



Apr 19, 2022

Assemblymember Rebecca Bauer-Kahan
Chair, Assembly Water, Parks, & Wildlife Committee
State Capitol
Sacramento CA, 95814

Re: AB 2633 (Cooley) - OPPOSE

Dear Assemblymember Bauer-Kahan,

The undersigned organizations write to oppose AB 2633 (Cooley), which expands the powers of local jurisdictions to remove “illegal campers” from “special parklands” across the state. Our organizations work to end homelessness and protect the human and civil rights of all Californians. While we recognize the need to protect and preserve the public lands and ecosystems of California’s parks, we are gravely concerned that AB 2633 will further displace, criminalize, and violate the rights of unhoused Californians while failing to address the underlying driver of homelessness: the lack of affordable and accessible housing to Californians with the lowest incomes.

AB 2633 allows local elected officials and park agencies to “order the removal of illegal campers or clearing of illegal campsites from its special parklands to protect and preserve sensitive natural habitat, critical wildlife, flood infrastructure, recreational activities, public facilities, public safety, and the adjacent community from significant environmental degradation.” While the bill defines neither “illegal campers/campsites” nor “special parklands,” in a [press conference](#) announcing the bill, it’s authors and supporters made clear that the intent of the bill is to ensure that parks like the American River Parkway in Sacramento “shouldn’t be allowed to be a campsite for people without homes.”

Only housing ends homelessness, and at present, California is experiencing a housing affordability crisis decades in the making, with a statewide shortage of [1.2 million affordable homes](#) and only [one shelter bed for every 3 people experiencing homelessness](#). Without housing options, sweeps cannot solve homelessness and may make it worse. As shown by recent [research](#) and [reporting](#) from across the state, sweeping encampments and criminalizing unhoused people with nowhere else to go is traumatic, destabilizing, and ineffective. People may lose access to important belongings, including identity documents, medication and healthcare resources, and irreplaceable belongings such as photographs or family heirlooms. In many cases, sweeps can result in the issuance of criminal citations or arrests, which can create legal and financial barriers that may make it harder to access housing or services in the future. Sweeps can disrupt service provision and exacerbate well-founded mistrust of government workers and institutions. People displaced by sweeps frequently end up in even more dangerous living conditions.

Furthermore, criminalizing unhoused people for the act of being homeless violates their civil rights. Courts have repeatedly struck down laws that criminalize the status of being homeless by banning occupation of public spaces when people have nowhere else to go. Most recently, the Ninth Circuit Court of Appeals struck down such an ordinance in *Martin v. Boise*, 902 F.3d 1031 (2018), stating that, “As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.” *Id. at 1037*. Additionally, as the 9th Circuit ruled in *Lavan v. City of Los Angeles*, 693 F. 3d 1022 (2012), the personal property of persons is protected by constitutional law and state statutes¹ and must be accorded due process protections. AB 2633 seeks to accomplish what the court prohibited in those cases.

While we oppose AB 2633, we would welcome an opportunity to work with the bill’s author to secure additional state resources for service provider outreach, permanent and affordable housing, and community-based services to support our unhoused neighbors in connecting to the housing and care they want and need.

Thank you for your consideration.

Sincerely,



Mari Castaldi
Senior Legislative Advocate on Homelessness
Housing California



Cynthia Castillo
Policy Advocate
Western Center on Law and Poverty

¹ See Cal. Civil Code §§ 655, 663, 671.



Patti Prunhuber
Senior Housing Attorney
Justice in Aging



Tristia Bauman
Senior Attorney
National Homelessness Law Center



Nadia Aziz
Directing Attorney
Law Foundation of Silicon Valley



Melissa A. Morris, Staff Attorney
Lauren Hansen, Staff Attorney
Public Interest Law Project



Gregory Cramer
Disability Rights California



Paul Boden
Western Regional Advocacy Project



Sasha Ellis
Senior Attorney
Bay Area Legal Aid



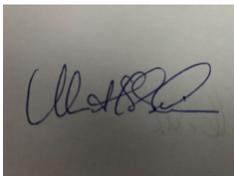
Kevin Baker
ACLU California Action



Sharon Rapport
Corporation for Supportive Housing



Scott Dreher,
DREHER LAW FIRM



Martha Sullivan
San Diego Housing Emergency Alliance



John Raphling
Human Rights Watch