

Vehicular Homelessness Response

NOVEMBER 14, 2023

Increasing Homelessness in Fremont

- Unhoused individuals in Fremont rose from 608 in 2019 to 1,026 in 2022
- Unsheltered residents living in recreation vehicles has risen from 143 in 2019 to 262 in 2022

Legal Framework

Staff considers several legal issues when responding to homelessness related concerns:

- Lavan v. City of Los Angeles.....** (Seizure of Personal Property)
- Desertrain v. City of Los Angeles.....** (Vehicle Habitation Ordinance)
- Martin v. City of Boise** (Sleeping in Public Right of Way)
- Johnson v. City of Grants Pass** (Using Bedding in Public Right of Way)
- California Vehicle Code** (Authority to Tow Vehicles)
- Kennedy v. Ridgefield** (State-Created Danger Doctrine)

Current Response to Vehicular Homelessness

Components and level of priority in the City's response to vehicular homelessness have been developed with legal constraints and resource availability in mind and include:

- Service and outreach
- **Mitigation activities (Encampment Management Guidelines)**
- Criminal intervention when appropriate

Encampment Management and Enforcement

Encampment Management Strategy prioritizes enforcement and mitigation at encampments that:

- Develop on private property
- Impair vehicle, bike, or pedestrian traffic
- Impair bus stops, sidewalks, and ADA access points needed by those with disabilities
- Impair emergency ingress/egress routes
- Impair driveway access and unloading access
- Are present in locations with existing parking restrictions

Encampment Management and Enforcement

Other conditions that trigger enhanced enforcement/response by City staff are as follows:

- Dumping of materials or liquids into waterways, storm drains, gutters, sidewalks, streets, and other public areas
- Unsanctioned electrical or water taps
- Trespassing, loitering, or dumping on adjacent private properties
- Parking along streets or within parking lots with posted restrictions
- Lodging or camping on public property, with posted restrictions, including City parks
- Non-operable or immobile vehicles and structures on City streets; unregistered vehicles or vehicles with expired registration
- Destruction of property—modifying or vandalizing public spaces and infrastructure (e.g., graffiti, digging)
- Criminal activity including, but not limited to, theft, threats, acts of violence, and drug solicitation

Considerations for Potential Future Parking Related Regulation

If Council intends to consider additional parking/vehicle regulation, staff will research and propose a plan consistent with Council direction. In particular, staff would seek to consider regulations that:

- Are clearly defined and simple in construction
- Are consistently enforceable
- Do not arbitrarily target the unhoused

Questions and Discussion