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A MONTHLY
NEWSLETTER TO
INFORM, EDUCATE, AND
PROVIDE UPDATES ON
HOMELESSNESS IN
FULLERTON

The Helping Hand

Homeless Services Update

What is Permanent Supportive Housing?

Permanent Supportive Housing (PSH) is an intervention that combines affordable housing assistance with support services to address the needs of chronically homeless people. The services are designed to build independent living and tenancy skills and connect people with community-based health care, treatment and employment services.

In addition to ending a person's homelessness and increasing their housing stability, permanent supportive housing has been shown to improve health and well-being.

As a regional approach to ending homelessness, City leaders across Orange County have pledged to construct up to 2,700 PSH units over the next seven years to increase the supply of housing and move people from the street, through emergency shelters, to safe housing with supportive services.



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Court of Appeals Decision Forces Cities on Homelessness

On September 4, 2018, the US Court of Appeals, Ninth District, issued a ruling commonly referred to as "Martin v. City of Boise" (*Martin*). In October 2009, the plaintiffs filed a lawsuit against the City alleging that citations received under the City's Camping Ordinance and the Disorderly Conduct Ordinance violated the Cruel and Unusual Punishments Clause of the Eighth Amendment.

In *Martin*, the Court concluded that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter. The Court's ruling effectively states a city may not criminalize the state of being "homeless in public places," nor can a City "criminalize conduct that is an unavoidable consequence of being homeless" such as sleeping on the streets. More so, the Court in *Martin* ruled that as long as there are more homeless than beds available, a homeless person cannot be penalized for such actions.

What does this mean for Fullerton? First, it means that as long as there are more homeless persons than there are beds available for such persons, the City cannot enforce anti-camping ordinances in City parks and other public spaces. The City can still enforce criminal penalties for other acts such as use of narcotics, drunk in public, or

other criminal acts. However, a Police Officer will first need to follow a strict process before enforcing anti-camping ordinances to include:

- Prior to issuing a citation under the anti-camping ordinance, the officer is to call and find out if there are any shelter bed(s) available for the individual(s);
- If no bed(s) are available, then a citation cannot be issued;
- If bed(s) are available, the individual(s) is/are to be offered the opportunity to utilize the bed(s) and if necessary offered (and provided) transportation to the location of the bed; and,
- If after being notified of the availability of both a bed(s) and transportation to it, the individual still refuses to go to the available bed then a citation may be issued.

So the key to enforcing our anti-camping ordinances in our parks and public spaces, to include sidewalks, is to have enough shelter beds available. For this reason, the City is actively working with our North Orange County city partners on funding new shelters and recently agreed to allow the Fullerton Armory to be used as a shelter from December to March 15th, until other shelters are developed within the North OC area. The alternative, encampments in our parks, is not acceptable.

Local Organizations Partner to End Homelessness

CityNet and OC United along with a coalition of local faith communities affiliated with the Fullerton Interfaith Ministry Association (FIMA) and FullertonAct have begun operating the Interfaith Shelter Network (ISN) to provide food, shelter, shower, and counseling for to up 12 employable homeless single adults on a temporary basis. Prior to program acceptance, participants are carefully screened. Program requirements include daily job search and shared chores to maintain the facility; weekly goal setting, budgeting and counseling sessions; conformance with rules and curfews to ensure safety and cooperation. Personal Advisers work one on one to help participants learn to help themselves.

If you know of a church interested in participating in ISN, or you or someone you know would like to volunteer or become a Personal Advisor, please contact OC United at: OCUnited.org or (714)515-3085.



If you know of someone who would be a suitable participant, have them contact CityNet at: CityNet.org or (714) 451-6198.



In January, 2018, a federal lawsuit was filed against the County of Orange and the cities of Costa Mesa, Orange, and Anaheim regarding encampments in the Santa Ana River bed and to prohibit the cities from citing or arresting those who were violating municipal codes related to camping in public areas. The lawsuit was filed by a non-profit organization, the Orange County Catholic Worker and seven homeless individuals.

While the City of Fullerton is not a party to the lawsuit at this time, the City of Santa Ana self-selected to join the lawsuit and also filed a lawsuit against all 34 cities in Orange County in order to get participation from all in solving the crisis which, according to Santa Ana officials, has fallen disproportionately hard on them. Santa Ana has yet to file the suit against Fullerton but has against the cities of Tustin, Orange, Anaheim, and Costa Mesa.

However, just because the City is not yet a defendant, does not mean that we have not been involved with the lawsuit nor the federal Judge David O. Carter. The Mayor, City

Manager, and the City's new Homeless Resources Manager have been invited to several court sessions as well as meetings with the Judge to discuss homeless issues. Additionally, Judge Carter has toured locations in Fullerton related to homelessness including the National Guard Armory, St. Mary's Church, the Fullerton Transportation Center and the Fullerton Community Center.

Judge Carter has been demanding that cities and the County increase the supply of emergency shelters in order to get individuals off of the street. As a consequence of not taking action, the Judge has the power to prohibit a city from enforcing its municipal code laws against overnight camping on public property to include parks and sidewalks. This is the case in the City of Los Angeles in which the city is not enforcing camping on public spaces and homeless encampments have sprung up in multiple areas.

The City, as part of the North Service Planning Area (North SPA), is working with its neighboring cities on identifying potential sites for both emergency shelters and

permanent supportive housing. As a region, the North Orange County area has around 1,400 unsheltered homeless. Currently, there are 140 shelter beds in the City, primarily serving women, women with children, and families. The North SPA has identified several sites in other North Orange County cities, including Anaheim, which will accommodate about 450 emergency shelter beds. There are no additional emergency shelter beds planned for Fullerton.

While homelessness is a complex issue due to the complexity of creating and sustaining a homeless condition, it is critical to ensure that the system identifies people on the streets and their needs, gets them into a shelter, or navigation center, and then as soon as possible into a housing option that matches their condition. Accordingly, the North OC cities are also collaborating on increasing the supply of permanent supportive housing. Once housed, a person is no longer homeless, and that is the first step to bettering their life.

Federal Court Case is a lawsuit against cities regarding homeless and providing shelters.

All cities, including Fullerton, are potential defendants in the ongoing Federal Court case regarding homelessness.

For more information: www.cityoffullerton.com/homelessness