

## **IMPARTIAL ANALYSIS OF MEASURE O**

### **Prepared by Sacramento City Attorney**

The Sacramento City Council has placed Measure O on the ballot. Measure O is an ordinance adding a chapter to the Sacramento City Code, to address homelessness in the City. Measure O would not be operative unless the City and the County of Sacramento enter into a legally-binding partnership agreement that memorializes their respective roles in addressing homelessness.

#### *Operation of the measure*

The measure directs the City Manager to authorize new emergency shelter spaces equal to at least 12% of the estimated number of unsheltered homeless individuals in the City. After that, authorization of additional spaces is contingent upon 60% utilization of then-existing spaces. The City Manager also must perform regular outreach to homeless persons.

The measure provides that “unlawful camping” on public property may not be enforced against any person until all the following have occurred: the City Manager has authorized the requisite number of emergency shelter spaces; an emergency shelter space for the person is available; the City has offered that emergency shelter space; and the person has rejected the offer and refuses to move from the public property.

The measure makes it unlawful and a public nuisance to do the following in an “encampment” (four or more persons camping together or within 50 feet of each other, without permitted power, water, or bathrooms) located on any public or private property: camp, occupy camp facilities, or use camp paraphernalia; or accumulate or fail to properly dispose of waste.

The measure creates a mechanism for residents harmed by unlawful camping or unlawful storage on City-owned property to commence abatement proceedings against the City. If the City is ordered to abate a nuisance, the resident who initiated the action could recover their costs and attorney's fees.

The measure directs the City Manager to fund the commitments, obligations, and liabilities created by the ordinance first from external sources (e.g., the State). If those are insufficient, the City Manager shall annually allocate up to 50% of unobligated General Fund year-end resources, not to exceed \$5 million.

#### *The measure's effect on existing law*

Under existing City Code, there is no obligation to identify or authorize emergency shelter spaces. Measure O directs the City Manager to so establish a minimum number of spaces. It also creates an obligation to perform outreach.

Currently the City Code prohibits persons from camping, occupying camp facilities, or using camp paraphernalia on any public property or any private property, except by City-issued permit or, for one-night stays on private property, by owner consent. Measure O restricts enforcement of that prohibition through imposition of preconditions, as described above.

Current City Code provisions do not expressly address multi-person “encampments,” which under Measure O are defined as four or more persons camping together or within 50 feet of each other, without permitted power, water, or bathrooms. Measure O prohibits such encampments.



A “yes” vote is in favor of adopting the ordinance. A “no” vote is against adopting the ordinance. A majority of “yes” votes is required to pass Measure O.

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