



Agenda Item D.1
DISCUSSION/ACTION ITEM
Meeting Date: October 7, 2025

TO: Mayor and Councilmembers

SUBMITTED BY: Winnie Cai, Assistant City Attorney
Chuck Flacks, Homelessness Services Coordinator

SUBJECT: Camping and Vehicle Dwelling Regulation and Enforcement

RECOMMENDATION:

Provide direction on the regulation of and enforcement against vehicle dwelling and encampments on City property, including whether an enforcement measure should be the issuance of a forgivable administrative citation as described in the staff report.

BACKGROUND:

The City has historically addressed encampments in its open space areas, creeks, sidewalks, library, and other public facilities. Recently, the City has received a number of resident complaints regarding individuals who dwell in their vehicles parked on City streets. The public health and safety risks and nuisances caused by individuals who set up encampments and/or live in their vehicles parked on City property include fire risks to life and property, public health sanitation issues, noise nuisances, damage to environmentally sensitive habitats, and the like.

The growing phenomenon of people living in their vehicles is not unique to the City of Goleta. The housing crisis affecting the State of California and the nation exerts tremendous upward pressure on rents and home prices. Increasingly people who are disabled, fleeing domestic violence, commuting to work, or struggling with mental health or substance misuse issues are the most vulnerable bearing the burden of high rents. They often have little choice but to seek shelter in their vehicles. Throughout the Tri-County region, every city and county seeks solutions that both protect public safety and humanely enable people experiencing homelessness to find permanent housing. No jurisdiction has succeeded in solving the problem of homelessness; however, the greatest successes have occurred where there is a concentrated combination of effective outreach, sufficient shelter and safe parking spaces, and permanent housing with sufficient services to keep people housed.

Continuing the work of the Homelessness Strategic Plan (2021), the City uses a collaborative and multi-agency approach to address homelessness within its boundaries. The City's full-time Homelessness Services Coordinator in the Neighborhood Services Department, works closely with staff from the County of Santa Barbara's Homelessness

Services Division of the Community Services Department, the Department of Behavioral Wellness, non-profit agencies, the Sheriffs' Office, staff in the City's Public Works Open Space Division, and others to provide services to individuals experiencing homelessness. The City's policy is to provide a compassionate approach that is focused on rehabilitating and supporting an individual who is suffering from homelessness. Highlights of these efforts include:

- A contract for outreach services with City Net, which includes connecting and offering services to people experiencing homelessness in encampments and living in vehicles;
- Safe Parking services in five lots (36 spaces) for eligible people living in vehicles provided by New Beginnings Counseling Center;
- Partnership with the County of Santa Barbara and New Beginnings Counseling Center for outreach, case management, essential services, and housing; navigation. To date, this three-year program has a 76% success rate in placing participants in shelter and housing for the City of Goleta; and,
- Ongoing encampment clearings involving both placement of people in shelter and housing by nonprofit service providers, and removal of debris and trash by the Public Works Department.

With this approach, there are still situations in which the City's offer of services do not completely address all homelessness issues in the City. The City also has an obligation to address the public health and safety consequences of people living in their vehicles and encampments.

On August 12, 2025, the Homelessness Committee held a public meeting and received public comment from residents expressing concern about the health and safety impacts related to people dwelling in vehicles on residential neighborhood streets. Staff from New Beginnings Counseling Center, operator of Goleta's Safe Parking Program, discussed trying to obtain greater participative in supportive services. The Committee directed staff to evaluation to process for issuing a ticket (e.g., administrative citation) that is forgiven if individuals enroll in certain supportive programs (e.g., safe parking, budgeting classes, and the like) and differentiating between individuals who are unhoused and living their vehicles versus those who using their vehicles for short-term stays. The Committee reached a consensus that staff should return with a range of criminal, administrative, and programmatic options aimed at reducing the number of vehicles used for dwelling while creating stronger incentives for individuals to engage with available services.

This staff report will (1) summarize the existing regulatory and enforcement framework of the encampment and vehicular dwelling municipal codes, and (2) present solutions to address the public health and safety risks associated with people living in encampments or vehicles on City property. Staff seeks Council's direction on certain ordinance amendments and enforcement policies.

DISCUSSION:

1. Existing Regulatory Framework

A. Camping Ordinance

In 2023, the City amended Chapter 12.01 of the Goleta Municipal Code (“GMC”) to prohibit camping, whether inside or outside of a vehicle, on City property. The definition of “camp” is to use camp facilities and camp paraphernalia. (GMC 12.01.020.) “Camp facilities” include but are not limited to tents, shacks, huts, temporary structures, or specialty vehicles. “Camping paraphernalia” includes tarpaulins, cots, beds, hammocks, cooking facilities and similar items. (GMC 12.01.020.) The ordinance specifically states that absent exigent circumstances related to immediate threats to the public health, safety, or welfare, the City’s encampment regulations would not be enforced against someone sitting, sleeping, and lying on public property when no alternative shelter or publicly available campsite is available *except* in high fire areas. Encampments, especially in open space areas, creeks, parks and undeveloped property, pose a significant fire risk to life and property.

B. Vehicular Dwelling Ordinance

In addition to Chapter 12.01 of the GMC that prohibits camping in a vehicle, Chapter 10.04 of the GMC also prohibits a person from parking a vehicle, recreational vehicle or trailer on any City street for the purpose of sleeping, camping or occupancy. (GMC 10.04.040) Concurrently, GMC 12.01.040 provides that notwithstanding the prohibition against sleeping in a vehicle parked on a public road, it is not the intent of Chapter 12.01 to prohibit persons who must pull off the public road and sleep inside or outside their vehicles when necessary for their safety or the safety of others.

GMC 10.04.040 also authorizes the City to tow a vehicle that is not moved within 72 hours. This code language is a carryover from the County. Since City incorporation, case law has changed to require laws imposing towing to follow the Community Caretaking Doctrine.

Under the Community Caretaking Doctrine, police may, without a warrant, impound and search a vehicle so long as they comply with standardized procedures of the local police department and further a community caretaking purpose, such as promoting public safety or the efficient flow of traffic. (*United States v. Torres* (2016) 828 F.3d 113) Where a warrantless removal of a vehicle is based on a community caretaking statute, a police officer must have both a valid storage authority (i.e., Vehicle Code 22651 which sets forth storage authority and other bases for impounding a vehicle) and a community caretaking justification such as, but not limited to the following examples: (1) if the vehicle is towed to prevent a hazard to other drivers; (2) if the officer towing the vehicle is protecting the public; and (3) if the officer is preventing a theft or vandalism to the vehicle.

2. Regulatory Options

A. Encampment Ordinance Amendments

In 2023 when the City adopted its encampment ordinance, the case *Martin v. City of Boise*, 920 F.3d 584 (9th Cir., 2019) was still in effect. In that case, the Ninth Circuit held that imposing criminal penalties for sleeping or camping in public when no alternative shelter was available violated the Eighth Amendment's prohibition on cruel and unusual punishment. In 2024, the United State Supreme Court, in *City of Grants Pass v. Johnson*, No. 23-175 (U.S. June 28, 2024) overturned *Boise*, reasoning that the Eighth Amendment addresses the type of punishment a government may impose after a conviction but does not limit the conduct a government may criminalize in the first instance. In doing so, the Court emphasized that homelessness is a complex social problem best addressed by state and local policymakers rather than through constitutional prohibition.

Given these legal changes, the City may now enforce its encampment prohibitions regardless of shelter availability, but enforcement must still comply with constitutional protections, including the Due Process Clause, the Excessive Fines Clause, and the Fourth Amendment. As a result, jurisdictions that proceed with encampment enforcement should still adequately notice any clearings, provide for property safeguards such as storage of personal items, and outreach. The City currently complies with all of these factors.

In May 2025, Governor Gavin Newsom released the "Model Ordinance: Addressing Encampments with Urgency and Dignity" (Attachment 1). The Model Ordinance is intended as a starting point for jurisdictions to adapt to their own needs. The Model Ordinance emphasizes three guiding principles:

1. Avoiding policies that effectively banish unhoused individuals from an entire jurisdiction without offering adequate indoor shelter;
2. Prioritizing the provision of shelter and services before enforcement; and
3. Ensuring officials retain authority to clear encampments to protect health, safety, and public access.

The Model Ordinance prohibits camping within 200 feet of the same area of public property for three (3) consecutive days or nights, camping within 200 feet of a posted notice that indicates encampment clearance or otherwise prohibiting sitting, sleeping, lying, or camping and to sit, sleep, lie or camp on a public street that blocks access under the Americans with Disabilities Act (ADA). The Model Ordinance retains an element of the *Boise* case in that it requires city officials to make *every reasonable effort* to identify and offer shelter and services to persons living in an encampment.

Policy Questions:

1. Should the City's ordinance incorporate some or all of the elements of the Governor's Model Ordinance?
2. In light of the *Grants Pass* decision, how should GMC 12.01.030(B) be amended? Should the entire provision be removed?

“Absent exigent circumstances related to immediate threats to the public health, safety, or welfare, the provisions of this section will not be enforced against indigent homeless persons sitting, lying, or sleeping on City-owned public property, except in high fire areas, when no alternative shelter or publicly available campsite is available in accordance with the holding in *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584.”

- a. The Model Ordinance supports the policy that the local jurisdiction make reasonable efforts to identify and offer services and shelter before enforcement. The above section can incorporate a “reasonable” effort to find shelter instead mandating shelter before enforcement.
- b. The City also has the option to remove the entire provision since *Boise* was overruled, and cities can now enforce its camping prohibitions regardless of whether adequate shelter is available.

If Council supports amending the encampment ordinance, staff will bring back a future agenda item with the GMC amendments.

B. Vehicular Dwelling Ordinance Amendments

Given that the City does allow for a certain amount of sleeping in one’s vehicle for safety purposes (GMC 12.01.040), the City could consider amending its vehicular dwelling regulations to be more specific about what behavior constitutes dwelling in one’s vehicle (GMC 10.04.040). In consultation with the Sheriff’s Office, staff recommends adding more indicia of dwelling into the ordinance, including the presence of sleeping materials such as blankets, pillows, sleeping bags, mattresses, obscured windows, slightly cracked windows, the vehicle is stationary for hours, especially overnight, the presence of cooking appliances, and utensils, and food. Any analysis of a violation would involve a totality of the circumstances.

Policy Question:

1. Should the City add more indicia of vehicle dwelling to GMC 10.04.040?
2. Does the City want to keep the concept of towing? The language either needs to be eliminated or, if kept, factors under the Community Caretaking Doctrine will need to be added.

If Council supports amending the vehicular dwelling ordinance, staff will bring back a future agenda item with the GMC amendments.

3. Enforcement Framework

The City’s enforcement of its encampment and vehicular dwelling ordinances has adhered to the City’s Homelessness Strategic Plan. When the City encounters an individual who is living in an encampment or vehicle, the City’s staff, County Behavioral Health, and outreach officials from nonprofit agencies contact the individual to understand their situation, offer them services, which may include shelter, a bus ticket, transportation,

and the like, and get them registered into the Homeless Management Information System (HMIS) so that staff can continue to assist the individual to get to a better living situation.

In the case of encampments, if an individual in an encampment does not accept services and other assistance after multiple offers over a period of time, City staff would provide 72 hours' notice of clearance of an encampment. This step has proven to be effective in most circumstances.

However, if an individual still does not remove their encampment on City property after a clearing, the City has the option to work with the Sheriffs to issue a ticket to the individual for violation of the City's codes or California Penal Code, depending on the offense. A violation of the municipal code could be prosecuted as 1) an infraction, a low-level criminal offense which usually imposes a fine, or 2) a misdemeanor, a more serious criminal offense that carries a penalty of up to \$1000 in fines and up to six months in jail.

An infraction of a municipal code is typically written by a Sheriff Deputy and is processed through the traffic courts of the Santa Barbara County Superior Court. An infraction ticket imposes a fine, which includes the City's bail schedule amount (\$100 for GMC 10.04.040 and GMC 12.01.030) and court fees (approximately \$370). These infractions are adjudicated in traffic court whereby the judge has the authority to reduce the fine. Conversely, if a number of similar infraction tickets accumulate, the judge could issue a bench warrant for the arrest of the individual. In addition, the record of unpaid infraction tickets also has the potential to be reported to the Department of Motor Vehicles (DMV).

As a further measure of enforcement, which the City has not had to utilize yet and would only utilize as a last resort, the City could file a criminal complaint against an individual for a misdemeanor violation of the municipal code authorized by GMC 1.01.190. It would be utilized against individuals who have rejected multiple offers of service, have not removed their encampment over multiple clearings, and their encampments are posing a exigent public health and safety risks to life and property.

4. Enforcement Options

A. Administrative Citations

One enforcement option that has not been contemplated in the past is to issue an administrative citation against individuals who are violating the camping or vehicular dwelling ordinances but allow for the citation to be rescinded if the individual moves into a shelter, enrolls in a safe parking program, or other program within a certain time period.

Pursuant to Chapter 1.02 of the GMC, the City has the option to make violations of the GMC subject to administrative fines:

- \$100 for the first violation;
- \$200 for the second violation within one year of the date of the first violation;
- \$500 for the third or subsequent violation within one year of the date of the first violation. (GMC 1.02.080(B).)

The concept of using the administrative citation process would be that after an individual rejects shelter, services, or both and continues to violate the GMC by camping or dwelling in their vehicle on City property, a Sheriff Deputy or City employee can issue an administrative citation to the individual. The citation issued would include the cost of the fine, a warning about the amount of fines for future and continuing violations, information on how to appeal the citation, and steps on how to get the citation rescinded. Individuals who do not pay their administrative citations are subject to civil remedies, including having a civil lawsuit be filed against them.

If an administrative citation framework is put into place, the City would rely on the Sheriff's Office to issue citations. Given the capacity of our Sheriff Deputies, they will not likely be patrolling City streets on a regular basis to proactively find people who are violating the codes. They would respond to complaints about certain areas and issue citations if, in their discretion, they have sufficient evidence for a violation.

In conjunction with this proposal is the City's efforts to increase the opportunities for safe parking programs to occur within the City. At its public meeting on September 16, 2025, the City Council voted to amend the City's safe parking regulations to allow for more types of properties on which a safe parking program can be operated. The ordinance amendments also ease the City's requirements on operations and remove barriers to safe parking that have historically deterred certain individuals.

The Homelessness Services Division within the Neighborhood Services Department has budgeted funds to support the operation of an expanded safe parking program. As part of this expansion, City staff will support an outreach effort to property owners willing to host the program. These new spaces would conform to the amended ordinance and require oversight from a nonprofit service provider. The intention of this expanded program is to support the increased demand for safe parking services, particularly as citations for camping in one's vehicle are issued.

B. Model Ordinance

In terms of enforcement, Governor Newsom's Model Ordinance includes recommendations:

- No City officials should enforce until they have made a reasonable effort to identify or offer shelter and supportive services.
- City officials shall post a notice at least 48 hours before a clearing and should include information about the date and time of the clearing, services and shelter, and how unattended personal belongings will be handled and can be reclaimed. This notice can be shortened if there are exigent circumstances of imminent threat to life, safety, health, or infrastructure.
- Personal belongings include items of apparent value of \$50 or more and items of personal value (eyeglasses, wheelchairs, walkers, medical equipment, personal papers, photographs, IDs, bank statements, backpacks, etc.)

- Items that constitute a health and safety risk are not required to be stored, including toxic sharps, chemicals, soiled items, moldy/mildewy items, items infested by rodents and insects, and items that pose a risk of fire or explosion and propane tanks.
- Bulky items, such as mattresses and sheds, and perishable items, such as food, controlled substances, contraband, and trash or debris, will not be collected.

The City, by and large, already has a policy of encampment clearance that follows all these measures. The only differences are (1) the City provides 72-hour notice of a clearing whereas the Model Ordinance suggests 48-hour notice and (2) the City's personal belongings threshold is \$100 whereas the Model Ordinance suggests \$50. It is not necessary or recommended to memorialize these enforcement items into an ordinance. Having the encampment clearance procedures remain a policy document helps the City be nimble depending on the physical situation. If the enforcement policies are included in an ordinance, any change to it would require a first and second reading before Council and a waiting period of 30 days after the second reading before the change is effective.

Policy Questions

1. Should there be any changes to the existing enforcement framework?
2. Should the City start utilizing the administrative citation with a forgiveness component against individuals who set up encampments or dwell in their vehicles in violation of the City's laws? If Council supports the use of the administrative citation process, staff would develop a program in collaboration with the Sheriff's Office and begin this enforcement mechanism as soon as possible.
3. Should any of the components of the Governor's Model Ordinance on encampment clearing be incorporated into the City's encampment clearance policy? Public Works Open Space Division staff recommends Council allow staff to shorten its current 72-hour noticing policy to 48 hours and reduce the value of personal belongings from \$100 to \$50 to be eligible for storage and reclamation.

FISCAL IMPACTS:

Depending on Council direction, fiscal impacts will vary. The fiscal impacts of ordinance amendments will involve staff time, and the use of the administrative citation process will involve Sheriff and staff time. While fines may generate some revenue, collection rates are expected to be low.

ALTERNATIVES:

All alternatives have been provided above.

LEGAL REVIEW BY: Isaac Rosen, City Attorney

APPROVED BY: Robert Nisbet, City Manager

ATTACHMENT:

1. Governor Gavin Newsom's Model Ordinance: Addressing Encampments with Urgency and Dignity

ATTACHMENT 1

Governor Gavin Newsom's Model Ordinance: Addressing Encampments
with Urgency and Dignity



OFFICE OF THE GOVERNOR

Model Ordinance: Addressing Encampments with Urgency and Dignity

After the Supreme Court's decision in *Grants Pass v. Johnson* clarified that officials can take reasonable actions to clear encampments, the Governor signed Executive Order N-1-24, which directed state agencies to develop policies to prioritize addressing encampments on state property while providing reasonable advance notice and partnering with shelter and services providers. That Executive Order also encouraged local governments to adopt similar policies, and to use all available resources and infrastructure, including the historic resources provided by the State, to take urgent action to humanely remove encampments from public spaces. And the Governor directed the California Interagency Council on Homelessness to create guidance, published here, for local governments to follow in creating and implementing those programs.

This model ordinance is intended to provide a starting point that jurisdictions may build from and adjust in creating their own policies. It draws from the state's proven and workable approach — an approach that, between July 2021 and May 2025, has cleared more than 16,000 encampments and over 311,873 cubic yards of debris from sites along the state right of way. These results demonstrate that the policy is both effective and scalable, offering a sound, adoptable framework for jurisdictions to resolve encampments with urgency and dignity.

This model ordinance is not intended to be comprehensive or to impose a one-size-fits-all approach for every city. Tailoring is expected and appropriate to account for local differences and priorities. For example, a jurisdiction may choose to restrict camping at all times in certain sensitive locations, such as near schools; limit camping to no more than one night in the same location; or require a longer notice period before removal. While specific policies may vary, all local approaches should reflect three basic principles embodied in this model:

- No person should face criminal punishment for sleeping outside when they have nowhere else to go. Policies that prohibit individuals from sleeping outside anywhere in the jurisdiction without offering adequate indoor shelter, effectively banishing homeless individuals from the jurisdiction's borders, are both inhumane and impose externalities on neighboring jurisdictions, which must face the costs and challenges of an increased unsheltered homeless population.
- Encampment policies must prioritize shelter and services and ensure that people experiencing homelessness and their belongings are treated with respect.
- Policies must not unduly limit local authority to clear encampments. Officials must be able to enforce common-sense policies to protect the health and safety of their residents and maintain their public spaces. When officials lack appropriate tools, encampments persist, endangering the health and safety of those living in and alongside them.

There is no compassion in abandoning Californians to the dangers and indignities of encampments. Encampments pose a serious public safety risk, often causing fires and exposing encampment residents to increased risk of sexual violence and criminal activity, to property damage and break-ins, and unsanitary conditions affecting both residents and neighbors. And they dampen and deter both commercial and recreational activity through the accumulation of hazardous material and excessive debris, harming downtowns and depriving Californians of their public spaces. Large encampments and those with semi-permanent structures exacerbate and perpetuate these harms. Every local government must have a plan to address them.

Model Ordinance [For Local Customization]

Section XX1. Encampments

Unless authorized by permit or other applicable law, it is unlawful:

- (a) To construct, place, or maintain on public property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of sheltering one or more persons.
- (b) To camp on public property, including but not limited to using, placing or maintaining a tent, sleeping bag, blanket, or other materials for the purpose of sleeping, lying, or sheltering one or more persons for more than three consecutive days or nights in the same location. For purposes this section, the same location shall mean within 200 feet of the location in which the person camped on the previous day or night.
- (c) To camp within 200 feet of any posted notice to vacate or other official signage designating a location for encampment clearance or otherwise prohibiting sitting, sleeping, lying, camping, or placing personal property in that location.
- (d) To sit, sleep, lie, or camp on any public street, road, or bike path, or on any sidewalk in a manner that impedes passage within the meaning of the American Disabilities Act.

Section XX2. Enforcement

- (a) Except in exigent circumstances involving an imminent threat to life, safety, health, or infrastructure, each of the following shall be satisfied prior to the enforcement of section XX1:
 - (i) City officials, or any agent acting on their behalf, shall make every reasonable effort to identify and offer shelter at an emergency shelter, navigation center, or other appropriate housing, and to offer supportive services, to persons living in the encampment.
 - (ii) City officials, or any agent acting on their behalf, shall post a notice to vacate in a prominent location at the encampment site at least 48 hours prior to the enforcement action. That notice shall include, at a minimum:
 - (1) The anticipated date and time of the enforcement action

- (2) Information on services, including shelter, that are immediately available to persons living in the encampment
 - (3) Information on how unattended belongings will be handled the day of the enforcement action, including what will be stored, how they can be recovered, and the date by which they must be claimed.
- (iii) No enforcement operations shall begin earlier than the date and time on the notice to vacate. If the enforcement work does not begin within two days of the date written on the notice, a new notice must be posted a minimum of 48 hours before enforcement operations may begin.
- (b) Where exigent circumstances require less than 48 hours' notice prior to enforcement of section XX1:
 - (i) City officials, or any agent acting on their behalf, shall provide as much advance notice of enforcement as reasonably possible under the circumstances; and
 - (ii) As soon as reasonably possible following enforcement action, city officials or any agent acting on their behalf shall post notice at or near the encampment site describing where items taken during the enforcement action are stored, how they can be recovered, and the date by which they must be claimed.
- (c) Personal belongings collected at the encampment site that are not a health or safety hazard shall be collected, tagged, and stored for not less than 60 days following an enforcement action.
 - (i) "Personal belongings" includes:
 - (1) items of apparent value of \$50 or more
 - (2) items of apparent personal value, including, but not limited to: eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment, habitable tents, personal papers (such as photographs, albums, ID's, bank statements, and legal papers), backpacks, containers, and operational bicycles, scooters, and strollers.
 - (ii) Items that constitute a health and safety risk and will not be collected include, but are not limited to:
 - (1) Toxic sharps: needles, scissors, knives.
 - (2) Chemicals: bleach, paint, oils, etc.
 - (3) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids.

- (4) Moldy, mildewed items.
 - (5) Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
 - (6) Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
 - (7) Backpacks and closed containers that have been determined by an individual licensed to identify and handle hazardous materials to contain items listed in (1)-(6) above or (iii) below. Such backpacks and closed containers may be discarded where no individual licensed in hazardous materials is present to make a determination.
 - (8) If personal belongings are co-mingled or littered with needles, human waste, or other health risks, the entire pile of belongings may be disposed of. The presence of clothing in a backpack or container shall not be the sole reason to discard the backpack or container.
- (iii) Bulky items such as mattresses and sheds, perishable items such as food, controlled substances, contraband, and trash or debris will not be collected and stored. Contraband and controlled substances should be handled by trained professionals and consistent with applicable law.
- (d) Nothing in this section shall be construed to limit or prohibit city officials from enforcing any other city or state laws, including, but not limited to, laws governing use of controlled substances or weapons, fire codes, and public nuisance laws.

Section XX3. Regulations

- (a) The [relevant department or agency] shall issue regulations or guidelines necessary to aid in the implementation or enforcement of this chapter.