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Contact: Teresa Stricker
Phone: 415.848.7242
Email: tstricker@publiclawgroup.com

RPLG FILES AMICUS BRIEF IN SUPPORT OF CERTIORARI IN CITY OF BOISE V. MARTIN

SAN FRANCISCO, September 24 – Today, Renne Public Law Group (RPLG), a San Francisco-based law firm that represents local governments, filed an *amicus* (friend of the court) brief asking the United States Supreme Court to review *City of Boise v. Martin*, Case No. 19-247—a decision by the Ninth Circuit Court of Appeals that could jeopardize the ability of cities and counties to get people living on the streets into shelters and provide them with the services they need, and to move homeless people camping in hazard-prone areas to safety.

The Ninth Circuit ruled that enforcing local laws prohibiting camping and sleeping on public property “when no sleeping space is practically available in any shelter” within the jurisdiction violates the Eighth Amendment protection against cruel and unusual punishment. Because the standard adopted by the Court is so poorly defined, counties and cities that try to enforce anti-public camping laws could face federal civil rights lawsuits that could cost taxpayers millions and divert public funds away from the ongoing efforts of counties and cities to increase support services and build more shelters and permanent affordable housing.

Although the ruling dealt specifically with the City of Boise, Idaho, it is binding on all federal trial courts in California.

The *amicus* brief was filed on behalf of the California State Association of Counties (CSAC) and a coalition of 33 concerned California counties and cities: the Counties of Los Angeles, San Diego, Sacramento, Orange, Riverside, San Joaquin, Fresno, Sutter and Del Norte; and the Cities of Sacramento, Covina, Crescent City, Fairfield, Fullerton, Gardena, Glendora, Laguna Beach, La Habra, Lodi, Lompoc, Manhattan Beach, Manteca, Newport Beach, Redondo Beach, Salinas, San Buenaventura, San Rafael, Thousand Oaks, Torrance, Vista, West Covina, Westminster and Whittier.

Despite limited resources, California’s cities and counties are at the forefront of developing ways to provide supportive services to the state’s growing homeless population. As the *amicus* brief explains: “No one doubts the severity of the nation’s homelessness crisis or the need for more housing and support services. In the face of this crisis, counties and cities throughout California—where nearly half of the nation’s unsheltered population resides—have developed creative and effective solutions and devoted extraordinary resources to provide temporary shelter and social services for homeless individuals while making efforts to build more permanent supportive housing.”

But as the *amicus* brief points out, the standard that the Ninth Circuit adopted for determining whether a homeless person's Eighth Amendment rights are violated—whether a shelter bed is “practically available” for each homeless person in the jurisdiction at a given time—is unworkable and raises more questions than it answers. For example, is shelter “practically available” if it does not accommodate large amounts of personal belongings or a homeless person's partner or spouse? How do counties or cities reliably determine the number of homeless people within their borders so that they know whether they have sufficient shelter beds available at any given moment? How are available shelter beds and homeless people to be counted when it comes to shelters that serve multiple cities or counties? What if a shelter bed is available for the particular person cited for camping in public but not for the many homeless people the city or county has not cited?

"Connecting California's growing homeless population with much-needed shelter and services is a critical priority for counties and cities throughout the state," stated RPLG Founding Partner Teresa Stricker, lead counsel for *Amici* CSAC and coalition members. "The Ninth Circuit's ill-defined ruling could derail efforts to implement short- and long-term housing and service solutions by fostering endless and costly litigation over the decision's meaning."

The Supreme Court is expected to decide whether to hear the case by 2020.

A copy of the *amicus* brief can be found [here](#). Inquiries to RPLG regarding *City of Boise v. Martin* should be directed to Teresa Stricker at 415.848.7242 or tstricker@publiclawgroup.com.