

Homelessness, Camping, and the Law

Frequently Asked Questions about *Martin v. Boise*

1. What is *Martin v. Boise*?

Martin v. Boise is a landmark case from the US Ninth Circuit Court of Appeals that basically states that cities cannot prosecute people criminally for sleeping outside on public property if they have no home or other shelter to go to.

2. Can any individual experiencing homelessness camp wherever and whenever they want?

No, the court limited its ruling in several important ways. For example, it made clear that its ruling would not apply to individuals who can pay for temporary shelter and choose not to, or to individuals who have realistic access to free shelter and choose not to use it. The court also noted that a jurisdiction may, in certain circumstances, criminalize the act of sleeping outside, and at particular times or in particular locations.

3. How does the *Boise* decision effect homeless encampments in Arcadia?

The City of Arcadia recently passed Ordinance No. 2374 regulating the time, manner, and place of camping on public property in order to comply with Ninth Circuit's ruling. The ordinance allows individuals experiencing homeless to camp by necessity if there aren't temporary shelters nearby, with some exceptions. For example, camping is limited to the hours of 10:00pm to 7:00am, public right-of-way can not be blocked, and certain areas like park playgrounds, picnic areas, public facilities, and commercial districts are prohibited areas at all times.

4. How does the Tiny Shelter Project tie into the *Boise* decision and the City's camping regulations?

The Tiny Shelter Project would allow the City to be more proactive in its camping enforcement by creating shelter capacity locally. As noted in the Ninth Circuit's ruling, the Court's order prohibiting enforcement of anti-camping ordinances does not apply to individuals who have realistic access to free shelter and choose not to use it. In those instances, if an individual experiencing homelessness is camping on public property and a Tiny Shelter bed is available, they would be required to dismantle their camp and relocate to the Tiny Shelter and they would be prevented from camping anywhere in the City. If they choose to take the Tiny Shelter bed or not, it is still one less person camping on Arcadia streets.

5. How many shelter beds does the City need in order to enforce its anti-camping ordinance?

Ideally, the City would like to have a bed available for every individual experiencing homelessness in Arcadia; however, the City can enforce its anti-camping ordinance whenever it has a specific bed to offer to any specific individual experiencing homelessness. If a bed is offered and it is declined, the City can prevent that person from camping that evening. As long as there is capacity and open shelter beds, the City can enforce its anti-camping ordinance citywide. If there are no shelter beds to offer, then the City must allow the remaining persons to camp in allowable locations in the community.