

February 10, 2022

Mindy Cuppy
City Clerk
City Hall
915 I Street
Sacramento, CA 95814

Re: Initiative Measure to be Submitted to Voters

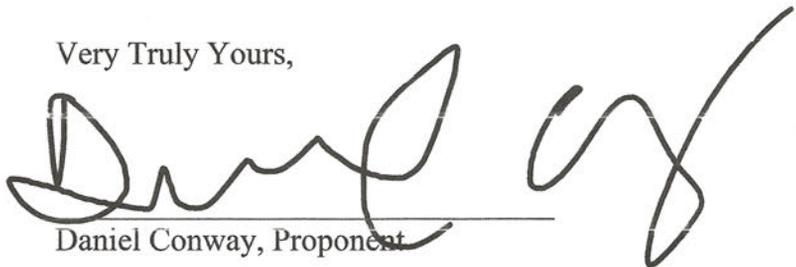
Dear Ms. Cuppy:

Please find enclosed with this letter a copy of an amended version of a proposed initiative measure that was previously filed on February 8, 2022. We are enclosing another copy of the Notice of Intent to Circulate Petition for the City of Sacramento. Please transmit the amended initiative measure to the City Attorney for a Title and Summary pursuant to California Elections Code Section 9203.

We are the proponents of this measure and are registered voters in the City of Sacramento at the addresses shown on the attached, along with the signed proponent affidavits previously filed in your office required by Section 9608 of the California Elections Code.

Should you have any questions or require additional information, please contact our attorney, Thomas W. Hiltachk, at 455 Capitol Mall, Suite 600, Sacramento, CA 95814 or (916) 442-7757. Thank you.

Very Truly Yours,



Daniel Conway, Proponent



Rivkah K. Sass, Proponent

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Sacramento for the purpose of amending the Municipal Code to address the problem of homelessness. A statement of the reasons of the proposed action is as follows:

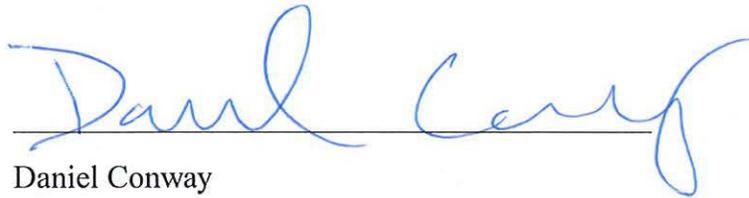
The most important issue facing our city is the massive increase in the number of people living on our public streets and sidewalks, in abandoned vehicles, or in other public spaces. Recent data indicates that the number of unsheltered homeless individuals has more than doubled in just the last few years.

Numerous homeless encampments, many with dozens of people living in tents and other makeshift shelters on both public and private property, have created a public health and safety crisis.

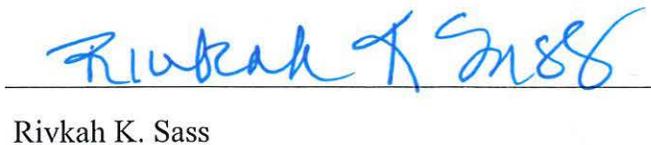
Governor Newsom recently stated that the ideal long-term solution to solving homelessness is permanent housing with services for those needing assistance with drug addiction, the mentally-ill, and economically-disadvantaged. But, as the Governor also noted, that could take years to come to fruition. The Governor stated that we must do more – we must find a “bridge to permanent supportive housing.” Unfortunately, our City Council has focused almost exclusively on finding long-term solutions.

The people demand an immediate and urgent response from our city government. There is nothing compassionate about letting people deteriorate and ultimately die on our streets. There is nothing compassionate about allowing large encampments that create a public health and safety crisis. And there is nothing compassionate in allowing conditions which threaten the livability, security and economic vitality of the city. Immediate action is necessary. If a person is camping on a public street, moving them to a safer and more suitable location is a humane and sensible temporary response. We must provide the homeless with a bridge to a more permanent housing solution.

Initiative Proponent:


Daniel Conway

Initiative Proponent:


Rivkah K. Sass

AFFIDAVIT

I, Daniel Conway, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:



Dated this 8th day of February, 2022

Daniel Conway



AFFIDAVIT

I, Rivkah K. Sass, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed:

 Dated this 8th day of February, 2022
Rivkah K. Sass




The people of the City of Sacramento do ordain as follows:

SECTION 1. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE

A. The most important issue facing our city is the massive increase in the number of people living on our public streets and sidewalks, in abandoned vehicles, or in other public spaces. Recent data indicates that the number of unsheltered homeless individuals has more than doubled in just the last few years.

B. Numerous homeless encampments, many with dozens of people living in tents and other make-shift shelters on both public and private property, have created a public health and safety crisis.

C. The living conditions facing people experiencing homelessness are unhealthy and unsafe. A recent study found that homelessness reduces a person's life expectancy by 25 years or more. Nearly 200 people died on our city streets last year.

D. Homeless encampments, in particular, create tons of hazardous waste, creating dangerous health conditions for the entire city. The unsanitary conditions have led to infestation of disease-carrying rats and the spread of communicable diseases. Our rivers and storm water systems have become contaminated with unsafe levels of E. coli. Our citizens have even been warned to stay out of the river and to be wary of needles in our public parks because of the dangerous conditions caused by homeless encampments.

E. Crime often occurs in and around encampments, mostly in connection with illegal drug use. Retail theft, burglary, and other property crimes support the flourishing drug trade hiding in these encampments. Homeless individuals living in these encampments are also subjected to crime, including assaults, rape, and human-trafficking.

F. Homelessness disproportionately impacts people of color, members of the LGBTQ+ community, former foster youth, and veterans – meaning these populations are two or three times more likely to suffer from these deplorable living conditions.

G. Governor Newsom recently stated that the ideal long-term solution to solving homelessness is permanent housing with services for those needing assistance with drug addiction, the mentally-ill, and economically-disadvantaged. But, as the Governor also noted, that could take years to come to fruition. The Governor stated that we must do more – we must find a “bridge to permanent supportive housing.” Unfortunately, our City Council has focused almost exclusively on finding long-term solutions.

H. The people demand an immediate and urgent response from our city government. There is nothing compassionate about letting people deteriorate and ultimately die on our streets. There is nothing compassionate about allowing large encampments that create a public health and safety crisis. And there is nothing compassionate in allowing conditions which threaten the livability, security and economic vitality of the city. Immediate action is necessary. If a person is camping on a public street, moving them to a safer and more suitable location is a humane and sensible

temporary response. We must provide the homeless with a bridge to a more permanent housing solution.

I. Therefore, the people hereby enact the “Emergency Temporary Shelter and Enforcement Act of 2022.” Nothing in this Act prevents or prohibits the City from providing long-term housing or social services to homeless individuals, and doing so is necessary and encouraged. However, the City of Sacramento must also take immediate steps to enforce its laws and protect the interests of all of its citizens.

SECTION 2. Unlawful Camping on Public and Private Property Prohibited.

Sections 12.52.010, 12.52.020, 12.52.030, and 12.52.040 of Chapter 12.52 of the Sacramento City Code are hereby amended (additions denoted in underlined type and deletions denoted in ~~strikeout type~~) and Section 12.52.045 is hereby added to read as follows:

Chapter 12.52 CAMPING

12.52.010 Purpose.

The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

Large unauthorized encampments on public and private property create additional and more dangerous public health and safety concerns for those experiencing homelessness and the general public and also threaten the livability, security, and economic vitality of the city.

The City needs to enforce these laws while providing immediate emergency shelter and emergency camping spaces as an alternative to unauthorized camping.

12.52.020 Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

“Camp” and “camping” means to temporarily or permanently live, dwell, or sleep outdoors; place, pitch or occupy or temporarily live in camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter or structures.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, items used for the making of any unauthorized fire, or cooking facilities and similar equipment, for the purpose of camping, or storage of personal belongings.

“City manager” means the city manager or designee.

“Emergency shelter space” means a city-authorized location providing temporary shelter in an enclosed or partially-enclosed area with a roof and bed that provides protection from the sun and rain in which a person may sleep in an area totaling at least seventy (70) square feet per person.

“Emergency camping space” means a city-authorized location providing temporary space in which a person may camp in an area totaling at least one-hundred (100) square feet per person, whether the city provides the camp paraphernalia or the individual brings the individual’s own camp paraphernalia, according to the city or organization’s rules or preferences. “Emergency camping space” may include spaces where a person is permitted to sleep during designated nighttime hours and is required to vacate the space during the day so long as each individual is provided reasonable space for storage of property and possessions during the time the individual is required to vacate the space.

“Encampment” means four or more unrelated individuals camping together or within fifty (50) feet of each other and without permitted electrical power, running water, and bathroom facilities.

“Establish” means setting up or moving equipment, supplies or materials on to public or private property to “camp” or operate camp facilities.

“Maintain” means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

“Operate” means participating or assisting in establishing or maintaining a camp or camp facility.

“Park” means the same as defined in Section 12.72.010 of this title.

“Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

“Public property” means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means the same as defined in Section 12.16.180 of this title.

“Unrelated individuals” mean related by blood, adoption, marriage, or registered domestic partnership.

12.52.030 Unlawful camping.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

1 A. Any public property, except for public property designated as an emergency shelter space or emergency camping space; or

2. ~~B.~~ Any private property.

B. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in an encampment located in the following areas:

1. Any public property, except for public property designated as an emergency shelter or camping site, or

2. Any private property.

C. 1. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the Planning and Development Code or other laws, ordinances and regulations.

3. The city manager may, as provided in Section 12.52.050 of this chapter, issue a temporary permit to allow camping on public or private property in connection with a special event.

D. 1. A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code Section 370, the city attorney may institute civil actions to abate a public nuisance under this chapter.

2. Subsection A of this section may not be enforced against an individual camping on public property unless and until all of the following has occurred:

a. The City Manager has authorized emergency shelter space, and/or emergency camping space pursuant to section 12.52.045A, and

b. The City Manager has determined the current availability of such spaces for the individual pursuant to section 12.52.045D, and

c. The City Manager has offered the individual space in an emergency shelter and/or emergency camping space, and

d. The individual has rejected the city's offer of an emergency shelter space and/or emergency camping space and refuses to move from the public property.

3. Subsection B of this section may be enforced to prohibit encampments on public or private property without regard to sections 12.52.045A or D.

12.52.040 Storage of personal property on public and private property.

A. It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

1. A. Any public property; or

2. B. Any private property without the written consent of the owner.

B. It is unlawful and a public nuisance for any person to improperly dispose of hazardous waste, including, but not limited to, human waste, garbage, debris, used needles, in an encampment or camp facility.

C. A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code Section 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.

12.52.045 Emergency Shelter Identified and Provided.

A. Within sixty (60) days following the enactment of this ordinance, the City Manager shall identify and authorize emergency shelter space and/or emergency camping space, equal to at least seventy-five percent (75%) of the total number of homeless individuals estimated to reside in the city pursuant to the last point-in-time (“PIT”) count conducted in the city.

1. The City Manager may, for purposes of subsection A, include emergency shelter space or emergency camping space, provided by nonprofit organizations operating such shelters within the city so long as such space is adequate and reasonably available.

2. The City Manager shall require compliance with all municipal and state laws within an emergency shelter space and emergency camping space and shall provide reasonable security to protect the safety of those using the facility and the public generally.

3. The City Manager may allow emergency shelter spaces and emergency camping spaces to accommodate persons with physical disabilities, partners, and pets (though pets may be kenneled), as necessary to further the purposes of this chapter.

B. The City Manager may use any public property, except for city streets, neighborhood parks, or locations within one thousand (1,000) feet of a K-12 school, public library, daycare or preschool facility, or playground, or five hundred (500) feet from a stream or river. The City Manager may contract with the County, State, and/or Federal governments, or the owner of private property, for the provision of emergency shelter space or emergency camping space.

C. The City Manager may reduce the number of emergency camping spaces and/or emergency shelter spaces in the City Manager’s discretion, and upon City Council approval, if there are consistently unused emergency camping spaces and/or emergency shelter spaces, and the most recent PIT count has shown a reduction of at least seventy-five percent (75%) in unsheltered homelessness from the 2022 PIT count (or the 2019 PIT count if no 2022 PIT count was conducted).

D. The City Manager shall inform all relevant public agencies, including the police department, and city outreach workers and relevant contractors if any, of the number and location of open and unused emergency shelter spaces and emergency camping spaces available as of 5:00 p.m. each day.

E. The City Manager shall collect data regarding, and report to the Council every thirty days on, the progress in provision of emergency shelter space and/or emergency camping space, and

the progress towards the elimination of encampments and unauthorized camping. Within twelve months from the enactment of this Act, the City Manager shall achieve a significant reduction in the number of encampments and a significant reduction in the number of unsheltered homeless individuals, and the City Manager shall report such results to the Council.

F. The City Manager shall deploy city personnel and/or obtain the services of contractors to conduct outreach, on at least every working day, to homeless individuals camping illegally in a designated part of the city, as determined by the City Manager, to offer available emergency shelter space or emergency camping space, as appropriate for that individual. The outreach shall include, at a minimum:

1. Notice to all individuals camping illegally that such camping and encampments on public property are illegal in the city, and that the law will be enforced in the particular area beginning on a designated date not earlier than fourteen (14) days from the date notice is first provided. The notice shall be given orally and in writing.

2. The outreach worker or social worker shall make reasonable efforts to connect camping individuals with appropriate county social services agencies, including mental health services and drug rehabilitation services, and maintain data on both efforts and county agency participation.

3. Assistance in the relocation of the camping individual and disposal of, or movement of a reasonable amount of, the camping individual's personal property to an emergency shelter space or emergency camping space. The City Manager may use city personnel and vehicles or may obtain the services of contractors to provide such services (e.g. waste removal and rideshare services). The City Manager may pay a camping individual for the reasonable value of his or her personal property in lieu of moving such property, if the camping individual agrees to such sale. If the camping individual agrees to the sale, the City Manager may dispose of the property in the City Manager's discretion.

G. The duties imposed on the City Manager pursuant to this section are mandatory and not discretionary.

SECTION 3. Enforcement and Abatement of Public Nuisance Caused by City Inaction.

Section 8.04.275 is added to Article V of Chapter 8.04 of the Sacramento City Code to read:

8.04.275 Nuisance Abatement Caused by City

A. Under existing law, this Chapter authorizes the City to commence proceedings against the owner of private property to enforce code violations and to abate public nuisances. The City owns thousands of acres of public property, and the City should be held responsible to abide by the same code requirements and public nuisance laws that the City imposes on the owners of private property and any resident, or organization or group of residents, harmed by the violation or nuisance must be authorized to demand abatement of such a nuisance by the City. This section goes into effect one hundred and eighty (180) days after enactment of this ordinance.

B. To commence a nuisance abatement proceeding against the City for a code violation or public nuisance on city property, a resident, or organization or group of residents, shall issue a

notice of violation and demand to abate (“notice and demand”) directed to the City Manager. The City Manager shall create a form notice and demand that complies with this section which shall include an online submission option, and an option for personal or mail delivery to the City Manager. No fee shall be imposed for the submission of a notice and demand. The notice and demand shall contain:

1. The street address and/or such other description as is required to identify the city property;
2. A statement specifying the conditions which constitute the nuisance and declaring such conditions to be a public nuisance pursuant to Section 8.04.100 of this chapter or an unlawful camp, camp facilities, or encampment under Sections 12.52.030 or 12.52.040;
3. A statement describing how the public nuisance has caused injury, damage, or harm to the resident or organization, or the resident or organization’s use of their private property or the public property, or to the group of residents or group of organizations, or the use of their private property or public property, so long as each member of the group of residents or group of organizations submits separate statements of injury, damage, or harm;
4. A statement of the action required to be taken to abate the public nuisance;
5. A demand that the City Manager abate the nuisance prior to a set date, not less than forty-five (45) days from the date of the notice and demand if received online, or sixty (60) days from the date of the notice and demand if received by mail.

C. Within twenty (20) days from the date of the notice and demand if received online, or thirty (30) days from the date of the notice and demand if received by mail, the City Manager shall inspect the property in question and respond to the notice and demand informing the resident that the city will either:

1. abate the nuisance within the time demanded by following the outreach and relocation process as defined in section 12.52.045;
2. request an extension of time to abate the nuisance, not to exceed thirty (30) days of the time demanded;
3. not abate the nuisance because the city does not own the property in question; or
4. dispute that a public nuisance exists.

D. If the City Manager claims that the city does not own the property in question or that a public nuisance exists, or refuses to or otherwise fails to abate the nuisance within the time period prescribed herein, he or she shall advise the resident that he or she will seek a hearing as provided in section 8.04.180, which shall be conducted pursuant to this Article.

E. If the City Manager fails to obey an order of the hearing examiner following the hearing, notwithstanding section 8.04.290, the hearing examiner’s authority is limited to instituting any appropriate action to abate the conditions which constitute a public nuisance.

F. If the city is ordered to abate the nuisance following a hearing pursuant to subsection D, the resident shall be entitled to recover from the City his or her costs and attorney’s fees incurred, if any, in connection with the hearing.

G. For purposes of this section:

1. “injury, damage, or harm” includes monetary loss and/or the quiet enjoyment of the use of a resident’s or an organization’s personal property or the public property at issue.

2. “resident” includes a person who resides or conducts business within the city.

SECTION 4. General Provisions.

A. If any provision or subsection of this Act or application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or subsections or applications or the Act which can be given effect without the invalid provision or subsection or application, and to this end the provisions of this Act are severable.

B. This Act is intended to be comprehensive. It is the intent of the people that in the event this Act or acts relating to the same subject shall appear on the same ballot, the provisions of the other Act or Acts shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other Act or Acts shall be null and void.

C. The City Attorney shall defend any legal challenge to the validity of this Act, or any part thereof, and shall consent to a motion to intervene by the proponents of the measure or the sponsors responsible for qualifying and passing this Act. If the City Attorney fails to defend the Act or any part thereof, the City shall be responsible to reimburse the proponents or sponsors of the measure for any attorney’s fees incurred by them in defending the legality of the Act in court.

D. This Act may be amended by the City Council upon a two-thirds vote of the Members of the Council, but only to further the purposes of this Act and only after the number of unsheltered homeless individuals in the City has been reduced by at least seventy-five (75%) from the date this Act is enacted.