





POOR Magazine



April 4, 2024

Senator Aisha Wahab, Chair
Senate Public Safety Committee
1020 N Street, Room 545

Sacramento, CA 95814

Re: Opposition to Senate Bill 1011 (Jones)

Dear Chair Wahab:

The undersigned organizations, a diverse coalition of civil rights and disability advocates, homeless, housing, and health champions, homeless services experts, and people with lived experience, are writing in strong opposition to Senate Bill 1011 (Jones). SB 1011 would prohibit under state penal code the act of sitting, lying, sleeping, or storing personal property on any street or sidewalk if a homeless shelter is “available” and within 500 feet of any public or private school, open space, or major transit stop. This bill would result in the following:

- Ineffective policies based on false assumptions and narratives about people who are unhoused;
- Discrimination and increases in policing against Black and Indigenous Californians;
- Punishment against Californians for experiences beyond their control;
- Violation of California’s values; and
- Restriction of local governments’ homeless response toward an ineffective and costly approach.

SB 1011 Perpetuates Ineffective Responses to Houselessness

Not a single jurisdiction that has implemented laws making the experience of houselessness a crime can show these laws work to achieve any valid policy. To the contrary, laws that make living on our public streets or sidewalks a crime are completely ineffective at achieving stated goals of (1) reducing the number of people living unsheltered, (2) making houselessness less visible by “holding individuals accountable,” and (3) lowering crime rates. In fact, [a recent report](#) measuring the effectiveness of an ordinance criminalizing people experiencing houselessness, passed as Section 41.18 in Los Angeles in 2021, concludes that 41.18 has failed to achieve any of its goals. The report, drafted by the LA City-County joint powers authority, the LA Homeless Services Authority, revealed the following:

- The City spent millions on enforcement, only to have people removed from City streets under the law return to locations where they previously lived, or to move only blocks away. In fact, so-called “cleared” encampments returned, and 81 percent of people removed forcibly, ticketed, or arrested returned to the same location where police cited them.
- Service providers lost contact with clients they were serving after law enforcement forced their clients to move, making it more difficult for these providers to connect people to shelter and housing.
- People lost their identification and other documentation due to forced removal or arrest and they therefore had greater difficulties obtaining shelter or housing, likely extending their experience of being unsheltered and unhoused.
- 94 percent of people forced to leave their location stated they wanted shelter, but only 18 percent got connected to shelter.
- The City inconsistently enforces the law, with high levels of arrests in some communities and low levels in others, disproportionately impacting residents.

Experts on homelessness in San Diego strongly opposed the ordinance on which SB 1011 is based. Service providers, housing developers, and the San Diego Regional Task Force on Homelessness, the lead regional entity for addressing homelessness, [expressed strong reservations](#) with the proposed San Diego ordinance, stating the law would be ineffective at

achieving any valid public policy purpose. Well ahead of the LAHSA analysis of LA City's 41.18 ordinance, these experts anticipated the same outcomes the LAHSA report identified.

A 2023 [RAND report](#) similarly found laws criminalizing homelessness fail to decrease the number of people experiencing unsheltered homelessness, despite widespread enforcement through encampment clearing. Indeed, criminalization drives people into further poverty and keeps people unhoused longer, according to this report. [Reports](#) also show someone's criminal record, even for misdemeanor "quality of life" crimes like nuisance violations, frequently stands in the way of landlords accepting a tenant application and a housing authority awarding a housing subsidy. [Studies](#) show fines or tickets issued to people who are unhoused, which people typically cannot afford to pay, results in bench warrants and time in jail, poor credit that interferes with a housing application, and loss of a vehicle acting as home and the only means of transportation to and from work, school, or doctors' appointments.

Criminalization traumatizes people, making people more likely to avoid shelter, distrust service providers, get sick, and evade law enforcement, [all concerns raised by over a hundred researchers](#) voicing opposition to the San Diego ordinance. One specific San Diego [study](#) shows law enforcement response to people who are unhoused, especially Black people who are unhoused, causes trauma with resulting reluctance to seek services or shelter, even when offered. Officials then misinterpret refusal of shelter or services as "wanting to be homeless." Instead, people who are unhoused report they are likely to avoid police at any cost, and distrust any offers of help, when coming from people associated with those who have traumatized them.

SB 1011's approach is also not new or innovative. SB 1011 would double down on the failed punitive approaches that have perpetuated responses to people living unhoused for decades. Decades of data track a cycle of houselessness-incarceration- houselessness-incarceration criminalization fuels. In a [survey](#) of Californians experiencing homelessness, 19% of respondents reported their most recent episode of homelessness resulted from exiting an institutional setting, most often incarceration. Studies [again](#) and [again](#) show this cycle incurs high local government costs and poor results. As just one example, [Los Angeles County tracked](#) spending, over one year, \$65.5 million in jail costs and \$5.6 million in booking fees in 2015 among Angelenos experiencing homelessness charged with the same type of "quality of life" crimes proposed under SB 1011.

SB 1011 is Predicated on False Assumptions & Stigmatizing Characterizations

People who are unhoused are no more likely to commit crimes: Many of these laws are based on discriminatory beliefs that people who are unhoused are somehow prone toward crime and should be barred near parks or schools due to their propensity for crime. People who are unhoused are at greater risk of incarceration for one reason: because of laws this bill seeks to perpetuate. The following facts dispel this common myth:

- [LAPD records](#) and [Washington State housing records](#), the few law enforcement entities to track and publish comparisons, show people who are unhoused are no more likely to commit crimes than people who are housed;
- [Public health records](#) show people who are unhoused are more likely to be victims of crime than perpetrators;
- Experiences of unsheltered houselessness increases people's interaction with the justice system because people are often arrested for so-called "public nuisance" crimes (such as the innocent conduct prohibited by SB 1011), with people [reporting](#) 21 interactions with police over six months, on average, for "nuisance" crimes; and

- People who have been incarcerated through laws proposed under SB 1011 are more likely to remain unhoused longer.

Facts show keeping people who are experiencing houselessness from schools, parks, or other public places will do nothing to decrease crime, and passing laws based on these false beliefs will simply perpetuate prejudice.

Coercing people into shelters will do nothing to reduce unsheltered houselessness: Shelter does not end anyone’s experience with houselessness. In fact, people are homeless while living in shelter. Even if we had a sufficient number of shelter beds for every Californian who is unhoused, the need for more shelter beds would continue to grow as the number of people falling into houselessness grows. Shelters then must turn people away or turn people back out onto the streets, without any hope those people will exit houselessness.

In an ideal response, three to four people would use a single shelter bed per year, as individuals and families exit to a safe, decent, affordable place to live. But the reality is different. Between 2018 and 2021, [only 20% of people exiting shelters in California got housed](#). Few shelter stays result in exits from homelessness because we have an insufficient supply of affordable housing. As coalition partner Kim Reeder shared, “I’ve seen people evicted from shelters—sometimes on the same day—with no legitimate grievance process or opportunity to appeal. I myself lost my shelter spot, my ability to work, and a job training opportunity in a meeting that I wasn’t allowed to attend. Nor was there an opportunity to have a representative present.”

Moreover, as in [San Jose](#), the more communities spend on shelter, the fewer housing options those communities can afford to fund. Laws requiring communities to offer a shelter bed before law enforcement in that community can ticket or arrest someone provides incentives for communities to over-invest in shelter, while underinvesting in housing, which allows people to exit houselessness for good.

Coercing people to move from encampments will do nothing to reduce visibility: When people access shelter under duress, they are rarely able to exit homelessness. In Echo Park Lake in Los Angeles, for example, law enforcement dismantled an encampment of 183 Angelenos in 2021. Most accessed shelter stays offered. One year later, of the 84 people [researchers tracked](#), more people had died (six) than were able to access housing (four). Only 17 people total exited homelessness through stable housing. Indeed, [the California Interagency Council on Homelessness shows the vast majority of people living in shelters \(64 percent\) must leave shelters with no place to go but back to the streets \(or report no identified destination\)](#).

Our mapping analysis shows that SB 1011 would ban unhoused people from large swaths of urban and rural areas, pushing them into suburban communities. People who are unhoused would typically be pushed out of denser places like [Downtown Los Angeles](#) or [San Francisco](#) (where they can access services) and from the fringes of cities (which are likely to abut open space) to less densely populated suburban areas that are relatively devoid of services, like the [San Fernando Valley](#).

Effective services with housing, rather than criminalization, works: Jurisdictions effectively assist people to leave street encampments through well-trained outreach teams that build trusting relationships with people with long histories of trauma and connect people to housing.

SB 1011 Punishes People for Conditions They Do Not Control: Their Inability to Afford Rent in One of the Most Expensive Rental Markets in the Nation

The increasing number of Californians experiencing houselessness is due to the following:

- [Study after study](#) shows homelessness is a housing problem. California has the largest population of people unhoused and one of the highest rates of houselessness in the country due to our [dire shortage](#) of subsidized affordable housing, high [rental costs, and low rental vacancy rates](#). People with disabilities, including behavioral health conditions, are more likely to have lower incomes and other barriers to accessing and maintaining housing, but neither disability nor behavioral issues cause homelessness.
- Indeed, in California, rental costs well exceed the income people receive. For example, individuals receiving SSI in California receive monthly payments of \$1,183, with couples receiving \$2,023. People working full-time, making minimum wage, receive \$2,560. The [average household monthly income](#) required to afford average rent in California is \$7,323. For this reason, 78 percent of people with extremely low incomes, including people working full-time and making minimum wage, are severely cost-burdened, paying more than half of their incomes on rent.
- More people are falling into homelessness than our local governments have resources to serve. In San Diego, for example, for every 10 people their homeless response system is housing, 13 people are falling into homelessness. State data show that, for every person exiting houselessness, two to three people are falling into homelessness, hundreds of thousands of people every year, many for the first time.

Due to our state's projected budget deficit, the Governor has proposed cuts to programs that make housing more affordable. SB 1011, introduced at a time when we are likely to face cuts to affordable housing, is an illogical choice for people who have *no choice but* the streets. Instead of holding accountable anyone with authority over repairing the broken rental market that causes houselessness, the bill attempts the impossible: holding people "accountable" for a system they have no control over fixing.

SB 1011 Will Disproportionately Impact Black and Indigenous Californians & Promote Prejudicial Policing

Police [disproportionately target](#) Black and Brown people, as well as [unhoused people](#) who are disproportionately Black. SB 1011's approach promotes an increase in harmful police interactions for Black and Brown Californians by empowering police to stop people when they, for example, "sit," "use," and "place personal property upon a street or sidewalk." Reminiscent of the impacts of ["stop and frisk" policies](#), Antebellum vagrancy campaigns and Jim Crow laws, SB 1011 would enable racial profiling and the criminalization of Black boys and men of any housing status who [congregate on street corners](#) or wait at transit stops after school. Black people are up to 9.7 times more likely to be cited with such low-level infractions as their white counterparts. The decades-long racism that has resulted in these disproportionate outcomes is cataloged in detail in the California Reparations Task Force Report.

A recent [survey](#) confirms that a disproportionate percentage of unhoused Californians are Black and Indigenous. While about 7 percent of Californians identify as Black, 26 to [27](#) percent of unhoused Californians are Black. Black Californians who are unhoused are more likely to be older, have less income, and are more likely to have become unhoused upon release from a carceral setting than Californians as a whole. They have an insufficient safety net and lack any accumulation of wealth, compared to Californians as a whole, and over half report that discrimination in housing has impeded their ability to exit houselessness. Similarly, people who are American Indian, Alaska Native, and Indigenous are [twice as likely](#) to experience houselessness. And the number of Latinx people experiencing houselessness [has risen sharply](#) in recent years.

A [recent study](#) by researchers at San Diego State University found that unhoused Black people in San Diego—the city that provides the model for SB 1011—are over-policed relative to their white counterparts. In their interactions with police, Black community members in San Diego experiencing homelessness reported law enforcement racial and poverty-based profiling, along with racial and homophobic slurs. The trends are similar in other cities; for instance, in Modesto, [Black people constitute 4% of the population yet received 17% of issued citations for “camping/lodging in park.”](#) SB 1011 will also lead to more arrests and incarceration of an [already over-incarcerated Black and Latinx population](#).

Forcibly segregating, persecuting, and criminalizing people for belonging to a highly stigmatized social category is the very essence of discrimination. SB 1011 draws on a long and shameful history of discrimination against people experiencing homelessness. The logic that provides the rationale for SB 1011—that people who are unhoused should be separated from people who are housed, removed from specific places, and compelled to live in mass shelters—echoes pernicious practices and policies throughout history. Caste systems are fundamentally about socioeconomic stratification, a system that entrenches socioeconomic inequality.

SB 1011 Thwarts California’s Progress

People experiencing homelessness are our neighbors, friends, and relatives. Most Californians report having a friend or family member who has experienced homelessness in our state. People who are unhoused also have histories of trauma, often due to experiences with foster care and family separation, chronic health conditions and poor treatment, and domestic violence. For these reasons, in recent years, California has expanded Fair Housing laws, preventing, for example, landlord discrimination against housing applicants based on their source of income and rent payments. Legislators and the Governor have begun investing in housing, shelter, and services for people who are unhoused at significantly higher rates than previous policymakers. Conversely, bills like SB 1011 retraumatize unhoused community members. “It feels like people are making decisions for unhoused people without asking us,” said coalition partner Catherine Moore. “We are treated like pariahs or children who can’t make decisions for ourselves. We deserve a voice in the policies that affect us.”

SB 1011 would reverse progress in our state, equating people who have nowhere to go but the streets to “nuisances” (Section 647.10(d)(1)) and criminals. The [Texas-based Cicero Institute](#), a conservative think tank founded by a billionaire venture capitalist profiting off of privatization of prison, and who has expressed [overtly racist sentiments, has promoted legislation similar to SB 1011 in Texas, Missouri, Kansas, Arizona, and Oklahoma.](#) Former President Trump similarly [promoted criminalization](#) of people who decline shelter. Such efforts compound traumas by forcing people who already endure profound material deprivation to undergo encounters with law enforcement. They stigmatize them, punish them for being the most impacted survivors of California’s housing affordability crisis, and undermine their right to personal liberty and privacy. As Moore noted, “When I was ticketed for living outside, it made me feel like I didn’t belong in my own community. It made me feel like a second-class community member who didn’t even have the right to exist.”

SB 1011 would coerce people into shelters, but an individual’s decision to decline shelter is often a rational one. Shelters can be overcrowded and often subject people to surveillance. They force people with children to [“parent in public”](#) with little privacy or ability to control their environment, leading to alarmingly high rates of family separation. Some shelters turn away families with older children, people with pets, and people with disabilities. Overcrowded shelter

conditions can be [squalid](#) and can [negatively impact health and wellbeing](#). Overcrowding in shelters can expose people to [Tuberculosis](#) and infestations of disease-carrying [parasites](#), like bed bugs, mites, and head and body lice. Triggers like mold, dust, cockroach feces, and second-hand smoke can [increase the risk of asthma among shelter residents](#) and [particularly among children](#). Surveys consistently show people have reservations about shelter beds, primarily due to unsafe conditions, past victimization, lack of privacy, thefts, and burdensome rules (such as requirements to leave during the day and limited lengths of stay that result in returns to the street). Moore, who lived in an Orange County shelter for 10½ months, said, “Living in a shelter felt like jail.”

However, a [survey](#) of 3,000 Californians experiencing homelessness reported 96 percent of people want housing and believed financial assistance would enable them to exit homelessness for good. Similarly, an [Orange County survey](#) reported 95 percent of people offered services engaged in receiving services, and a [RAND report](#) in Los Angeles found that fewer than 30 percent of people seek congregate shelter, but 85 percent would accept offers of a non-congregate shelter with privacy and 90 percent would accept referral to housing.

SB 1011 is Unworkable and Restricts Options for Local Governments

Communities would also enforce inconsistently. The bill does not define what it means for someone to have a “homeless shelter available.” Some jurisdictions may interpret as the existence of any shelter, some may interpret as a bed available, and others may interpret as a bed specifically offered to a person susceptible for enforcement. The bill does not dictate how law enforcement would know whether a homeless shelter is available, or what information law enforcement must provide about alternative locations to sleep.

A new statewide penal code violation requires local governments to spend millions on local enforcement (*see statistics on costs above*). SB 1011 would require local governments that would rather spend resources on evidence-based solutions to homelessness, such as Monterey County, Humboldt County, and other local governments that have significantly reduced the number of people sleeping on the streets, to spend resources on enforcing SB 1011 instead. Even jurisdictions that would rather spend law enforcement resources on preventing or solving actual crimes would have to divert resources to clear encampments, fine, and arrest people who pose no more danger to the community than housed people. Further, local governments in California could lose federal money; HUD requires local homeless response agencies to report on whether their jurisdiction criminalizes homelessness, and jurisdictions that do are less competitive for federal grant funds.

Our coalition members similarly feel frustrated that homelessness in California is increasing, and know that ideas that seem “innovative” attract attention. However, data show homelessness is solvable with dedicated, ongoing investment in housing at scale, along with evidence-based intensive services. Jurisdictions across the country and the federal government’s response to homelessness among veterans prove homelessness is solvable. SB 1011 not only fails to offer any viable solutions, it is a reactionary response, promoting the same failed policies that keep people unhoused at great costs to local governments, taxpayers, state

values, and, most critically, to people who have suffered marginalization, stigma, worsening health, violence, and punishment for conditions they cannot control. **We urge your “no” vote on this reactionary legislation.**

Sincerely,

Statewide and National Organizations:

ACLU California Action
All of Us or None
Alliance for Boys and Men of Color
Alliance for Reparations, Reconciliation, and Truth
Brilliant Corners
California Coalition for Women Prisoners
Californians for Safety and Justice
California Homeless Union Statewide Organizing Council
California Housing Partnership
California Nurses Association
California Rural Legal Assistance Foundation
Californians United for a Responsible Budget (CURB)
Corporation for Supportive Housing
Disability Rights California
Drug Policy Alliance
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Food Not Bombs
Housing California
Initiate Justice Action
LA Progressive
Legal Services for Prisoners with Children
National Alliance to End Homelessness
National Homelessness Law Center
POOR Magazine
Public Advocates
Public Counsel
Public Interest Law Project
Root & Rebound
RUN/Equal Rights for Every Neighbor
Silicon Valley De-Bug
Sustainable Economies Law Center
Steinberg Institute
Western Center on Law and Poverty
Western Regional Advocacy Project
YIMBY Action
Young Women's Freedom Center

Northern California Organizations:

Up North Harm Reduction

Bay Area Organizations:

Compass Family Services

Critical Resistance, Oakland Chapter

Glide

Law Foundation of Silicon Valley

Legal Services for Prisoners with Children

Oakland Communities United for Equity & Justice (OCUEJ)

San Francisco Public Defender's Office

Sustainable Economies Law Center

The Peoples Botanica Organizations Working Across Southern California:

California Coalition for Housing and Survivor Justice

Chispa

Helping Handups

Lived Experience Advisers and Unhoused United

Southern California Association of NonProfit Housing (SCANPH)

Tapestry Unitarian Universalist Congregation

Welcoming Neighbors Home Initiative

Central Valley/Central Coast Organizations:

First Step Communities

Fresno Homeless Union

Sacramento Homeless Organizing Committee

Sacramento Homeless Union

Sacramento Regional Coalition to End Homelessness

Santa Cruz Fulltimers

Los Angeles Organizations:

Abundant Housing LA

Active San Gabriel Valley

Catalyst California

Climate Resolve

Downtown Women's Center

Greater LA Coalition on Homelessness

Inner City Law Center

KIWA

Ktown for All

La Defensa

LA Forward

NoHo Home Alliance

Supportive Housing Alliance

The Los Angeles Regional Reentry Partnership

The People Concern

Union Station Homeless Services

United Way of Greater Los Angeles

Venice Justice Committee

West Valley People's Alliance

Orange County Organizations:

Housing is a Human Right OC
Orange County Equality Coalition
People's Budget Orange County
Peoples Homeless Task Force OC
San Clemente Affordable Housing Coalition

Inland Empire/Coachella Valley Organizations
Congregations Organized for Prophetic Engagement
Starting Over, Inc.

San Diego Organizations:
Alliance San Diego
Community Works West
Lived Experience Advisers
Team Justice
Think Dignity
Unhoused United

Business Entity Operating Statewide:
Fluid-o-Tech

Individuals:
Susanna Iris Astarte
Sophia Bassett
Tristi Bee, Northern California
Nick DeRenzi, Critical Resistance, Oakland Chapter
Bisma F
David Furnish
Shauna Gunderson
Brian Hildbrand, Southern California
Nathan Hinsley, Bay Area
Rebecca Kovacs-Stein, Southern California
Vincent Kovacs, Southern California
Deborah Kraft
Simin Li, Northern California
Brooke Marshall
Reggie Meisler, Central Coast
Dennis Pocekay, City of Petaluma Councilmember
Ruby Roebuck
Laura Shapiro, Southern California
Sonya Smith, Southern California
Armando Solorzano, Northern California
Anne Tierno, Southern California
Gabriela Tsudik, Los Angeles
John Underwood
Xavina Walbert, Inland Region

cc: Senator Kelly Seyarto, Vice Chair, Committee on Public Safety
Senator Steven Bradford

Senator Nancy Skinner
Senator Scott Wiener
Senator Brian Jones
Senator Catherine Blakespear
Senator Marie Alvarado-Gil
Senator Brian Dahle
Senator Bill Dodd
Senator Shannon Grove
Senator Janet Nguyen
Senator Roger Niello
Senator Rosilicie Ochoa-Bogh
Senator Scott Wilk