

# California's New Vagrancy Laws

## The Growing Enactment and Enforcement of Anti-Homeless Laws in the Golden State

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Policy Advocacy Clinic

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## Acknowledgments

The Policy Advocacy Clinic prepared this 2016 update for the Western Regional Advocacy Project (WRAP). WRAP is a non-profit organization that was created to expose and eliminate the root causes of civil and human rights abuses of people experiencing poverty and homelessness. WRAP seeks to develop socially just solutions to all the barriers that prevent the ending of homelessness.

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We dedicate this update to everyone in California without stable, affordable, and decent shelter.

## Executive Summary

More than one in five people who are homeless in the United States live in California, and two-thirds of all people experiencing homelessness in California are unsheltered.<sup>1</sup> Although homelessness exists statewide—exacerbated by decades of deep cuts to federal and state funding for affordable housing and by rising inequality—it is managed mostly at the local level. The state legislature has been slow to respond to this widespread problem, forcing municipal governments to address homelessness often with limited resources. While some local governments have invested in social services, shelters, and supportive housing, cities have also responded by enacting and enforcing a wide range of anti-homeless laws—municipal codes that target or disproportionately impact people experiencing homelessness.

Fortunately, the conversation about homelessness has begun to shift in California. In the past year, San Francisco announced plans to create and fund a new Department on Homelessness and Supportive Housing. Oakland, Berkeley and San Jose each declared a shelter crisis. And Los Angeles Mayor Eric Garcetti asked the Governor to declare a homeless state of emergency.<sup>2</sup> When Mayor Garcetti held a press conference on the city’s homeless crisis in late 2015, Los Angeles Councilmember Jose Huizar explained:

*Unless we change our approach, this crisis will continue to worsen.... This approach to homelessness has failed. We can’t ignore the problem, and we can’t arrest our way out of it.<sup>3</sup>*

While this shift in rhetoric is a notable development, evidence suggests that California cities continue to pursue inhumane, ineffective, and costly policies that criminalize homeless people.

This report updates our 2015 study on the enactment and enforcement of anti-homeless laws in California with new ordinance data from cities and updated arrest data from the FBI’s Uniform Crime Reporting Program. We find that California cities are enacting and enforcing anti-homeless laws in record numbers. In contrast with historical post-recession trends, arrests of people who are homeless continue to rise in spite of an improving economy. Further, cities appear to be arresting people increasingly based on their homeless status as opposed to any concrete unlawful behavior.

### Summary of Key Findings

- 1. California cities continue to enact new anti-homeless laws in record numbers.**
- 2. Arrests of people experiencing homelessness continue to rise in spite of an improving economy.**
- 3. Arrests of people experiencing homelessness are increasingly based on status, not behavior.**

## Introduction

In 2015, we released the first comprehensive study of the enactment and enforcement of anti-homeless laws in California.<sup>4</sup> Through an in-depth literature review, municipal code research, Public Records Act requests, survey data from homeless people and interviews with key stakeholders, we identified a dramatic increase in the enactment and enforcement of anti-homeless laws in recent decades. We called these laws “anti-homeless” laws because they target, are selectively enforced against, or disproportionately impact people experiencing homelessness.

Anti-homeless laws represent a modern-day example of vagrancy laws that date back centuries. They are akin to Jim Crow laws, anti-Okie laws, sundown towns and “ugly” laws, which were designed to expel, punish or otherwise discourage the presence of people deemed “undesirable” in public spaces.<sup>5</sup> Although some elected officials acknowledge that criminalizing people who are homeless does not address the root causes of the problem, California cities nevertheless lead the nation in enacting and enforcing anti-homeless laws.<sup>6</sup>

In Section I of this update, we report new numbers from our research on the growing enactment of anti-homeless laws in cities across California.

In Section II, we provide new data from the FBI’s Uniform Crime Reporting Program on the rising enforcement of anti-homeless laws statewide.

In Section III, we report new findings suggesting that cities are increasingly punishing people who are experiencing homelessness for their status and not their behavior.

We conclude by calling for an end to state and local laws and practices that criminalize people who are homeless. Not only must California determine how best to allocate resources to address growing humanitarian needs, but state and local lawmakers must also reverse decades of aggressive enactment and enforcement of anti-homeless laws, which have only exacerbated this crisis. California cannot continue the inhumane, ineffective and costly approach of trying to cite, arrest, and punish its way out of homelessness.<sup>7</sup>

### **I. California Cities Continue to Enact New Anti-Homeless Laws in Record Numbers**

For this update, as in our 2015 study, we researched the prevalence of four kinds of laws that criminalize life-sustaining activity for people who are homeless, including prohibitions against:

- (1) standing, sitting, and resting in public places (daytime activities);
- (2) sleeping, camping, and lodging in public places, including in vehicles (nighttime activities);
- (3) begging and panhandling; and
- (4) food sharing with people who are homeless.

We use these categories because they allow us to compare California trends to national trends, but they do not capture all of the municipal laws that criminalize people experiencing homelessness.<sup>8</sup> For example, under our method, the City of San Francisco has 24 ordinances in these four categories. But the San Francisco Budget and Legislative Analyst’s Office recently identified 36 “quality of life laws” enforced against homeless people.<sup>9</sup>

This year, we expanded our coverage and researched anti-homeless laws under these four categories in the 58 most populous cities in California.<sup>10</sup> A full list of the 58 cities and their anti-

homeless laws by category—including 24 additional cities for which we have data—can be found in the appendix.

In California’s 58 most populous cities, we found:

- 592 laws restricting the life-sustaining activities of people experiencing homelessness in public places, an average of more than 10 laws per city;<sup>11</sup> and
- 781 separate restrictions on life-sustaining activities of people experiencing homelessness, almost double the number of restrictions previously reported and an average of more than 13 restrictions per city.<sup>12</sup>

Documenting the enactment of municipal anti-homeless codes is subject to a number of limitations. California municipal codes are not maintained in a uniform place or manner. Among other inconsistencies, cities enact similar codes under different sections and titles. Some cities do not provide the date of enactment for relevant sections of their municipal code. Other cities list certain sections as having a preceding code, which may or may not provide information as to when the code section was passed. However, we were able to obtain sufficient details from local codes to give us confidence about the overall validity and reliability of our findings.

While we focus here on a subset of local anti-homeless codes, it is important to note that cities also use state codes to criminalize homelessness in California. For example, California Penal Code section 647(e) criminalizes lodging in “any building, structure, vehicle, or place, whether public or private, without permission.”<sup>13</sup> And while anti-homeless laws are key tools for criminalizing homelessness, cities also selectively enforce facially neutral laws primarily against people experiencing homelessness, such as prohibitions on smoking near public buildings.<sup>14</sup> Cities also rely on less formal tools, including confiscating property and moving people along through verbal warnings and other forms of harassment.<sup>15</sup>

### **A. California Cities Have Enacted a Wide Range of Anti-Homeless Laws**

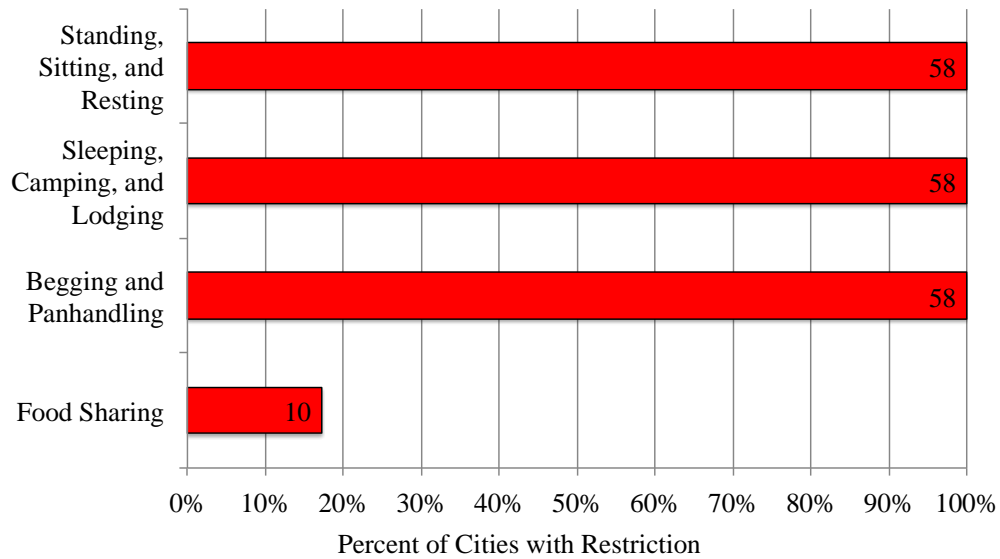
California is rife with anti-homeless laws. In California’s 58 most populous cities, we found 592 laws restricting and criminalizing the four categories of activity listed above, or an average of more than 10 laws per city. Because some laws prohibit multiple types of activity, these 592 laws impose 781 separate restrictions on activities across the four categories, or more than 13 restrictions per city on average. In each of the 58 cities, people who are homeless—or people who appear homeless, or who are otherwise deemed undesirable by local authorities—can be cited and arrested under municipal laws for their mere presence in public.

As indicated in Figure 1, all 58 cities have at least one municipal code restricting daytime activities like standing, sitting, and resting. These restrictions limit homeless people’s ability to engage in daily, life-sustaining activities.

All 58 cities also ban at least one nighttime activity such as sleeping, camping, and lodging in vehicles. These laws deprive people of the right to rest in a public place, protect themselves from the elements, or sleep in a legally parked car without legal consequences. These nighttime restrictions deprive people of the right to rest in public places; further, they leave them vulnerable to citation by law enforcement agencies at all hours of the day.

Finally, all 58 cities prohibit some form of begging or panhandling, and over 15 percent of cities (10 of 58) restrict sharing food with people who are homeless in public places.

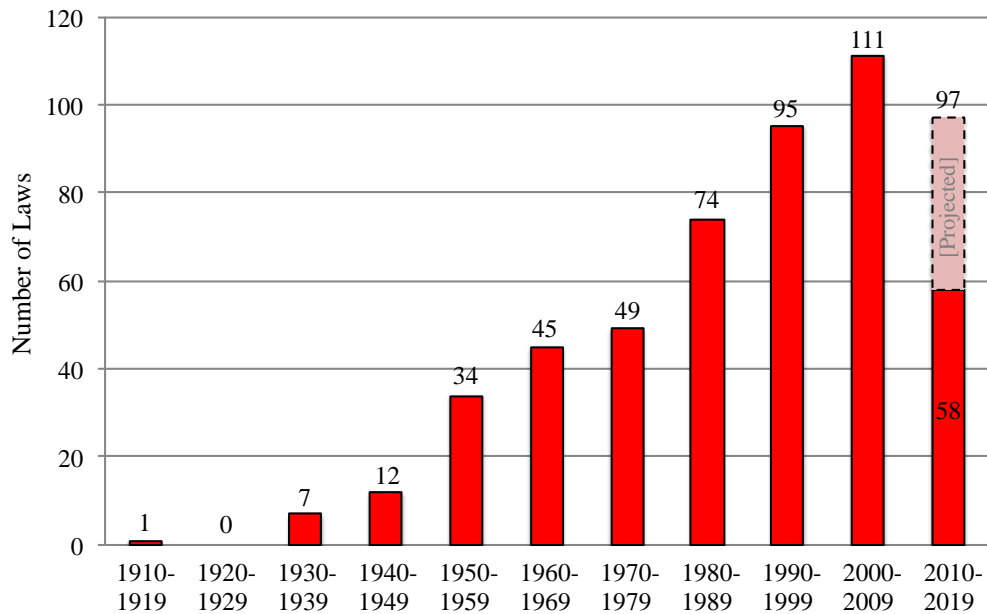
**Figure 1: Prevalence of Anti-Homeless Laws Across Cities by Offense Category**



**B. Municipal Anti-Homeless Laws Have Grown Rapidly in Recent Decades**

Not only do California’s cities have a high number and wide range of anti-homeless laws, but they have increasingly enacted such laws in recent decades. To quantify this trend, we analyzed dates of enactment to track the growth of anti-homeless codes over time. While not all municipal code sections indicate their dates of enactment, we were able to obtain reliable dates for 487 of the 592 anti-homeless laws (82 percent), as depicted by decade of enactment in Figure 2.<sup>16</sup>

**Figure 2: Distribution of Anti-Homeless Laws by Decade of Enactment, 1910-present**



As shown in Figure 2, the enactment of anti-homeless laws has grown significantly since the 1950s. If current trends continue, the California cities in our study will collectively enact 97 new

anti-homeless codes between 2010 and 2019. It is important to reiterate that these laws only correspond to four categories of criminalized activity. They do not represent the whole universe of laws that target or disproportionately impact homeless people. Such laws range from prohibiting scavenging or cooking in public to laws against fare evasion and smoking in public.<sup>17</sup>

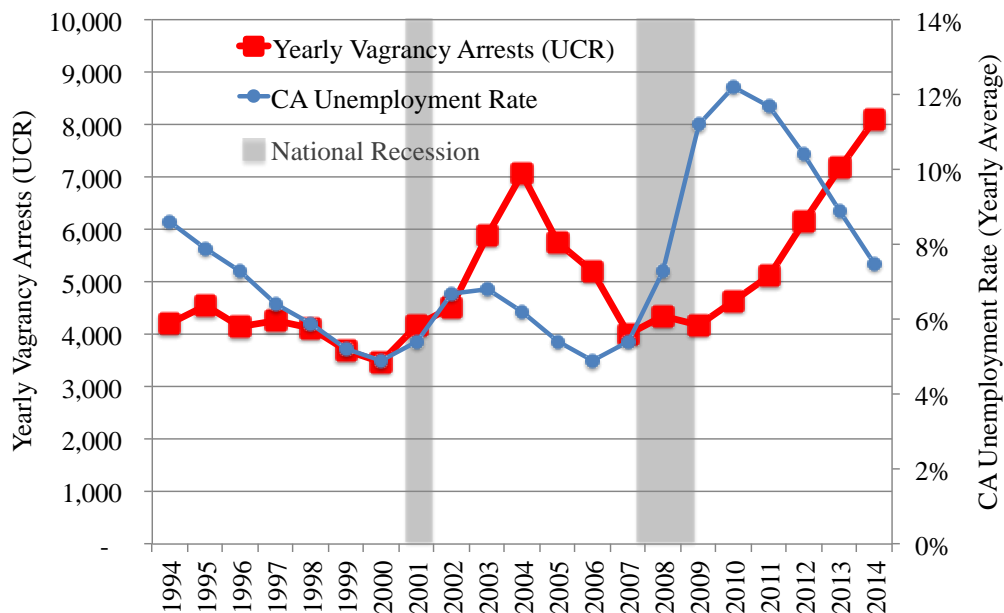
In fact, cities are proposing and enacting new categories of anti-homeless laws every day. For example, in June 2015, Los Angeles adopted an ordinance that allows workers to clear tents and makeshift shelters from sidewalks with only 24 hours notice.<sup>18</sup> In November 2015, the City of Berkeley adopted an ordinance prohibiting people on sidewalks or plazas from taking up more than 2-by-2-feet of space with their belongings, or from having a shopping cart in one place for more than an hour at a time between 7 a.m. and 10 p.m.<sup>19</sup> These new laws are beyond the scope of this update, and further research is needed on the expanding range of anti-homeless laws.

## II. Arrests of Homeless People Continue to Rise in Spite of an Improving Economy

Individual police agencies report annual arrest statistics to the Federal Bureau of Investigations’ Uniform Crime Reporting (“UCR”) Program.<sup>20</sup> Among the numbers reported by each agency is a count of arrests for “vagrancy.” “Vagrancy” is a category of offenses aggregated for reporting purposes, and is defined as “the violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.”<sup>21</sup>

In our 2015 study, we found that statewide “vagrancy” arrests have historically risen in the wake of economic downturns and fallen after economic recoveries. However, updated arrest data from the UCR Program indicates that arrests of homeless people have only grown in recent years. As depicted in Figure 3, “vagrancy” arrests have continued to climb in the aftermath of the Great Recession, even as California’s economy has recovered.

**Figure 3: Vagrancy Arrests and the California Economy, 1994-2014**



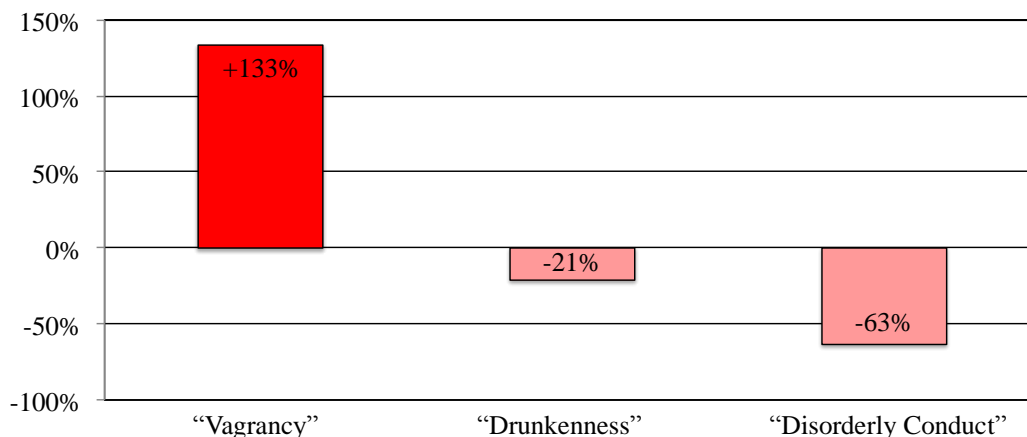
As noted in the 2015 report, these arrest counts are imperfect indicators of city-level enforcement patterns, as they only include arrests for violations of the California Penal Code and exclude arrests under city codes. Due to variability in data tracking and reporting methods, some cities include citation statistics as part of arrest counts, which are then aggregated at the statewide level.<sup>22</sup> Nevertheless, Figure 3 shows a clear increase in statewide enforcement of vagrancy laws, even as the state unemployment rate has declined. In 2014 alone, over 8,000 people were arrested for “vagrancy.” This upward trend is significant because it departs from earlier statewide trends, when vagrancy arrests rose and fell with unemployment rates.

### III. Arrests of Homeless People Are Increasingly Based on Status, Not Behavior

Our research reveals a dramatic and growing divergence in the enforcement of “vagrancy” laws, as defined above, and the enforcement of laws for specific behaviors, such as “drunkenness” and “disorderly conduct,” defined by the UCR as “any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.”<sup>23</sup> The 2015 report included data from 2000 to 2012 and noted a 77 percent increase in “vagrancy” arrests, compared with a 16 percent and 48 percent decline in “drunkenness” and “disorderly conduct” arrests, respectively.<sup>24</sup> In other words, since 2000, enforcement of laws restricting individuals according to status—being homeless—increased, while enforcement of laws restricting particular behaviors—such as drinking in public—decreased.

Our new findings suggest that these differences have become even more pronounced in recent years. As depicted in Figure 4, from 2000 to 2014, “vagrancy” arrests increased by 133 percent statewide, whereas drunkenness and disorderly conduct arrests decreased by 21 percent and 63 percent, respectively.<sup>25</sup> In other words, enforcement of vagrancy laws—which criminalize homeless people for their general status rather than their specific behavior—is growing.<sup>26</sup>

**Figure 4: Percent Change in Anti-Homeless Law Arrests, 2000-2014**



In sum, an examination of state-level indicators reveals that enforcement of anti-homeless laws has surged following economic recessions over the past 20 years. In the wake of economic recovery, enforcement of such laws has typically dropped with falling unemployment. But during the current economic recovery, vagrancy arrests have continued to rise in California. In addition, arrests for general “vagrancy” crimes—the status of being homeless—have more than doubled since 2000 (up 133 percent), even as enforcement of laws criminalizing specific behaviors like “drunkenness” and “disorderly conduct” has fallen.



## Conclusion

Despite California's economic recovery, growing concern about homelessness in the state, and increasing acknowledgement that cities cannot cite and arrest their way out of the problem, our findings suggest that local policymakers continue to enact and enforce anti-homeless laws in record numbers. Thus, we continue to urge lawmakers to seek a state-level solution to end the locally driven, race-to-the-bottom criminalization of homelessness.<sup>27</sup>

In the 2015-16 California State Legislative Session, Senator Carol Liu introduced Senate Bill 876, which would have afforded people who are homeless the right to use public spaces without discrimination based on housing status and without being subject to criminal or civil sanctions.<sup>28</sup> During an April 2016 Senate Transportation and Housing Committee Hearing, SB 876 died amid concerns that the bill would detract from cities' abilities to fight homelessness.<sup>29</sup> In fact, more than 110 California cities registered their formal opposition to the bill, along with a number of county boards of supervisors, business improvement districts, corporations and chambers of commerce.<sup>30</sup>

Still, the state legislature recognizes that homelessness is a key concern and is currently considering other initiatives to address the problem. For example, Senate President pro tempore Kevin de León's "No Place Like Home Initiative" would provide two billion dollars for cities to build permanent supportive housing for homeless people and increase funding for support services.<sup>31</sup> The initiative is laudable and embraced by Governor Jerry Brown, yet it is important to note its limitations. While housing and services are desperately needed in California, this initiative and others like it do nothing to address the current criminalization of homelessness. Housing takes years to construct, and incremental improvements in services will still be dwarfed by the enormity of California's homelessness crisis for the foreseeable future.

Without concrete action on criminalization, hundreds of thousands of Californians experiencing homelessness will continue to be punished for life-sustaining activities which they have no choice but to undertake in public. While developing solutions that provide housing and supportive services to homeless people in our state, California lawmakers should also work to dismantle the inhumane, ineffective, and costly enactment and enforcement of anti-homeless laws.

## Appendix: Anti-Homeless Laws by California City

City	Number of Restrictions by Category				Total Restrictions	Total Laws
	Standing, Sitting, and Resting	Sleeping, Camping, and Lodging	Begging and Panhandling	Food Sharing		
<b>58 most populous cities</b>						
Anaheim	11	4	5	-	20	18
Bakersfield	1	5	5	1	12	8
Berkeley	6	4	5	-	15	12
Carlsbad	1	4	4	-	9	6
Chula Vista	3	3	3	1	10	8
Concord	3	4	4	-	11	9
Corona	4	5	2	-	11	5
Costa Mesa	3	3	3	-	9	9
Downey	7	3	1	-	11	6
El Monte	4	2	3	-	9	8
Elk Grove	3	1	4	-	8	6
Escondido	5	3	3	-	11	7
Fairfield	3	3	4	-	10	8
Fontana	7	1	4	-	12	9
Fremont	2	2	2	-	6	3
Fresno	12	3	5	-	20	12
Fullerton	4	2	4	-	10	8
Garden Grove	2	2	2	-	6	6
Glendale	4	2	5	-	11	9
Hayward	2	2	2	1	7	6
Huntington Beach	12	2	4	-	18	13
Inglewood	5	2	4	-	11	8
Irvine	8	6	2	1	17	11
Lancaster	4	5	2	-	11	7
Long Beach	10	8	6	-	24	22
Los Angeles	15	8	9	-	32	17
Modesto	10	7	4	-	21	17
Moreno Valley	3	3	2	-	8	4
Oakland	11	4	4	-	19	14
Oceanside	7	5	5	2	19	15
Ontario	3	3	2	-	8	7
Orange	6	2	2	1	11	11
Oxnard	6	4	2	-	12	9
Palmdale	6	5	1	-	12	7
Pasadena	6	4	4	-	14	10
Pomona	4	4	9	-	17	16
Rancho Cucamonga	6	1	5	-	12	8
Riverside	14	2	7	1	24	16
Roseville	5	5	5	1	16	11
Sacramento	9	2	4	1	16	11
Salinas	7	3	5	-	15	12
San Bernardino	5	3	4	1	13	9
San Diego	5	4	5	-	14	12
San Francisco	12	10	6	-	28	24
San Jose	10	3	5	-	18	15
Santa Ana	10	3	1	-	14	9

Santa Clara	7	3	4	-	14	8
Santa Clarita	3	2	5	-	10	9
Santa Rosa	6	4	3	-	13	11
Simi Valley	2	3	5	-	10	7
Stockton	7	1	2	-	10	9
Sunnyvale	4	4	6	-	14	11
Thousand Oaks	3	2	4	-	9	7
Torrance	8	4	2	-	14	13
Vallejo	2	3	1	-	6	6
Ventura	5	4	3	-	12	11
Victorville	7	3	2	-	12	8
Visalia	7	1	7	-	15	14
<b>Sub-Total (58 cities)</b>	<b>347</b>	<b>200</b>	<b>223</b>	<b>11</b>	<b>781</b>	<b>592</b>
<b>24 additional cities</b>						
Albany	3	4	-	-	7	7
Alhambra	5	2	4	-	11	9
Cupertino	3	3	3	-	9	6
El Cajon	6	9	4	1	20	11
Folsom	1	-	2	-	4	7
Hawthorne	9	2	2	-	13	8
Merced	6	2	5	-	13	12
Nevada City	7	5	1	-	13	7
Palo Alto	6	1	8	-	15	14
Redding	8	3	3	-	14	12
Redlands	3	3	5	1	12	10
Redondo Beach	5	5	3	-	13	11
San Bruno	4	1	5	-	10	9
San Fernando	2	2	6	-	10	9
San Luis Obispo	3	3	3	-	9	9
San Mateo	1	1	2	-	4	4
Santa Barbara	3	7	5	1	16	14
Santa Cruz	6	3	5	-	14	12
Santa Monica	10	3	3	2	18	16
South Lake Tahoe	4	4	2	-	10	8
Tracy	4	2	4	-	10	9
Ukiah	6	3	3	-	12	8
Union City	9	2	3	-	14	9
Whittier	7	3	3	-	13	10
<b>Sub-Total (24 cities)</b>	<b>121</b>	<b>55</b>	<b>84</b>	<b>5</b>	<b>284</b>	<b>231</b>
<b>TOTAL (82 cities)</b>	<b>468</b>	<b>273</b>	<b>307</b>	<b>16</b>	<b>1,065</b>	<b>823</b>

## Notes

<sup>1</sup> U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT, THE 2014 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS 8-17 (Oct. 2014).

<sup>2</sup> Bay City News Service, *SF Mayor Lee Announces Creation of New City Department to Combat Homelessness*, CBS S.F. (Dec. 3, 2015), <http://cbsloc.al/1pwatnY>. Tom Lochner, *Berkeley City Council Allocates Soda Tax Funds, Declares Homeless Shelter Crisis*, SAN JOSE MERCURY NEWS (Jan. 20, 2016), <http://bayareane.ws/24P6TFM>. Chris Nguyen, *San Jose City Council Votes to Declare Emergency Shelter Crisis to Help Homeless Ahead of El Nino*, ABC7 S.F. (Dec. 8, 2015), <http://abc7ne.ws/1R60rGc>. Peter Jamison, *How an Emergency Declaration over L.A.'s Homeless Became a Game of 'Hot-Potato Keep-Away'*, L.A. TIMES (Mar. 7, 2016), <http://lat.ms/1Ytodf9>.

<sup>3</sup> Jose Huizar, L.A. Councilmember, Speech on City of LA Dedicating 100 Million to Address Homelessness (Sept. 2015), <http://bit.ly/1WiG8Ez>.

<sup>4</sup> BERKELEY LAW POLICY ADVOCACY CLINIC, CALIFORNIA'S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (2015).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> DANIEL FLAMING ET AL., ECONOMIC ROUNDTABLE, HOME NOT FOUND: THE COST OF HOMELESSNESS IN SILICON VALLEY 13-18 (2015).

<sup>8</sup> These categories align with those identified by the National Law Center on Homelessness and Poverty. NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, NO SAFE PLACE: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES (2014), [https://www.nlchp.org/documents/No\\_Safe\\_Place](https://www.nlchp.org/documents/No_Safe_Place). The "begging" (clarified by adding panhandling) and "food sharing" categories are otherwise identical to NLCHP's. However, given that homeless people experience restrictions by how they are enforced during the course of the day, we modified the NLCHP's categories to align with prohibited daytime and nighttime activities. Thus, NLCHP's loitering and vagrancy category became a part of our "daytime activities" category along with lying and sitting restrictions. The NLCHP's sleeping, camping, and vehicle restrictions combined to make up our "nighttime activities" category.

<sup>9</sup> City and County of San Francisco, Board of Supervisors, Budget and Legislative Analyst, Policy Analysis Report, "Homelessness and the Cost of Quality of Life Laws" (May 26, 2016) (finding that San Francisco's anti-homeless laws are "too expensive" and yield "limited results").

<sup>10</sup> In the 2015 report, we studied a sample of 58 cities in California in which more than three-quarters of California's population resided. This previous sample included 42 of the most populous 58 cities in the state, including the 12 largest. The remaining 16 cities were included either because they had a significant homeless population or because they had at least one member organization affiliated with the Western Regional Advocacy Project, a regional coalition of antipoverty and homeless advocacy groups.

<sup>11</sup> These laws were either found through the additional cities studied in this update, or they were discovered during the most recent round of research, including at least seven laws enacted or updated in 2015.

<sup>12</sup> We found additional laws and restrictions in our updated research. A single law may impose several separate restrictions. For example, El Cajon Municipal Ordinance 2.56.030 includes several restrictions, such as prohibiting anyone from remaining in certain public spaces other than between 7:00 a.m. and 10:30 p.m. of any day; prohibiting anyone from camping, lodging, or sleeping overnight; prohibiting anyone from setting up a food distribution facility; prohibiting anyone from storing personal property; and prohibiting anyone from obstructing the free travel of pedestrians on any road, avenue, walk, or path. In this update, we found 200 additional restrictions.

<sup>13</sup> Cal. Penal Code § 647(e) (West 2013) ("[E]very person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: . . . (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.").

<sup>14</sup> Heidi Groover, *The ACLU and the Low Income Housing Institute Are Opposed to the Proposed Smoking Ban in Parks*, STRANGER (May 8, 2015), <http://www.thestranger.com/blogs/slog/2015/05/08/22185464/the-aclu-and-the-low-income-housing-institute-are-opposed-to-the-proposed-smoking-ban-in-parks>.

<sup>15</sup> *E.g. Cervantes v. International Services, Inc.*, No. BC220226 (Cal. Super. Ct. 2002). *See also Los Angeles Catholic Worker v. Los Angeles Downtown Industrial District Business Improvement District*, No. 2:14-cv-07344 (C.D. Cal 2014).

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<sup>16</sup> In cases where laws were associated with multiple dates (reflecting a series of amendments), we used the earliest date for the purpose of this analysis. This methodology biases the analysis toward overestimating the proportion of laws passed in earlier time periods.

<sup>17</sup> CASCADIA CONSULTING GROUP, SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (RETHINKWASTE): A REVIEW OF EXISTING ANTI-SCAVENGING ORDINANCES (2012). *See also e.g.*, City of Corona Municipal Code § 12.24.030(J) (Prohibited Conduct—Food. “No person shall perform any of the acts hereafter specified in or upon any public street, alley, sidewalk, parkway, public park, recreation building or facility, or other city facility, except as otherwise provided herein... cook or prepare any meal, barbecue or picnic except in the areas designated for such use without written approval from the Department.”); City of Palo Alto Municipal Code § 9.14.035 (Smoking Prohibited—Public parks and public events. “Smoking is prohibited in all parks, including at public events.”); San Diego Metropolitan Transit System Ordinance No. 2—An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley.

<sup>18</sup> City of Los Angeles Municipal Ordinance No. 183,762 (2015).

<sup>19</sup> City of Berkeley Municipal Ordinance Nos. 7,448-N.S.; 7,449-N.S.; and 7,450-N.S. (2015).

<sup>20</sup> Criminal Justice Information Services Division, *Crime in the United States 2013: Arrest Table 69*, FBI (2013), [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-69/table\\_69\\_arrest\\_by\\_state\\_2013.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-69/table_69_arrest_by_state_2013.xls), and Criminal Justice Information Services Division, *Crime In The United States 2014: Arrest Table 69*, FBI (2014), <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-69>.

<sup>21</sup> Criminal Justice Information Services Division, *Crime in the United States 2014: Offense Definitions*, FBI (2014), <http://1.usa.gov/1LnBWCq>.

<sup>22</sup> *Data Characteristics and Known Limitations*, CAL. DEP’T JUST. OFF. ATT’Y GEN. 1 (2014), <https://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/stats/arrest-limitations.pdf>? (“Not all arrests result in persons being jailed. Arrestees may be released by the arresting agency, post bail, or be released on their own recognizance to appear in court at a later date. Some are issued citations, much like traffic tickets, which direct them to appear in court at a later date.”).

<sup>23</sup> Federal Bureau of Investigation Crime Information Services Division, *Crime in the United States 2014: Offense Definitions* (2014), <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/resource-pages/offense-definitions>.

<sup>24</sup> BERKELEY LAW POLICY ADVOCACY CLINIC, CALIFORNIA’S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (2015).

<sup>25</sup> Federal Bureau of Investigation Crime Information Services Division, *Crime in the United States 2014: Offense Definitions* (2014), <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/resource-pages/offense-definitions>.

<sup>26</sup> While some may argue that “vagrancy” laws also target conduct, they target a set of activities inextricably tied to the state of homelessness. This means that targeting the conduct is the same as targeting the status.

<sup>27</sup> BERKELEY LAW POLICY ADVOCACY CLINIC, CALIFORNIA’S NEW VAGRANCY LAWS: THE GROWING ENACTMENT AND ENFORCEMENT OF ANTI-HOMELESS LAWS IN THE GOLDEN STATE (2015).

<sup>28</sup> S.B. 876 (Cal. 2016).

<sup>29</sup> Cal. Senate Transportation and Housing Committee, Mar. 29, 2016, <http://senate.ca.gov/media-archive> (homelessness hearing).

<sup>30</sup> S.B. 876 Analysis, Senate Transportation and Housing Committee (Cal. 2016).

<sup>31</sup> Senate President pro tempore Kevin de León, *State Announces “No Place Like Home” Initiative to Tackle Homelessness in California*, CAL. SENATE (Jan. 4, 2016), <http://bit.ly/1OvuIeB>.