encourage the use of social services, provide shelter and alleviate the suffering on our streets.

Sincerely,

Michelle Bisnoff

Chair

Brentwood Community Council