



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

VACANT
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: May 6, 2025 and May 20, 2025

06

TO: Board of Supervisors

SUBJECT

ADOPT AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4, DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE (5/6/2025 – First Reading; 5/20/25- Second Reading unless ordinance is modified on second reading) (DISTRICTS: ALL)

OVERVIEW

On March 11, 2025 (13), staff presented options to the Board of Supervisors (Board) to enhance the current County of San Diego (County) Ordinance (County Regulatory Code Section 73.108) to address Unauthorized Camping in the Unincorporated Area. The options included components that address fire risk, adding protections to additional areas, and formalizing encampment abatement practices. Based on direction from the Board, the following enhancements will be included to amend the County's current ordinance relating to Unauthorized Camping and Protection of Open Space and Public Works infrastructure:

- Enhancement A: Add provisions related to fire risk.
- Enhancement B: Add protections in specific areas such as open spaces and Public Works infrastructure.
- Additional Enhancement: Add provision that specifies before enforcement actions occur, a violation must pose an imminent risk of death, serious injury, or spread of wildfire or communicable disease.

Today's item requests the Board to approve the introduction of an ordinance relating to unauthorized camping and the protection of property owned, leased or managed by the County, including open space and Public Works infrastructure such as culverts, channels, crosswalks, sidewalks, pathways, streets or public rights of way, and airports. If the Board takes action as recommended, then on May 6, 2025, staff recommends the Board adopt the ordinance (second reading). If the proposed ordinance is altered on May 6, 2025, then on that date, a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

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On May 6, 2025

1. Approve the introduction of the Ordinance (first reading)

AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4, DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE

If, on May 6, 2025, the Board takes action as recommended in item 1 above, then on May 20, 2025:

2. Approve the adoption of the Ordinance (second reading):

AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4, DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE

EQUITY IMPACT STATEMENT

The proposed Ordinance aims to balance public safety and the rights and dignity of individuals experiencing homelessness. The County has and will continue a ‘services first’ approach which means impacted individuals are first contacted and offered to be connected to available resources including sufficient and appropriate shelter beds. The ordinance would also address fire and environmental degradation risks that could worsen existing inequities faced by the unincorporated communities.

SUSTAINABILITY IMPACT STATEMENT

The recommended actions support the County of San Diego’s Sustainability Goal #4 of protect the health and wellbeing of everyone in the region by addressing fire risk, protecting open space, and Public Works facilities from the negative impacts of encampments in the unincorporated area.

FISCAL IMPACT

There is no fiscal impact associated with this item’s recommendation. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

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N/A

BACKGROUND

On October 24, 2023 (19), the Board of Supervisors (Board) directed the Chief Administrative Officer to draft an Unsafe Camping Ordinance that will allow law enforcement to prohibit and abate illegal encampments, remove improperly stored property on public property, and protect vacant property, such as the San Diego River corridor, from fire and pollution. This action also requested the development of a list of properties that would create the capacity needed to meet then existing shelter requirements to enforce an Unsafe Camping Ordinance. On June 28, 2024, the Supreme Court of the United States (Supreme Court) issued its ruling on *City of Grants Pass v. Johnson*, which overturned *Martin v. Boise*, a Ninth Circuit case holding that an individual could not be cited for sleeping on public property unless they were first offered alternative shelter. In *Grants Pass*, the Supreme Court upheld enforcement of local ordinances regulating camping on public property even if no shelter beds were available. Under this new guidance, the County of San Diego's (County) existing camping ordinances could be enforced. Subsequently on August 27, 2024 (15), the Board reiterated its direction to ensure that the draft Unsafe Camping Ordinance includes provisions to address the threat of fires occurring from illegal encampments.

On March 11, 2025 (13), staff presented options to the Board that included keeping the existing County ordinance or modifying it with components that address fire risk, adding protections to additional areas, and formalizing encampment abatement practices. The Board also directed staff to engage with individuals who have lived experience of different types of enforcement and the impact it can have on that person's life. The County has, and would continue to have, a 'services first' approach with the goal of connecting people with sheltering, food, and, where appropriate, substance use disorder and mental health treatment. This ordinance would apply to property that the County owns, leases or manages including areas such as parks, open space, and certain Public Works Infrastructure. The enhancement options presented were the following:

- **Enhancement A:** Add Provisions Related to Fire Risk
- **Enhancement B:** Add Protections for Open Spaces and Public Works Infrastructure
- **Enhancement C:** Codify existing procedures for unsheltered encampments notification period for movement of personal property to storage and adopt a notification period of 24 hours

Input from Individuals with Lived Experience of Enforcement

On March 11th, 2025 (13), the Board provided direction for staff to return with input from people with lived experience of homelessness, specifically from the Homeless-Experienced Advocacy & Leadership (HEAL) Network. The HEAL Network acknowledges the need for updated fire safety

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measures and notes that it is critical that the Ordinance does not perpetuate the cycle of displacement of individuals experiencing homelessness throughout the region without providing housing options. HEAL network shared that based on their experience, encampment displacement often exacerbates behavioral health challenges and uproots individuals from existing support networks and resources. HEAL network also shared that from their perspective without adequate prior planning and communication, displacement may lead to increased stress, loss of belongings, potential criminalization, and diminished trust in local authorities. To minimize potential harm, enforcement should be paired with advanced provision of supportive services. HEAL shared that the previously proposed reduction to a 24-hour notice period for encampment clearances may present significant challenges that could disproportionately affect families with children, individuals with disabilities, health conditions, and those who work during the day. Allowing individuals 72 hours of notice is best practice when urgent circumstances don't exist to allow individuals to secure and arrange transportation for belongings, notify employers or service providers of their location change, and make accommodations for pets.

Enhancement Options included in Ordinance to address Unsafe Camping

The Board provided direction for staff to return with an updated ordinance of County Regulatory code Section 73.108 to include Enhancement A, Enhancement B, and to include an additional provision that requires sufficient and appropriate shelter beds must be available, and appropriate beds first offered to eligible individuals and refused before enforcement can occur, except in cases where there is an imminent public safety or public health risk. On May 6, 2025, the Board removed the shelter requirement and added a requirement that a violation must pose an imminent risk of death, serious injury, or spread of wildfire or communicable disease. The updated Ordinance will include the following language for the enhancements directed by the board.

- **Enhancement A: Add Provisions Related to Fire Risk:**
 - Prohibit in any County Park, any public street or highway, or on any improved or unimproved property owned, leased, or managed by the County:
 - Use an ignition source to cause or intend to cause a fire;
 - Maintain an existing fire;
 - Camp while using or possessing an ignition source;
 - Discard any lighted tobacco product or any burning or combustible material or other thing that could set fire to grass, shrubs, buildings or any other combustible substance.
- **Enhancement B: Add Protections for Open Spaces and Public Works Infrastructure:**
 - Add property that is managed, but not owned or leased, by County to existing areas where camping or maintaining an encampment is prohibited.

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- Prohibit storing personal belongings or waste, including garbage, refuse, or human or animal waste;
- Prohibit activities that alter the property, including but not limited to digging, removing vegetation and building structures, in a manner that damage, impairs, or interferes with the function of the property, or creates a threat to public health or safety;
- During an emergency, construction, or maintenance, it shall be unlawful for any person to remain within the portion of County maintained Public Works facilities or property identified by the Director, Department of Public Works, as closed to the public by signage, barriers, or other features.

- **Additional Provision of Enforcement:**

- Law enforcement officers may only issue a citation to enforce a violation of section 73.108 to an individual when the violation poses an imminent risk of death, serious injury, or spread of wildfire or communicable disease.

In addition to the enhancements described above, the proposed ordinance will make edits to existing sections on camping and obstructing rights of way, in order to change or remove outdated language. Any enhancements made to the existing ordinance to address Unauthorized Camping do not negate any existing authorities granted through other State regulations, such as fire codes and the penal code, which can be leveraged to ensure public safety during a fire emergency.

The recommendation before the Board is to consider an ordinance amending the San Diego County Code of Regulatory Ordinances related to unauthorized camping and protection of the property owned, leased or managed by the County, including open space and Public Works infrastructure such as culverts, channels, crosswalks, sidewalks, pathways, streets or public rights of way, and air facilities.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The recommended actions align with the Strategic Initiatives of Community and Equity in the County of San Diego's 2025-2030 Strategic Plan with its focus on opportunities for health, safety, and well-being. The Unsafe Camping Ordinance also supports environmental sustainability by addressing the risk of fire and protecting open spaces and the natural environment from negative impacts of encampments.

Respectfully submitted,

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EBONY N. SHELTON
Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A- AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4, DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE (Clean Copy)

ATTACHMENT B- AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4, DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE (Informational Copy)

ATTACHMENT C- SUMMARY OF PROPOSED ORDINANCE