



May 7, 2020

Assemblymember Eduardo Garcia
Chair, Assembly Water, Parks, and Wildlife
State Capitol, Room 444
Sacramento, CA 95814

Re: AB 1958 (Cooper) – Oppose unless amended

Dear Assemblymember Garcia:

On behalf of Housing California and the Corporation for Supportive Housing, we write to respectfully oppose Assembly Bill 1958 unless the bill is amended. Though we appreciate the author's office work to meet with us to resolve our concerns, we are deeply concerned the bill threatens to further criminalize our most vulnerable Californians without a place to call home in the midst of an affordable housing and homelessness crisis, when we are bracing for increases in homelessness due to COVID-19, and at a time when criminalization of homelessness is increasingly recognized by advocates, jurisdictions and courts as exacerbating, rather than relieving, our state's homelessness crisis.

CSH, a national non-profit and community development financial institution, and Housing California, a statewide housing and homelessness advocacy organization, are dedicated to ensuring all Californians have access to an affordable, safe, and supportive place to call home.

AB 1958 would allow for local law enforcement to arrest and incarcerate people experiencing homelessness living near river levees. AB 1958 also permits the State Flood Control Plan and local authorities to remove people's belongings by allowing authorities to remove "physical obstructions" from levees. While we appreciate the public safety issues related to levees, as the 9th Circuit ruled in *Lavan v. City of Los Angeles*, 693 F. 3d 1022 (2012), the personal property of persons is protected by constitutional law and state statutes¹ and must be accorded due process protections.. People experiencing homelessness are left with few options but to occupy these spaces because of local, state, and federal failures to solve homelessness. Housing California and CSH strongly oppose any measures which, with or without intent, criminalizes homelessness. These measures drive our most vulnerable residents further into the shadows, holding them back from achieving stability and security, and making it harder for them to get housed. In fact, people arrested for quality of life crimes often cannot access housing because of their records and sometimes debt that balloons because of their inability to pay. We must pursue policies that recognize that homelessness is a failure of public policy decades in the making, not of the people experiencing homelessness. The solution is providing people experiencing homelessness is housing and services, not treating these individuals and families as criminals.

Courts have repeatedly struck down laws that criminalize the status of being homeless by banning occupation of public spaces when people have nowhere else to go. Most recently, the Ninth Circuit Court of Appeals struck down such an ordinance in *Martin v. Boise*, 902 F.3d 1031 (2018), stating that, "As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." *Id. at 1037*. AB 1958 would accomplish what the court prohibited in that case.

Housing California and the Corporation for Supportive Housing respectfully oppose AB 1958 (Cooper) and urge a “no” vote, unless the bill is amended to use local law enforcement only where obstruction of a levee poses a risk to public safety, to allow for 72-hours notice when immediate safety is not at risk, to prohibit law enforcement from confiscating belongings, and to require law enforcement to be accompanied by local homeless service providers with cultural competency in outreach with the goal of offering services that can help people access a home. Without these amendments, this bill takes the state response to homelessness in the wrong direction. We will continue to work with the author towards amending this legislation and hope to find an agreement on those amendments.

Sincerely,



Sharon L. Rapport
Associate Director, California Policy
CSH



Christopher Martin
Legislative Advocate
Housing California

ⁱ See Cal. Civil Code §§ 655, 663, 671.