



A Grounded Approach to Our Homelessness Crisis

Gary Blasi



Gary Blasi is Professor of Law, Emeritus, at the UCLA School of Law. Before joining UCLA in 1991, he practiced for 13 years at the Legal Aid Foundation of Los Angeles, where he began representing homeless individuals and families in 1983. His research at UCLA has focused, in part, on the causes of homelessness, the social psychology of responses to it, and the effectiveness of interventions.

I. INTRODUCTION

On February 8, 2021, the City of Boise, Idaho settled a case with six formerly homeless residents of Boise who had been cited in 2007 and 2008 for violating an ordinance that banned people from sleeping in any public space in the city. The plaintiffs claimed the ordinance violated the “cruel and unusual punishment” clause of the Eighth Amendment because it was enforced when they had no other place to sleep. Boise paid the six plaintiffs a total of \$5,000, promised to spend \$1.3 million to expand and improve the city’s shelters for homeless individuals, and agreed to clarify that the challenged ordinance permitted sleeping outdoors when there was no available shelter.¹

The settlement attracted national media attention, not because of special interest in the sixty-one unsheltered homeless residents of Boise and surrounding Ada County,² but rather because the case had resulted in a decision in the United States Court of Appeals for the Ninth Circuit, *Martin v. Boise*,³ and a highly publicized effort by litigants in the United States Supreme Court to reverse the Ninth Circuit’s holding in that decision 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.”⁴ The petition for certiorari was supported by an avalanche of *amicus* briefs, including those of thirty-three California cities and counties, the states of Idaho, Alaska,

Indiana, Louisiana, Nebraska, South Dakota, and Texas, and the Brentwood Community Council.⁵ To the surprise of many, the Court declined to hear the case. The Court’s refusal to grant certiorari and \$5,000 settlement marked the end of one case, but certainly not the end of the controversy.

In contrast to Boise’s sixty-one unsheltered homeless persons, in the most recent official count there were 48,041 unhoused people in Los Angeles County who lacked shelter of any kind,⁶ a number that had grown by more than 5,500 in the preceding twelve months. By way of comparison, during the same month New York City counted a total of 3,857 unsheltered homeless persons, less than one-tenth the per capita rate of Los Angeles County.⁷ In the broader context, across the entire United States, of every 100 Americans who are homeless, unsheltered and on the streets, fifty-three are in California and twenty-four are in Los Angeles County.⁸ The total numbers obscure deep disparities. A randomly chosen Black person in California is almost six times more likely to be homeless and unsheltered than a white person.⁹

The homeless crisis in California is of course not new. I began work as a legal aid lawyer for unhoused people in 1983, not long after the term “homeless” came into common use. The most obvious difference between then and now is the proliferation of highly visible encampments, makeshift shelters, and people living in vehicles. So long as homelessness remained out of view of most people, in skid rows, river bottoms, or abandoned spaces in industrial zones, attitudes of most people were generally sympathetic and tolerant. But highly visible encampments are another matter. Some sympathy for the occupants remains, but a tolerance of encampments does not.

Virtually no one, including most people living in encampments, thinks the current situation should be accepted, that a tent or makeshift structure on a sidewalk is a substitute for even the most modest form of housing. The question is not whether encampments should be tolerated and accepted, but what can and should be done to eliminate

them. Before relying on our immediate and instinctive answer, a look to the current facts and to the experience of the past several decades is warranted.

II. THE FACTS OF BEING UNHOUSED

Lawyers can argue the finer points of Eighth Amendment law. Advocates and politicians can debate the need for a “right to shelter,” or an “obligation to accept shelter.” But those points can often belie real world consequences. In the absence of alternatives that are better than the makeshift arrangements unhoused people make for themselves, a consequence of increased police enforcement is the physical displacement of people from one outdoor location to another. In that process, people not only lose the things that protect them from the elements, the medications and documents essential to improving their lot, and the connections of mutual support with others, they also suffer additional trauma and stress that make it even harder for them to get off the street. In the absence of better alternatives, those arrested or displaced are still homeless in a different location.

The decision in *Martin* discussed only the alternative of a bed in a shelter. But even in areas with high numbers of unsheltered homeless people there are shelters with empty beds, not because unhoused people do not know about them, but rather because of what they do know. As I explain below in this section, there are many reasons why a rational person might decide to move to another outdoor location rather than enter an available shelter unless the only other alternative is a jail cell. Neither the police nor emergency shelter alone will end visible homelessness.

The focus on emergency shelter is understandable and has a long history. When mass homelessness on an unprecedented scale began to emerge in the early 1980s, the immediate response of both government and advocates was to quickly ramp up the availability of emergency shelter. After all, when a natural disaster displaces people, that is what is typically done, through agencies like FEMA and the Red Cross.

But this was not a natural disaster, from which people could go back to their lives and to housing after a period of temporary assistance. These newly homeless people no longer had those lives to go back to or a foreseeable path to being able to pay for housing. Their jobs (and sometimes whole industries) were gone. Sometimes their social supports had disappeared amid the domestic violence that always increases in times of economic stress. The longer they stayed on the streets, the higher became the prevalence of post-traumatic

stress disorder and depression. Many self-medicated with powerful but addictive drugs.

Nevertheless, more emergency shelter beds were made available. In one memorable 1985 episode in Los Angeles, volunteers from the construction trades unions in Los Angeles erected a 19,000 square foot shelter with 138 beds over the course of seven days.¹⁰ The problem was that no matter how many emergency beds were added, they were never enough. The policy response was then to add a new category, “transitional housing,” so that people would have a place to go, awaiting “transition” to permanent housing. As might have been expected, “transitional housing” also filled up quickly, for the simple reason that there was no permanent housing that either the unhoused or those trying to help them could afford. The consequence was, and still is, that emergency shelter becomes a de facto form of grossly inferior and inadequate housing that most people can only tolerate for so long.

Many quite rational people are unwilling to live for a long period in a shelter meant to accommodate occupants only at night and often without assurances of their ability to return the next day. From the perspective of the well-housed, any emergency shelter might seem like an obviously preferable alternative to being in a tent or makeshift shelter. And it might well be, in especially cold and wet weather, at least for a time. But most of the time, in most of the more populated areas of California, there are many quite understandable reasons a person might choose to live in a tent in a makeshift encampment rather than in an emergency shelter.

Nearly all emergency shelters provide shelter on a night-by-night basis and require people to leave during the day. Virtually none permit an occupant to bring with them more than a small bag or two. Those two nearly universal rules of shelter life mean that in exchange for one night off the street a person must abandon virtually everything they have managed to put together to survive on the streets. Beyond such practical concerns, human beings are social creatures, with needs beyond survival. Emergency shelters operate on a purely individualized and single-gender basis. Going into a shelter can mean abandoning an intimate partner or best friend. Sometimes that best friend is a dog or other pet. Very few emergency shelters allow pets of any kind.

Both real housing and encampments provide for universal human needs beyond the biological. Among those needs are privacy, autonomy, dignity, and companionship. In nearly all shelters, occupants are open to continuous surveillance by those in charge. They are often told when they can enter, when they may lie down, when they must get up, and

when they must leave. In many shelters operated by private organizations, access to a cot also entails listening to sermons and other proselytizing for religious belief. Those who profess belief may be offered more than one night at a shelter. On the street these are known as the “pray to stay” missions or shelters. In my experience, most of the people who staff emergency shelters are wonderful, altruistic people. But, as in other contexts, when people have de facto authority over other people, some will abuse that authority in ways that further degrade those whose circumstances they control.

If so many unhoused people come to reject emergency shelter, why are emergency shelters operating at capacity? The seeming paradox is explained by the fact that homelessness is not a characteristic of people, but a process. There are very few people in encampments who came immediately after losing their housing. After exhausting their resources and social networks, those who had vehicles tried living in them, as thousands do. Those without vehicles and those who lose them to impoundment generally do, for a time, try sleeping in a shelter bed. There are enough newly homeless persons to keep shelters close to capacity, even as others leave.

If the objective is to have fewer people living in tents, makeshift shelters, or encampments, and do more than simply alter their location, unless we are prepared to incarcerate people, we must provide better alternatives. Importantly, I mean “better” not in the view of law professors, real estate lawyers, judges, or politicians, but better in the views of unhoused people themselves. As discussed in Section V below, perhaps the most effective and ultimately least expensive alternative is not a shelter bed but minimally adequate housing, provided either through increasing incomes enough to pay market rents, or housing with rents subsidized enough to be affordable to the extremely poor.

III. HOMELESSNESS AND ITS CAUSES

To assess alternatives, more factual context is required. The most granular facts about homelessness anywhere in California concern Los Angeles County, primarily those compiled by a joint powers authority, the Los Angeles Homeless Services Authority (LAHSA). In January 2020, LAHSA found that of 46,000 unsheltered homeless persons, there were about 19,000 people living in vehicles and 12,000 living in tents and makeshift shelters.¹¹ Of course, Los Angeles is not representative of the rest of the state, but the same forces that produce homelessness operate across the state.

Chief among these is the imbalance between the numbers of extremely poor people and the cost of rental housing, particularly in the most expensive urban areas. Five of the twelve metro areas in the United States with the highest percentage of “severely rent burdened renters” (those who spend more than half their income on rent) are in California, with Los Angeles alone accounting for 671,800 such households.¹² Although “severe” is the most serious level of rent burden reported, for many the level of housing precarity is worse. A study by the Economic Roundtable found that there were 600,000 Los Angeles County residents in households spending 90% or more of their income on rent.¹³ All those residents are on the precipice of homelessness. Any minor setback can have ultimately catastrophic results.

The unhoused population includes a disproportionate share of people with addiction, mental health, or other disabling conditions that make them less able to compete for scarce housing. Contrary to common stereotypes, however, more than two-thirds of unhoused people are *not* suffering from a serious mental disorder.¹⁴ For nearly all those who are, their homelessness is the result of the combination of poverty and mental disability, rather than mental disability alone.

A. Income

In 2020, two-thirds of unsheltered adults surveyed in Los Angeles were experiencing their first episode of homelessness. Of those, 59% attributed the cause of their homelessness to economic hardship, 39% attributed the cause to a “weakened social network,” and 29% attributed the cause to a “disabling health condition.”¹⁵ All three reasons trace back to inadequate income, since people who lose income almost always turn first to familial and social networks, and health problems are a significant cause of loss of income. The proximate cause of most homelessness is lack of money.

It is often thought that California has a social safety net that should keep people who lose their income from becoming homeless. That was, in fact, once the case. The California Supreme Court held in 1971 that an 1855 law, now as codified in Welfare and Institutions Code section 17000, “imposes a mandatory duty upon the counties to ‘relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident’” who had no other means to survive.¹⁶ In 1986, the court of appeal held that a statute imposed on county boards of supervisors the duty to “adopt standards of aid and care” based on the actual cost of obtaining the means of a bare subsistence, including “allocations for housing, food, utilities, clothing, transportation and medical care.”¹⁷ California counties

implement these laws through programs known as “general assistance” or “general relief.”

In 1982, the General Relief (GR) program in Los Angeles County provided a grant in the form of a loan in the amount of \$221 per month¹⁸ to cover all survival needs of destitute Angelenos. That was at the time enough to rent a room in a slum “hotel” on Skid Row for a month. In litigation settled on June 11, 1991, the Board of Supervisors entered a consent decree raising the amount of the grant and agreeing to adjust the amount for inflation going forward, in exchange for a waiver of about \$100,000,000 in back benefits owed. Less than three weeks later, the County of Los Angeles successfully lobbied the California Legislature to declare “null and void” the consent decree the Board of Supervisors had just signed.¹⁹ The legislation went much further than that. Not only did the legislation void the settlements to which the County agreed, it set a dollar limit on the amount *any* California county would *ever* be required to contribute to the survival needs of the poor. The limit was set at “62 percent of a guideline that is equal to the 1991 federal official poverty line,”²⁰ which was exactly the \$221 per month Los Angeles County had provided in 1982. As of July 2020, 153,874 Californians were attempting to survive on general assistance, 70% of whom were in Los Angeles County.²¹ Not surprisingly, most are homeless, including many living in encampments.

B. Housing

If one could still rent a room for \$50 per week or share a tiny apartment for \$400 per month, then the GR grant would be enough to prevent homelessness for many individuals. But the current “fair market rent” as determined by HUD for a single room apartment in the Los Angeles area is currently \$1,369.²² Rents are even higher in other counties, including efficiency apartment rents of \$2,228 in San Jose, where general assistance monthly grants can reach \$343,²³ and \$2,350 in San Francisco,²⁴ where benefits can amount to as much as \$588 per month.²⁵ Before the COVID-19 pandemic, researchers using data from the real estate website Zillow.com, found that there are inflection points in the relationship between rental affordability and homelessness, such that “[o]nce housing costs enter the 30-34% of median income region, the expected homeless rate in a community increases sharply.”²⁶ Much of California entered that “region” of high risk long ago.

All the facts above preceded the COVID-19 pandemic and resulting collapse of important sectors of the economy. There was no reason to expect that the mismatch between incomes and rents would improve before the COVID-19

pandemic, which has left more than 750,000 Californians facing eviction or foreclosure.²⁷ A series of actions at all levels of government have at least temporarily postponed the tsunami of evictions and homelessness that loomed before those actions were taken.²⁸ It remains to be seen how effective those measures and others that may come will be in reducing the aggravation of what was already a critical problem. What is clear is that, absent substantial changes either in incomes or rents, mass homelessness in California will be with us for years to come. California cannot afford responses that are unproductive, or worse.

IV. POLICY RESPONSES TO *MARTIN V. BOISE*

Those seeking certiorari in the Supreme Court in *Martin* adopted a calamitous interpretation of the decision below.

Under the Ninth Circuit’s decision, state and local governments may not enforce public-camping laws against any individual unless and until they provide adequate shelter space to house all individuals. . . . Its all-or-nothing rule undercuts local governments’ ability to safeguard public health and safety and ensures that homeless encampments will proliferate throughout our cities and towns.²⁹

This was, perhaps, an effective rhetorical device aimed at the Supreme Court, but it was not an accurate reading of the opinion, which had held that,

Naturally, our holding does not cover individuals who do have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance banning the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the “universal and unavoidable consequences of being human” in the way the ordinance prescribes.³⁰

In short, the Ninth Circuit left open a number of policy options for local governments to consider.

A. Emergency Shelters

The language in *Martin* does not offer precise guidance for the crafting of ordinances aimed at forcing people from encampments, but it does implicitly suggest one obvious, if cynical, potential strategy to evade its intent. A temporary shelter that offers some protection from the elements but is so hostile to other fundamental human needs and preferences discussed in the introduction, including those of privacy, security, autonomy, and dignity, will be rejected by many unhoused people. That refusal might then be used to justify the arrests and loss of possessions of those people who cannot relocate on short notice to another location. No doubt there are already politicians and lawyers considering this strategy. But the fact is that such efforts will not significantly reduce the number of people living outdoors or in vehicles. Some people will ignore all the negative aspects of any shelter and stay there because they cannot otherwise survive, especially in bad weather. There is evidence that many others will not.

Los Angeles opens “winter shelters” and “cold/wet weather” shelters each year. Users of these shelters can bring with them two bags on the bus that takes them from a pickup spot to the shelter, which can be miles away. They can stay for one night, before being bused back the next morning to the same pickup spot. The shelters are generally located far from the familiar communities where people were last housed. They consist of cots or mats on the floor in large rooms. Of those staying in these shelters, only 1.6% leave the shelters for permanent housing.³¹ For the rest, when the shelters close for the season, they go back to the streets having made little progress toward something better. In 2018-2019, these shelters had an occupancy rate of 59%.³² Better shelters have lower vacancy rates. In times of bad weather, they have waiting lists. But people will choose a typical emergency shelter rather than moving to another outdoor location only if the shelter is better for them. There is always another place to go.

B. Housing

Shelters are not necessarily cheaper than housing. Capital costs, not including land, for the shelter projects in Los Angeles’ largest effort, the “A Bridge Home” initiative, have averaged about \$50,000 per bed.³³ The capital costs in the most recent efforts in San Francisco have been about \$41,715 per bed.³⁴ Those might seem like reasonable figures. But the primary cost difference between shelter and housing is the cost of operations, which has averaged between about \$38/day for basic shelter operations in San Francisco³⁵ to \$60/

day per bed for shelters with more services of various kinds in Los Angeles.³⁶

Leaving aside the initial costs of construction or conversion, in Los Angeles, the \$1,800 per month that might be spent providing only a bed could instead provide the equivalent of a Section 8 Housing Choice voucher for an efficiency apartment with kitchen and bath, leaving an additional \$400 to meet other basic needs. Shelters effectively provide a 100% subsidy for de facto substandard housing and typically include meals. People with vouchers through the federal Section 8 program typically contribute 30% of whatever income they have toward the rent. They can prepare their own food, obtained with federal food assistance (in California, CalFresh), which is much more easily obtained than General Relief. With a more stable living situation, people have a better chance of becoming more self-sufficient.

A great many people in encampments who will refuse most temporary shelters will eagerly accept actual housing of the most minimal sort. The most vivid evidence for me came from witnessing a kind of natural experiment conducted by the County of Los Angeles as part of its “Project 50” experiment begun in 2007. The County sought to identify the fifty most vulnerable unsheltered homeless individuals on Skid Row (those most likely to die without intervention), and then offered them a room in a converted single-room occupancy (SRO) apartment hotel with supportive services. To identify the most medically vulnerable, county volunteers walked the streets of Skid Row in the middle of the night and conducted a structured interview of those sleeping on the sidewalks.

I accompanied one of the interview teams. An LAPD squad car was always out of sight around the corner in case some issue arose (none did). I observed but did not participate. The protocol consisted of the volunteers explaining the purpose of the interview (to help the County plan a new housing program) and to obtain consent to be asked questions that were often deeply personal. I recall one such episode more than others. The volunteer approached and awoke a man sleeping on a pile of cardboard under some blankets. The volunteer explained her purpose to talk to him about his eligibility for a new housing program the County was starting. He interrupted her immediately, saying words to the effect that he had tried every shelter and mission in Skid Row and that his place on the cardboard was better for him. But then the County worker explained that she was not talking about a cot in a large room with other men, but a room with a door that locked, to which he would be given the key. The gentleman’s attitude changed immediately. The

interview proceeded. She got his name and took a photo so that County workers could find him when the program began.

He was not exceptional. When Project 50 outreach workers later contacted those on the streets who had been identified as most at risk and offered them a small but private room, the acceptance rate was reportedly 100%. Over the next four years, Project 50 housed 133 people, with an average retention rate of 80% over the four years. Perhaps more surprisingly, the net costs to the County of Los Angeles of Project 50 were *less than zero*. The program *saved* the County \$3.284 million over those four years in medical, mental health, welfare, court, and jail expenses.³⁷ Studying a larger and more representative sample, researchers at the Economic Roundtable compared costs of 297 matched individuals in extensive County databases and found that those in supportive housing generated \$605 in average public costs, compared to \$2,897 for those who were homeless.³⁸

V. MOVING FROM SHELTER TO HOUSING

If housing is the ultimately the only effective long-term answer to persistent and visible homelessness, then the costs per unit of suitable living space in California must come down.

One way to accomplish that is to produce smaller units, especially for single people without children. The current housing codes require one habitable room of at least 120 square feet, about one-fourth the size of the average efficiency apartment now being produced in California. More than a century ago, the private market in California produced thousands of even smaller units in what came to be called Single Room Occupancy (SRO) buildings. There is now some renewed interest in a niche market for “micro apartments” not much larger than 120 square feet. Apart from size, there is the matter of the ancient technology still utilized in most apartment construction, which is still using on-site construction by carpenters using dimensional lumber and nails. The factory production methods pioneered by Henry Ford have penetrated only the margins of housing production, those that use the mobile home form factor.

Even an optimist must assume that modernizing housing codes and production methods in California will take time. Meanwhile, we have a few workable options.

A. Repurposed Hospitality Properties

In California, there are approximately 287,000 rooms intended for human habitation sitting vacant and unused,³⁹

more than 2.5 times the number of unsheltered homeless Californians. Those rooms are in hotels and motels around the state. Of course, the 60% vacancy rate in hospitality properties will drop as the COVID-19 pandemic and devastation of tourism nears an end. But business conditions have made it much cheaper for either speculative investors or government and nonprofit organizations to acquire those properties. That opportunity is one the state has not ignored. Through Project Homekey, \$600 million was allocated in a matter of months for specific acquisitions.⁴⁰ By the end of 2020, the state had facilitated acquisitions of 6,029 units in ninety-four properties, at a per-unit cost of \$123,987.⁴¹ The 2021-2022 state budget has allocated \$750 million for additional acquisitions.⁴²

Hotel and motel rooms can be used immediately and do not typically require extensive renovation to function as small apartments.⁴³ For example, a modular kitchen costs less than \$1,000.⁴⁴ Importantly, for the focus of this article, unhoused people require no encouragement to use them. In a survey of homeless people in Portland, Oregon, a hotel or motel room was the overwhelming preference for temporary housing, the first choice of 53% of respondents, compared to 3% who preferred a shelter.⁴⁵ As with any temporary alternative to standard housing, the temporary becomes permanent if there is no path toward permanent housing. But as an interim step while California (hopefully) deals with the dual crises of extreme poverty and a decades-long failure to construct very low-cost housing, hotels or motels are a resource we cannot afford to ignore.

B. Repurposed Office Space

While the tourism industry may return to its pre-COVID-19 state, many observers believe that this is not the case for office building space, as the country has conducted a forced experiment looking at the costs and benefits of working from home.⁴⁶ The final results of that experiment are not in yet, and certainly the complications of even temporary conversion may be greater than with hotels and motels, but there is no reason to ignore the opportunity. There are successful examples already, including the creation of a family shelter with private rooms in one of Amazon’s office buildings in Seattle.⁴⁷ Certainly, it would be a tragedy if tens of thousands of people continued to live in street encampments while office buildings remained vacant and completely unused.

C. “Villages” of Small Structures

Another option to consider is a small village of small structures, as small as sixty-four square feet in size, with a structural floor that requires no foundation or significant site preparation. In conjunction with common bathrooms and other facilities in an “amenities block” of the kind common in campgrounds, these villages can provide not only protection from the elements but also a degree of privacy and autonomy, particularly if they are operated and managed in conjunction with those who occupy them.⁴⁸ An example of such small structures currently in use at several West Coast locations are those manufactured by Pallet Shelter, a self-described “social purpose company” based in Seattle.⁴⁹ Costs for the smallest version of the structure, with two bed platforms, a lockable door, and a window, start at \$4,900.⁵⁰ That does not mean, however, that local government may not find a way to make use of such structures ridiculously expensive.⁵¹

D. Mitigation, Harm Reduction, and Sanctioned Encampments

The descriptions of encampments of unhoused people provided to the Supreme Court by the *Martin* petitioners and *amici* were meant to, and did, provoke disgust. The *amicus* brief of Los Angeles downtown property owners painted the following hellscape of Skid Row:

a hotbed for flea-infested rats and other vermin, which are largely responsible for the recent outbreaks of medieval disease . . . garbage, human waste, and other detritus . . . unlivable for residents, and often deadly for those on the street.⁵²

That description has been more or less accurate at various times. What is missing from the description is that trash receptacles are not routinely emptied and portable toilets are not routinely serviced so that encampment residents have a place to put “garbage, human waste, and other detritus.” In several places, often in response to the COVID-19 pandemic, local governments have increased the availability of sanitation and other mitigation measures and supported efforts by those in encampments to improve conditions.⁵³

Since the COVID-19 pandemic began and the Centers for Disease Control and Prevention instructed local governments that “if individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are,”⁵⁴ some cities have stepped up efforts to either formally sanction or increase services to encampments.⁵⁵ The desired end of the COVID-19 pandemic will not change the other impacts of encampments, either

for those living in them or others in the community. One can only hope that these common-sense (and long overdue) mitigation measures will expand and not end before there are real alternatives to encampments.

E. Reduce Extreme Poverty

By far the best solution to any person’s homelessness is a rent payment a landlord is willing to accept. But it is unlikely that even the most advanced and sophisticated methods of expanding the supply of affordable housing will produce housing within reach of a General Relief recipient with a monthly income of \$221. If unsheltered homelessness is a problem for everyone, then it is in our common interest to work toward the day when every Californian can afford to pay rent.

Endnotes

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- 3 920 F.3d 584 (9th Cir. 2019).
- 4 *Id.* at 617.
- 5 Briefs for *City of Boise, Idaho v. Martin*, <https://www.scotusblog.com/case-files/cases/city-of-boise-idaho-v-martin/>.
- 6 L.A. Homeless Servs. Auth., *2020 Greater Los Angeles Count – Los Angeles County*, <https://www.lahsa.org/documents?id=4698-2020-homeless-count-la-county-data-summary>.
- 7 N.Y. Dep’t of Social Servs., *January 2020 Survey Estimates 23 Percent Decrease in Unsheltered Homelessness on the Subways* (Aug. 16, 2020), <https://www1.nyc.gov/site/dhs/about/press-releases/decrease-in-unsheltered-homelessness-on-the-subways-2020-08-16.page>.
- 8 Numbers computed by HUD Exchange, note 2. Los Angeles County includes four reporting jurisdictions: Los Angeles, Pasadena, Long Beach, and Glendale.
- 9 2019 homeless demographic data from HUD Exchange, note 2. California demographic information from United States Census Bureau, *QuickFacts California* (July

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- 10 Bill Boyarsky, *Bradley Praises Labor Unions for Building Skid Row Shelter*, L.A. Times (Jan. 22, 1985), <https://www.latimes.com/archives/la-xpm-1985-01-22-me-10987-story.html>; Kevin Roderick, *New Skid Row Shelter Full; Hundreds Still on Streets*, L.A. Times (Jan. 26, 1985), <https://www.latimes.com/archives/la-xpm-1985-01-26-me-13735-story.html>.
- 11 L.A. Homeless Servs. Auth., *2020 Greater Los Angeles Homeless Count – Vehicles, Tents, and Makeshift Shelters Counted by Geographic Area*, <https://www.lahsa.org/documents?id=4584-2020-greater-los-angeles-homeless-count-vehicles-tents-and-makeshift-shelters-counted-by-geographic-area>. Data is for the Los Angeles Continuum of Care, which consists of Los Angeles County, but excludes Long Beach, Glendale, and Pasadena.
- 12 Harvard Joint Center for Housing Studies, *The State of the Nation's Housing, 2020*, <https://www.jchs.harvard.edu/state-nations-housing-2020>, *Appendix Table W-13*, Harvard_JCHS_SON_2020_Appendix_Table_120720.xls.
- 13 Econ. Roundtable, *Escape Routes: Meta-Analysis of Homelessness in Los Angeles County* (2018), 3, <https://economicrt.org/wp-content/uploads/2018/04/Escape-Routes-LA-Homeless-Meta-Analysis.pdf>.
- 14 L.A. Homeless Servs. Auth., *Greater Los Angeles Homeless Count 2020* (2020), 19, <https://www.lahsa.org/documents?id=4558-2020-greater-los-angeles-homeless-count-presentation>.
- 15 *Id.* at 23.
- 16 *Mooney v. Pickett*, 4 Cal. 3d 669, 676 (1971).
- 17 *Boehm v. Superior Court*, 178 Cal. App. 3d 494, 503 (1986).
- 18 The Times Editorial Bd., *Editorial: Could You Live in L.A. on \$221 a Month?*, L.A. Times (May 12, 2015), <https://www.latimes.com/opinion/editorials/la-ed-adv-general-relief-20150513-story.html>.
- 19 As explained by Justice Earl Johnson in a later appellate case:
The ink was barely dry on the judgment incorporating the settlement agreement between the county and appellant welfare recipients when the county began lobbying the state Legislature to get it out of the promises it made in that agreement. Lobbyists for the same board of supervisors which had authorized and participated in the negotiations that produced the agreement sat down with legislators and their staffs and devised legislation which declared that agreement was “null and void.”
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