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Local News

County supervisors enact homeless ordinance despite legal concerns

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The Yolo County Board of Supervisors once again voted 4-1 in favor of an ordinance banning homeless encampments on county property, but unlike the first time they considered the measure — two weeks ago — on Tuesday they heard from a number of people who oppose the measure.

Among them were three attorneys with Legal Services of Northern California who questioned the constitutionality of the ordinance as well as two Davis residents who urged board members to establish alternative shelter space before essentially shutting down the encampment that has developed on the grounds of the old county courthouse in Woodland.

But also weighing in — in support of the ordinance — were two Woodland City Council members who cited the impact on the neighborhood of allowing the encampment to continue.

In the end the board voted as it did two weeks ago, with only Supervisor Jim Provenza of Davis opposing the ordinance.

Supervisor Oscar Villegas of West Sacramento expressed concerns that the county could end up in a costly legal battle if the ordinance is challenged in court, but ultimately voted with the majority to approve it.

At issue has been a sizable homeless community that has been camping on a Woodland city block that is home to both the old county courthouse — which is currently being renovated — and the county administration building.

The encampment began to develop last year after a nearby parking lot — where as many as 100 people were living in dozens of tents — was shut down. The city of Woodland opened a night-time shelter in the old jail at the same time, but it's believed many of the homeless who had been camping in the parking lot moved to the courthouse lawn where they remain.

In drawing up the ordinance, county staff cited both public health and public safety concerns, as well as the impact on county employees and visitors coming and going from the county administration building on Court Street.

Under the ordinance, individuals will not be required to leave the property but any tents or structures they've erected could be removed.

In questioning the legality of the proposed ordinance, attorneys with Legal Services of Northern California who represent a woman currently camping at the location noted in particular the disparate impact enforcement could have on disabled individuals.

“Removal of protective shelters and cold-weather gear could have dire and potentially life-threatening consequences for individuals with compromised immune systems, respiratory conditions, temperature sensitivities and other related physical disabilities,” said attorney Charlyn De Witt.

De Witt cited the most recent point-in-time homeless count in Yolo County in which 50 percent identified as having at least one health issue and said, “The seizure of personal property belonging to homeless individuals will have a disparate impact on individuals with disabilities and these practices will also harm individuals in ways directly related to their disability.”

Attorney Kate Wardrip said she, too, has “serious legal concerns about the constitutionality of the ordinance.”

While the measure requires that only tents and other structures can be confiscated, it makes an exception for items that “pose a health or safety risk.”

Wardrip said experiences in other jurisdictions that have enacted similar ordinances includes personal property being disposed of if it has food residue on it or is simply dirty, “so we do think this ordinance could result in property simply being thrown away.”

Existing case law, she noted, has established that it is unconstitutional “to penalize a person for the inevitable result of being homeless,” including by citing people for sleeping or camping outside.

“The approach of this ordinance,” Wardrip said, “appears to be that if the county cannot cite someone for camping, then the county will simply confiscate their things.”

She and other attorneys argued that the county has tools at its disposal already to address the concerns raised in the ordinance, including by having police arrest individuals for drug activity or asking them to stop impeding access to county buildings.

Meanwhile, Davis residents Martha Teeter and Helen Roland urged the board to focus instead on providing shelter for those camping outdoors.

“I do not think that is right or at all effective to close public spaces to tents without providing an alternative, safe, hygienic place to be,” said Teeter.

“You solve nothing by removing people’s structures and possessions from county public land. You force them simply to go elsewhere, and then they’ll be driven out of there, too. Out of sight, out of mind.

“The fact that this camp is so visible here is a manifestation of the crisis at hand,” she said.

But those living in the neighborhood are enduring a crisis as well and deserve some help, according to two members of the Woodland City Council.

"It's a balancing act," said Councilman Tom Stallard. "We are all elected to represent people ... and that means the homeless, too. But not at the expense of everybody else."

His colleague, Councilman Rich Lansburgh, described individuals camping on the courthouse grounds who are committing crimes, defecating and urinating on the property, openly using drugs and aggressively panhandling.

"I'm not saying that all these folks do this, but there's too many who do," Lansburgh said. "I'm here to ask you to provide another tool to alleviate the effects that the rest of us live with."

Stallard, too, described a neighborhood "being held hostage" by a small number of individuals at the encampment.

"I feel the compassion for people in need, but I also feel that people who worked hard, bought their house, are raising their kids, have concerns, too," said Stallard. "I hear from them regularly. All of us on the Woodland City Council do."

Like others, he noted efforts underway to build more shelter, including plans for a facility at County Road 102 and Beamer in Woodland, but said action is needed in the meantime.

"I see this ordinance as a reasonable tool."

The board largely agreed.

"We have to do something," said Supervisor Duane Chamberlain of the rural 5th District.

But he expressed hope that "a little common sense" would be used in enforcing the ordinance.

"Hopefully we don't go out in the pouring rain and rip a tent off someone."

Supervisor Gary Sandy of Woodland said he would "feel better" about the testimony of those who opposed the ordinance on Tuesday "if I'd heard one scintilla of concern for the surrounding neighborhood or our employees."

"The neighbors are living in a living hell here and it's our responsibility to represent them, to try to make sure they have some semblance of normalcy in their lives."

He, too, described vicious dogs, drug paraphernalia and passersby being accosted and said, "I tend to side with those who have to live with it 24 hours a day, not those who read about it in a newspaper, who live in another city."

Provenza remained opposed to the ordinance, expressing again the need for creating alternative shelters before removing what little shelter homeless individuals might have.

"If there isn't an alternative, you can't drive people away," he said.

"In terms of basic human rights, I understand some people are doing things they shouldn't do, but the vast majority are not, and just like we wouldn't go in to some low-income neighborhood where there's a

lot of drug use and a lot of crime and say, 'OK , we're going to kick everybody out of this neighborhood,' we can't paint with such a broad brush. And it's possible to enforce laws without kicking everybody out."

The ordinance will now take effect in 30 days.