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Controller Mejia Condemns Supreme Court Ruling Allowing Cities to Criminalize Homelessness

Today, the US Supreme Court ruled that Los Angeles and other cities can criminally punish people for sleeping outside - clearing the way for cities to punish unhoused people for their existence - even when those cities do not have places for those people to sleep. The 9th Circuit Court of Appeals previously ruled that it is “cruel and unusual punishment” to criminalize people for sleeping outside when there is no available shelter.

The Controller’s Office strongly condemns the Supreme Court’s decision. Our own Office’s work was cited in the Grants Pass v. Johnson brief in support of unhoused peoples’ rights. The brief cited our Office’s finding that last year, there were only approximately 16,000 shelter beds but approximately 46,000 unhoused people in the City of LA. Just today, it was announced by the Los Angeles Homeless Services Authority (LAHSA) that there are still approximately 45,000 unhoused people here.

If the City somehow managed to fill all 16,000 beds and the scant collection of other housing resources, where would the Supreme Court suggest the remaining tens of thousands of people go? For people who cannot afford our soaring rent prices, whose friends and family can’t support more people under their roof, who can’t access affordable health care, mental health support, or substance abuse support - there is nowhere for them to go but streets, sidewalks, parks, and other public spaces - where it is now illegal for them to be.

When you see unhoused people in Los Angeles, you’re seeing people who have no choice but to live their lives on sidewalks, in front of our apartments and houses, in front of our shops and restaurants, on medians, on freeway exits, under freeway overpasses. Our neighbors have nowhere else to go.

Today’s Supreme Court ruling means that City officials now have the power to arrest any unhoused person whenever they take up space in public. The ruling promotes throwing people away - by jailing them or dumping them in other cities - as a method of “solving” homelessness. But how can this cruel method really solve homelessness when more people are continually becoming newly homeless? Today, LAHSA reported that 120 people are falling into homelessness for every 100 people coming out of it.

Homelessness happens when people lose their homes due to skyrocketing rents, unaffordable home prices, disappearing community spaces, inaccessible medical care, inaccessible

substance use support, domestic violence, an inequitable job landscape, and stunted wage growth. None of these problems will be solved by ticketing or arresting unhoused people.

The City already has a local law that allows for criminalization of homelessness in certain types of public spaces, Municipal Code 41.18. Not only is it cruel - adding further burden to already severely burdened people - LAHSA also found that it isn't effective at either helping to house people or even reducing encampments, while costing over \$3 million in two years, not even including enforcement costs.

In recent years, by law, cities could not generally criminalize homelessness when no shelter exists. During this time, the City averaged 662 arrests per year under 41.18. Before that, the City averaged 4,781 41.18 arrests per year.

Now that the door is open to criminalizing homelessness, we can expect to see homelessness arrests catapult. And going by the City's data, we can also expect that we won't see punitive measures result in meaningful reductions in homelessness or encampments.

Los Angeles can and must make our own decision, regardless of the Supreme Court's decision, not to punish people for not having homes. Our Office urges the Mayor and City Council to ban criminalizing homelessness. We also urge the City Attorney to not enforce laws that criminalize homelessness while the legislative process runs its course. The City must prioritize preventing more people from falling into homelessness, and we must prioritize getting unhoused people permanently housed with support services.

Punishing people for sleeping in public spaces when they have nowhere else to go may now be lawful, but it is flat out cruel and unusual punishment. The City of LA can and must choose better.