

California’s New Vagrancy Laws

Law and public policy students analyzed municipal codes in 58 California cities, where three-quarters of California’s homeless people reside. They also gathered public records and interviewed key stakeholders in a sample of cities to study enforcement practices across the state.

Key findings from the study:

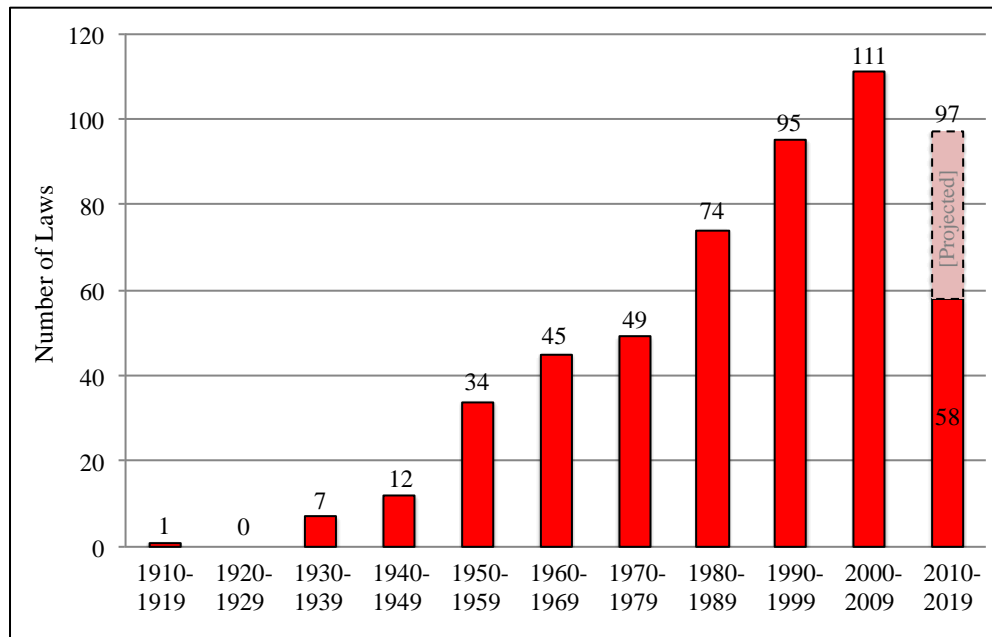
1. California cities have enacted a large number of anti-homeless laws.

California cities have increasingly criminalized four categories of activity associated with homelessness: (1) standing, sitting, and resting in public places; (2) sleeping, camping, and lodging in public places, including in vehicles; (3) begging and panhandling; and (4) food sharing.¹ The cities in our study enacted 500 laws restricting activities in these four categories.

2. The enactment of local anti-homeless laws in California has grown rapidly.

California cities have enacted most (59 percent) of the current anti-homeless laws (59%) since 1990. If present trends continue, these cities will enact 11 new anti-homeless laws each year.

Distribution of Anti-Homeless Laws by Year of Enactment, 1910-present



3. California cities have more anti-homeless laws than cities in other U.S. states.

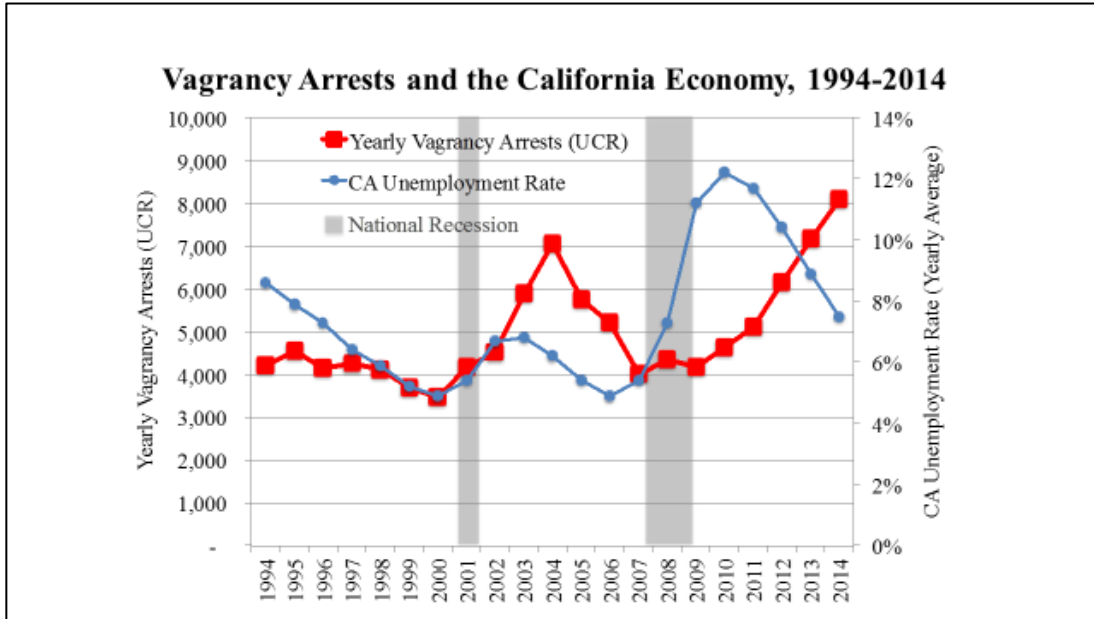
When compared to findings by the National Law Center on Homelessness and Poverty, California cities place substantially more legal burdens on homeless people who desire to rest in

¹ Marina Fisher et al., *California’s New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless in the Golden State* (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558944; Sasha Feldstein et al., *California’s New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State* (2016 Update), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2794386.

public; rest in legally parked vehicles; and sit, stand, beg, or eat in specific city locations.

4. Enforcement of anti-homeless laws is increasingly based on status, not behavior.

As evidenced by statewide arrest data, the enforcement of “vagrancy” laws has risen during the last two recessions and continues to rise in the wake of the Great Recession.



Based on data from the California Department of Justice and the Federal Bureau of Investigation, we found that arrests for “vagrancy” are on the rise even as enforcement of laws criminalizing specific behaviors is decreasing. Since 2000, statewide arrests for “vagrancy” offenses have increased by 77 percent, even as arrests for “drunkenness” and “disorderly conduct” have decreased by 16 percent and 48 percent, respectively, suggesting that homeless people are being punished for their status, not their behavior.

