

GOVERNOR NEWSOM'S MODEL ORDINANCE: ADDRESSING ENCAMPMENTS

Health, Housing, Homelessness, and
Human Services Committee
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June 2024

- The U.S. Supreme Court case ruled 6-3 that jurisdictions may enforce ordinances prohibiting homeless individuals from sleeping in public spaces using items like blankets or cardboard, even when no shelter is available. The Court found that such laws do not violate the Eighth Amendment's ban on cruel and unusual punishment.

July 2024

- Governor Newsom ordered state agencies to clear homeless encampments on state land and encouraged local jurisdictions to adopt encampment policies that align with those of CalTrans through Executive Order N-1-24.

January 2025

- Monterey County Board of Supervisors approved the Encampment Resolution Policy brought forth by the County Administrative Office – Homelessness Strategies and Initiatives division.

May 2025

- Governor Newsom released a “model ordinance for cities and counties to immediately address encampments with urgency and dignity”. Additionally, Cal ICH updated their guidance on addressing encampments to align best practices with the Model Ordinance.



	Structures	Camping	Sleeping
Model Ordinance	It is unlawful: (a)To construct, place, or maintain on public property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of sheltering one or more persons	1. unlawful on public property... for more than three consecutive days/nights in the same location. 2. unlawful to camp within 200 feet of any posted notice to vacate or other official signage designating a location for encampment clearance or otherwise prohibiting sitting	Unlawful to sit, sleep, lie, or camp on any public street, road, or bike path, or on any sidewalk in a manner that impedes passage within the meaning of the American Disabilities Act.
County Ordinance	Camping is defined as “erecting a tent or shelter for the purpose of sleeping; arranging bedding for the purpose of sleeping; or use of a standing or parked vehicle for the purpose of sleeping.”	A. No person shall camp in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line at any time. B. No person shall camp between the hours of six p.m. and six a.m. on any: i) Public road, or II) Public property, except when the public property is expressly designated and posted for overnight camping.	Not referenced.
County Encampment Resolution Policy		Encampment is within 500 feet from a preschool, day care center, elementary, middle, or high school, including school bus stops.	



Service Connections	
Model Ordinance	“... officials, or any agent acting on their behalf, shall make every reasonable effort to identify and offer shelter at an emergency shelter, navigation center, or other appropriate housing, and to offer supportive services, to persons living in the encampment.”
Cal ICH Guidance on Encampments	“... make every effort to identify and offer shelter to persons living in an encampment in advance of taking action to remove an encampment. If shelter cannot be secured prior to removal despite these efforts, it’s recommended that a local government ensure that there are reasonably accessible locations within the jurisdiction where a person may lawfully sleep”
County Ordinance	Not referenced.
County Encampment Resolution Policy	“...work with internal and external partners to ensure a range of supportive services are available to individuals who are voluntarily or involuntarily displaced from encampments.”



	Duration	Components
Model Ordinance	Minimum 48 hours	(1) The anticipated date and time of the enforcement action (2) Information on services, including shelter, that are immediately available to persons living in the encampment (3) Information on how unattended belongings will be handled the day of the enforcement action, including what will be stored, how they can be recovered, and the date by which they must be claimed.
Cal ICH Guidance on Addressing Encampments	Minimum 48 hours	(1) The anticipated date and time of the removal action. (2) Information on services, including shelter, that are immediately available to persons living in the encampment. (3) Information on how unattended belongings will be handled the day of the
County Ordinance	No reference	No reference
County Encampment Resolution Policy	72 hours, not including weekends and holidays	(1) Printed resource listings shall be provided in both English and Spanish (2) Notices shall be filled out completely and include posting date and time, location, “vacate by” date, contact information for property collection, period during which property will be stored, and removal start and end dates.



	Value of Property	Duration of Storage
Model Ordinance	“Personal belongings” (1) items of apparent value of \$50 or more (2) items of apparent personal value”	No less than 60 days
Cal ICH Guidance on Addressing Encampments	“recommends that local governments have a clear policy for the handling and storage of unattended personal belongings of persons in encampments.”	No reference.
County Ordinance	No reference	No reference.
County Encampment Resolution Policy	"reasonable efforts to provide storage for items of apparent value of \$50 or more, or items of personal value”	No less than 90 days



County Encampment Resolution Policy

1. Toxic sharps: needles, scissors, knives.
2. Chemicals: bleach, paint, oils, etc.
3. Items (including bedding and clothing) soiled by infectious materials: human waste, bodily fluids.
4. Moldy, mildewed items.
5. Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
6. Items that pose a risk of fire or explosion, combustibles, and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
7. If personal belongings are co-mingled or littered with needles, human waste, or other health risks, employees/contractor may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
8. Mattresses, box springs, furniture with fabric, padding, or is porous; sheds, fixed or rolling structures; and bulky items. Sheds, structures, or rolling structures may be demolished if not removed by individuals experiencing homelessness prior to the encampment removal.
9. A "bulky item" is any single item that is over 50 pounds and requires more than two persons to safely lift.
10. Perishable items, perishable food.
11. Controlled substances, drugs with or without prescription and medications of any kind.
12. Contraband, weapons, and illegal items.
13. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner, including broken appliances or broken furniture.
14. Motor vehicles

Model Ordinance

Items that constitute a health and safety risk and will not be collected include, but are not limited to:

- (1) Toxic sharps: needles, scissors, knives.
- (2) Chemicals: bleach, paint, oils, etc.
- (3) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids.
- (4) Moldy, mildewed items.
- (5) Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
- (6) Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
- (7) Backpacks and closed containers that have been determined by an individual licensed to identify and handle hazardous materials to contain items listed in (1)-(6) above or (iii) below. Such backpacks and closed containers may be discarded where no individual licensed in hazardous materials is present to make a determination.
- (8) If personal belongings are co-mingled or littered with needles, human waste, or other health risks, the entire pile of belongings may be disposed of. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
- (iii) Bulky items such as mattresses and sheds, perishable items such as food, controlled substances, contraband, and trash or debris will not be collected and stored. Contraband and controlled substances should be handled by trained professionals and consistent with applicable law

- Existing County ordinance combined with the adopted Encampment Resolution Policy generally meet all components of the Governor's Model Ordinance except for certain banning elements, particularly surrounding structures, camping, and sleeping in public.
- The County offers a more human-centered approach through:
 - additional 24 hours of notice that does not include weekends and holidays to ensure individuals are not displaced when access to resources are limited
 - additional 30 days of storage
 - different levels of interventions

