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WATCH

“You Have to Move!”

The Cruel and Ineffective Criminalization of
Unhoused People in Los Angeles



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Unhoused People in Los Angeles**

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The Cruel and Ineffective Criminalization of Unhoused People in Los Angeles

Summary.....	1
Key Findings	3
Houselessness, Housing, and Hope: The Case of Sonja Verdugo	5
Houselessness in Los Angeles	7
The Causes of Houselessness.....	8
Criminalization	9
Inside Safe and the Bass Administration Approach to Houselessness	17
Housing Solves Houselessness	18
Relevant International Human Rights Law	19
Key Recommendations.....	21
Methodology.....	23
Key Definitions.....	27
Homeless/unhoused or houseless	27
Shelter or Housing	28
Encampments.....	29
Criminalization	30
Sweeps/Cleanups.....	31
Los Angeles City/County.....	31
Interim Housing and Shelter Programs	32
I. Criminalization in Practice: A Case Study.....	34
Naomi Avenue: A Little Known Encampment.....	34
II. Overview of Houselessness in Los Angeles	41
A. Gaps in the PIT Count	44
B. Who is Unhoused in Los Angeles?	45
C. Black Houselessness	49

D. Precariously Housed People	51
E. Death on the Streets.....	58
III. Drivers of Houselessness	61
A. Economic structure	61
B. Property Values, Housing, and Houselessness	71
C. Federal housing policy.....	73
D. State and Local Policies in California and Los Angeles	80
E. Houselessness in Los Angeles is a Manifestation of White Supremacy.....	82
IV. Criminalization: Arrest, Citation, and Coercion of Unhoused People by Police	94
A. Laws in Los Angeles Specifically Targeting Unhoused People	99
B. Other Laws Used Against Unhoused People.....	122
C. Unhoused People as Victims/Survivors of Crime.....	132
D. Move Along Orders and Other Harassment	137
E. Police Violence.....	139
F. The Evolution of Police Actions Towards Unhoused People	142
G. Gentrification and Criminalization	150
H. Criminalization Offers No Solution	151
V. Mental Health and Hopelessness: Institutionalization as Criminalization.....	153
A. “CARE” Court	155
B. Discriminatory Impact—CARE Court.....	159
C. CARE Act and SB 43 Expand State Power to Control Lives Through Conservatorships	159
VI. Sanitation Sweeps as Criminalization	162
A. Hampton Drive, Venice—Case study of LASAN destruction	162
B. Sweeps Throughout the City	170
C. Police Enforcement and the Sanitation Sweeps	171
D. The Legal Evolution of Sanitation Sweeps	173
E. 31 st and Main: An Unhoused Community.....	176
F. CARE and CARE+	181
G. Notice of Cleanings	184
H. Storage	189
I. Sanitation as Justification for Banishment.....	193
VII. Services and Criminalization.....	199
A. The MacArthur Park Closure.....	199
B. LAHSA’s Important but Controversial Role	204
C. Council-District-Directed Outreach and Encampment Clearance	215

D. Outreach, Sweeps, and “Service Resistance”	232
E. Lack of Housing Resources Undermines Outreach Efforts	235
VIII. Housing, Interim Shelter, and Criminalization	237
A. Project Roomkey (PRK)	238
B. Other Shelter and Interim Housing	248
C. Shelters Enable Criminalization	263
D. Prioritizing Shelter Over Housing: A Misguided Policy	267
E. Encampments as Interim Housing	273
IX. Housing Solves Houselessness	279
A. The “Housing First” Policy	280
B. Other Housing Measures that Address Houselessness	287
C. Other Approaches to Housing Development	291
D. Preservation of Affordable Housing	293
X. Mayor Bass and Inside Safe	297
A. Inside Safe Clears a Longstanding Venice Community	297
B. Inside Safe Across the City	300
C. Who Gets the Inside Safe Hotel Rooms	305
D. Coercion and the Conditions in Inside Safe Facilities	307
E. Aetna Street Inside Safe Operation	311
F. Inside Safe is Similar to Project Room Key	314
G. Housing Efforts Under the Bass Administration	315
XI. International Human Rights Law and the Criminalization of Houselessness	321
A. Right to Housing	321
B. Rights Denied by Criminalization	325
Recommendations	328
Affirm the Right to Housing	328
Mitigate Racial Discrimination	328
End Criminalization	329
Housing First	331
Develop Affordable Housing	331
Provide a Social Safety Net	333
Houselessness Prevention	335
Acknowledgments	337

Summary

Adequate housing is an internationally protected human right. But the United States, which has been treating housing primarily as a commodity, is failing to protect this right for large numbers of people, with houselessness a pervasive problem. In the US city of Los Angeles, California, where the monetary value of property has risen to extreme heights while wages at the lower end of the economic spectrum have stagnated for decades, houselessness has exploded into public view. Policymakers addressing the issue publicly acknowledge the necessity of increased housing to solve houselessness, but their primary response on the ground has been criminalization of those without it.

The criminalization of houselessness means treating people who live on the streets as criminals and directing resources towards arresting and citing them, institutionalizing them, removing them from visible public spaces, denying them basic services and sanitation, confiscating and destroying their property, and pressuring them into substandard shelter situations that share some characteristics with jails. Criminalization is expensive, but temporarily removes signs of houselessness and extreme poverty from the view of the housed public. Criminalization is ineffective because it punishes people for living in poverty while ignoring and even reaffirming the causes of that poverty embedded in the economic system and the incentives that drive housing development and underdevelopment. Criminalization is cruel.

Criminalization effectively destroys lives and property based on race and economic class. It is a set of policies that prioritizes the needs and values of the wealthy, property owners, and business elites, at the expense of the rights of people living in poverty to an adequate standard of living. As a consequence of historical and present policies and practices that discriminate against Black and other BIPOC people, these groups receive the brunt of criminalization.

Arrests and citations as the direct mode of criminalization have decreased substantially over the past several years in Los Angeles. But authorities use the threat of arrest to support the relentless taking and destruction of unhoused people's property through sanitation "sweeps" and people's removal from certain public spaces. Criminalization has simply taken a different primary form, though punitive criminal enforcement always looms.

Criminalization responds in destructive and ineffective ways to legitimize concerns about the impact of houselessness on individuals and their communities. Rather than improving conditions and leading towards a solution, criminalization diverts vast public resources into moving people from one place to another without addressing the underlying problem.

In contrast to criminalization, housing solves houselessness. Policies that have proven effective include the development of affordable housing—with services for those who need them—preserving existing tenancies and providing government subsidies that help people maintain their housing.

This report takes an in-depth look at houselessness in Los Angeles and at city policies towards unhoused people in recent years, with reference to historical practices. It looks at criminalization enforced by police and the sanitation department and explores how homeless services agencies and the interim housing and shelter systems sometimes support and cover for that criminalization.

The report features the perspectives of people with lived experience on the streets and have directly experienced criminalization in all its forms. Human Rights Watch spoke to over 100 unhoused or formerly unhoused people, whose stories and insights inform every aspect of this report. The report features analysis of data obtained from various city agencies, including the Los Angeles Police Department (LAPD), Los Angeles Department of Sanitation (LASAN), Los Angeles Homeless Services Authority (LAHSA), and the Mayor's office, that exposes the extent and futility of policies of criminalization.

The report looks at the underlying causes of Los Angeles' large scale houselessness, primarily the lack of affordable housing. It explains how racist policies over the decades have created a houselessness crisis in the Black community. The report also discusses the proven effectiveness of preserving and providing housing as a solution to houselessness, including examples of people who faced criminalization on the streets and whose lives have dramatically improved once housed. Finally, the report makes recommendations for policies that end criminalization and that move towards solving the crisis and realizing the international human right to housing in Los Angeles.

We use the terms “houseless” and “houselessness” in this report in place of “homeless” and “homelessness” because they are more accurate, and because they more clearly

direct attention to what is needed to solve the underlying problem: housing. Calling a person “homeless” implies they do not belong and they should be removed from sight, while calling a person “unhoused” recognizes they have a right to exist in their community and need their human right to housing to be upheld.

Key Findings

- Over 75,000 people are without housing in the county of Los Angeles, including over 46,000 in the city of Los Angeles, which is, according to the official one-day “Point in Time” estimates for 2023, a 10 percent increase from the previous year. While only 1.1 percent of the overall US population, Los Angeles is home to 7.1 percent of the nation’s unhoused. Most unhoused people in Los Angeles live on the streets, in tents, or in vehicles rather than shelters or interim housing.
- On average, over six unhoused people die every day in Los Angeles County.
- Houselessness is caused by a lack of available affordable housing for people with little wealth and low income. Housing costs have increased dramatically in recent years, while working-class wages have stagnated. Over half a million renters in Los Angeles do not have access to affordable housing. The treatment of housing as a commodity, rather than as a right, results in this scarcity.
- Almost 60 percent of renters and 38 percent of homeowners (over 720,000 households) in Los Angeles are “cost-burdened,” meaning they pay over 30 percent of their income for housing, and over half of those are *severely* cost burdened, paying over 50 percent, while 270,000 Los Angeles households are overcrowded. People in these circumstances are precariously housed and at great risk of becoming unhoused.
- Despite comprising less than 8 percent of the total population, Black people make up one third of Los Angeles’ unhoused people. The odds of a Black person in Los Angeles being unhoused are six times greater than that of a non-Hispanic white person. Historic and current racist structures have made houselessness extreme among Black people in Los Angeles.
- Los Angeles invests heavily in criminalizing unhoused people, which causes human suffering and makes many unhoused people disappear from sight, while doing nothing to solve houselessness. Criminalization is primarily accomplished by the Los Angeles Police Department (LAPD) through arrests, citations, and other coercive

actions, and by the Sanitation Department (LASAN) through destruction of encampments and the property of unhoused people.

- Some laws LAPD enforces are written to specifically target unhoused people, like LA Municipal Code section 41.18, which forbids people from existing in certain public spaces; other laws, like those banning drinking alcohol in public or regulating activities in parks, though written to apply to anyone, are enforced by LAPD almost exclusively against unhoused people.
- From 2016 through 2022, 38 percent of all LAPD arrests and citations combined were of unhoused people, including nearly 100 percent of all citations and over 42 percent of all misdemeanor arrests.
- LASAN enforces laws against unhoused people by systematically and routinely conducting cleanings or “sweeps” in which they take and destroy property of people living in encampments, including tents, bedding, clothing, medicine, vital papers, family photographs, and other items of personal value.
- The Los Angeles Homeless Services Authority (LAHSA) provides services to unhoused people and has helped many get into shelter, interim housing, and some into permanent housing. However, LAHSA violates its own “guiding principles” against criminalization by participating in the sweeps. LAHSA provided shelter or housing referrals to any person at only 10 percent of the sweeps and attained shelter or housing for any person at only 3 percent, but their presence at the sweeps lends a veneer of legitimacy to the destruction by allowing officials to claim they are offering services more broadly.
- Interim housing and shelter move people indoors temporarily, but they are not a housing solution, as they lack the qualities needed to meet the right to housing, and rarely lead to placement in permanent housing. Without enough permanent housing, unhoused people can become stuck in shelters and interim housing for extended periods of time, or they return to living on the streets. This cycle is costly and does little to help people out of houselessness. City officials’ emphasis on interim housing and shelter over increasing permanent housing does not end houselessness.
- Affordable permanent housing, including “permanent supportive housing” for those who need it, has proven effective in combating houselessness, can be cost-effective, and dramatically improves people’s lives and communities.

Houselessness, Housing, and Hope: The Case of Sonja Verdugo

Sonja Verdugo was married, had a home in the LA neighborhood of Venice and a job in property management.¹ When her husband relapsed into his addiction and left their home, she fell into financial and mental distress. Over the course of a year, she lost her job and then her home, and herself relapsed after many years of sobriety. She lost connection with friends and family. She ended up in a tent and became part of the unhoused community living between City Hall and Chinatown.

While living in that community, she experienced persistent police harassment. Officers would arrive at 5 a.m. with megaphones demanding they take down their tents and hitting the tents with sticks. Verdugo frequently saw police ticketing people for having their tents up or for having their property on the sidewalk. Twice, police ticketed her for having her tent up, including one time when she put it up earlier than allowed because she was sick. She had no money to pay the fines.

LASAN carried out regular “cleanings” or sweeps in her community, for which they would give people a short time to pack up and move all their belongings or have them taken and destroyed. Verdugo saw the LASAN crews take and trash many of her encampment companions’ property. Police always accompanied LASAN on these destructive sweeps, ready to arrest anyone who delayed the process or resisted destruction of their property.

One night, Verdugo stayed at a nearby encampment to avoid a person who had threatened her. The next morning, LASAN arrived early to conduct a sweep at her home location. They threw away her tent, brand new cart, bed, dog bed and dog food. They put her paperwork, personal effects, identification, and family photographs into a trash compactor truck.

In 2020, after six years on the streets with no help or meaningful services from the government, Verdugo and her husband, with whom she had re-united, were offered a temporary room in a hotel through a program called Project Roomkey (PRK). While she was

¹ Human Rights Watch interview with Sonja Verdugo, Los Angeles, California, August 4, 2023: Her entire story comes from this interview and from observations of the Human Rights Watch researcher who interviewed her at her home and has visited various locations referenced in her history.

grateful to have a place to stay indoors with a bed and a shower, the hotel had oppressive rules, including curfews and limits on who could visit. Program staff entered the couple's room without notice, one time while she was sleeping. Staff took her husband's tools. She saw people getting evicted from the hotel regularly for minor rule violations.

While staying at the hotel, Verdugo constantly asked case managers for help finding permanent housing, but she got almost no response. They tried to move her into a "Tiny Home Village" (THV), but she refused. THVs are gated lots filled with eight-by-eight foot sheds with two beds, desks, and communal bathrooms, that serve as temporary shelter for unhoused people.

Fortunately for Verdugo, activists with Ground Game LA, a mutual aid and advocacy organization that seeks to empower unhoused people, assisted her; Ashley Bennett, a former Los Angeles Homeless Services Authority (LAHSA) outreach worker, was especially helpful. In the summer of 2022, Verdugo connected with a landlord who accepted her voucher.

In September 2022, Verdugo moved into her own apartment. "It is amazing to have this place," she said. The apartment is comfortable; she feels safe. She can lock her doors. She no longer worries about having her property stolen or destroyed. Her apartment has air conditioning, a television, a kitchen, and a shower.

Her husband died shortly after they moved into the apartment, but she is grateful he did not have to die on the streets. Having a home allowed her to be physically and emotionally present as he was dying and to properly mourn. It allowed her to help her stepson cope with the loss of his father. Having a home has allowed her to re-connect with friends and family in ways that were not possible while living on the streets. She has made friends among the people in her building and her neighborhood.

Grateful for the help she received, Verdugo now works for Ground Game helping other unhoused people navigate the system and advocate for themselves.

"My success is not normal. I had so much luck. I had Ashley and others help me. So many people don't have advocates. So many are isolated."

Verdugo has a wall in her new apartment covered with photographs of her family that LASAN workers will not be able to take and destroy.

Houselessness in Los Angeles

According to the official counts, in 2023 there were over 75,000 unhoused people in Los Angeles County, including over 46,000 in the City of Los Angeles, the largest unhoused population among US metropolitan areas and a dramatic increase from just a few years earlier. Over two-thirds of those were not in shelters or interim housing, but, instead, were living on sidewalks, in parks, on median strips and the sides of freeways, or in their cars, vans, and recreational vehicles. This official number, produced by volunteers one night in January as part of the Los Angeles Homeless Services Authority's (LAHSA) annual "Point in Time" count, may be a significant underestimate. It misses the many people living in motels, on friends or family members' couches, in hospitals and jails or otherwise out of sight at the time of the count.

The number of visibly unhoused people is just the most obvious manifestation of the housing crisis facing Los Angeles. Hundreds of thousands of residents are precariously housed, one medical bill or missed paycheck away from losing their homes and landing on the streets. Over 720,000 households in Los Angeles, including renters and homeowners, are "cost-burdened," meaning they pay over 30 percent of their income for housing; over a quarter of all renter households are "severely cost-burdened," paying more than half of their income for rent. In Los Angeles, 270,000 people live in overcrowded homes, 80,000 in homes defined as "severely overcrowded." These indicators of housing precarity are the highest in the US. People in these situations can flow in and out of houselessness easily.

The unhoused population includes a growing number of older people, women, families, young adults often leaving foster care, and people with disabilities, including those with high support requirements because of their mental health conditions. While making up only about 8 percent of the overall population, Black people are more than a third of Los Angeles' unhoused. The Latinx unhoused numbers are growing.

Living on the streets has become increasingly deadly, as disease; drugs, especially opioids and methamphetamine; and the stress and ravages of living exposed take their toll. In 2021, over 6 unhoused people died on average every day in the county of Los Angeles, up from 1.7 in 2014.

The Causes of Houselessness

The lack of available affordable housing is the primary cause of houselessness. If there is not enough housing available and accessible for everyone regardless of their income and wealth, then some people will be forced onto the streets. People with social risks that limit their ability to compete for this scarce resource are the ones who end up unhoused. Those most at risk include people with different types of disabilities or mental health conditions, people subject to racial discrimination and systemic racism, survivors of domestic violence, people with criminal records, people living with addictions, people without family support, especially youth and older people, unemployed people and people with low incomes. Wages and social security payments for working class people in Los Angeles and throughout California have not kept up with housing costs.

Without effective government action, market-based development that treats housing as an investment and means of accumulating wealth rather than as a right often results in outcomes harmful to rights. The cost of building in Los Angeles is extremely high, and it rarely makes economic sense for profit-driven actors to create affordable housing without some government incentives or interventions. Studies indicate that 500,000 people in Los Angeles lack access to affordable housing. Housing construction is occurring, but it is concentrated at the high end of the market.

Government action and inaction have compounded the failure and inability of market forces to ensure realization of the right to housing, increasing houselessness. Austerity policies, including dramatic cuts to social safety nets over the past several decades, abandonment of funding for public housing, and removal of regulations that favored affordable housing development and preservation, have contributed to the crisis. Instead of directly funding housing for people living in poverty, the government has created programs to financially incentivize investors to develop affordable housing on a relatively short-term basis, creating highly inefficient mechanisms for building this housing and

leaving hundreds of thousands of units across the country exposed to expiring affordability guarantees.

Government policies that, either explicitly or implicitly, enforce racial boundaries and remove wealth from or deny wealth to Black communities have led to disproportionately high rates of houselessness among Black people in Los Angeles and across the US, a manifestation of white supremacy. Redlining mandated by federal lending programs, racially biased zoning rules, freeway construction through Black communities, many urban renewal projects, and systemic discrimination and disinvestment in education, health care, and community infrastructure have all served, alongside discrimination by private actors through restrictive covenants and real estate marketing tactics, to increase Black houselessness. Policing and the “wars” on drugs and crime that have focused on Black communities have added to the problem.

Criminalization

While there are ongoing efforts at all levels of government to address the lack of housing, these efforts have rarely been resourced at the levels needed to meet the problem. They do not seriously grapple with the market forces and longstanding discriminatory policies that underlie systemic houselessness. Instead, the prevalent response by government, often prompted by demands from some housed people and business investors to simply remove unhoused people, has been criminalization.

Criminalization is enforced by a broad variety of government officials. In Los Angeles today, police and sanitation workers—whose cleaning or clearance operations are often accompanied by police and always backed by threat of citation or arrest—are the lead agents of criminalization. Homeless services outreach workers, many of whom genuinely seek to assist unhoused people, too often are pressed into participating in criminalization by facilitating the destruction of encampments and providing a veneer of compassionate treatment, in turn providing cover for these harmful actions. The provision of shelter, through barracks-like congregate shelters, “tiny homes,” more modern shelters that allow some privacy, temporary hotel rooms, and sanctioned camping in gated lots, provide some respite from the streets for a few people, but also allow city leaders to claim legal and moral justification for removing people from public view.

Traditional criminalization through arrests and citations

Enforcement of laws, especially minor code violations, through arrest and citation has been the traditional mode of controlling and removing poor people dating back to vagrancy laws that facilitated enslavement of Native Americans in California, “sundown towns” where Black people were forbidden from being seen in public after dark, and Depression-era laws against migrants living in poverty from other states.

Like scores of cities across the US, Los Angeles enforces laws that explicitly target the existence of unhoused people in public spaces. Los Angeles Municipal Code (LAMC) section 41.18 forbids sitting, lying down, or sleeping on city sidewalks; LAMC section 56.11 forbids keeping property in public places. Los Angeles Police Department (LAPD) enforces these laws exclusively against unhoused people. Court rulings over the years have modestly limited the reach and punitiveness of these laws, but the city council has responded by modifying them in ways that retain law enforcement’s ability to drive unhoused people from public view.

LAPD also enforces laws that do not explicitly apply to houselessness against unhoused people in ways that directly target them for their existence in public. Human Rights Watch analysis of LAPD data from 2016 through 2022 revealed that even though unhoused people account for less than 1 percent of the overall population of the city, 38 percent of all arrests in Los Angeles were of people identified as unhoused, including over 99 percent of all infraction arrests and citations, and over 42 percent of all misdemeanors.

The most common arrest charges are drinking in public or possessing an open alcohol container, accounting for over 21 percent of arrests of unhoused people. According to LAPD data, every one of the over 50,000 arrests made in Los Angeles in those years on such charges was of a person identified as unhoused. Unhoused people account for all people arrested for violating park regulations and for vending; they account for 99 percent of littering citations, over 90 percent of liquor law and gambling citations, over three-quarters of loitering and drug paraphernalia arrests, over half of trespassing and sex work arrests. These offenses nominally apply to all people, but the LAPD uses them against those living on the streets. While police arrest unhoused people at higher rates for more serious offenses, including homicide and rape, they are much more likely to be

victims of such serious crimes than perpetrators. Most arrests of unhoused people are for lower-level offenses.

In the mid-2000s, LAPD implemented a program called Safer Cities Initiative (SCI), in which they saturated Skid Row—a predominantly Black community with the highest concentration of unhoused people in Los Angeles and home to low-cost housing and massive congregate shelters—with large numbers of police officers tasked with systematically ticketing unhoused people. SCI resulted in massive numbers of arrests and tickets for people trying to survive on the streets, while its impact on crime was negligible—crime went down in Skid Row during that period at the same rate it went down in other parts of the area not subject to such intensive enforcement. In 2016, Mayor Eric Garcetti discontinued SCI, but maintained a similar police presence under a different name.

In 2019, a federal court ruled that cities like Los Angeles could not punish people for existing in public space unless the cities had “adequate shelter” available. By this time, Los Angeles police were reducing their enforcement of laws, such as section 41.18, dramatically. By 2021, they were making very few arrests, though since 2022, enforcement has begun to increase again.

Even as direct enforcement has slowed in recent years, police continue to have coercive encounters with unhoused people that do not always result in arrests. They stop and search people and order them to move from certain locations. Incidents of force by police against unhoused people remain steady despite reduced arrest numbers. The rate of use-of-force incidents per arrest against unhoused people tripled from 2016 to 2020, and the percentage of all use-of-force incidents that involved unhoused people went up from 25 to 35 percent.

The return of institutionalization

With court-mandated limitations on enforcement of laws like section 41.18, local and state jurisdictions are building up a legal and physical infrastructure to force unhoused people into mental health treatment, eventually including detention and forced medication. In 2022, the California legislature passed the CARE Act, which set up a court process to require people to submit to treatment plans, diverting resources away from voluntary care

while pushing people into shelters—without resourcing permanent housing with supportive services (PSH). People who fail to comply with court-ordered treatment can be fast-tracked to conservatorships, a legal status that allows the government to appoint another person or entity to make decisions for a person, including holding them locked in facilities against their will, forcing them to take medications, and controlling other important life decisions.

The following year, at the urging of California Governor Gavin Newsom and the mayors of California’s big cities, the legislature passed SB 43, vastly expanding the reach of conservatorship. They also promoted a bond measure that voters narrowly approved in 2024 that allocates over \$6.3 billion to build some permanent supportive housing, but primarily locked psychiatric facilities for involuntary holds. These new facilities will be used, in some part, to detain unhoused people subject to court-ordered treatment.

The proponents of these initiatives to expand forced treatment have stated clearly that they are intended to be used to get unhoused people into treatment. However, forced treatment can be deeply traumatizing, is not as effective as voluntary treatment, and does not address the key underlying drivers of houselessness. These initiatives do not help expand voluntary care, which is already difficult to access.

Sanitation sweeps destroy unhoused communities and harm people

In recent years, city policy has shifted away from arrests and citations and instead emphasized sanitation sweeps. This approach to enforcement has become the primary tool for making unhoused people disappear from public view. Unlike citations that require a court process, the sweeps punish people immediately, on the spot.

LASAN functions alongside LAPD as a primary agent of criminalization. The agency systematically and repeatedly conducts abusive sweeps of unhoused communities, enforcing section 56.11 and other laws by taking property belonging to unhoused people and destroying it.

Unhoused people report that LASAN repeatedly destroys their property, including tents, bedding, chairs, clothing, papers, food, personal keepsakes, money, and medication. As part of the city-wide CARE+ program that targets encampments for “comprehensive

cleanings,” LASAN workers give people a short time to pack their homes before they begin to clear unhoused communities. Sometimes they provide notice of these sweeps, but often the notice is not specific about exactly when and where, and sometimes there is no notice at all. Other times, they give notice of a sweep and do not show up. The inconsistency in notifications results in people losing property that they might have saved.

Court rulings have affirmed the rights of unhoused people to keep property, but LASAN has used loopholes that allow them to discard items they determine to be “contaminated” to systematically destroy property. Section 56.11 also authorizes them to take “excess” property from unhoused people, defined as anything that does not fit in a 60-gallon bag.

LASAN conducts “spot cleanings,” in which they simply removed trash without taking property and destroying tents. Unhoused residents generally appreciate these types of cleanings. They also conduct “comprehensive” cleanings or “sweeps” in which they confiscate and destroy property. LAPD officers are nearly always present or easily accessible, serving as a threat of arrest for people who disobey LASAN workers and attempt to salvage their property.

With only a few exceptions, the city does not provide trash cans, dumpsters, toilets, or hand-washing stations to encampments, and so garbage accumulates, as people live in unsanitary conditions.

Across the City of Los Angeles from April 2020 through October 2022, LASAN conducted 25,000 major cleanings, each removing over 100 pounds of material and averaging 1.3 million pounds removed each month. Despite a legal requirement to bag and store uncontaminated property, rather than destroying it, LASAN rarely does so, averaging only 72 bags stored a month throughout the city.

The repeated cleanings, even non-destructive ones, expose the futility of policy responses that prioritize criminalization and fail to provide housing: people remain unhoused, possessions and garbage inevitably accumulate again on the street despite the millions of dollars spent throwing them away. The lasting impact is severe trauma for those who must rush to pack-up and move their makeshift homes and end up losing their valued property repeatedly.

Homeless service provision has served criminalization

The Los Angeles Homeless Services Authority (LAHSA) is a joint city and county agency responsible for coordinating services to unhoused people, including helping with re-housing in both permanent housing and temporary shelter. In addition to its own outreach structure, LAHSA oversees numerous independent organizations that provide services. LAHSA has had some success housing people and placing them in shelters, though their claims do not match Human Rights Watch analysis of their data. Despite their success, many more people flow into houselessness than they can help.

LAHSA's effectiveness is limited by the shortage of permanent housing. Despite increased funding for shelter and housing, there simply is not enough to meet the crisis. Given the scarce resource, LAHSA has a system for prioritizing those with the highest risk, called the Coordinated Entry System (CES). This program has substantial flaws, including an acknowledged racial bias which LAHSA representatives say they are attempting to remove.

LAHSA service provision is most effective when they conduct “proactive” outreach—seeking out unhoused people, building trust over time, and providing resources voluntarily. Unfortunately, LAHSA has given in to demands by city officials, particularly in City Council offices, to actively participate in destructive sanitation sweeps, upending the process of trust and rapport building.

Rather than use a prioritization system based on the individual's need, LAHSA has allowed the City Council offices to direct services to the most visible encampments—those that are the subject of public complaints and are important to elected officials. City Council staff often tell LAHSA to which encampments they must direct resources, especially access to shelter. While people in these locations may gain the benefit of getting indoors, often only after having to surrender their personal property and submit to jail-like rules, others from less visible places who may desperately and uniquely need to move indoors remain outside.

Responding to political pressure, LAHSA leadership has required outreach workers to participate in the destructive CARE+ sweeps. While they can provide some services, their role largely has been to advise people that they need to move and what they must do to comply with sections 56.11 and 41.18. Their presence allows city officials to claim that the

sweeps have a services component and that encampment clearances result in people getting housed, despite the fact that relatively few people do get housing.

At some of the bigger or more high-profile encampment clearances in recent years, like the ones at Echo Park Lake, MacArthur Park, Venice Boardwalk, or Downtown Main Street, LAHSA has been present offering shelter and hotel rooms; at the lesser-known locations all around the city they may be present, but they have little to offer beyond bottles of water and instructions to cooperate with the destruction of people's property.

Without permanent housing, interim shelter does not solve houselessness and is used to justify criminalization

Shelter and interim housing can have great value in getting people off the streets and into safer situations. However, shelter and interim housing do not meet the standards for housing spelled out by international human rights law. As Los Angeles lacks an adequate stock of permanent housing, people can remain in these deficient living situations for extended periods of time, or they leave and return to houselessness.

City officials use the existence of shelter and interim housing to justify, both legally and morally, implementation of criminalization policies—they can say that they offered “housing” before destroying an encampment and scattering its residents. They can move a certain number of people indoors, while the vast majority remain on the streets facing increasing enforcement of laws that punish their existence in public.

According to international human rights law, permanent housing means a place to live that is not temporary or time limited and that meets standards of habitability, affordability, accessibility, and security of tenure. The services agency and city officials have very little permanent housing to offer; instead, they offer various forms of shelter, including hotel rooms, primarily through the Project Roomkey (PRK) and Inside Safe programs, congregate shelters, A Bridge Home (ABH) shelters, Tiny Home Villages, and Safe Camping, which provide space in gated lots for people to set up tents. Despite this variety of options, there is not nearly enough shelter for everyone living on the streets. PRK, for example, peaked in August 2020, sheltering just over 4,472 people; one year later the program only served 1,392 people and continued to decline.

While these shelter situations allow some people to get off the streets and many who stay in them are grateful, they are temporary solutions, at best. Living conditions range from comfortable to uninhabitable. Many people refuse to enter congregate and other shelters due to lack of privacy, safety concerns, and unsanitary conditions. All the shelter options have degrading and even draconian rules that may include curfews, searches upon return to one's room, prohibitions on guests, pets, and even partners or spouses, limits on keeping property, and other restrictions. Many unhoused people compare the conditions to being incarcerated.

The shelters have not led consistently to placements in permanent housing. City and county officials tasked with optimizing a system to rehouse people calculate that a successful system must have five permanent units for every one interim or shelter bed. This ratio allows a steady flow of people from the streets to shelter to housing. Los Angeles has far fewer permanent units than needed, and so the system stalls. Without that flow, people either stagnate in the shelters or they leave. When people leave, returning to the streets, new shelter beds are available, but these extremely expensive programs have not made a dent in the unhoused population.

The shelter or interim housing system has facilitated criminalization. The ABH shelters are surrounded by Special Enforcement and Cleaning Zones (SECZ) in which city policy empowers and housed neighbors expect police to enforce laws against unhoused people and where, more prominently, LASAN conducts repeated destructive sweeps. Human Rights Watch analysis of LAHSA data shows evidence supporting claims that in advance of high-profile encampment sweeps, city officials held hotel rooms empty so that they could show the public that they were placing people from those encampments into rooms rather than simply scattering them to other unsheltered situations. In doing so, they underutilized the rooms and left others, from less visible locations, unsheltered.

Officials often justify the cruelty of encampment destruction by claiming they have successfully “housed” people, when at most they have moved people into shelter options, often taking rooms from more vulnerable people who need to be indoors. Sweeps of lower profile encampments typically do not even result in shelter placements, especially as shelter beds are also scarce.

Despite the grave need to develop more permanent housing to effectively move people out of houselessness, policymakers in Los Angeles have trended towards prioritizing interim shelter over permanent housing, directing scarce resources away from the long-term solution.

Inside Safe and the Bass Administration Approach to Houselessness

The mayor of Los Angeles, Karen Bass, has publicly made houselessness her administration's top priority and has promised a new approach that will solve the problem. She has issued orders declaring a "state of emergency," and required city agencies to speed up the process of approving affordable housing developments.

Housing developments funded through Proposition HHH, passed by voters in 2016, should become ready for occupancy and allow for more permanent placements, though they are a finite resource. Measure ULA, a voter-approved tax on property sales over \$5 million earmarked for permanent housing development and tenant protections, will give the mayor additional funds. She has promised to access federal and state resources.

However, despite her public pronouncements Bass has been prioritizing interim housing and shelter over permanent housing and has allowed criminalization to continue unabated. She has allocated \$250 million to her signature program, Inside Safe, which mobilizes LASAN and police to destroy encampments permanently, while moving their residents to hotel rooms on a temporary basis. As with PRK, many people are grateful to get indoors, while others resent being forced into rooms that often have severe habitability problems. Officials have required people to surrender much of their property for destruction as a condition of accepting the hotel rooms. People who have declined to move into hotel rooms face destruction of their property and banishment from locations where they had been living. While touted as a pathway to housing, very few people have left the hotels for permanent situations—more have returned to houselessness.

As of September 2023, there were only about 1,100 Inside Safe rooms available, requiring choices about who would be placed in them. The Bass administration selection process has prioritized publicly visible encampments as opposed to setting aside rooms for people with the most need. This prioritization appears to be driven by City Council office preferences and complaints from housed neighbors, rather than helping the most vulnerable.

Housing Solves Houselessness

Housing people solves houselessness. Helping people retain their homes prevents inflows to houselessness. Developing and preserving affordable housing allows more people to stay housed and reduces housing precarity that leads to houselessness. Upholding and increasing tenants' rights empowers them to maintain their housed status. Housing is different from temporary shelter or even "interim housing."

Most unhoused people simply need a permanent, affordable, habitable place to live. Some people with disabilities need housing with a spectrum of support services attached, often called "permanent supportive housing" or PSH. Ample experience shows that providing PSH to "chronically" unhoused people—those with disabilities who have been on the streets for over a year—is extremely effective, with one-year retention rates around 90 percent. The Housing First model, in which people are housed voluntarily and without requirements of sobriety or treatment compliance, has been successful in a wide variety of jurisdictions in allowing people to stabilize and remain housed.

There are a variety of approaches to housing, each with relative benefits and drawbacks. Prominently, the federal government provides vouchers under the Section 8 program that allows tenants to pay 30 percent of their income in rent while the government pays the rest. There are not nearly enough vouchers for all who qualify for them; people with vouchers often cannot find places to stay due to discrimination and bureaucratic barriers; vouchers do not increase the overall number of affordable units. But, for those who do find housing with them, vouchers have greatly improved their lives.

Non-profit housing developers produce and manage permanent housing and PSH, despite a highly inefficient financing system and an overall shortage of funds. Advocates are calling for Los Angeles officials to convert hotels and unused commercial buildings to affordable housing, and to create land trusts that remove properties from the speculative market so that they can provide permanently affordable housing. While public housing, permanently affordable and financed entirely by government, has been demonized and starved of funding in the US, it can be an effective approach to delivering the right to housing.

Compared to criminalization and prioritization of temporary shelter, which do not solve houselessness, providing permanent housing is cost effective over the long-term,

including through savings from reduced reliance on emergency services, lower court and jail costs, and reduced direct expenditures for sanitation, temporary shelter, and police interventions. The intangible human benefits of replacing policies grounded in cruelty with policies of care make housing production and preservation an obvious choice.

Human Rights Watch has documented numerous cases of people who were housed successfully after periods of houselessness. The positive change in the life circumstances of each of these people points to a way forward that will benefit unhoused people as well as housed people and will increase the value of communities in Los Angeles.

Relevant International Human Rights Law

International human rights law recognizes the right to adequate housing. The Universal Declaration of Human Rights (UDHR) articulates and international treaties including the International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrine this right. The US has signed, but not ratified these treaties, creating an obligation not to undermine their purpose and object. Implementing criminalization while neglecting to guarantee housing for all undermines the right.

The right to adequate housing, as defined by the Committee on Economic, Social and Cultural Rights, is not simply the right to shelter, but to housing that, at minimum: 1) has legal security of tenure; 2) has facilities, like water, sanitation, and site drainage, essential for health, security, comfort, and nutrition; 3) is affordable, without compromising other basic needs; 4) is habitable; 5) is accessible, accounting for disabilities and reasonable accommodation; 6) is located in a place accessible to employment, education, health care, and other social facilities; 7) is culturally appropriate.

The US has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), obligating it to uphold the right to housing in the context of combating racial and ethnic inequity. The long history and current policies of racial discrimination that have led to the prevalence of Black houselessness call for remedial and reparative actions.

Criminalization in all its forms violates the right to life, liberty, and security of person and prohibitions against “cruel, inhuman or degrading treatment,” found in International

Covenant on Civil and Political Rights (ICCPR). The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also prohibits cruel and degrading treatment. The US has signed and ratified both treaties, obligating it to comply with them. The UN Human Rights Committee has interpreted policies that punish life sustaining activities, like sleeping, as potentially cruel and degrading treatment. The ICCPR protects against arbitrary arrests, including arrests for the status of being unhoused.

As criminalization exposes Black and Brown people disproportionately to arbitrary arrest and cruel treatment, it may violate the ICERD's mandate to end discriminatory policies and to mitigate racial harms, regardless of discriminatory intent.

Key Recommendations

As housing is the only proven solution to houselessness, Human Rights Watch calls on Los Angeles city and county governments, the state of California and the US federal government to affirm a right to adequate housing as defined under international human rights law and invest sufficient funds to progressively realize this right. To achieve this right, we recommend developing and preserving sufficient housing that is permanently affordable to low-income people, such as through use of creative approaches like community land trusts and converting unused government and commercial properties to housing. Most immediately, to help slow the spread of houselessness, the city and state should find ways to protect existing tenancies and prevent evictions, while also protecting others' rights.

Because houselessness has increased as government has diminished social safety nets, including the county's General Relief payments, a basic income program for extremely poor residents, and the federal government's scaling back of welfare programs, Human Rights Watch recommends restoring and enhancing social protection for all, including through universal social security and systems that ensure access to quality affordable health care for all. The state of California and city and county of Los Angeles should provide voluntary, community-based mental health care for all people, while avoiding systems of involuntary care and detention.

This report details how present and historical racial discrimination, often legally mandated or allowed, has led to highly disproportionate houselessness among BIPOC and especially Black communities. Human Rights Watch urges local, state, and federal governments to reverse laws and policies that have disproportionate negative racial impacts, to direct resources into low-income BIPOC communities that have traditionally been neglected, and to make reparations for past harms.

Given the historical emphasis on arresting and citing unhoused people for existing in public spaces, as detailed in this report, the City of Los Angeles should repeal laws that specifically criminalize unhoused people and discontinue targeted enforcement of other laws specifically against them. The state of California should pass a law forbidding local jurisdictions from enforcing laws punishing people for living in public spaces. Ending this

direct form of criminalization will mitigate its cruel impacts while freeing up resources and directing political will to focus on effective solutions based on the right to housing.

To mitigate the health hazards of unhoused encampments and to alleviate suffering in the short-term, the City of Los Angeles should provide services, including sanitation, consistent and non-abusive trash removal, toilets and hygiene stations, medical care, and other assistance, to unhoused people living on the streets. LASAN cleanings should not be destructive and should respect people's property. Further, the city should prioritize scarce shelter beds for those with the greatest health needs who wish to accept those beds.

Methodology

This report is based on research conducted from April 2021 through March 2024. Findings are based on interviews with 148 people, including multiple interviews with many of them. It is based on analysis of data obtained from various agencies within the City and County of Los Angeles as well as databases from other sources. It is based on review of other research studies, news articles, and historical records. All documents cited in this report are publicly available or are on file with Human Rights Watch and available on request.

An integral part of the research involved Human Rights Watch researchers witnessing and documenting actions by city officials and private actors towards unhoused people in Los Angeles. Researchers were present at numerous sweeps and enforcement actions.

Of the people interviewed, 101 gained their expertise on houselessness through the direct experience of living on the streets of Los Angeles. Of those people, 76 were living unsheltered on the streets at the time of the interview; 14 were in temporary shelter, primarily hotel rooms made available through “Project Roomkey” or “Inside Safe;” 10 were in permanent housing after having been unhoused.

Of those 101 people with direct lived experience of houselessness, 55 were male, 44 were female and two were non-binary or did not identify a gender. We did not ask people to identify their race or ethnicity, but about half appeared to be Black and most were people of color.

We did not ask people to state their age, though many did. We attempted to estimate approximate ages to gain a general understanding of interviewee demographics. While accurately estimating ages of people living on the streets is difficult, our best estimate is that 9 of the 100 people we interviewed who had experienced houselessness were between 18 and 29, 48 were between 30 and 54, and 41 appeared or identified themselves as over 55. The oldest who stated their age was 74. The ages of the remaining three were too difficult to estimate.

Disability is prevalent among unhoused people. Some of the 101 interviewees who had experienced houselessness openly stated that they had some physical disability or mental

health condition that amounted to a disability. Others showed obvious signs, like walking with a cane or using a wheelchair. Others indicated that they received disability payments. Using these indications, we counted 40 interviewees who had disabilities, 21 of whom were over the age of 50. This number likely underestimates the prevalence of disabilities among the people interviewed.

We found people to interview by meeting them on the streets in Skid Row, Venice, Van Nuys, Downtown Los Angeles, Hollywood, and other locations throughout the city. Community organizers, service providers, and mutual aid workers introduced us to many of them. Most interviews were conducted in person, though some were over the phone or through video conference.

This report uses pseudonyms for nearly all the people interviewed who had personal experience with houselessness unless they specifically asked that their real names be used. We have used pseudonyms to protect people's privacy, especially given the highly personal and traumatic experiences shared, and to protect people from retaliation by government officials or private individuals.

We interviewed 47 others whose primary expertise was not gained by living on the streets. They included several elected officials and members of other elected officials' staff; academics whose research involved houselessness and housing policy; lawyers who work directly on issues involving houselessness; people working in government agencies responsible for formulating and implementing policies related to houselessness; service providers outside of government; housing policy experts; nonprofit housing developers; LAHSA outreach workers; housed people living in neighborhoods with unhoused encampments; and community organizers, advocates, and mutual aid workers.

Human Rights Watch reached out multiple times to officials in then-Mayor Eric Garcetti's administration, but no one would agree to speak to us. The people we contacted included the deputy mayor for Homelessness, the chief of the Office of Homelessness Initiatives, the person responsible for community engagement on Skid Row; the chief housing officer, the director of Interim Housing Strategies. Following Karen Bass' election as mayor of Los Angeles city in November 2022, her chief of Housing and Homelessness Solutions agreed to a brief interview. Human Rights Watch submitted follow-up questions to the mayor's staff members responsible for houselessness policy, but has not received responses at

time of writing, despite multiple requests. Mayor Bass herself spoke to Human Rights Watch.

We reached out several times to Los Angeles City elected officials as well. Two councilmembers, Mike Bonin and Nithya Raman, spoke to us directly. Councilmembers Joe Buscaino and Katy Yaroslavsky had staff responsible for houselessness speak to us. Councilmember Mitch O’Farrell refused to meet. His staff requested written questions. Human Rights Watch submitted written questions but had received no response at time of writing, and O’Farrell was voted out of office in 2022. Councilmember Kevin De Leon’s staff responded with apparent agreement to arrange an interview, but then did not follow through despite repeated requests.

We reached out numerous times to representatives from the Los Angeles Police Department (LAPD). The senior lead officers on Skid Row referred us to LAPD’s public information officer (PIO), as did the LAPD homeless coordinator. The PIO took no action despite repeated requests from us, and no officers were willing to speak without the PIO’s approval. Human Rights Watch submitted written questions to the PIO based on our findings but received only a very limited response. We asked the PIO for LAPD’s response to key points of our data analysis. The PIO said that they could not answer without seeing our data. We sent them our data but have not received any response. Human Rights Watch did speak informally to officers at the site of encampment sweeps.

We spoke to current and former LAHSA outreach workers under condition of anonymity. Some of those we spoke to asked that their interviews, or some portion of them, be kept off the record or “on background.”

We disclosed to everyone interviewed the purpose of the interview and the intention of using their information in a report on the criminalization of houselessness.

Data

This report includes extensive quantitative analysis of data gained through the California Public Records Act (PRA). We requested a broad variety of data from various government agencies including the LAPD, City Attorney, LASAN, Mayor’s Office, Housing Authority of the City of Los Angeles (HACLA), and LAHSA, a joint city and county agency. The agencies

complied with the requests to varying degrees. When several agencies did not comply adequately, we sued the city, eventually receiving records substantially responsive to our request through settlement negotiations.

The data analysis in this report centers on presenting the activities of each agency through descriptive statistics. All processing and analytical code, as well as raw data and our original PRA requests, are available on Human Rights Watch's GitHub page.²

² This page is located at the following web address: <https://github.com/HumanRightsWatch>.

Key Definitions

Language choices inform policy choices. The words used to describe the societal situations related to houselessness often determine and are determined by how the public understands these situations. That understanding helps determine what policies government and private sectors implement.

Homeless/unhoused or houseless

Over the years, people have used a variety of degrading terms to label people living on the streets, including “transient,” used by LAPD officers.³ The word “homeless” came into widespread use beginning in the 1980s.

The US Department of Housing and Urban Development (HUD) defines a person as “homeless” if 1) they are “living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided [for up to 90 days];” 2) they “are losing their primary nighttime residence, which may include a motel or hotel or a doubled up situation within 14 days and lack resources or support networks to remain in housing.”⁴ LAHSA uses this same definition, but adds people fleeing domestic violence without resources to obtain permanent housing.⁵ These definitions do not fully account for the many people who lack permanent housing while living doubled-up in over-crowded temporary conditions.

Calling a person “homeless” can serve to deny their place in the community. It feeds into policies that would remove people from communities where they live, since they are considered “homeless” and the community is not their home.⁶

³ Los Angeles Police Department VOLT Unit, Homeless PSA: Video provided through Public Records Act compliance.

⁴ National Alliance to End Homelessness, “Changes in the HUD Definition of ‘Homeless,’” news release, January 18, 2012, <https://endhomelessness.org/resource/changes-in-the-hud-definition-of-homeless/> (accessed November 27, 2023).

⁵ Los Angeles Homeless Services Authority (LAHSA), Homeless Services Delivery System Glossary of Terms/Acronyms, May 2017, <https://homeless.lacounty.gov/wp-content/uploads/2017/12/25-Glossary-of-Terms-and-Acronyms.pdf> (accessed July 25, 2024).

⁶ The term “people experiencing homelessness” falls into the same rhetorical trap, even as it attempts to highlight their personhood.

Many advocates use the term “unhoused.” This term responds to the fallacy that people living on the streets do not have a home: they do, it is where they live, even if that is a temporary structure or shelter. What they lack is housing. The term emphasizes that people need housing and not simply temporary shelter.

For purposes of this report, Human Rights Watch will use the term “unhoused” or “houseless” to refer to people who do not have housing that meets the criteria set forth by the UN Committee on Economic, Social, and Cultural Rights (CESCR) in General Comment No. 4: The Right to Adequate Housing (art. 11(1) of the covenant).⁷ This includes people living on the streets, in makeshift structures, in temporary or interim housing or shelters, in overcrowded conditions, and in sub-standard housing. This expansive definition reflects the massive scope of houselessness and the fluidity of housing situations—someone living in sub-standard or overcrowded housing one day may be living on the streets the next; someone living in a tent one day may be in a shelter or hotel room the next.

Because policies of criminalization tend to focus on visibly unhoused people, generally with the intention of removing them from sight, this report emphasizes the experience of unhoused people living on the streets.

Shelter or Housing

The CESCR describes adequate housing as meeting the following criteria: legal security of tenure; availability of services, materials, facilities, and infrastructure, like water, energy, and sanitation; affordability; habitability; accessibility; location accessible to employment, schools, health care and other social facilities; and cultural adequacy.⁸

In drafting the comment, the Committee on Economic, Social and Cultural Rights said: “[T]he right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s

⁷ UN Committee on Economic, Social and Cultural Rights, CESCR General Comment No. 4: The Right to Adequate Housing (Art 11 (1) of the Covenant), U.N. Doc. 1992/23 (1991), <https://www.refworld.org/pdfid/47a7079a1.pdf> (accessed November 27, 2023).

⁸ CESCR General Comment No. 4, para. 8: These criteria for adequate housing will be discussed in greater detail in a subsequent section concerning the human right to housing.

head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.”⁹

Policymakers in Los Angeles often falsely say “housing” when they are referring to shelters, tiny homes, “safe camping” zones, hotel rooms with insecure tenure, and other temporary living situations.¹⁰

In this report, we use “housing” (sometimes “permanent housing”) to refer to a home that meets the definition of adequate housing in CESCR General Comment 4. Interim or otherwise temporary housing, shelter, and other living situations are identified specifically by what they are.

Encampments

While many unhoused people live on their own scattered throughout the city, a large percentage of them come together to form communities of differing sizes.

City officials and advocates usually call these communities “encampments.” Police enforce laws against “camping” in public spaces.¹¹

This terminology is misleading and can feed into the public perception that people are unhoused because of their own choices. Camping is associated with a recreational activity--choosing to spend time outdoors. Unhoused people rarely chose to live outdoors. Rather than camping, they are existing or surviving outdoors. While it might feel more appropriate to restrict a person’s ability to “camp,” it is unfair and cruel to restrict their ability to exist.¹²

⁹ CESCR General Comment No. 4, para. 7.

¹⁰ Human Rights Watch interviews with Chris Herring, Assistant Professor of Sociology, University of California, Los Angeles, January 20, 2022; Gary Blasi, Professor of Law Emeritus, University of California, Los Angeles, January 17, 2022; and Darrell Steinberg, Mayor of the City of Sacramento, March 21, 2022.

¹¹ Los Angeles Municipal Code (LAMC) Section 63.44(D)(4), (effective November 16, 1979). https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-159459 (accessed November 27, 2023); The Times Editorial Board, “Is L.A.’s Anti-Camping Law Getting Homeless People Off Sidewalks and Into Housing? Let’s Find Out,” *Los Angeles Times*, February 23, 2023, <https://www.latimes.com/opinion/story/2023-02-23/los-angeles-anti-camping-law-homeless-people-sidewalks> (accessed November 27, 2023).

¹² National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities*, report, December 2019, <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT->

This report will use the terms “unhoused communities” and “encampments,” but with the understanding that people are living in these communities and not “camping” as a recreational choice. Encampments are communities built by unhoused people themselves on public land without authorization.

Criminalization

The term criminalization in the context of unhoused people refers to laws that in practice punish unhoused people for simply existing in public spaces.¹³ While the laws do not explicitly make being unhoused illegal, by targeting unavoidable and natural human actions, they do so in fact. These laws may include bans on sitting or sleeping in public, keeping property in public, being in a park after certain hours, or living in one’s car.¹⁴ They may also include targeted and systematic enforcement against unhoused people of laws that appear less obviously targeted at unhoused people, like trespassing, asking for money, loitering, drinking in public, urinating in public, jaywalking, smoking bans.¹⁵

Criminalization, as used in this report, also includes orders backed by threat of arrest to move someone from a location (“move-alongs”) or destruction and confiscation of their property and living structures, including through sanitation department clean-ups or “sweeps.”¹⁶ It can also include coercing people into restrictive shelters or “safe camping” zones under threat of enforcement action, and coercing people into mental health treatment or drug rehabilitation facilities.¹⁷

HANDCUFFS-2019-FINAL.pdf (accessed November 27, 2023); Allard K. Lowenstein International Human Rights Clinic at Yale Law School, “*Forced into Breaking the Law: The Criminalization of Homelessness in Connecticut*,” report, November 2016, https://law.yale.edu/sites/default/files/area/center/schell/criminalization_of_homelessness_report_for_web_full_report.pdf (accessed November 27, 2023).

¹³ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 37.

¹⁴ LAMC Section 41.18, 56.11, 85.02, 63.44: See Section IV of this report for a detailed discussion of these types of laws.

¹⁵ See Section III of this report for a detailed discussion of these types of laws.

¹⁶ Chris Herring, “Complaint-Oriented Policing: Regulating Homelessness in Public Space,” *American Sociological Review*, vol. 0-00 (2019), p. 1-32, doi: 10.1177/0003122419872671 (accessed November 27, 2023).

¹⁷ Sara K. Rankin, “Hiding Homelessness: The Transcarceration of Homelessness,” *California Law Review*, Vol. 109 (2021), <https://www.californialawreview.org/print/hiding-homelessness-the-transcarceration-of-homelessness> (accessed November 27, 2023); Chris Herring, “Complaint-Oriented ‘Services’: Shelters as Tools for Criminalizing Homelessness,” *Annals, AAPSS*, 693 (2021), p. 264-283, doi: 10.1177/0002716221996703, (accessed November 27, 2023).

Sweeps/Cleanups

LASAN has a vital role in maintaining the cleanliness of public space throughout the city. Its function is essential to the health and well-being of all residents.

LASAN has been mobilized to address the unhoused population in both positive and negative ways. To the extent LASAN performs clean-ups at encampments designed to remove waste and hazardous materials, without confiscating people's property, without destroying the structures they depend on for shelter, and without instilling fear and abuse, their service is extremely valuable. Unhoused people generally welcome such cleanups, when conducted with predictable regularity and notice.

However, a substantial portion of LASAN cleanups amount to wholesale destruction of encampments, confiscation of property, and destruction of property, including clothing, bedding, tents, medications, personal papers, family mementos, and other personal items. As will be discussed in detail, these cleanups, called "sweeps" by unhoused people and advocates, inflict tremendous harm on people and often do not provide effective sanitation. Sweeps may also amount to encampment "clearances" when they result in permanently removing unhoused communities from a particular location.

Los Angeles City/County

The City of Los Angeles is an independent local municipality, with distinct borders, governed by a Mayor and a City Council consisting of 15 council members, each representing their own district within the city. The Los Angeles Police Department (LAPD) has jurisdiction throughout the city, as does the Los Angeles City Attorney. LASAN provides sanitation services throughout the city.

The County of Los Angeles includes the city, but also covers a much larger area and 87 other cities within its borders, along with unincorporated areas. LAHSA is a joint city and county agency.

This report focuses on houselessness and government responses within the City of Los Angeles. However, houselessness does not fit neatly within arbitrary borders. Nor does policy related to houselessness. Los Angeles County initiatives related to housing and services have direct impacts on houselessness in the city.

Because of the frequent intersection of these two distinct jurisdictions, it is not possible to strictly discuss one without reference to the other. While primarily focusing on the city, this report discusses relevant facts related to the county. In some instances, there may be inconsistencies in data due to the inability to distinguish between county and city. This report strives to be clear when discussing data and other facts about which pertain to the county and which to the city.

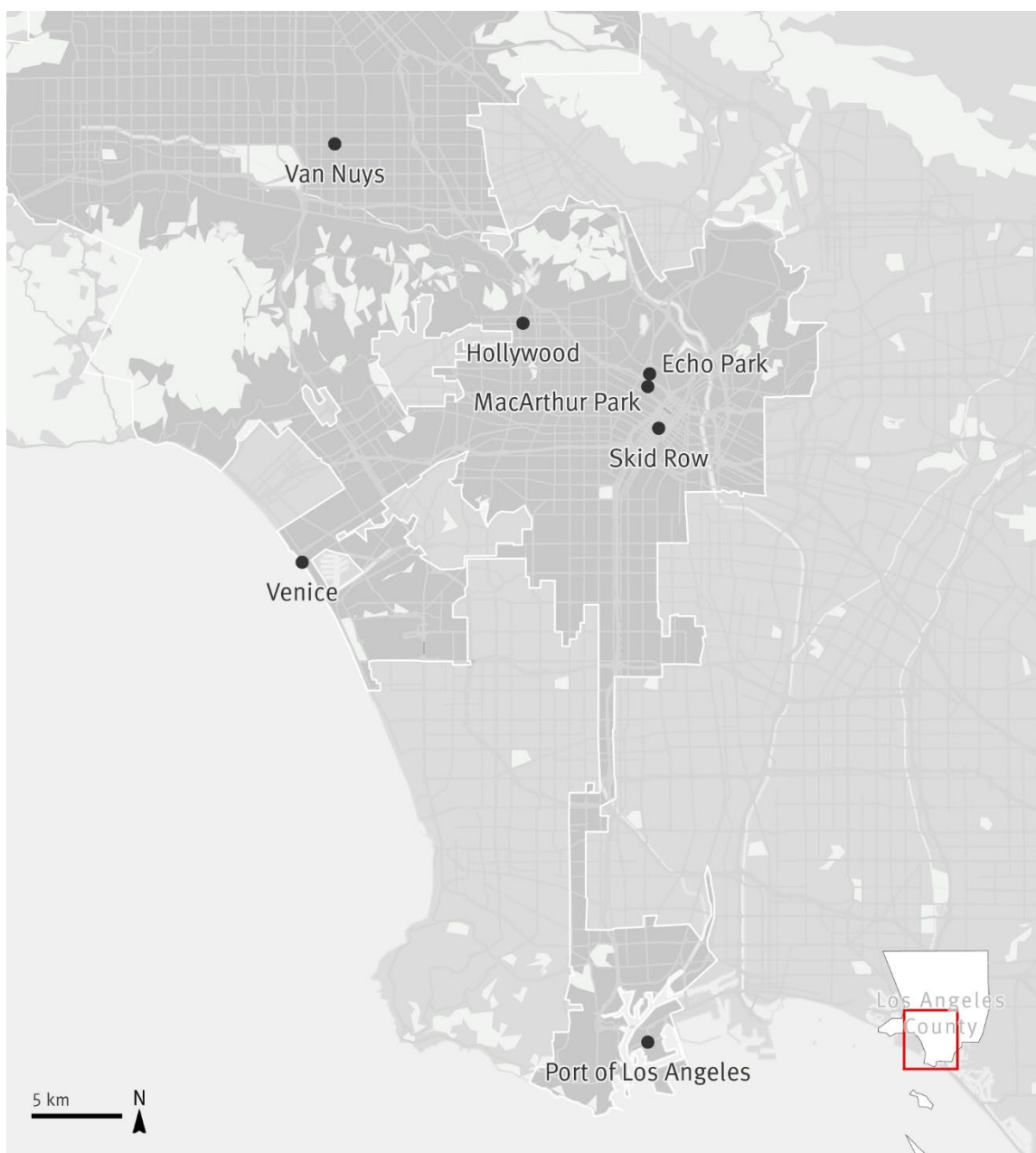
Interim Housing and Shelter Programs

In recent years, the city and county of Los Angeles and the state of California have initiated a variety of temporary housing or shelter programs designed to address homelessness. This report discusses many of them in detail, including their living conditions and rules, their success in moving people out of homelessness, and, to some extent their cost. This report discusses the relationship of these programs to the larger policy of criminalization.

These programs include:

1. A Bridge Home shelters (ABH): ABH are shelters that house people temporarily in congregate settings but offer everyone their own area, providing some privacy with room dividers.
2. Congregate shelters: These shelters offer large dorm-like settings in which people can stay indoors. Often, they provide cots or mats on which to sleep in open rooms with little to no privacy.
3. Project Roomkey (PRK): PRK was a state and local program in which unhoused people were provided temporary hotel rooms, meals, and some services designed to move them to permanent housing.
4. Tiny Home Villages (THV): THV are gated lots with eight-foot by eight-foot sheds designed to house two people each, with all residents sharing bathroom, shower, and laundry facilities.
5. Safe Camping: Safe Camping set aside gated lots in which people could live in tents with shared bathroom facilities.
6. Safe Parking: Safe Parking facilities are parking lots in which some vehicle-dwelling unhoused people can stay in their cars or vans overnight. Generally, people must remove their vehicles during the day.

7. Inside Safe: Inside Safe, like PRK, offers temporary hotel rooms for unhoused people whom city officials have moved out of encampments. The program promises services and assistance in obtaining permanent housing.



I. Criminalization in Practice: A Case Study

Criminalization, in all its forms, occurs throughout Los Angeles, often in hidden corners of the city with little oversight or attention. The sweep at Naomi Avenue in August 2021 was devastating to the residents of that community and typical of the implementation of such sweeps.

Naomi Avenue: A Little Known Encampment

At 7 a.m. on August 18, 2021, LAPD officers awoke Arturo T. as he slept in the makeshift house he had built under the freeway on Naomi Avenue between 16th and 17th Streets, just south of downtown Los Angeles. They told him that he had 15 minutes to get out of the way before LASAN workers took down the entire encampment.¹⁸

Arturo had been living at this location on the west side of the street for over a year, along with about 11 other people. Many of them had lived there longer than he had. A similar number of people lived on the east sidewalk across the street. Using scavenged scrap lumber and plastic tarps, they had built structures that provided shelter from the elements, including extreme heat, wind, sun, and cold. They had gathered abandoned couches, chairs, and mattresses to provide comfort and keep their bodies off the concrete sidewalk. They had formed a community of neighbors who provided each other with security and companionship.¹⁹ They cooked meals together and watched out for each other. The area surrounding the encampment is generally light industrial, with few if any residences or retail businesses.²⁰ Arturo did not waste time. He gathered as many of his possessions as he could and moved out of the way.²¹

The previous week LASAN employees said that they were coming to clean the area soon, but they did not post signs giving official notice or a specific date and time.²² Over the

¹⁸ Human Rights Watch interview with Arturo T. (pseudonym), Los Angeles, August 18, 2021.

¹⁹ Ibid.

²⁰ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021.

²¹ Human Rights Watch interview with Arturo T., August 18, 2021.

²² Ibid.; Human Rights Watch interviews with Carlos A. (pseudonym) and Lisa G. (pseudonym), Los Angeles, August 18, 2021.

previous year, LASAN had conducted at least 25 cleanings in the immediate vicinity of the encampment.²³

Arturo was able to pack some essential possessions before police officers ordered him to stand outside the perimeter that they had marked off with yellow tape. Officers stood next to patrol cars parked at both ends of the block, preventing Arturo and other encampment residents from entering the area to retrieve more of their possessions.²⁴

LASAN trucks arrived, including a large flat-bed with a Kubota loader, a trash compactor truck, and a trailer with a portable toilet attached for their workers to use.²⁵ The city once had put a portable toilet near this encampment for a short period of time, but then removed it, leaving the residents to urinate and defecate in bottles and bags.²⁶ Because the encampment had no trash cans or dumpsters, a substantial amount of garbage had accumulated around it and its surrounding area. People unconnected to the encampment frequently dumped garbage near where the encampment residents lived, making the situation worse.²⁷ Months earlier, city officials identified the need for toilets and handwashing facilities to serve unhoused people in this area, but they provided none.²⁸

Using the loader and shovels, LASAN workers first demolished the makeshift homes on the east side of Naomi Avenue, then on the west side where they destroyed Arturo's home and all his remaining property.²⁹ They heaped his possessions, including bicycles, a television, a bed, a sofa, his clothes and shoes, into the dump truck and crushed them, "like it was worthless."³⁰

²³ Human Rights Watch analysis of Los Angeles Department of Sanitation (LASAN) data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

²⁴ Human Rights Watch interview with Arturo T., August 18, 2021; Observations of Human Rights Watch researcher, who was present at the sweep of this encampment on August 18, 2021.

²⁵ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021; LASAN, Solids Team Data, August 18, 2021 (See material LASAN provided on file with Human Rights Watch, LASAN/Jan 18/Naomi Avenue).

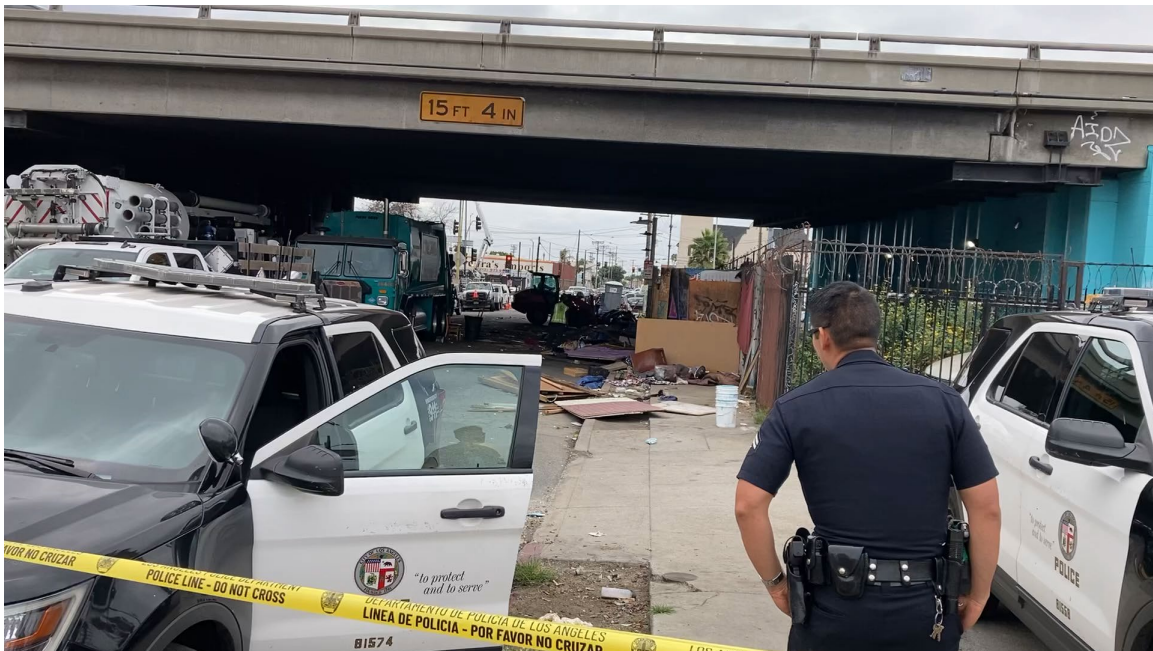
²⁶ Human Rights Watch interview with Lisa G., August 18, 2021.

²⁷ Ibid.

²⁸ Mayor of Los Angeles, High Risk Encampments in LA City: See material Mayor of Los Angeles provided on file with Human Rights Watch.

²⁹ Human Rights Watch interview with Arturo T., August 18, 2021; Observations of Human Rights Watch researcher, who was present at the sweep of this encampment on August 18, 2021.

³⁰ Human Rights Watch interview with Arturo T., August 18, 2021.



Photos taken by Human Rights Watch on August 18, 2021 at Naomi Avenue in Los Angeles showing LAPD and LASAN implementing the sweep of this encampment. © 2021 Human Rights Watch

They destroyed a brand-new air-mattress, battery packs, food and cookware, as well as paperwork and identification that Lisa G., who lived in the encampment just around the corner on 16th Street, had been storing in a friend's home in the Naomi Avenue encampment.³¹ They only allowed her to remove a backpack and her dog. Another man had his bike, clothing, wife's clothing, and a small generator taken and destroyed. Another man at the encampment had his work tools, clothing, and his birth certificate destroyed. LASAN took all of an older man's possessions, including his medications. Others also had their medications destroyed.³²

The demolition on this day was part of the city's Comprehensive Cleaning and Rapid Engagement ("CARE+") program, described as a "full comprehensive cleaning."³³ General Dogon, an organizer with the Los Angeles Community Action Network (LA CAN), arrived on

³¹ Human Rights Watch interview with Lisa G., August 18, 2021.

³² Ibid.

³³ LASAN, Solids Team Data, August 18, 2021; What We Do, LA Sanitation, City of Los Angeles, https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-l?_adf.ctrl-state=fd27s8oj2_5&_afLoop=39177845137696316#! (accessed November 27, 2023).

the scene with Human Rights Watch as it was happening. He questioned the police officers guarding the north end of the block as to why LASAN was destroying this encampment.

Initially, the responding officer said it was because of a law forbidding encampments under the freeway.³⁴ Later the officer said it was to ensure that the sidewalk was passable in compliance with Americans with Disabilities Act (ADA)

requirements.³⁵ However, a few days after LASAN finished demolishing and disposing of everyone's possessions, structures, and the garbage, they set up a fence on the east side of Naomi Street where 10 to 15 people had lived, and another on the west side, where Torres lived.³⁶ These fences, which almost entirely blocked both sidewalks, remained in place for about a year and were as much a barrier to people with disabilities as the encampment had been.³⁷

According to LASAN records, the "Solids Team" removed around 40 tons of material, about 600 pounds of which they identified as hazardous waste.³⁸ Much of it was indisputably



Photos taken by Human Rights Watch on August 18, 2021 at Naomi Avenue in Los Angeles showing LAPD and LASAN implementing the sweep of this encampment. © 2021 Human Rights Watch

³⁴ Observations of Human Rights Watch researcher, who was present at the sweep of this encampment on August 18, 2021: The officer may have been referring to a court order from the federal district court. See Martin Macias, Jr., "Judge Orders LA to Offer Shelter to Homeless on Skid Row," *Courthouse News Service*, April 20, 2021, <https://www.courthousenews.com/judge-orders-la-to-offer-shelter-to-homeless-on-skid-row/> (accessed November 27, 2023).

³⁵ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021. (See video on file with Human Rights Watch); See also LASAN, Naomi St Narrative, August 18, 2021 (see material LASAN provided on file with Human Rights Watch: LASAN/Jan 18/Naomi Avenue).

³⁶ Observations of Human Rights Watch researcher who visited the site of the Naomi Avenue sweep several times during September 2021. (See material LASAN provided on file with Human Rights Watch: LASAN/Jan 18/Naomi Avenue).

³⁷ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021 through August 2022.

³⁸ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.



Photo taken by Human Rights Watch on August 20, 2021 at Naomi Avenue in Los Angeles showing the fence put up by LASAN on the east sidewalk after the August 18 sweep of the encampment there. © 2021 Human Rights Watch

garbage, but much of it included people’s possessions as described above, their built-up shelters, and furniture essential to create some comfort in a harsh living environment.³⁹ Sanitation workers are required by protocol to place personal property they have not defined as “hazardous” into bags that are then tagged and transported to a storage facility where they can be reclaimed within 90 days.⁴⁰ That day at Naomi Avenue, LASAN did not collect a single property bag, instead destroying everything.

Police officers at the scene told Human Rights Watch that outreach workers had been at this encampment offering shelter placements and services and that some of its residents left with the LAHSA workers.⁴¹ Residents of the encampment denied that any outreach workers had taken people to housing or shelter from this encampment.⁴² LAHSA records obtained by Human Rights Watch show that on the day of the demolition, LAHSA contacted one person at the demolished Naomi Avenue encampments, gave that person some food, water, a hygiene kit, and protective masks (PPE), but did not provide or even make a referral for housing or shelter.⁴³

³⁹ LASAN, Uniform Hazards Waste Manifest, and Solids Team Data, August 18, 2021. (See material LASAN provided on file with Human Rights Watch).

⁴⁰ LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, amended August 2018, https://ia801709.us.archive.org/7/items/los-angeles-bureau-of-sanitation-training-materials-including-56.11-and-carecare/LASAN_LAMC_56.11_SOP_SIGNED_Amended_August_2018%20%284%29.pdf, (accessed November 27, 2023).

⁴¹ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021.

⁴² Human Rights Watch interviews with Lisa G. and Carlos A., August 18, 2021.

⁴³ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.



Photos taken by Human Rights Watch of 16th Street, just east of Naomi Avenue in Los Angeles. Photo on the left, taken on August 18, 2021, shows the encampment on the sidewalk. Photo on the right, taken February 23, 2022, shows that the sidewalk encampment had been removed and replaced with fencing, while unhoused people stay on the other side of the street. © 2021 Human Rights Watch

LAHSA workers contacted three other people at the immediately adjoining encampment on 16th Street.⁴⁴ They obtained “Bridge Housing” for one person that day. This person had been referred to “Bridge Housing” five months earlier, though it is unclear if their placement that day was related to the previous referral.⁴⁵ Outreach workers gave one person a tent, then obtained “crisis housing” for that person the following day.⁴⁶ Several Naomi Street residents simply moved around the corner onto 16th Street, integrating themselves into an already existing encampment.⁴⁷

LAHSA records from the preceding two weeks further contradict the police officers' claim that they had been assisting people from this encampment with housing. From August 5, 2021 through the day of the demolition on August 18, 2021, outreach workers contacted 5 people from encampments at or within 250 meters of the Naomi Avenue encampment, providing them with food, water, PPE, hygiene materials and other services, but did not

⁴⁴ Ibid.; Human Rights Watch viewed all LAHSA contacts within a 250-meter radius of the Naomi Avenue encampment to assess services provided on this day and over time.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Human Rights Watch interviews with Lisa G. and Carlos A., August 18, 2021.

refer any to shelter or housing.⁴⁸ During the 40-month period from January 1, 2019 until April 22, 2022, LAHSA provided similar services to 53 individuals at these encampments, referred 19 of them to some form of interim housing or shelter, and obtained interim housing or shelter for a total of 3 of them.⁴⁹

Over the next few months, LASAN, with support from the police, demolished the adjoining encampments on 16th Street and set up fences that blocked the sidewalks as they did on Naomi Street, compelling residents to scatter to other places without offers of shelter or housing.⁵⁰

Arturo T., Lisa G., and the others had to absorb the destruction of their homes and property, then move on and start over at some other location.

⁴⁸ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁴⁹ Ibid.

⁵⁰ Ibid.; See also, photos by Human Rights Watch taken in August and September 2021 at Naomi Avenue and nearby streets, on file.

II. Overview of Houselessness in Los Angeles

- According to 2023 estimates, 46,260 people are unhoused in Los Angeles, over 7 percent of the unhoused population of the entire US, and 73 percent of those are unsheltered, living on the streets and sidewalks, in parks or in vehicles.
- Black people make up less than 8 percent of the population of Los Angeles, but nearly one-third of unhoused people; a Black person is six times more likely to be unhoused than a white person in Los Angeles.
- 57 percent of Los Angeles renter households pay over 30 percent of their income for housing, while 270,000 renter households are considered overcrowded, meaning that huge numbers of people are at imminent risk of houselessness.
- Older people are increasingly among the unhoused. The 2022 population estimates found 4,323 unhoused people in the city aged over 62 years.

Around the corner from the destruction of the settlement on Naomi Avenue, a row of tents and plywood and tarp structures lined the 16th Street sidewalk alongside the freeway off-ramp. Alice J., a Black woman who appeared to be in her 60s, sat on a tattered couch next to her structure. Chained to the leg of the couch was her dog, who stood up and growled if anyone approached until Alice assured the dog she was safe.⁵¹

Alice had been living on the streets for three years. She and her husband, a military veteran and a musician, owned their house until he took a loan against it for a business venture that failed, and they lost everything. He died two years later, leaving her on her own. Earlier in 2021, LASAN officials, with police in support, had destroyed her makeshift home. They took her computer, her bicycles, some kitchen equipment she had bought in hopes that she might find an apartment, shoes she had intended to sell to add to her SSI income, and mementos from her late husband. They told her she could get her possessions from the storage facility, but when she tried, they were not there.⁵²

⁵¹ Observations of Human Rights Watch researcher who was present at the sweep of this encampment on August 18, 2021.

⁵² Human Rights Watch interview with Alice J. (pseudonym), Los Angeles, August 18, 2021.

Alice watched the Naomi Avenue operation silently anticipating that her home would be next. She had many of her possessions packed up and stacked onto a cart, ready to move if the dump trucks appeared on her street.⁵³

Alice is just one of tens of thousands of people living on the streets of Los Angeles. The Greater Los Angeles Point in Time (“PIT”) Homeless Count (“PIT” Count), put out by LAHSA annually, is an estimate of the number of unhoused people, sheltered and unsheltered, living in Los Angeles.⁵⁴ Despite significant limitations with its methodology, and critiques that the PIT Count substantially underestimates the number of people without housing, it can provide a baseline understanding of demographics and show increases and decreases in populations.⁵⁵

In 2023, the PIT Count estimated 46,260 unhoused people within the city limits and 75,518 in the county.⁵⁶ These numbers marked an approximately 10 percent increase from the 2022 estimates.⁵⁷ The city of Los Angeles makes up 1.1 percent of the total US population, but 7.1 percent of the US's unhoused population.⁵⁸

⁵³ Ibid.; Observations of Human Rights Watch researcher who interviewed Alice J. in person at her encampment on 16th Street on August 18, 2021.

⁵⁴ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, June 29, 2023, <https://www.lahsa.org/documents?id=7232-2023-greater-los-angeles-homeless-count-deck> (accessed November 28, 2023); The PIT Counts include a person if they meet the US Department of Housing and Urban Development’s (HUD) definition of “homeless:” “[a person] staying in one of the following places: 1. Places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings; 2. Emergency shelter; or 3. Transitional housing for homeless persons who originally came from the streets or shelters; See LAHSA, 2015 Greater Los Angeles Homeless Count: 2015 Results Los Angeles Continuum of Care, May 11, 2015, <https://documents.lahsa.org/Planning/homelesscount/2015/HC2015CommissionPresentation.pdf>, (accessed November 28, 2023), p. 7: Volunteers conduct the PIT Count by a visual survey of unhoused people and the cars, vans, recreational vehicles, tents, and makeshift shelters in which many of them live. The estimate is an extrapolation from these surveys. PIT counts of people in shelters do not come from the visual survey but from administrative data from the shelters; LAHSA, 2020 Los Angeles Continuum of Care Homeless Count: Methodology Report, July 2020, <https://www.lahsa.org/documents?id=4658-usc-2020-homeless-count-methodology-report>, (accessed November 28, 2023), p. 2-3.

⁵⁵ Manuela Tobias and Matt Levin, “California Just Finished Counting Its Homeless—A Tally Sure to Be Inaccurate, and Politically Weaponized,” *CalMatters*, January 30, 2020, <https://calmatters.org/housing/homelessness/2020/01/homeless-point-in-time-count-california-inaccurate-politicized-fresno/> (accessed November 28, 2023); Doug Smith, “Los Angeles Homeless Count Raises Doubts About Accuracy. Is it Time for a New Way?,” *Los Angeles Times*, September 24, 2022, <https://www.latimes.com/california/story/2022-09-24/doubts-raised-over-the-los-angeles-homeless-count-is-it-time-for-a-new-way> (accessed November 28, 2023); This report will discuss some of the shortcomings of the PIT Count in Section II.A below.

⁵⁶ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 8: At time of writing, LAHSA has not publicly released the full estimates.

⁵⁷ Ibid.

⁵⁸ Total population for US and Los Angeles from U.S. Census Bureau, American Community Survey 1-Year Estimates (2022), Retrieved from Census Reporter Profile page for United States, <http://censusreporter.org/profiles/01000US-united-states/>

Encampments and vehicle dwellings have become pervasive parts of the Los Angeles landscape. The 2023 PIT Count found 14,096 cars, vans and recreational vehicles, and 9,342 tents or makeshift structures like the one in which Alice lived, housing tens of thousands of people in the county.⁵⁹ The vast majority of unhoused people in Los Angeles are “unsheltered,” while across the US most unhoused people are sheltered.⁶⁰ The 2023 PIT Count estimated that 27 percent of unhoused people lived in shelters or transitional housing and 73 percent lived on the streets in the city.⁶¹ Almost all of the growth in Los Angeles’ unhoused numbers is due to an increase in the unsheltered population. The 32,680 people estimated living on the streets in 2023 marks a 15 percent increase in unsheltered houselessness in the city from the year before and more than double the number (107 percent increase) from 2009.⁶²

While shelters and transitional housing come with their own problems that can make them unacceptable options to many people, living unsheltered on the streets can mean exposure to the elements—especially extreme heat, sun, wind, cold, occasional but brutal rains, and pollution—vulnerability to crime, and being subjected to law enforcement and other actions by city officials. Access to services is more difficult for unsheltered people.

Racial disparities in the unhoused population continues to be extreme, with Black and Native American people vastly overrepresented among the unhoused in relation to their overall population.⁶³ The proportion of the city’s unhoused population that is Black is over four times higher (33 percent) than that of the general population (8 percent).⁶⁴

(accessed January 16, 2024); Los Angeles Unhoused Population Data from Los Angeles Homeless Services Agency, City of LA HC23 Data Summary, November 8, 2023, <https://www.lahsa.org/documents?id=7680-city-of-la-hc23-data-summary> (accessed May 14, 2024); US Unhoused Count from US Department Of Housing and Urban Development, The 2023 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1: Point-in-Time Estimates of Homelessness, December 2023, <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf> (accessed January 16, 2024).

⁵⁹ LAHSA, City of LA HC23 Data Summary.

⁶⁰ “How Many Homeless People are in the US? What Does the Data Miss?,” *USA Facts*, May 23, 2023, <https://usafacts.org/articles/how-many-homeless-people-are-in-the-us-what-does-the-data-miss/> (accessed November 28, 2023); Los Angeles has had the highest rate of unsheltered homelessness in the US.

⁶¹ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 9.

⁶² LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 16; 2009 Greater Los Angeles Homeless Count Report, October 2009, p. 6, <http://documents.lahsa.org/planning/homelesscount/2009/HCo9-fullreport.pdf> (accessed November 28, 2023).

⁶³ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 22.

⁶⁴ Unhoused proportion from LAHSA 2022 PIT Count, Los Angeles Homeless Services Authority, City of LA HC22 Data Summary, September 7, 2022, <https://www.lahsa.org/documents?id=6516-city-of-la-hc22-data-summary.pdf> (accessed November 28, 2023); General population from U.S. Census Bureau (2022), American Community Survey 1-Year Estimates.

Just as Human Rights Watch was completing this report, LAHSA announced the results of the 2024 PIT Count, which showed a .27 percent reduction in the overall unhoused population for Los Angeles County and a 2.2 percent reduction for the city, the first decreases in many years.⁶⁵ The number of sheltered unhoused people increased, while the unsheltered population decreased.⁶⁶ These results are encouraging and may reflect a heightened attention to houselessness by city and county officials. Human Rights Watch has not had the opportunity to conduct a thorough analysis of LAHSA's data; nor are we aware of other such analysis produced before completion of this report. The reduction in makeshift shelters, tents, and vehicles used as shelter was over 9 percent, considerably more than the reduction in actual people counted.⁶⁷ This difference could suggest that efforts to remove the most visible signs of unhoused communities have made individuals harder to locate and count.

A. Gaps in the PIT Count

One obvious PIT Count limitation is that the estimates are based on one day or, as in 2023, just a few consecutive days in the year, and are not necessarily an accurate estimate of houselessness throughout the year. In Los Angeles, those days are generally in the winter when unhoused people are more likely to use what resources they have to get indoors, even if only very temporarily.⁶⁸

The PIT counts rely on administrative shelter data and a sample of sight-counts of unsheltered people, tents, vehicles and structures.⁶⁹ Many unhoused people make great

⁶⁵ LAHSA, 2024 Greater Los Angeles Homeless Count Results (Long Version), July 2, 2024, <https://www.lahsa.org/documents?id=8164-2024-greater-los-angeles-homeless-count-results-long-version-.pdf>, (accessed July 15, 2024), p. 6.

⁶⁶ *Ibid.*, p. 8.

⁶⁷ *Ibid.*, p. 11.

⁶⁸ Alastair Boone, "Is There a Better Way to Count the Homeless?," Bloomberg, March 4, 2019, <https://www.bloomberg.com/news/articles/2019-03-04/the-problem-with-hud-s-point-in-time-homeless-count> (accessed November 28, 2023).

⁶⁹ Eric Tars, et al, "Challenging Domestic Injustice Through International Human Rights Advocacy: Addressing Homelessness in the United States," *Cardozo Law Review*, 42 Cardozo L. Rev. 913 (2021) p. 919, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3923059 (accessed November 28, 2023). Each jurisdiction may create its own methodology for its PIT Count. Some are more comprehensive and accurate than others; Christopher Weare, "Counting the Homeless: Improving Knowledge of the Unsheltered Homeless Population," December 2019, p. 2, <https://socialinnovation.usc.edu/wp-content/uploads/2019/12/Christopher-Weare-Counting-the-Homeless.pdf> (accessed November 28, 2023).

effort to hide themselves in order to avoid law enforcement, vigilantes, or just being exposed to public view, increasing the likelihood those sight-counts will miss them.⁷⁰ Law enforcement and sanitation departments may clear encampments ahead of the counts, making people difficult or impossible to find.⁷¹ Incarcerated or hospitalized unhoused people may not be counted.⁷² Perhaps most significantly, the count does not include people who are “couch surfing” or squeezing temporarily into overcrowded units who may flow in and out of unsheltered houselessness.⁷³

Leaving people who do not have stable housing and are on the verge of being on the streets out of the count means a substantial underestimation of the problem. US Education Department data on unhoused children, counting those living in motels or doubled-up in other people’s homes, indicate a vastly larger number of unhoused people than the PIT counts estimate.⁷⁴

This undercount means that many unhoused people are left out of consideration and that the scale of the problem is minimized; the methodology of counting visibly unhoused people, whether intentional or not, favors policies of criminalization that drive unhoused people out of public view.⁷⁵ A jurisdiction that criminalizes aggressively is likely to lower its count because unhoused people will be harder to find.

B. Who is Unhoused in Los Angeles?

Each person counted in these estimates is a human being with individual circumstances and experiences that led them to be unhoused. Each feels pain and joy, love and fear. Every one of them has hopes and desires. Every one of them has essential needs—a stable, secure, comfortable home; food and water; basic hygiene; social interactions;

⁷⁰ Boone, “Is There a Better Way to Count the Homeless?,” Bloomberg.

⁷¹ Manuela Tobias and Matt Levin, “California Just Finished Counting Its Homeless—A Tally Sure to be Inaccurate, and Politically Weaponized,” CalMatters

⁷² National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 28.

⁷³ National Law Center on Homelessness and Poverty, “No Safe Place: The Criminalization of Homelessness in U.S. Cities,” February 2019, p. 12, https://homelesslaw.org/wp-content/uploads/2019/02/No_Safe_Place.pdf (accessed November 28, 2023); Boone, “Is There a Better Way to Count the Homeless?” Bloomberg.

⁷⁴ Manuela Tobias and Matt Levin, “California Just Finished Counting Its Homeless—A Tally Sure to be Inaccurate, and Politically Weaponized,” CalMatters; National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 28.

⁷⁵ Eric Tars, et al, “Challenging Domestic Injustice Through International Human Rights Advocacy,” p. 919.

dignity and privacy and more. Every one of them has a human right to an adequate standard of living that meets these needs.

- Bobby M., a 70-year-old Black man who has worked as a truck driver, a roofer, and a forklift operator, has been unhoused in the Skid Row neighborhood for many years.⁷⁶ More and more older people like Bobby are unhoused in Los Angeles. The 2023 City of Los Angeles PIT Count estimated 12,031 unhoused people over the age of 55, compared to 9,978 in 2020.⁷⁷ Over one-quarter of the unhoused residents of Los Angeles are over 55 years old.⁷⁸
- Serena C. lives in a tent with her husband and her young adult son in an encampment in Van Nuys near the ABH shelter. She has moved to various encampments and lived in shelters, but she found that their rules separated her from her family. Both she and her husband have physical conditions that prevent them from working. Her son has seizures often triggered by stress.⁷⁹ The 2022 City of Los Angeles PIT Count estimated there were 2,306 unhoused family units (having at least one child under age 18), over 90 percent of them sheltered.⁸⁰ Families with children make up almost 30 percent of the US unhoused population, according to a 2021 study.⁸¹ Historically, most unhoused families in the US are headed by female single parents.⁸²
- Carter L.'s landlord evicted him from his Skid Row apartment just before the pandemic lockdown started in March 2020.⁸³ People stole from him and

⁷⁶ Human Rights Watch interview with Bobby M. (pseudonym), Los Angeles, August 18, 2021.

⁷⁷ LAHSA, 2020 Greater Los Angeles Homeless Count—City of Los Angeles, July 20, 2020, <https://www.lahsa.org/documents?id=4680-2020-greater-los-angeles-homeless-count-city-of-los-angeles.pdf> (accessed November 28, 2023); LAHSA, City of LA HC23 Data Summary, November 8, 2023, <https://www.lahsa.org/documents?id=7680-city-of-la-hc23-data-summary> (accessed May 14, 2024).

⁷⁸ LAHSA, City of LA HC23 Data Summary.

⁷⁹ Human Rights Watch interview with Serena C. (pseudonym), Van Nuys, September 17, 2021.

⁸⁰ LAHSA, City of LA HC22 Data Summary.

⁸¹ U.S. Department of Housing and Urban Development, The 2022 Annual Homelessness Assessment Report (AHAR to Congress), Part 1: Point-In-Time Estimates of Homelessness, December, 2022, <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf> (accessed November 28, 2023), p. 3; A 2014 report estimated 2.5 million unhoused children across the United States: Ellen Bassuk, et al., *America's Youngest Outcasts: A Report Card on Child Homelessness*, report, American Institutes for Research, November 2014, <https://www.air.org/sites/default/files/downloads/report/Americas-Youngest-Outcasts-Child-Homelessness-Nov2014.pdf> (accessed November 28, 2023), p. 6; A 2016-2017 study found that 1 in 30 youth aged 13 to 17 and 1 in 10 young adults aged 18 to 25 experienced some form of houselessness over a twelve month period: Matthew Morton, Amy Dworsky, and Gina Samuels, *Missed Opportunities: Youth Homelessness in America*, report, Chapin Hall at the University of Chicago, 2017, [ChapinHall_VoYC_NationalReport_Final.pdf](https://www.chapinhall.org/sites/default/files/2017-10/ChapinHall_VoYC_NationalReport_Final.pdf) (accessed November 28, 2017), p. 6.

⁸² Bassuk, et al., *America's Youngest Outcasts*, p. 78-79.

⁸³ Human Rights Watch interview with Carter L. (pseudonym), Westwood, September 5, 2021.

assaulted him while he was living on the streets near his former home. He went to the Veterans' Administration in Westwood, since he had been a US Army medic in the 1990s, but they were unable to get him into housing. He moved into a large encampment along San Vicente Boulevard just outside the fence in front of the massive VA campus, along with dozens of other unhoused veterans, while he waited for a housing voucher. The 2022 PIT Count estimated 1,895 unhoused military veterans like Carter in the City of Los Angeles, nearly 80 percent of them unsheltered.⁸⁴

- Sandra C. had to leave her home following a dispute with her ex-partner, forcing her to live on the streets. The residents of an encampment south of Downtown Los Angeles welcomed her and she had lived there for about a year when we spoke with her. She fixes bicycles and sells them. She buys food for her neighbors in the encampment when she has money.⁸⁵ The 2022 City of Los Angeles PIT Count estimated there were 13,817 unhoused women—about one third of the total population. An additional 534 people included in the count identified as gender non-binary or “questioning” and 703 identified solely as transgender.⁸⁶
- Sage Johnson had to leave her home at age 17 to escape an abusive situation. She avoided living on the streets by staying with friends and relatives on their couches or wherever there was space available in the residence. Eventually she found transitional housing with the LGBT Center and permanent housing in West Hollywood.⁸⁷ The 2022 City PIT Count estimates 1,681 unhoused “transition aged youth” (TAY)—those between the age of 18 and 24.⁸⁸ The 2023 County PIT Count estimated 3,718 TAY among the unhoused population, 932 more than in 2022, including a doubling of the number of unsheltered TAY.⁸⁹

⁸⁴ LAHSA, City of LA HC22 Data Summary.

⁸⁵ Human Rights Watch interview with Sandra C. (pseudonym), Los Angeles, October 20, 2021

⁸⁶ LAHSA, City of LA HC22 Data Summary.

⁸⁷ Human Rights Watch interview with Sage Johnson, Lived Expertise Advisory Board, Benioff Homeless and Housing initiative, West Hollywood, April 22, 2022.

⁸⁸ LAHSA, City of LA HC22 Data Summary.

⁸⁹ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 25: PIT counts of TAY in Los Angeles have varied greatly in recent years, due to difficulties in collecting surveys during and following the Covid-19 spike and with changes in data collection methodology. With pandemic rules and risks of infection, many TAY have avoided shelters and instead stayed with friends and family, thus making them unavailable to the PIT Count; Human Rights Watch interview with Sage Johnson, February 29, 2024; Unhoused young people are generally underrepresented in PIT counts compared to their actual numbers: Marguerita Lightfoot, “Most Unhoused Youth are Invisible. How do We Bring Them Out of the Shadows?,” *San Francisco*

- Sally F. came to Los Angeles to escape her abusive husband in 2021. She has seizures that started after he hit her on the head; she has post-traumatic stress, bi-polar disorder, and anxiety. She stays on Skid Row and has survived assault and rape while on the streets.⁹⁰ A 2022 study of unhoused women in Los Angeles County found high rates of victimization for harms, including theft (73.8 percent), domestic violence (48.1 percent), and coerced sexual activity (about one-third) throughout their lifetimes.⁹¹ Over 20 percent of women said intimate partner violence caused them to become unhoused.⁹² Women and especially trans and non-binary people reported high rates of victimization while living on the streets.⁹³ Nearly one-third of unhoused men report having experienced intimate partner or sexual violence during their lifetimes.⁹⁴
- Edgar S. lives in a tent on 7th Street in Skid Row. After his mother died, his family split apart leaving him with no support. He has bi-polar disorder and anxiety. He has a heart condition. He had a substance use disorder and went to prison for a drug-related offense, losing his Social Security Disability benefits. He now survives on General Relief (GR) payments of \$221 per month and Food Stamps.⁹⁵ The 2022 PIT Count estimated that 25 percent of unhoused people in the city have a mental health condition with high support requirements, 28 percent have harmful substance use, 12 percent have a developmental disability, and 22 percent have a physical disability.⁹⁶ Many, like Edgar, have some combination of these conditions.

Chronicle, February 4, 2024, <https://www.sfchronicle.com/opinion/openforum/article/unhoused-youth-homeless-population-18640713.php> (accessed February 29, 2024).

⁹⁰ Human Rights Watch interview with Sally F. (pseudonym), Los Angeles, September 15, 2021.

⁹¹ Batko, et al., “Los Angeles County Women’s Needs Assessment: Findings From the 2022 Survey of Women Experiencing Homelessness,” *Urban Institute*, <https://www.urban.org/sites/default/files/2023-07/Los%20Angeles%20County%20Women%E2%80%99s%20Needs%20Assessment.pdf> (accessed March 4, 2024), p. 40-41.

⁹² *Ibid.*, p. 42.

⁹³ *Ibid.*, p. 44-46.

⁹⁴ LAHSA, “Greater Los Angeles Homeless Count 2020,” p. 26; LAHSA, Greater Los Angeles Homeless Count 2020, June 12, 2020, <https://www.lahsa.org/documents?id=4558-2020-greater-los-angeles-homeless-count-presentation> (accessed November 28, 2023), p. 26.

⁹⁵ Human Rights Watch interview with Edgar S. (pseudonym), Los Angeles, August 20, 2021.

⁹⁶ LAHSA, City of LA HC22 Data Summary.

C. Black Houselessness

Connie W. is a Black woman in her mid-50s who has been living in Skid Row for the past four years. She stays on the sidewalk near 6th Street, under a tree. For the first two years she lived in Skid Row, she slept on a piece of cardboard, until someone gave her a tent. She appreciates the protection from the sun and rain that the tent gives her, calling it “half-way decent.” She is part of a small community of people who live side by side and look out for each other.⁹⁷

Connie uses a wheeled walker and describes having “crippling rheumatoid arthritis.” She is extremely thin and looks frail, appearing to weigh less than 90 pounds, though she says she weighed 174 pounds when she got to Skid Row. She takes marijuana and drinks alcohol to address the constant pain in her bones. She takes medications for Post Traumatic Stress Disorder (PTSD) and for voices she hears and feels these medications help her. She found some milk crates and put a mattress on top of them inside her tent, so she does not have to sleep directly on the concrete.⁹⁸

Connie has been on her own since she was 16. She has some schooling and she worked for 25 years in various jobs, including as a janitor, a cement mason, and a cosmetologist. She styles hair for other unhoused women by her tent on Gladys Avenue.⁹⁹

She had her own apartment, with government subsidized rent, for nine years.¹⁰⁰ Connie allowed her niece, who worked for a cable company and was living in her car, to stay with her. The landlord found out and evicted them both, leaving Connie out on the streets. Some of her family members have apartments or houses, but they are already too crowded for her to move in with them.¹⁰¹

Connie stayed in shelters, but she found them unbearable. Though she got priority because of her physical conditions, administrators would place her in the day room where she had to sleep on a mattress on a floor full of people as close as two feet away from her.

⁹⁷ Human Rights Watch interview with Connie W. (pseudonym), Los Angeles, September 8, 2021.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ This subsidy was obtained through federally funded Section 8 voucher program, which this report will discuss in greater detail in Sections II.C and VIII.B.

¹⁰¹ Human Rights Watch interview with Connie W. (pseudonym), September 8, 2021.

“A person could be snoring or farting right in your face.”¹⁰² She would have to leave the shelter right after breakfast and only could return later in the day.

She got a Section 8 Voucher after becoming unhoused but was unable to find a landlord who would accept her as a tenant within the time limits. She survives on food stamps and \$221 a month from General Relief payments.¹⁰³

The Sanitation Department periodically comes by her sidewalk home and makes her pack up her tent and property so they can clean. After they finish, she usually cleans again with soap and bleach. She keeps a broom and dustpan in her tent and tries to keep her area tidy.¹⁰⁴

Houselessness in Los Angeles is a result of decades of racial discrimination and systemic policies and practices designed to advantage white people and disadvantage Black people like Connie.¹⁰⁵ Black houselessness in Los Angeles is extreme. The 2023 PIT Count estimates that, while Black people make up about 7.6 percent of the overall population in Los Angeles County, they are 31.7 percent of the unhoused.¹⁰⁶ Almost half of unhoused families are Black.¹⁰⁷ Nearly 40 percent of unhoused unaccompanied children and youth aged 18 to 24 are Black.¹⁰⁸ Unhoused older people are disproportionately Black.¹⁰⁹

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, December 2018, <https://www.lahsa.org/documents?id=2823-report-and-recommendations-of-the-ad-hoc-committee-on-black-people-experiencing-homelessness> (accessed November 28, 2023): Subsequent sections in this report will discuss this statement in greater detail.

¹⁰⁶ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 22; The 2022 PIT Count revealed a reduction to 30 percent and the 2017 PIT Count estimated Black people made up 40 percent of the unhoused population; See LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 14 and LAHSA, 2022 Greater Los Angeles Homeless Count, <https://www.lahsa.org/documents?id=6545-2022-greater-los-angeles-homeless-count-deck> (accessed November 28, 2023), p. 15. The reason for the change in percentage does not appear to be a reduction in Black homelessness, but a drastic increase in Latinx houselessness.

¹⁰⁷ LAHSA, 2020 Greater Los Angeles Homeless Count—Families Data Summary, November 6, 2020, <https://www.lahsa.org/documents?id=4978-hc2020-family-households> (accessed November 28, 2023): This data is from the 2020 PIT Count for Los Angeles County, excluding Long Beach, Pasadena, and Glendale.

¹⁰⁸ LAHSA, 2022 Greater Los Angeles Youth Count—Los Angeles Continuum of Care, September 9, 2022, <https://www.lahsa.org/documents?id=6611-coc-youth-count-2022-data-summary> (accessed November 28, 2023): This data is from the 2022 PIT Count for Los Angeles County, excluding Long Beach, Pasadena, and Glendale.

¹⁰⁹ LAHSA, Greater Los Angeles Homeless Count—Older Population—Los Angeles Continuum of Care, September 20, 2022, <https://www.lahsa.org/documents?id=6590-older-adults-55-hc22-data-summary>, (accessed November 28, 2023): Black people make up 35 percent of unhoused people over the age of 55. This data is from the 2022 PIT Count for Los Angeles County, excluding Long Beach, Pasadena, and Glendale.

Los Angeles has over 15,400 unhoused Black people out of a population of nearly 300,000, nearly 9,000 non-Hispanic white people out of a city population of over 1.06 million and nearly 19,000 unhoused Latinx people out of a population of over 1.82 million.¹¹⁰ The odds of being unhoused are 1 in 19 for a Black person in Los Angeles, 1 in 97 for a Latinx person, and 1 in 121 for a non-Hispanic white person. Black people in the city of Los Angeles are over six times more likely to be unhoused than white people.

The rates of county houselessness for white, Latinx, and Asian people are all below their share of the overall population, though Latinx houselessness has risen considerably in recent years.¹¹¹ Native American and Alaska Native people make up 1 percent of unhoused people in Los Angeles County but only 0.2 percent of the overall population; Native Hawaiian and Pacific Island people are 0.5 percent of those unhoused and 0.2 percent of the overall population.¹¹²

The Skid Row neighborhood, which has Los Angeles' most concentrated poverty and houselessness, is primarily a Black community. Black people comprise 56 percent of unhoused people there.¹¹³ Skid Row's history as a place of containment of unhoused people, and its history of aggressive policing, are significant to understanding the racial dynamics of city officials' response to houselessness.¹¹⁴

D. Precariously Housed People

While the Los Angeles homeless services system has become more efficient at helping people regain housing in recent years, LAHSA reports that every day, on average, 227 more

¹¹⁰ LAHSA, "City of LA HC23 Data Summary"; Total population data from U.S. Census Bureau (2022), American Community Survey 1-Year Estimates. Retrieved from Census Reporter Profile page for United States.

¹¹¹ LAHSA, 2022 Greater Los Angeles Homeless Count, p. 16; See also LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 22.

¹¹² LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 22.

¹¹³ LAHSA, 2022 Greater Los Angeles Homeless Count—Skid Row, September 7, 2022, <https://www.lahsa.org/documents?id=6560-skid-row-hc2022-data-summary> (accessed November 28, 2023).

¹¹⁴ Deshonay Dozier, "Contested Development: Homeless Property, Police Reform, and Resistance in Skid Row, LA," *International Journal of Urban and Regional Research*, January 20, 2019, doi: 10.1111/1468-2427.12724 (accessed November 28, 2023); Catherine Gudis, Containment and Community: The History of Skid Row and its Role in the Downtown Community Plan, Los Angeles Poverty Department, October 2022, https://www.lapovertydept.org/wordpress/wp-content/uploads/2022/10/skidrow-now-2040_green_paper_final_web_upload.pdf (accessed November 28, 2023); This report will discuss houselessness in Skid Row in greater detail throughout subsequent sections.

people become unhoused, while only 207 retain housing.¹¹⁵ People who lose their homes usually do not go directly to the streets: they may move in with a series of friends or family, sometimes called “couch surfing;” they may then move into a vehicle or temporary shelter or a motel before ending up outdoors.¹¹⁶

Sage Johnson couch-surfed until she was able to get into a shelter; Connie W. snuck her niece into her apartment until they were both evicted to the streets and shelters.¹¹⁷ Harvey Franco lost his job due to an illness and could no longer afford his rent. He moved in with relatives until their landlord raised the rent beyond their means and he went out on the streets.¹¹⁸

Californian cities, including Los Angeles, have seen the highest growth in home prices in the nation over the past 24 years. Since 2000, the price of a typical home in Los Angeles has more than tripled.¹¹⁹ Home values in Los Angeles have grown at a 60 percent faster rate than the average for the 50 largest US cities.

Los Angeles currently has the fourth most expensive house market in the US, behind only three other Californian cities. The “typical” home in Los Angeles is currently valued at nearly \$1 million, though estimated values differ per neighborhood, ranging from \$563,000 in the Watts neighborhood to nearly \$4 million in the Bel Air neighborhood.¹²⁰

¹¹⁵ United Way of Greater Los Angeles, *Street Strategy for L.A. County: A Vision for Improving the Lives of Those Experiencing Unsheltered Homelessness*, report, April 2021, <https://homeforgoodla.org/app/uploads/2021/04/Street-Strategy-Final.pdf> (accessed November 28, 2023), p. 7; LAHSA, 2020 Greater Los Angeles Homeless Count Results, June 12, 2020, <https://www.lahsa.org/news?article=726-2020-greater-los-angeles-homeless-count-results#:~:text=LOS%20ANGELES%2C%20CA%E2%80%94The%20Los,point%2Din%2Dtime%20count>. (accessed November 28, 2023); This number may have changed in subsequent years, as overall homelessness has increased in Los Angeles.

¹¹⁶ Human Rights Watch interview with Leilani Farha, Global Director of The Shift and former UN Special Rapporteur on the Right to Housing, Toronto, Canada, March 7, 2022; Interviews with dozens of individuals about their experiences becoming unhoused.

¹¹⁷ Human Rights Watch interviews with Connie W. (pseudonym), September 8, 2021; and Sage Johnson, April 22, 2022.

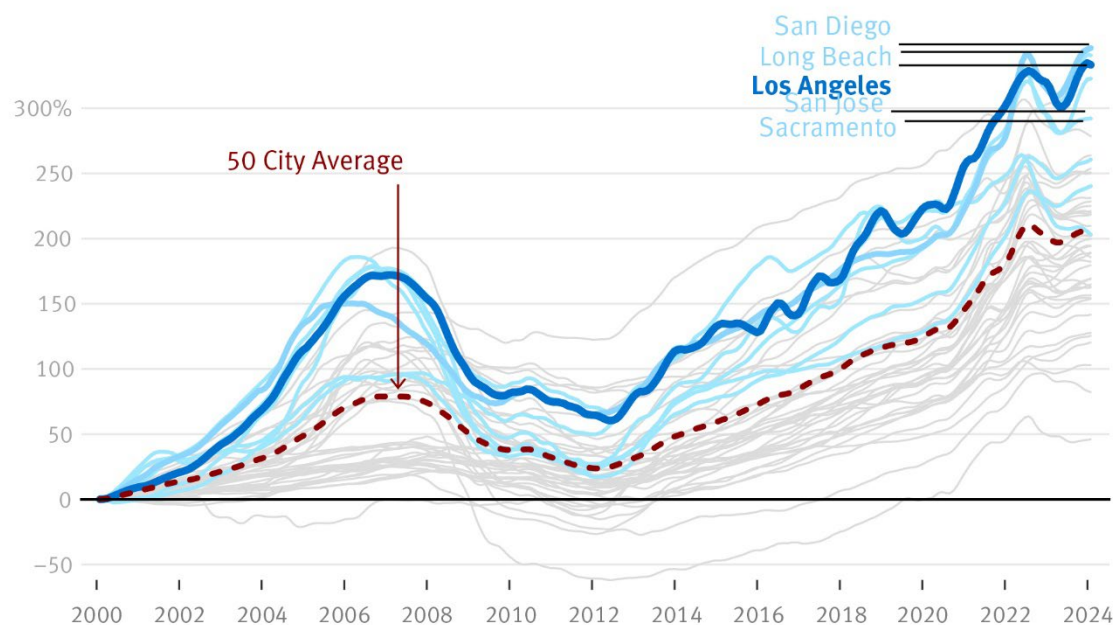
¹¹⁸ Human Rights Watch interview with Harvey Franco, Los Angeles, August 26, 2021.

¹¹⁹ Human Rights Watch analysis of Zillow Home Value Index (ZHVI) data: <https://www.zillow.com/research/data/> (accessed February 29, 2024): The typical home includes single-family residences and condos/co-ops and reflects the typical value for homes in the 35th to 65th percentile range. The percent change was calculated between January 2000 and January 2024.

¹²⁰ Ibid.: The “typical” home in this analysis means the weighted average price of the middle third of single-family homes, condominiums or co-ops in a given area.

Los Angeles and Other Californian Cities Lead US in Change in House Prices

Percent change in typical home value since 2000 in 50 largest US cities
(California cities in blue)



Note: The "typical value" is from the Zillow Home Value Index (ZHVI) and reflects the typical value for homes in the 33rd to 65th percentile range. It is the weighted average home value within that middle third of all home sales and it includes all single family residences, condos and co-ops. The value is smoothed and seasonally adjusted. See here for more details: <https://www.zillow.com/research/zhvi-user-guide/> (accessed May 20, 2024).

Source: Human Rights Watch analysis of Zillow data: <https://www.zillow.com/research/data/>

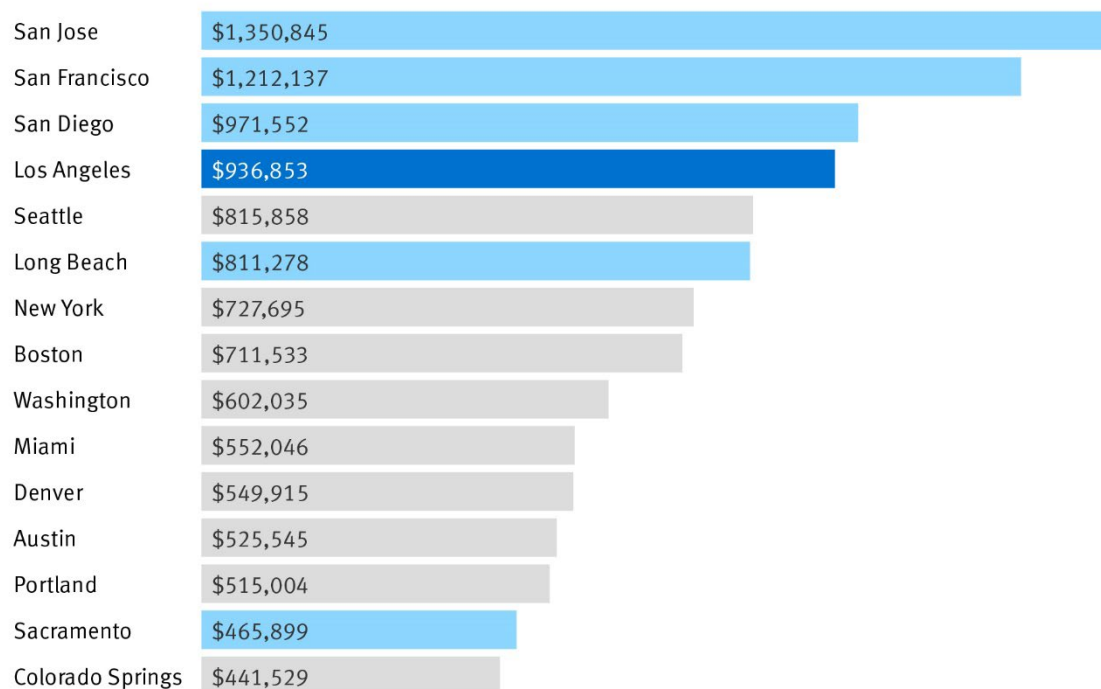
Rents have also skyrocketed, having increased by 50 percent in the city between 2015 and 2024.¹²¹ Median rent prices were \$2,240 for a 1-bedroom and \$3,200 for a 2-bedroom in February 2024.¹²²

¹²¹ Human Rights Watch analysis of the Zillow Observed Rent Index (ZORI), <https://www.zillow.com/research/data/> (accessed February 29, 2024): The ZORI measures changes in asking rents over time, controlling for changes in the quality of the available rental stock.

¹²² Zumper, *Zumper National Rent Report*, report, June 25, 2024, <https://www.zumper.com/blog/rental-price-data/> (accessed February 29, 2024).

Value of a Typical Home (January 2024)

15 most expensive city markets in US



Note: The "typical value" is from the Zillow Home Value Index (ZHVI) and reflects the typical value for homes in the 33rd to 65th percentile range. It is the weighted average home value within that middle third of all home sales and it includes all single family residences, condos and co-ops. The value is smoothed and seasonally adjusted. See here for more details: <https://www.zillow.com/research/zhvi-user-guide/> (accessed May 20, 2024).

Source: Human Rights Watch analysis of Zillow Home Value Index (ZHVI) data
<https://www.zillow.com/research/data/>

The City of Los Angeles has the highest rate of housing cost burden and overcrowding in the US.¹²³ A household that pays over 30 percent of its income for housing costs, including rent and utilities, is considered “cost burdened;” over 50 percent is considered “severely cost burdened.” Almost two-thirds of Los Angeles households rent their homes.¹²⁴ In 2022, 57 percent of those Los Angeles renter households were cost burdened, which includes 31

¹²³ City of Los Angeles, Housing Element 2021-2029, Chapter One: Housing Needs Assessment, November 2021, https://planning.lacity.gov/odocument/61ab9df9-21ba-4a18-afe1-5774fe645077/Chapter_1_-_Needs_Assessment.pdf (accessed November 28, 2023), p. 1-2.

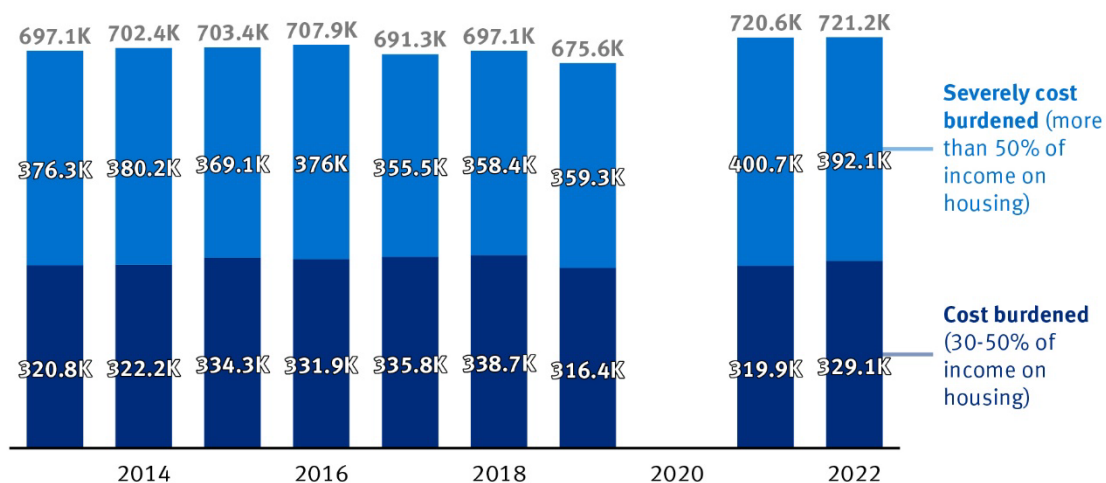
¹²⁴ These proportions have been consistent annually over the last ten years: Human Rights Watch analysis of US Census Bureau, American Community Survey 1-Year Estimates.

percent that were severely cost burdened.¹²⁵ An additional 38 percent of people in owner-occupied units were also cost burdened.¹²⁶ With a median household size of 2.58 people, that means approximately 1.86 million people were living in cost burdened households including over a million severely cost burdened.¹²⁷ Almost all low-income renter households pay more for housing than they can afford.¹²⁸

In much of west Los Angeles and the northern San Fernando valley, a minority of households rent their homes. The proportion of households that rent is especially high around downtown including the areas east and south of it. Cost burdened households are distributed throughout the city with especially high percentages in the San Fernando Valley (see maps on the next page).

Number of Cost Burdened Households in Los Angeles

Includes both owner and renter occupied units



Note: At an average household size of 2.58 people, over 1.86 million people lived in cost burdened households in 2022.

Source: Human Rights Watch Analysis of US Census Bureau data, American Community Survey 1-year data (2012 -2022). 2020 is excluded because the Bureau produced experimental data during the start of the Covid-19 crisis.

¹²⁵ When including homeowners and renters in the denominator, 50 percent of all households are cost burdened including 27 percent that are severely cost burdened: Human Rights Watch analysis of US Census Bureau, American Community Survey 2022 1-Year Estimates.

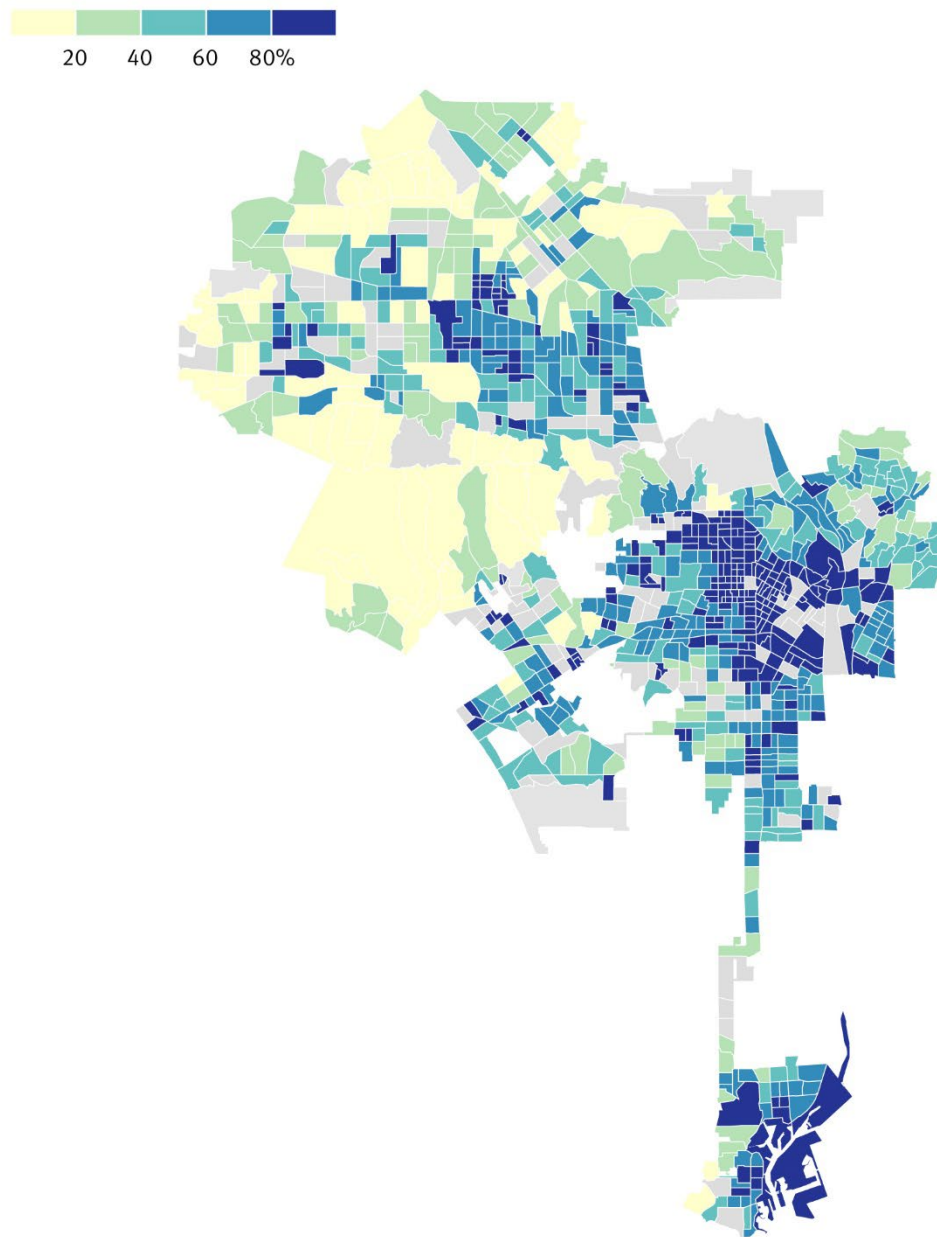
¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ City of Los Angeles, Housing Element 2021-2029, Chapter One, p. 39-41.

Renting and Ownership in Los Angeles

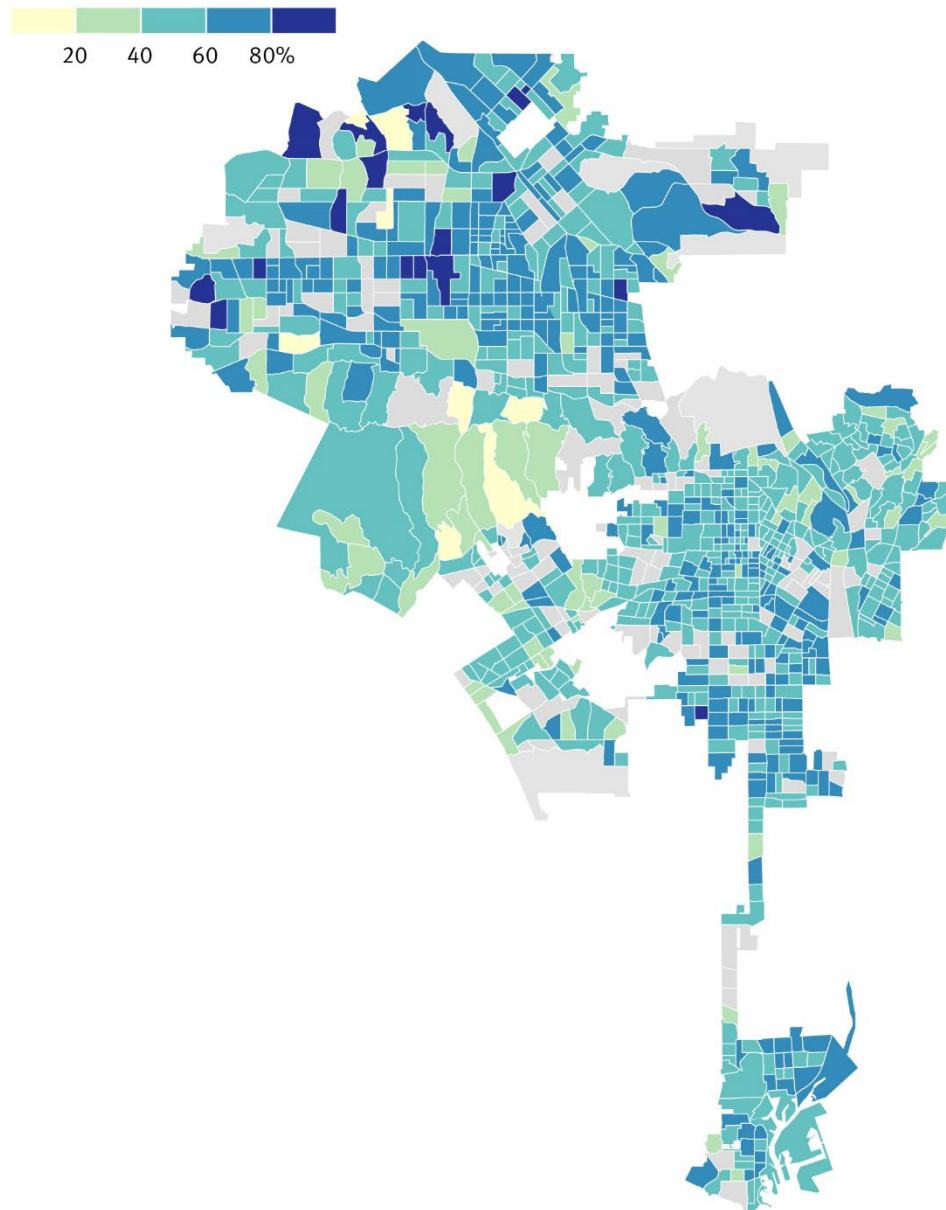
Percentage of households that rent their homes, 2022



Source: Human Rights Watch analysis of US Census Bureau data, American Community Survey 5-year data (2018–2022).

Rent Burden in Los Angeles

Percentage of renters spending more than 30% of household income on rent and utilities, 2022



Source: Human Rights Watch analysis of US Census Bureau data, American Community Survey 5-year data (2018–2022).

In 2020, the city had the second lowest rental vacancy rate in the US and the lowest among major metropolitan areas, reflecting a shortage of homes at the lower priced end of the spectrum.¹²⁹ Only about one-half of vacant units are actually for rent or sale, while a growing percentage is held off the market for various reasons, especially an increasing number of short-term rentals.¹³⁰ Newer, more expensive units have higher vacancy rates, but are out of reach for low-income renters.¹³¹ Speculative investors, especially in gentrifying areas of the city, often hold housing units vacant to realize increased returns when monetary values rise.¹³²

The lack of available affordable homes and the high cost of housing relative to income contribute to severe overcrowding.¹³³ Families and individuals force themselves into units that are too small for the number of people living in them. About 270,000 households in Los Angeles, almost 14 percent, are considered over-crowded and 80,000 renter households are considered severely overcrowded.¹³⁴ No other major city in the US has this level of overcrowding, which places large numbers of people at high risk of falling into homelessness.¹³⁵

E. Death on the Streets

Once a person is living on the streets, the consequences are often dire. After couch surfing, then living in her car, in friends' garages, occasional hotel rooms, and shelters for over two years, Tanya L. finally obtained a subsidized apartment for herself and her children. She tried to move her mother into the apartment, but the apartment manager said her mother's status as a parolee was a lease violation. The manager let Tanya remain,

¹²⁹ Ibid., p. 34-35; Vacancy rates have increased during the Covid-19 pandemic, but the longer-term impacts remain unclear. A 2020 study by the Los Angeles Housing and Community Investment Department "especially low vacancy rates" for middle and lower rent properties and disproportionately high vacancies at the higher end: Nancy Twum-Adwaboah and Maya Abood, "Council Report Back on the Amount of Vacant, Habitable Housing Units in Los Angeles," *Los Angeles Housing and Community Investment Department*, June 11, 2020, p. 5-6, https://clkrep.lacity.org/online/docs/2019/19-0623_rpt_HCI_06-12-2020.pdf, (accessed May 23, 2024)), p. 5-6.

¹³⁰ City of Los Angeles, Housing Element 2021-2029, Chapter One, p. 33-36.

¹³¹ Alex Ferrer, et al., *The Vacancy Report: How Los Angeles Leaves Homes Empty and People Unhoused*, report, SAJE, ACCE, UCLA Law School, September 2020, p. 5, https://www.saje.net/wp-content/uploads/2020/09/The_Vacancy_Report_Final.pdf, (accessed May 23, 2024).), p. 5.

¹³² Ibid, p. 5-6.

¹³³ City of Los Angeles, Housing Element 2021-2029, Chapter One, p. 46.

¹³⁴ Ibid., p. 46-47.

¹³⁵ Ibid., p. 47.

but evicted her mother, who had cancer and could not get help from the medical system. She died on the streets.¹³⁶

Houselessness is deadly. Five unsheltered people died each day on average in Los Angeles County in 2020, a 56 percent increase from 2019, following a steady increase from 1.7 per day on average in 2014.¹³⁷ The first full year of the Covid-19 pandemic saw that number increase to 5.5 daily deaths on average.¹³⁸ In 2021, deaths averaged just over six per day.¹³⁹

Leading causes of death for people living on the streets of Los Angeles County are drug overdoses, especially related to methamphetamine and fentanyl, coronary heart disease, traffic injury, homicide, suicide, and, after March 2020, Covid-19.¹⁴⁰ The average age of death for unhoused people in Los Angeles County is 48 for women and 51 for men.¹⁴¹ People who remain unhoused are 80 percent more likely to die than those who regain housing; those who become unhoused after the age of 50 have higher death rates than those who become unhoused at a younger age.¹⁴²

Stressful life situations, lack of access to health care, and exposure to the elements all age people rapidly.¹⁴³ Substance use, often to numb the pain of existence on the streets or to help people stay awake to protect themselves, increases the risk of death and contributes to deteriorating health. Death by homicide for unhoused people has increased

¹³⁶ Human Rights Watch interview with Tanya L. (pseudonym), Los Angeles, April 26, 2022.

¹³⁷ Los Angeles County Department of Public Health, *Mortality Among People Experiencing Homelessness in Los Angeles County: One Year Before and After the Start of the Covid-19 Pandemic*, April 2022, http://publichealth.lacounty.gov/chie/reports/Homeless_Mortality_Report_2022.pdf, (accessed November 28, 2023), p. 6; Thomas Fuller, “A Rising Tally of Lonely Deaths on the Streets,” *New York Times*, April 18, 2022, <https://www.nytimes.com/2022/04/18/us/homeless-deaths-los-angeles.html>, (accessed November 28, 2023).

¹³⁸ LA County DPH, *Mortality among People Experiencing Homelessness in Los Angeles County*, p. 6.

¹³⁹ *Ibid.*, p. 8.

¹⁴⁰ *Ibid.*, p. 7: People living on the streets in Los Angeles are 26 times more likely to die from overdose, 11 times more likely to die from traffic injury, 10 times more likely to die from homicide, 5 times more likely to die from suicide, and 3 times as likely to die from chronic heart disease than housed people; United Way of Greater Los Angeles, *Street Strategy for L.A. County*, p. 19.

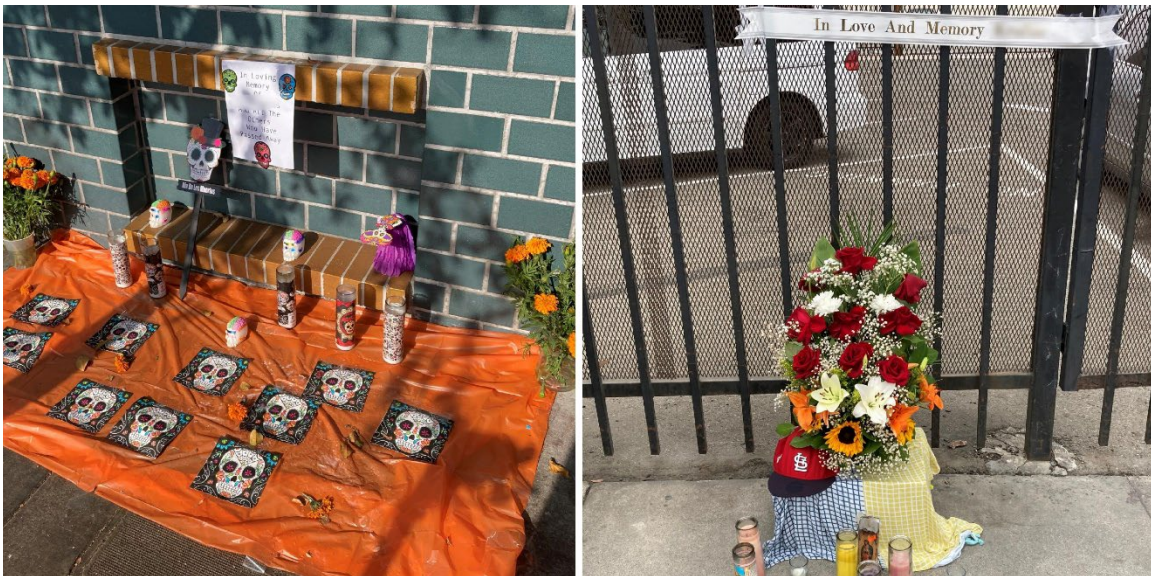
¹⁴¹ Anna Gorman and Harriet Blair Rowan, “The Homeless Are Dying in Record Numbers on the Streets of L.A.,” *KFF Health News*, April 24, 2019, <https://khn.org/news/the-homeless-are-dying-in-record-numbers-on-the-streets-of-l-a/> (accessed November 28, 2023).

¹⁴² Rebecca T. Brown, et al., “Factors Associated with Mortality Among Homeless Older Adults in California: The HOPE HOME Study,” *JAMA Intern Med.*, Vol. 182 (2022), p. 1052-1060, doi:10.1001/jamainternmed.2022.3697 (accessed February 23, 2024).

¹⁴³ Gorman and Rowan, “The Homeless Are Dying in Record Numbers on the Streets of L.A.”; Rhys Mantell, et al., “Accelerated Aging in People Experiencing Homelessness: A Rapid Review of Frailty Prevalence and Determinants,” *Front Public Health*, 11:1086215 (2023), doi: 10.3389/fpubh.2023.1086215 (accessed February 23, 2024).

dramatically in recent years, accounting for 21 percent of all homicides in Los Angeles County in 2021 despite unhoused people making up only about 1 percent of the overall population.¹⁴⁴ Death on the streets is often preventable and almost always brutal.

In September 2021, a woman died in her tent on the sidewalk of 6th Street south of Gladys Avenue. Her neighbors said that she had been suffering through a painful illness for many months. They heard her moaning in her tent, but they were unable to get her medical care.¹⁴⁵ A few days after she died, the Sanitation Department came out and loaded her tent and belongings into their trash compactor truck.¹⁴⁶



Photos taken by Human Rights Watch. Photo on the right, taken September 17, 2021, is a memorial to the woman who died on this spot on the sidewalk of 6th Street near Gladys Avenue. Photo on the left, taken on November 4, 2021, depicts a memorial on Ceres Avenue east of 6th Street, that says: “In loving memory of [name redacted] and all the others who have passed away.” © 2021 Human Rights Watch

¹⁴⁴ Ngai Yeung, “Murders of People Experiencing Homelessness are on the Rise,” *Crosstown LA*, June 8, 2022, <https://xtown.la/2022/06/08/murders-people-experiencing-homelessness/> (accessed November 23, 2023).

¹⁴⁵ Human Rights Watch conversations with unhoused residents of 6th Street south of Gladys Avenue on September 17, 2021.

¹⁴⁶ Human Rights Watch interview with General Dogon, Human Rights Organizer, Los Angeles Community Action Network, Los Angeles, September 17, 2021.

III. Drivers of Houselessness

- The government's failure to dedicate maximum available resources towards realizing the right to housing and its failure to appropriately regulate the profit-driven housing system has led to dramatic shortage of affordable housing causing mass scale houselessness. Other factors like health conditions, discrimination, family violence, and job loss may explain why a particular individual is houseless.
- Over half a million low-income renter households lack affordable housing in Los Angeles, while housing development is concentrated in the high end of the market.
- Since 2000, renter income in California has gone up by 8 percent, while rents have increased 37 percent; the median two-bedroom unit in Los Angeles was \$2,650, about 50 percent of the median income.
- Government at all levels has substantially decreased social protection for people living in poverty; Los Angeles County General Relief payments are capped at \$221 per month, less than the \$312 paid in 1989; the federal government has discontinued direct spending on affordable housing development, while making Section 8 rental assistance available to only about one-quarter of eligible people.
- Government policies, including red-lining, zoning, freeway construction, "urban renewal," and mass incarceration, along with private discrimination and de-industrialization, have enforced racial segregation and contributed to Black poverty and houselessness.

A. Economic Structure

The cause of houselessness is, in one sense, extremely simple: the housing system in Los Angeles and throughout the US, does not create or maintain enough affordable, quality housing for all residents.¹⁴⁷ For this reason, a certain number of people necessarily will be

¹⁴⁷ See Gregg Colburn and Clayton Page Aldern, *Homelessness is a Housing Problem: How Structural Factors Explain U.S. Patterns*, (California: University of California Press Books, 2022) for a detailed explanation of how systems based on the commodification of housing fail to provide for low-income people; The Los Angeles Housing Element Needs Assessment details these shortages specifically in Los Angeles.

unhoused, primarily those who are disadvantaged by the economic system due to discrimination, disability, lack of family or government support, or some other circumstance.¹⁴⁸

Individuals lose their homes for a broad variety of specific reasons:

- Ida J. had to stop working to care for her ailing mother. When her mother died, Ida inherited her debt and could not pay the mortgage. She lost the house and lived on the streets in Skid Row before getting temporary shelter in a motel room. She is in her mid-60s and has sciatica which requires her to use a walker.¹⁴⁹
- Ramon T. worked as a roofer. He, his wife, and two very young children had an apartment that was infested with roaches and barely habitable, and still they could not afford the \$1,200 per month rent. The landlord evicted them. His family moved into his wife's mother's already crowded apartment, while Ramon set up his tent in MacArthur Park.¹⁵⁰
- Kate W. fled her abusive husband with her children. The domestic violence shelters would not let her stay because her children were too old, so she moved into a large encampment in a riverbed in Ventura County. She got a job and an apartment in Los Angeles, but the pay was not enough for her to cover rent. After her eviction, she continued to work while living in an encampment in the Van Nuys section of Los Angeles.¹⁵¹
- Carla P. was going to school, but after five years of sobriety she relapsed into drug addiction, leading her to lose her housing.¹⁵²
- Sean O. had a temporary job at an Amazon warehouse with no benefits and low pay. After the Christmas season they laid him off. He was arrested for possessing drug paraphernalia and placed on probation. After losing his job, he could not pay fees associated with his probation or his share of the family's

¹⁴⁸ Jennifer Wolch, et al, *Ending Homelessness in Los Angeles*, report, Inter-University Consortium Against Homelessness, January 30, 2007, <https://acrobat.adobe.com/id/urn:aaid:sc:US:12ded68a-e54b-4271-8ead-267464f185a2>, (accessed December 7, 2023), p. 12; Margot Kushel and Tiana Moore et al., *Towards a New Understanding: The California Statewide Study of People Experiencing Homelessness*, report, UCSF Benioff Homelessness and Housing Initiative, June 2023, https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf (accessed November 29, 2023), p. 19-20.

¹⁴⁹ Human Rights Watch interview with Ida J. (pseudonym), Los Angeles, August 18, 2021.

¹⁵⁰ Human Rights Watch interview with Ramon T. (pseudonym), October 5, 2021.

¹⁵¹ Human Rights Watch interview with Kate W. (pseudonym), Los Angeles, August 29, 2021.

¹⁵² Human Rights Watch interview with Carla P. (pseudonym), November 2, 2021.

rent. His mother and sister kicked him out of their house, and he ended up living in his truck in Venice.¹⁵³

Many precipitating factors can lead any one person into houselessness, including losing a job, experiencing an eviction, having a mental health condition, family violence, an injury, illness or other medical condition, or a rent increase, for example. People facing these circumstances do not necessarily lose their homes, but the likelihood increases given the overall shortage of affordable housing. For example, 1 in 85 adults with disabilities is unhoused, compared to 1 in 344 adults without disabilities.¹⁵⁴ A substantial share of unhoused people have disabilities, but as these statistics indicate, most people with disabilities do not become houseless. Similarly, most people losing their jobs or facing a health emergency or with substance use disorder do not become houseless, but a certain number do.¹⁵⁵ Most people report that their entry to houselessness began with being removed from their home through an eviction.¹⁵⁶

Individual factors may explain which individuals become unhoused, but structural features inherent to the market-based approach to housing and enabled by government policies explain the prevalence of houselessness.¹⁵⁷ In the US and especially in Los Angeles, housing is largely treated as a commodity. While people experience their housing as “home,” it also functions, primarily for many people, to build wealth.¹⁵⁸ Homeownership is

¹⁵³ Human Rights Watch interview with Sean O. (pseudonym), Los Angeles, December 17, 2021.

¹⁵⁴ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 33.

¹⁵⁵ Human Rights Watch interview with Gary Blasi, January 17, 2022.

¹⁵⁶ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 31; Human Rights Watch interview with Steve Diaz, Deputy Director, Los Angeles Community Action Network, Los Angeles, March 2, 2022; An eviction can be a formal legal process, a simple notice from a landlord, or just being told to leave by a roommate or family member. Margot Kushel and Tiana Moore et al., *Towards a New Understanding: The California Statewide Study of People Experiencing Homelessness*, report, Benioff Homelessness and Housing Initiative, June 2023, https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf (accessed November 20, 2023), p. 33-34; Aimee Inglis and Dean Preston, “California Evictions are Fast and Frequent,” *Tenants Together*, May 2018, https://static1.squarespace.com/static/52b7d7a6e4bob3e376ac8ea2/t/5b1273cae2e72ec53abo655/1527935949227/CA_Evictions_are_Fast_and_Frequent.pdf (accessed November 29, 2023); Los Angeles County averaged 54,000 evictions from 2014 through 2016, most completed within 45 days. This number counts formal evictions filed in court. Most evictions are accomplished without resorting to court process, so the number of people removed from their homes is considerably higher.

¹⁵⁷ Colburn and Page Aldern, *Homelessness is a Housing Problem*.

¹⁵⁸ United Nations Human Rights Council, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context, A/HRC/31/54, December 30, 2015, <https://www.make-the-shift.org/wp-content/uploads/2020/09/Thematic-Report-5-Homelessness-as-a-Global-Human-Rights-Crisis.pdf> (accessed November 29, 2023), paras. 28-32; Human Rights Watch interview with Cynthia Strathmann, Executive Director, Strategic Actions for a Just Economy, Los Angeles, October 26, 2021.

often as much an investment as it is a place to live; landlords buy properties as a source of income. A market system that treats housing as a commodity does not enable the creation of enough affordable housing for all people without massive government intervention.¹⁵⁹

Large private equity firms, whose obligation is to their investors, have increasingly bought up housing stock across the US and in Los Angeles.¹⁶⁰ These companies have bought distressed and foreclosed properties, taking advantage of the global financial crisis of the late 2000s to expand their holdings and dominate housing markets.¹⁶¹ While the industry sometimes claims to be saving affordable housing, former UN Special Rapporteur on the Right to Housing Leilani Farha has pointed out that they tend to purchase existing housing and make it more expensive.¹⁶² Specifically, she noted, companies seek out properties that they consider “undervalued” because the rents are not as high as the market will bear.¹⁶³ Then they raise rents and cut back maintenance, often driving the existing tenants out, in their efforts to squeeze as much profit as possible from their investments.¹⁶⁴ Private equity

¹⁵⁹ Colburn and Page Aldern, *Homelessness is a Housing Problem*.

¹⁶⁰ Human Rights Watch interviews with Leilani Farha, March 7, 2022; and Ananya Roy, professor of Urban Planning, Social Welfare, and Geography, University of California, Los Angeles, September 24, 2021; Leilani Farha, Global Director of The Shift and former UN Special Rapporteur on the Right to Housing, Presentation to Human Rights Watch on the Right to Housing, May 12, 2022; Ananya Roy, Terra Graziani, and Pamela Stephens, “Unhousing the Poor: Interlocking Regimes of Racialized Policing,” *The Square One Project: Roundtable on the Future of Justice Policy*, 2023, <https://challengeinequality.luskin.ucla.edu/2020/08/25/unhousing-the-poor/> (accessed July 25, 2024); City of Los Angeles, Housing Element 2021-2029, Chapter One: Housing Needs Assessment, https://planning.lacity.gov/odocument/61ab9df9-21ba-4a18-afe1-5774fe645077/Chapter_1_-_Needs_Assessment.pdf (accessed November 29, 2023), p. 32: Private equity firms have bought up a great deal of single-family homes since the massive foreclosures of 2008. This trend has great impact given that most of Los Angeles is zoned strictly for single-family homes; Human Rights Watch interview with Cynthia Strathmann, October 26, 2021.

¹⁶¹ Human Rights Watch interviews with Leilani Farha, March 7, 2022; and Ananya Roy, September 24, 2021.

¹⁶² Human Rights Watch interview with Leilani Farha, March 7, 2022.

¹⁶³ Farha, Presentation to Human Rights Watch on the Right to Housing, 2022

¹⁶⁴ Ibid.; Peter Whoriskey, Spencer Woodman, and Margot Gibbs, “This Block Used to be for First-Time Homebuyers. Then Global Investors Bought In,” *Washington Post*, December, 15, 2021, <https://www.washingtonpost.com/business/interactive/2021/investors-rental-foreclosure/> (accessed November 29, 2023); Dick Platkin, “Why Pursue Planning Policies that Make Homelessness Crisis Worse?,” *LA Progressive*, May 3, 2022, https://www.laprogressive.com/homelessness/homeless-crisis-worsens?utm_source=LA+Progressive+NEW&utm_campaign=53401fc44d-LAP+News+-+20+April+17+PC_COPY_01&utm_medium=email&utm_term=0_61288e16ef-53401fc44d-286937225&mc_cid=53401fc44d&mc_eid=643d505123 (accessed November 29, 2023); Human Rights Watch interviews with Cynthia Strathmann, October 26, 2021; and Becky Dennison, Executive Director of Venice Community Housing, Venice, October 15, 2021; Inglis and Preston, “California Evictions are Fast and Frequent,” *Tenants Together*, p. 2.

firms have bought about 13 percent of homes in the US.¹⁶⁵ In Los Angeles, housing grabs by private corporate landlords have disproportionately impacted Black neighborhoods.¹⁶⁶

More fundamentally, under a market system in which the goal of real estate development is to build wealth, it is not economically rational for developers large and small to build housing that is affordable to people with low incomes, absent government intervention.¹⁶⁷ Helmi Hisserich, former deputy mayor for housing and homelessness under Mayor Antonio Villaraigosa and former member of Mayor Richard Riordan's business team, said that profit-driven developers build high-end housing due, in part, to costs of construction and land.¹⁶⁸

Building and land costs are especially high in a coastal city like Los Angeles because, among other reasons, land is limited due to geography, suburbanization, and single-family home zoning.¹⁶⁹ Developers are driven to make profit rather than to provide for unhoused or precariously housed people, and the profit margins on high-end homes incentivize developers to build expensive ones.¹⁷⁰ The demand for such homes consumes much of that limited land. Heidi Marston, former executive director of the Los Angeles Homeless Services Agency, explained that non-profit affordable housing developers simply cannot compete for available land on the open market.¹⁷¹

The 2023 Los Angeles County Housing Needs Assessment Report found that over half a million low-income renter households do not have access to affordable housing and the

¹⁶⁵ Farha, Presentation to Human Rights Watch on the Right to Housing, 2022.

¹⁶⁶ Terra Graziani, et al., *Who Profits from Crisis? Housing Grabs in Times of Recovery*, report, UCLA Luskin Institute for Inequality and Democracy, October 16, 2020, <https://escholarship.org/uc/item/5pw7o6tf#main>, (accessed November 29, 2023).

¹⁶⁷ Colburn and Page Aldern, *Homelessness is a Housing Problem*.

¹⁶⁸ Human Rights Watch interview with Helmi Hisserich, Director of Global Housing Solutions, Global Policy Leadership Academy, Los Angeles, December 1, 2021.

¹⁶⁹ Colburn and Page Aldern, *Homelessness is a Housing Problem*; Los Angeles is generally low density, dominated by single-family homes and suburban sprawl, as opposed to multi-family apartment buildings. Expansion is limited by the ocean to the west and somewhat by the mountains that run through and border the city. Los Angeles has areas of extremely high population density. However, the vast majority of its physical area is low density: Sandra O'Flaherty, Andrea Osgood, and Lara Regus, "Is Los Angeles More Crowded Than New York?" *Livable Places*, February 2014, https://www.its.ucla.edu/wp-content/uploads/sites/2/2014/05/0506OsgoodEtAL_LANYDensity_Poster.pdf (accessed November 29, 2023).

¹⁷⁰ Andrew Aurand, et al., *The Gap: A Shortage of Affordable Homes, National Low Income Housing Coalition*, report, National Low Income Housing Coalition, March 2021, https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf, (accessed November 29, 2023), p. 16-17.

¹⁷¹ Human Rights Watch interview with Heidi Marston, former director of LAHSA, Los Angeles, March 14, 2022.

average monthly rent requires a person to make almost three times the minimum wage to avoid being rent-burdened.¹⁷² A 2021 study found that Los Angeles had only 20 available affordable rental units for every 100 extremely low-income households.¹⁷³ With the bulk of housing production concentrated at the high end of the market, the amount of affordable housing remains well below the needs of the population.¹⁷⁴

The City of Los Angeles Draft Housing Element 2021-2029 Housing Needs Assessment (2021 LA City Housing Needs Assessment), a study generated every 10 years by the city planning and housing departments, evaluated housing needs and production from 2014 through 2021.¹⁷⁵ To meet estimated needs, the goal for that time period had been 82,002 total units, including 35,412 above moderate income, 13,728 moderate income, and 32,862 low and very low-income units. The total number given permits for development was 103,973—a seeming success. However, 92,407 of those units were for those with above moderate income, 2.6 times greater than the need at that level. Housing development to serve low-income people fell vastly short of the goals.¹⁷⁶

Projecting forward to the next 10 years, the 2021 LA City Housing Needs Assessment anticipates a massive increase in the need for housing, including 184,721 units for people with low, very low, and extremely low incomes, and another 75,091 for people with moderate incomes.¹⁷⁷ They anticipate new construction will not remotely meet these needs, while overproducing for above moderate-income people by more than 50,000 units.¹⁷⁸ To

¹⁷² Danielle M. Mazzella, *Los Angeles County 2023 Affordable Housing Needs Report*, report, California Housing Partnership, May 2023, https://mcusercontent.com/9767ea40e0794db27ec804e71/files/5ca421d5-e021-7dbo-dc50-d26353382341/Los_Angeles_County_Housing_Report_2023.pdf (accessed November 29, 2023).

¹⁷³ Aurand, et al., *The Gap*, p. 10.

¹⁷⁴ Human Rights Watch interview with Helmi Hisserich, December 1, 2021; Manuela Tobias, Matt Levin and Ben Christopher, “Californians: Here’s Why Your Housing Costs are So High,” *CalMatters*, August 21, 2017, <https://calmatters.org/explainers/housing-costs-high-california/> (accessed November 29, 2023): Overall housing production throughout California has not kept up with population growth. Only 7 to 10 percent of newly constructed units are designated as affordable.

¹⁷⁵ City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 49-53.

¹⁷⁶ *Ibid.*, p. 49-53.

¹⁷⁷ *Ibid.*, p. 49-53.

¹⁷⁸ *Ibid.*, p. 49-53; For Extremely Low Income, the RHNA goals are 57,989 and estimated new construction is 21,000; For Very Low Income, 57,989 and 12,000; For Low Income, 68,743 and 29,000; For Moderate Income, 75,091 and 1,000.

meet the needs, construction of affordable units will need to increase 2,291 percent by 2029.¹⁷⁹ Such an increase is highly unlikely without substantial government investment.

A 2023 study of housing development across the US found that “multifamily production was extraordinarily strong,” but it mostly targeted the high end of the market.¹⁸⁰ From 2015 through 2022, the share of new units with monthly rents over \$2,050 doubled to 36 percent of the market, while the share of units with rent below \$1,050 dropped from 22 to 5 percent.¹⁸¹

High levels of construction of higher cost housing have not driven costs down and made housing more affordable.¹⁸² Developers leave units empty rather than lower rents or rent them out short-term to individual or corporate tenants.¹⁸³

The area surrounding the encampment near City Hall where Sonja Verdugo first lived is filled with recently built market rate housing with vacancies. The land on which these buildings sit used to be parking lots.

The Downtown section of Los Angeles has relatively high vacancy rates, but also has the highest concentration of people living on its sidewalks.¹⁸⁴ For-profit developers and

¹⁷⁹ Helmi Hisserich, “Scaling Up: Equitable Housing on Public Land, Los Angeles Housing and Community Investment Department,” report, April 2, 2021, <https://www.yumpu.com/en/document/read/65464478/scaling-up-equitable-housing-on-public-land-in-los-angeles> (accessed November 29, 2023), p. 6.

¹⁸⁰ Joint Center for Housing Studies of Harvard University, *The State of the Nation’s Housing 2023*, report, Harvard Graduate School of Design/Harvard Kennedy School, 2023, https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2023.pdf (accessed November 29, 2023), p. 34; See also “Rents Rising Fastest Among Low-End Apartments,” *Zillow*, July 28, 2016, <https://zillow.mediaroom.com/2016-07-28-Rents-Rising-Fastest-Among-Low-End-Apartments> (accessed November 29, 2023): Showing vastly more housing built across the country and in Los Angeles at the high end of the market compared to the lower end.

¹⁸¹ Joint Center for Housing Studies of Harvard University, *The State of the Nation’s Housing 2023*, p. 34-35.

¹⁸² Platkin, “Why Pursue Planning Policies that Make Homelessness Crisis Worse?.”

¹⁸³ Human Rights Watch interviews with Cynthia Strathmann, October 26, 2021; Becky Dennison, October 15, 2021; and Gary Blasi, January 17, 2022; City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 35-36; A search for apartments to rent on March 9, 2023, revealed 57,432 units available on Apartments.com. When filtered for rentals under \$2,500 per month, there were 17,625 units available, and under \$1,500 per month, only 2,110 units were available. There were nearly 20,000 units available for over \$3,500 per month: “Apartments.com,” <https://www.apartments.com/los-angeles-ca/11/> (accessed March 9, 2023), p. 11.

¹⁸⁴ City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 35.



Photo taken by Human Rights Watch on August 26, 2021, shows a tent on Spring Street by Arcadia Street in front of an apartment building advertising units for rent. © 2021 Human Rights Watch

property owners have built luxury apartments and converted low-income units into above-market rate housing.¹⁸⁵

Houselessness tracks gentrification.¹⁸⁶ With rising housing costs, relatively middle-income people seek out lower-cost housing in neighborhoods where lower-income people, often Black and Brown people, live. Their ability to pay more pressures the price of that housing upward and reduces the stock available to people who cannot afford as much.¹⁸⁷ Speculative housing developers invest in these neighborhoods with rising home prices to convert previously affordable units into higher-end market rate housing.

Developers have targeted the areas surrounding and even within the neighborhood of Skid Row for creation of upscale, expensive housing, as more wealthy people choose to live in the city core. The Echo Park neighborhood, a traditionally working-class Latino area, has changed drastically over the past two decades, driving up housing costs and displacing longtime residents. David Busch, an unhoused person and advocate who had been living in an encampment there, told of a Latina woman, a grandmother, who had lived in Echo Park her entire life.¹⁸⁸ Unable to afford rent, she lost her house. Not wanting to leave her home and community,

¹⁸⁵ Florentina Sarac, “Apartment Construction by Neighborhood: The Nation’s Downtowns See Historic Boom, with DTLA Leading the Way,” *RentCafe*, <https://www.rentcafe.com/blog/rental-market/market-snapshots/top-apartment-crazed-neighborhoods/> (accessed November 29, 2023): According to this study, developers built over 10,000 new units of housing in downtown Los Angeles from 2017 through 2021, which accounts for 39 percent of new units in the entire city.

¹⁸⁶ Human Rights Watch interviews with Pete White, Executive Director, Los Angeles Community Action Network, Los Angeles, May 25, 2021, and Laddie Williams, Venice resident and activist, Venice, October 26, 2023.

¹⁸⁷ City of Los Angeles, Housing Element 2021-2029, Chapter One, p. 17-18; Lindsay Rosenfeld, “Demystifying California’s Affordable Homes Shortfall,” news release, *California Housing Partnership*, <https://chpc.net/demystifying-californias-affordable-homes-shortfall-2020/> (accessed November 29, 2023).

¹⁸⁸ Human Rights Watch interview with David Busch, unhoused advocate, Santa Monica, April 25, 2022.

she set up a tent in a large encampment by Echo Park Lake. She stayed there until police destroyed that encampment in March 2021 and dispersed its residents.¹⁸⁹

Gentrification has been ongoing for decades in the Venice neighborhood, as has houselessness. In the mid-2000s, a US Housing and Urban Development subsidized building on the boardwalk that provided affordable homes to dozens of people living on social security disability payments, was converted to a market rate hotel. Units now rent for between \$269 and \$359 per night.¹⁹⁰ Several of the people displaced by the conversion moved to nearby encampments on the boardwalk or on 3rd Street and some of them have died while living outdoors.¹⁹¹ Many other residents of these encampments were part of a multi-generational community of working class Black and Latinx people in Venice who had been priced out of their housing.¹⁹² When Google and other technology companies moved to Venice in the early 2010s even more high-income people came to the area, driving housing prices up and accelerating gentrification.¹⁹³

In Los Angeles, the lack of affordable housing and prevalence of poverty create widespread housing instability and houselessness. The 2021 LA City Housing Needs Assessment found the median household income in Los Angeles to be \$62,000 per year, well below the cut-off to be considered low-income for a family, and that the most available jobs in the city paid under \$30,000 per year.¹⁹⁴ About 22 percent of Los Angeles households live on less than \$25,000 per year.¹⁹⁵ People with such low incomes have little flexibility if their rent increases, work hours diminish, or they have an unplanned

¹⁸⁹ After Echo Park Lake Research Collective, “(Dis)placement: The Fight for Housing and Community After Echo Park Lake,” *UCLA Luskin Institute on Inequality and Democracy*, March 23, 2022, <https://escholarship.org/uc/item/7orop7q4>, (accessed November 29, 2023); See Section VII C below for a more detailed discussion of the Echo Park Lake encampment and its clearance.

¹⁹⁰ “Air Venice,” last modified November 29, 2023, <https://resnexus.com/resnexus/reservations/book/E2C5DA86-4AC4-4905-BB64-799D9F64C5EC> (accessed November 29, 2023).

¹⁹¹ Human Rights Watch interview with Laddie Williams, October 26, 2023.

¹⁹² *Ibid.*

¹⁹³ Human Rights Watch interview with Sam Tsemberis, Executive Director Pathways to Housing, Santa Monica, February 14, 2022; City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 13-14.

¹⁹⁴ City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 13-14; HUD defines a household in Los Angeles County in 2021 as low income if total income was \$66,250 for one person, \$75,700 for two, \$85,150 for three, and \$94,600 for four.

¹⁹⁵ *Ibid.*, p. 15-16: The text of this source says the number is 22 percent, but the graph appears to show closer to 15 percent; Daniel Flaming, et al., “Locked Out: Unemployment and Homelessness in the Covid Economy,” *Economic Roundtable*, January 2021, p. 2, <https://economicrt.org/wp-content/uploads/2021/01/Locked-Out.pdf> (accessed November 29, 2023): One fifth of American workers earn less than the poverty threshold.

expense like a health emergency or a traffic accident. Such precarity leaves people on the brink of losing their homes.

Wages in Los Angeles and throughout California have not kept up with housing costs. Since 2000, renter income in California has gone up 8 percent, while rents have increased 37 percent.¹⁹⁶ Los Angeles has among the highest rents of any city in the US. In 2021, the median two-bedroom unit cost \$2,650 per month, about 50 percent of the median household income.¹⁹⁷

Income inequality combines with the sheer numbers of people living in poverty or at its edges to drive houselessness.¹⁹⁸ Los Angeles is home to many very wealthy people and massive numbers of people with little or no wealth. Wages for Californians in the bottom half and bottom tenth of earners have remained stagnant for at least the past 40 years, while wages for the top 5 and 10 percent of earners have risen substantially.¹⁹⁹

This inequality means some people can afford very expensive housing, thus incentivizing profit-driven developers to build for them and driving the housing market up, while the vast majority of people compete over the insufficient affordable housing stock.²⁰⁰ With rising housing costs, middle- and even upper-income people seek out less expensive options, making it even more difficult for lower-income people to find homes.²⁰¹ A report by the consulting firm McKinsey & Company found that California ranked 49th among US states for housing units per capita and that 50 percent of households could not afford their housing costs.²⁰² Los Angeles has among the nation's most severe housing

¹⁹⁶ Tobias, Levin, and Christopher, "Californians: Here's Why Your Housing Costs Are So High."

¹⁹⁷ Ibid.

¹⁹⁸ Flaming, et al., "Locked Out: Unemployment and Homelessness in the Covid Economy," p. 11-12.

¹⁹⁹ Ned Resnikoff, "Housing Affordability is About More Than Housing Costs," *Benioff Homelessness and Housing Initiative*, December 2, 2021, <https://homelessness.ucsf.edu/blog/housing-affordability-about-more-housing-costs> (accessed November 29, 2023).

²⁰⁰ Flaming, et al., "Locked Out: Unemployment and Homelessness in the Covid Economy," p. 11.

²⁰¹ Zillow Research, "Homelessness Rises Faster Where Rent Exceeds Third of Income," *Zillow*, December 11, 2018, <https://www.zillow.com/research/homelessness-rent-affordability-22247/> (accessed November 29, 2023).

²⁰² McKinsey & Company, "A Tool Kit to Close California's Housing Gap," <https://www.mckinsey.com/~ /media/mckinsey/industries/public%20and%20social%20sector/our%20insights/closing%20californias%20housing%20gap/closing-californias-housing-gap-in-brief.pdf> (accessed November 29, 2023).

shortages for low-income people.²⁰³ Half a million renter households in Los Angeles cannot afford their homes.²⁰⁴

B. Property Values, Housing, and Houselessness

While the commodification of housing--combined with governmental failure to invest in affordable housing--contributes to creating the conditions that lead to houselessness in the US, concern with monetary property values dominates public policy towards housing and unhoused people. “Free market” ideology resists regulations on speculative, profit-driven development of housing and developers and property owners exert their influence over government to promote laws and policies that help them build wealth.²⁰⁵

Some scholars observe that the emphasis on home ownership as wealth-building vehicle, promoted by government subsidies and guarantees, along with profit-maximization in the housing rental market, insure that property values, seen strictly in financial terms, guide policy related to houselessness.²⁰⁶

Many policymakers and much of the public perceive social or public housing as a “give-away” to undeserving people and as crime-ridden slums.²⁰⁷ These perceptions are deeply connected to racism.²⁰⁸ They become self-fulfilling when that perception leads to

²⁰³ Aurand, et al., *The Gap*, p. 10.

²⁰⁴ California Housing Partnership, “Los Angeles County 2021 Affordable Housing Needs Report.”

²⁰⁵ Kyle K. Moore and Adewale A. Maye, “The Free Market Won’t Solve Our Nationwide Housing Affordability Problem,” post to “Working Economics Blog” (blog), Economic Policy Institute, May 7, 2024, <https://www.epi.org/blog/the-free-market-wont-solve-our-nationwide-housing-affordability-problem-equity-focused-policy-is-the-solution/> (accessed July 14, 2024); Ben Ansell and Asli Cansunar, “The Political Consequences of Housing (Un)affordability,” *Journal of European Social Policy*, Vol. 31, Issue 5, December 9, 2021, doi: 10.1177/09589287211056171, accessed July 14, 2024; Mike Nemeth, “CAA Defeats ‘Anti-Housing’ Bill Aimed at Expanding Rent Control,” *California Apartment Association*, May 31, 2023, <https://caanet.org/caa-prevents-passage-of-rent-control-expansion-bill/> (accessed July 14, 2024); Manuela Tobias, “Why is a Tenant Protection Bill Failing in the California Legislature, Again?” *CalMatters*, February 9, 2022, <https://calmatters.org/politics/2022/02/tenant-protection-california-legislature/>; Tenant protection: What is blocking California bill?, *CalMatters*, (accessed July 14, 2024); Nick Trombola, “California Supreme Court Rejects Challenge to LA’s ‘Mansion Tax,’” *Commercial Observer*, June 24, 2024, <https://commercialobserver.com/2024/06/california-supreme-court-reject-challenge-mansion-tax/> (accessed July 14, 2024).

²⁰⁶ Colburn and Page Aldern, *Homelessness is a Housing Problem*.

²⁰⁷ Serena Rice, “Our Perceptions About the ‘Unworthy Poor’ Haven’t Changed,” *Talk Poverty*, August 20, 2015, <https://talkpoverty.org/2015/08/20/unworthy-poor/index.html> (accessed November 29, 2023); Jaime Alison Lee, *Poverty, Dignity, and Public Housing*, report, ScholarWorks@University of Baltimore School of Law, Winter 2015, https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1941&context=all_fac (accessed November 29, 2023).

²⁰⁸ Richard Rothstein, “Race and Public Housing: Revisiting the Federal Role,” *Economic Policy Institute*, December 17, 2012, <https://www.epi.org/publication/race-public-housing-revisiting-federal-role/> (accessed November 29, 2023).

disinvestment and subsequent deterioration of neighborhoods where poor people live. Many in the public blame those who have “lost the competition” for housing for their own circumstances, viewing them as disposable and subject to banishment from sight.²⁰⁹

Government actions—from disinvesting in social supports that meet human needs to removing regulations that would restrain abusive profit-maximizing practices to subsidizing the commodification of the housing stock—have created the conditions in which widespread houselessness exists throughout the US and prominently in Los Angeles.²¹⁰ Over the past several decades, the federal government—including under both Republican and Democratic administrations—has drastically cut social protection programs, at the same time that well-paying working class jobs disappeared when the US economy restructured and lost much of its industrial base.²¹¹

At the local level, for example, state law requires all counties to provide a monthly payment for basic survival to qualified people with no other source of income.²¹² These General Relief payments in Los Angeles County were \$312 per month in 1989, equivalent to \$770 in 2024 dollars.²¹³ In 2024, the payments were \$221 per month, as they have been since 1992 when the California legislature amended the law to allow counties to cap the amount they pay at 62 percent of the 1991 official federal poverty line.²¹⁴ In addition to gutting this program by failing to keep up with rising costs of living, the agencies that

²⁰⁹ Human Rights Watch interview with Sam Tsemberis, February 14, 2022; UNHRC, Report of the Special Rapporteur on Adequate Housing, para. 19-24.

²¹⁰ UNHRC, Report of the Special Rapporteur on Adequate Housing, para. 28-38; Andrea Gibbons, *City of Segregation: 100 Years of Struggle for Housing in Los Angeles* (London: Verso, 2018).

²¹¹ Marine Dasse, “The Neoliberalization of Public Spaces and the Infringement of Civil Liberties: The Case of the Safer Cities Initiative in Los Angeles,” *Angles: New Perspectives on the Anglophone World*, August 2019, doi: 10.4000/angles.595 (accessed November 29, 2023).

²¹² California Welfare and Institutions Code Section 17000.5, Amended by Stats. 1996, effective January 1, 1997, <https://casetext.com/statute/california-codes/california-welfare-and-institutions-code/division-9-public-social-services/part-5-county-aid-and-relief-to-indigents/chapter-1-general-provisions/section-170005-adoption-of-general-assistance-standard-of-aid> (accessed January 12, 2024).

²¹³ *Mendly v. County of Los Angeles*, 23 Cal.App.4th 1193, 1201 (1994), <https://casetext.com/case/mendly-v-county-of-los-angeles> (accessed January 12, 2024).

²¹⁴ *Ibid.*, p. 1199-1201: This amendment effectively repealed court decisions interpreting the pre-existing version of section 17000.5 to require counties to calculate and pay the actual amount of money required for minimum subsistence including housing, food, utilities, clothing, transportation and medical care; County of Los Angeles, Department of Public Social Services, Information Sheet: General Relief, July 2021, https://dpss.lacounty.gov/content/dam/dpss/images/en/gr/ABP%20392%20General%20Relief%20Information%20Sheet%20Form_rev%2007-2021.pdf (accessed November 30, 2023).

administer it enforce rules designed to remove people from their rolls to save money.²¹⁵ Cutting this and other social protection programs means more people risk falling into houselessness and fewer can escape it.

In place of social supports for people living in poverty and otherwise marginalized people, and instead of making the long-term investments in affordable, non-market housing needed to address the crisis, government policies frequently default to criminalization and removing unhoused people from public view, limiting their perceived potential negative impact monetary property values.

C. Federal housing policy

In response to massive houselessness during the Great Depression of the 1930s, the federal government created the Federal Housing Administration and began funding and building public housing to provide permanently affordable homes for low-income people on a grand scale.²¹⁶ Under the public housing model, the federal government paid the full costs of building and maintaining the housing.

In Los Angeles, the Housing Authority (HACLA), which administers public housing, had 8,627 units in 1959, but had only added 305 more units by 1995.²¹⁷ Its total stock has steadily dropped since then, leaving HACLA with only 6,488 units of public housing in 2021.²¹⁸ There is only one unit of public housing for every 100 people in the city of Los Angeles living in a household with an income below the federal poverty line.²¹⁹

²¹⁵ Vivian Toy, “Tough Workfare Rules Used as a Way to Cut Welfare Rolls,” *New York Times*, April 15, 1998, <https://www.nytimes.com/1998/04/15/nyregion/tough-workfare-rules-used-as-way-to-cut-welfare-rolls.html> (accessed November 30, 2023); Gale Holland, “L.A. County Settles With General Relief Recipients for \$7.9 Million,” *Los Angeles Times*, April 8, 2014, <https://www.latimes.com/local/lanow/la-me-ln-county-settlement-welfare-20140408-story.html> (accessed November 30, 2023).

²¹⁶ Western Regional Advocacy Center, *Without Housing: Decades of Federal Housing Cutbacks, Massive Homelessness and Policy Failures*, report, 2010, <https://wraphome.org/wp-content/uploads/2010/10/Without-Housing.pdf> (accessed November 30, 2023), p. 6.

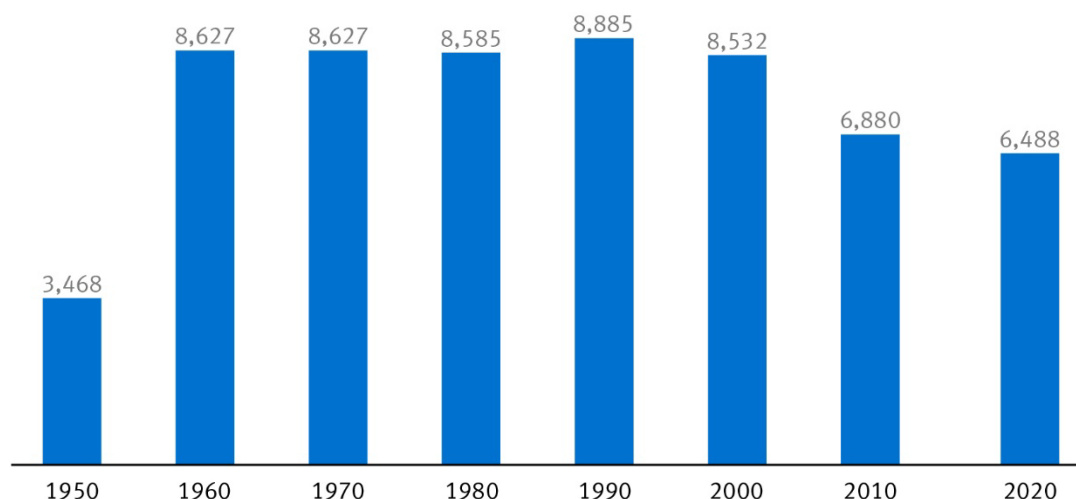
²¹⁷ Human Rights Watch analysis of HACLA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. HACLA added 551 units of new housing in that time, but lost units from their existing developments.

²¹⁸ *Ibid.*; Unit History (1940-2015), HACLA owns and manages other non-public, affordable housing.

²¹⁹ Based on Human Rights Watch analysis of 2022 Census data, there were 627,000 people in Los Angeles living in households with income below the federal poverty line.

Public Housing Has Not Increased Over the Past 60 Years

Number of public housing units in Los Angeles



Source: Housing Authority of the City of Los Angeles (HACLA) data via Public Records Act request.
Data on file with Human Rights Watch.

Most of these units were built in the 1950s and have maintenance costs associated with buildings of that age. Public housing funding in Los Angeles, which comes nearly exclusively through federal Public Housing Agency (PHA) grants from HUD, has more than doubled since 2007, without adding new units.²²⁰ Presumably much of this money is spent on maintenance costs for aging buildings. Even with the increase, the federal government still has not adequately funded these costs.²²¹

In the 1960s and early 1970s, federal policy shifted away from building and maintaining permanently affordable public housing to subsidizing building by private developers.²²²

²²⁰ Human Rights Watch analysis of HACLA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. Annually, federal grants are the source of over 98 percent of the local budget with a recent exception. In 2020, an increase in local funding pushed the proportion of the funding coming from state and local grants to nearly 15 percent of the annual funding.

²²¹ Human Rights Watch interview with Doug Guthrie, Director of HACLA, Los Angeles, January 11, 2022; Public and Affordable Housing Research Corporation & National Low Income Housing Coalition (PAHRC & NLIHC), *2020 Picture of Preservation*, report, May 2020, https://preservationdatabase.org/wp-content/uploads/2020/05/NHPD_2020Report.pdf (accessed November 30, 2023), p. 19.

²²² Kenton Card and Jan Breidenbach, "Bernie Should Declare Housing a Human Right," *Jacobin*, August 5, 2019, <https://www.jacobinmag.com/2019/08/green-new-deal-housing-bernie-sanders> (accessed November 30, 2023); PAHRC & NLIHC, *2020 Picture of Preservation*, p. 10.

About 50 percent of the US federally assisted affordable housing stock is owned by for-profit entities.²²³

Programs created by the 1961 National Housing Act and the 1968 Housing and Urban Development Act, referred to as the Section 236 and 221(d)(3) programs, for example, offered private developers extremely low interest rates on mortgages, and guaranteed return on their investment, in exchange for them keeping the units they developed affordable for a set time period—usually 40 years.²²⁴ They also gave developers the right to pay off their mortgages after 20 years. Once the developer paid off the mortgage, either after 40 years or as early as 20 years, they could charge market rates for rents.²²⁵ Hundreds of thousands of units of housing built under these and other programs across the US have been or soon may be removed from the stock of affordable housing.²²⁶ As the federal government has long ago discontinued these programs, they are not replacing the lost housing stock.

In Los Angeles, affordability restrictions for 9,412 units of housing financed with federal and state subsidies are scheduled to expire by 2031 and an additional 47,286 will end after that date.²²⁷ Private owners in expensive housing markets like Los Angeles have great incentive to shed affordability restrictions.²²⁸

In the historically Black and working class, but now heavily gentrified, Oakwood neighborhood in Venice, for example, 190 units in 10 buildings of the Holiday Venice development have subsidies and affordability restrictions expiring in 2029.²²⁹ These

²²³ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 10.

²²⁴ PAHRC & NLIHC, “National Housing Preservation Database,” <https://preservationdatabase.org/documentation/program-descriptions/> (accessed November 30, 2023): Interest rates can be as low as 1 percent under these programs.

²²⁵ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 6.

²²⁶ See City of LA Housing Element for list of units subject of; Vincent Reina, *The Preservation of Subsidized Housing: What We Know and Need to Know*, report, Lincoln Institute of Land Policy, November 2018, https://www.lincolnst.edu/sites/default/files/pubfiles/reina_wp18vr1.pdf (accessed November 30, 2023), p. 1-4.

²²⁷ City of Los Angeles, Housing Element 2021-2029, Appendix 2.7—Expiration of Affordable Housing Unit Restrictions Analysis, [https://planning.lacity.org/odocument/338c1dba-c1b7-4868-9b20-77cd88464c24/Appendix_2.7_-_Expiration_of_Affordable_Housing_Restriction_Unit_Analysis_\(Adopted\).pdf](https://planning.lacity.org/odocument/338c1dba-c1b7-4868-9b20-77cd88464c24/Appendix_2.7_-_Expiration_of_Affordable_Housing_Restriction_Unit_Analysis_(Adopted).pdf) (accessed November 30, 2023).

²²⁸ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 15.

²²⁹ City of Los Angeles, Housing Element 2021-2029, Appendix 2.8—At-Risk Expiring Affordable Housing Inventory October 1, 2021 to September 30, 2031, <https://planning.lacity.org/odocument/581a339c-6d5d-445d-a978->

buildings were developed in the late 1960s and early 1970s by Black community members using Section 236 subsidies, but they have since fallen into private ownership. They are home to many of the last remaining Black and Latinx families in Venice, who have organized effectively over the years to maintain the affordability restrictions on these buildings.²³⁰

In the 1970s, housing policy shifted further away from new construction towards programs subsidizing rents. The “Section 8” programs allow low-income tenants to pay only 30 percent of their income as rent, with a subsidy going directly to a private landlord who charges an approved “market” rent.²³¹ Two basic categories of Section 8 subsidies continue to exist today.²³²

Project-based Section 8 is a subsidy attached to a building that allows the landlord/developer to pay operating costs through rents covered by the subsidy.²³³ Project-based Section 8 subsidies are used to help finance housing developed by housing authorities and private developers.²³⁴ Like other government subsidies to private housing developers, project-based Section 8 is time limited, allowing these developers to “opt-out” of their contracts and obligations to rent to lower-income people after a certain time-period.²³⁵

The second type of Section 8 program provides a qualified person with a voucher that they can take to a private landlord guaranteeing that they will pay 30 percent of their income for rent and the housing authority will cover the difference between that 30 percent and a

f35b531dee43/Appendix_2.8_-_At-

Risk_Expiring_Affordable_Housing_Inventory_October_1,_2021_to_September_30,_2031_(Adopted).pdf (accessed November 30, 2023).

²³⁰ Housing Law Bulletin, “Los Angeles Tenants Settle Section 250 Prepayment Litigation on Favorable Terms,” *National Housing Law Project*, July 2011, <https://www.nhlp.org/wp-content/uploads/FN-422-NHLP-Los-Angeles-Tenants-Settle-Sec.-250-Prepayment-Litigation-Holiday-Venice-July-2011.pdf> (accessed November 30, 2023); Melody Hantani, “Section 8 Tenants Fight to Buy Venice Building,” *Santa Monica Daily Press*, July 26, 2009, <https://www.tenantsotogether.org/es/updates/section-8-tenants-fight-buy-venice-building> (accessed November 30, 2023).

²³¹ Human Rights Watch interview with Helmi Hisserich, December 1, 2021; Many landlords do not accept Section 8 despite the guaranteed payments because the HUD approved market rate is often less than they can get renting to wealthier people.

²³² This explanation is a simplified understanding of a multi-faceted housing program.

²³³ Human Rights Watch interview with Doug Guthrie, Los Angeles, January 11, 2022.

²³⁴ Ibid.

²³⁵ National Low Income Housing Coalition (NLIHC), “A Brief Historical Overview of Affordable Rental Housing,” 2015, https://nlihc.org/sites/default/files/Sec1.03_Historical-Overview_2015.pdf (accessed November 30, 2023), p. 7-8.

determined “market rate.” While vouchers help reduce the amount people have to pay for rent, the money goes to the property owner, and the program does not expand the stock of housing.²³⁶ Section 8 vouchers give people more choice about where to live, so long as landlords will accept them.²³⁷ Voucher availability is limited by lack of funding and millions of eligible people across the US cannot get them.²³⁸

By the 1980s, the federal government had almost entirely cut off direct funding for new housing development, instead focusing on Section 8 subsidies and further privatizing affordable housing production.²³⁹ As part of the Tax Reform Act of 1986, it created the Low Income Housing Tax Credit Program (LIHTC).²⁴⁰ Under LIHTC, which remains the primary federal funding source for affordable housing today, the government gives investors tax credits to incentivize development of low-income housing.²⁴¹

LIHTC housing now accounts for almost half of all federally assisted affordable units.²⁴² However, without additional Section 8 subsidies, LIHTC housing is not necessarily affordable for the lowest income people most at-risk of homelessness.²⁴³ Affordability requirements generally last 30 years; investors may be able to opt-out of them after 15.²⁴⁴ This expiration can cause instability for tenants in tight housing markets like Los Angeles.²⁴⁵ By 2029, affordability requirements for several hundred thousand units of housing funded by LIHTC across the US are scheduled to expire.²⁴⁶ California gave

²³⁶ Cheri Todoroff, “Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative,” March 15, 2022, video clip, <https://www.youtube.com/watch?v=j6YVNsMSho> (accessed December 10, 2023).

²³⁷ Human Rights Watch interview with Sam Tsemberis, February 14, 2022.

²³⁸ Sonya Acosta and Erik Gartland, “Families Wait Years for Housing Vouchers Due to Inadequate Funding,” *Center on Budget and Policy Priorities*, July 22, 2021, <https://www.cbpp.org/sites/default/files/7-22-21hous.pdf> (accessed November 30, 2023).

²³⁹ Western Regional Advocacy Center, *Without Housing*, p. 8-9, 19-20; Human Rights Watch interviews with Paul Boden, Executive Director Western Regional Advocacy Project, San Francisco, January 10, 2022, and Gary Blasi, January 17, 2022.

²⁴⁰ Western Regional Advocacy Center, *Without Housing*, p. 4.

²⁴¹ Human Rights Watch interview with Gary Blasi, January 17, 2022.

²⁴² PAHRC & NLIHC, *2020 Picture of Preservation*, p. 7-8.

²⁴³ Western Regional Advocacy Center, *Without Housing*, p. 24.

²⁴⁴ National Housing Law Project, “LIHTC Preservation and Compliance,” June 22, 2022, <https://www.nhlp.org/resources/lihtc-preservation-compliance/#:~:text=The%20qualified%20contract%20process%20allows,to%20find%20a%20qualified%20buyer,> (accessed December 1, 2023).

²⁴⁵ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 15-16.

²⁴⁶ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 13; Brandon Duong, “What Can Be Done When LIHTC Affordability Restrictions Expire,” *Shelterforce*, April 7, 2022, <https://shelterforce.org/2022/04/07/what-can-be-done-when-lihtc-affordability-restrictions-expire/> (accessed December 1, 2023).

developers incentives to accept longer affordability restrictions, and, in 1996, California required future LIHTC projects to remain affordable for a minimum of 55 years.²⁴⁷

In addition to moving away from directly funding and building affordable housing, the federal government has drastically reduced its overall spending on housing.²⁴⁸ Reduced funding has hampered efforts to maintain existing housing, leading to deterioration of the affordable housing stock, which may impact availability across the country and funding for new units.²⁴⁹ Further, the system by which non-profit housing developers finance affordable housing developments using tax credits and multiple other sources of funding, including from private sources and from different levels of government, has become highly complicated, expensive, and inefficient, contributing greatly to the failure to meet the need.²⁵⁰

Since the 1980s, the federal government has passed various housing initiatives, but never funded them adequately.²⁵¹ The 1990 National Affordable Housing Act purported to help preserve housing with expiring subsidies primarily through block grants to local jurisdictions.²⁵² This program has not been funded to meet the need and has seen major cuts in recent years.²⁵³ Also in the 1990s, the HOPE VI program led to the demolition of tens of thousands of “severely distressed” public housing units, only some of which were

²⁴⁷ David J. Gau, Deputy Director, Property and Special Taxes Department, Guidelines for the Assessment of Properties Financed Using Low-Income Housing Tax Credits, California State Board of Equalization, July 8, 2005, <https://www.boe.ca.gov/proptaxes/pdf/ltao5044.pdf> (accessed January 9, 2024), p. 8.

²⁴⁸ Human Rights Watch interviews with Paul Boden, January 10, 2022; Doug Guthrie, Los Angeles, January 11, 2022; and Helmi Hisserich, December 1, 2021.

²⁴⁹ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 17-18; HACLA has not lost units due to deterioration: Doug Guthrie, Director of HACLA, email to Human Rights Watch, December 15, 2023.

²⁵⁰ Human Rights Watch interviews with Dora Leong Gallo, CEO A Community of Friends, Los Angeles, May 4, 2022; Jan Breidenbach, Assistant Professor of Urban and Environmental Policy, Occidental College, Los Angeles, February 3, 2022; and Becky Dennison, October 15, 2021; California Housing Partnership, *Los Angeles County 2022 Affordable Housing Needs Report*, report, May 2022, https://chpc.net/wp-content/uploads/2022/05/Los-Angeles_Housing_Report_2022-AHNR-rev1.pdf (accessed January 9, 2024); With the absence of federal dollars for public housing, affordable housing developers need to coordinate multiple funding sources to finance building and maintenance. The LIHTC process is difficult and convoluted, and state and local funding sources in California have been inconsistent, usually limited pools of money instead of ongoing streams. It can take as much as seven years to build a project, in part because of the need to get multiple funding sources on board and interest accrues on bank loans during that process and while getting approvals and permits. Delays in land use and other permitting further complicate obtaining funding, adding to the expense.

²⁵¹ PAHRC & NLIHC, *2020 Picture of Preservation*.

²⁵² Cranston-Gonzalez National Affordable Housing Act of 1990, 42 U.S.C. Section 12703, https://www.hud.gov/sites/documents/TITLEI_CRAN_GON.PDF (accessed December 1, 2023); NILHC, “A Brief Historical Overview of Affordable Rental Housing”; Card and Breidenbach, “Bernie Should Declare Housing a Human Right.”

²⁵³ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 19; Western Regional Advocacy Center, *Without Housing*, p. 4.

replaced by affordable units for low-income people, causing further displacement.²⁵⁴ The National Housing Trust Fund (NHTF), part of the 2008 Housing and Economic Recovery Act, aimed to develop 1.5 million units of affordable housing.²⁵⁵ However, Congress did not begin funding the program until 2016.²⁵⁶ It paid for development of 739 units that year and the preservation of several hundred others.²⁵⁷ There are currently bills proposed in Congress to fund housing development and preservation.²⁵⁸ US President Joe Biden’s “Build Back Better” legislation proposed large sums of money for affordable housing, but Congress did not pass it.²⁵⁹

Beginning in the 1980s, federal homelessness policy emphasized sheltering unhoused people instead of creating the housing they needed.²⁶⁰ The 1987 McKinney Homeless Assistance Act created and funded programs to provide shelter, transitional housing, and services for unhoused people, but very little permanent housing.²⁶¹ Similarly, the “Continuum of Care” model, developed by HUD in the 1980s, emphasized programming ahead of housing.²⁶²

In the early 2000s, the federal government adopted a nominal “Housing First” policy to address homelessness.²⁶³ Housing First means placing people in stable, secure housing first, then taking steps to address other needs, such as voluntary mental health

²⁵⁴ Western Regional Advocacy Center, *Without Housing*, p. 19-20; Susan J. Popkin, “The HOPE VI Program—What About the Residents?,” *Urban Institute*, December 2002, https://web.archive.urban.org/UploadedPDF/310593_HopeVI.pdf (accessed December 1, 2023); Redevelopment of demolished properties favored mixed-income developments that were unaffordable to many of the previous tenants. Displaced tenants often received Section 8 vouchers.

²⁵⁵ Western Regional Advocacy Center, *Without Housing*, p. 5.

²⁵⁶ PAHRC & NLIHC, *2020 Picture of Preservation*, p. 23.

²⁵⁷ *Ibid.*, p. 11, 23.

²⁵⁸ Aurand, et al., *The Gap*, p. 19-20.

²⁵⁹ Human Rights Watch interview with Doug Guthrie, Los Angeles, January 11, 2022.

²⁶⁰ Human Rights Watch interview with Paul Boden, January 10, 2022.

²⁶¹ National Coalition for the Homeless, “NCH Fact Sheet #18: McKinney-Vento Act,” June 2006, <https://web.archive.org/web/20071203073025/http://www.nationalhomeless.org/publications/facts/McKinney.pdf> (accessed July 30, 2024); It is now called the McKinney-Vento Homeless Assistance Act; Heidi Sommer, “Homelessness in Urban America: A Review of the Literature,” Institute of Governmental Studies Press, University of California, Berkeley, January 22, 2001, https://books.google.com/books/about/Homelessness_in_Urban_America.html?id=mpqrmgEACAAJ (accessed July 30, 2024), p. 46.

²⁶² Western Regional Advocacy Center, *Without Housing*, p. 23, 29: By 1996, federal funding for new public housing was \$0, replaced by HOPE VI money for revitalization and McKinney Act homeless assistance.

²⁶³ *Ibid.* p. 5.

services, or treatment for problematic substance use.²⁶⁴ State and local governments, including California and Los Angeles, claim to adhere to the Housing First model. However, few jurisdictions have dedicated sufficient resources to implement a true version of Housing First.²⁶⁵

The 2009 federal Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) program continued the pattern of funding shelter, transitional housing, and services without putting enough resources into permanent housing.²⁶⁶ Former US President Donald Trump’s administration explicitly rejected the Housing First approach, instead focusing on removing regulatory barriers to private housing development and supporting law enforcement responses.²⁶⁷

Meanwhile, even as the federal government has dramatically reduced funding for affordable housing that would help people living in poverty over the years, it has supported those who could afford to buy a home by allowing them to deduct mortgage interest payments from their taxable income. This tax deduction amounts to a \$70 billion yearly subsidy to middle- and upper-income people.²⁶⁸

D. State and Local Policies in California and Los Angeles

At the state and local level, investment in affordable housing and in prevention of houselessness has been sporadic, though recent years have seen renewed emphasis in Los Angeles and California. Los Angeles voters, for example, passed Proposition HHH, a \$1.2 billion bond to finance affordable housing, in 2016, and Measure ULA, a tax on high-end real estate transaction to pay for affordable housing and eviction prevention, in

²⁶⁴ Human Rights Watch interviews with Sam Tsemberis, February 14, 2022, and Doug Guthrie, January 11, 2022; Western Regional Advocacy Center, *Without Housing*, p. 17; See Section XIII A for a more detailed discussion of Housing First.

²⁶⁵ Western Regional Advocacy Center, *Without Housing*, p. 18; Human Rights Watch interview with Sam Tsemberis, February 14, 2022.

²⁶⁶ Western Regional Advocacy Center, *Without Housing*, p. 31-3.

²⁶⁷ The Council of Economic Advisors, *The State of Homelessness in America*, September 2019, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2019/09/The-State-of-Homelessness-in-America.pdf> (accessed December 1, 2023).

²⁶⁸ Colburn and Page Aldern, *Homelessness is a Housing Problem*; Michael J. Novogradac, “Once Again, Homeownership Gets Far More Tax Subsidies Than Rental Housing,” *Novogradac Journal of Tax Credits*, July 2018 (Vol. IX, Issue VII), https://www.novoco.com/public-media/documents/novogradac_jtc_2018-07_ww_pg4.pdf, (accessed May 14, 2024); Following the “Tax Cuts and Jobs Act” of 2018, the amount of that subsidy decreased to \$30 billion.

2023.²⁶⁹ The state of California has been investing in a variety of programs to develop more housing.²⁷⁰ However, structural and philosophical barriers remain.

The laws that govern the landlord-tenant relationship generally allow landlords to do what they want with the property. Los Angeles' Rent Stabilization Ordinance (LARSO), which regulates some rentals in the city, provides limited eviction controls but landlords can get around them by doing some remodeling of their units or taking the units off the rental market.²⁷¹ In January 2023, the City Council passed tenant protections that also apply to rental units not covered by LARSO, including a requirement that landlords have "just cause" for evictions and prohibiting eviction for non-payment of rent unless the amount owed exceeds one month's fair market rent.²⁷² Other tenant protections, like guaranteed representation in eviction proceedings, are not available.

According to media reports, many for-profit developers and major landlords have made significant efforts to influence Los Angeles City Council members.²⁷³ They have invested huge sums of money into lobbying efforts.²⁷⁴ They have contributed to city council campaigns and organized to defeat council members who have favored renters' rights.²⁷⁵

²⁶⁹ Southern California Association of Non Profit Housing, "Proposition HHH – Homes End Homelessness," 2017, <https://www.scanph.org/hhh-funding-in-action>, (accessed December 1, 2023); Los Angeles Office of Finance, Real Property Transfer Tax and Measure ULA FAQ, <https://finance.lacity.gov/faq/measure-ula> (accessed December 1, 2023); Proposition HHH is discussed in more detail in Section VII.D below.

²⁷⁰ California Department of Housing and Community Development, Multifamily Finance Super NOFA, <https://www.hcd.ca.gov/grants-and-funding/programs-active> (accessed December 1, 2023); Novogradac, "California Governor Sighs Series of Affordable Housing-Related Bills," news release, October 12, 2023, <https://www.novoco.com/news/california-governor-signs-series-affordable-housing-related-bills> (accessed December 1, 2023)

²⁷¹ Los Angeles Rent Stabilization Ordinance, LAMC Section 151.00 et seq., Effective April 21, 1979, <https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/J203.pdf> (accessed December 1, 2023).

²⁷² Los Angeles Municipal Code Section 151.09, amended by Ord. No. 187763, effective March 27, 2023, https://clkrep.lacity.org/online/docs/2021/21-0042-S4_ord_draft_1-23-2023.pdf (accessed December 1, 2023); Los Angeles Municipal Code Section 49.99 et seq., Amended by Ord. No. 187736, effective January 27, 2023, https://clkrep.lacity.org/online/docs/2021/21-0042-S3_ord_187736_1-27-23.pdf (accessed December 1, 2023).

²⁷³ The Los Angeles Times Editorial Board, "Los Angeles Must Take Politics Out of Development Decisions," *Los Angeles Times*, November 22, 2022, <https://www.latimes.com/opinion/story/2022-11-20/editorial-los-angeles-take-politicians-out-of-development-decisions> (accessed December 1, 2023); Tracy Rosenthal, "The Los Angeles City Council Scandal is Evidence of a Long War on Tenants," *New Republic*, October 19, 2022, <https://newrepublic.com/article/168195/los-angeles-city-council-scandal-evidence-long-war-tenants> (accessed December 1, 2023).

²⁷⁴ Jenna Chandler, "Developers are Spending Big to Lobby for These 5 Projects," *Curbed Los Angeles*, April 19, 2019, <https://la.curbed.com/2019/4/19/18507853/development-lobbyists-money-projects-ethics> (accessed May 14, 2024).

²⁷⁵ Alex Visotzky, "LA's Real Estate Industry Keeps Crying Wolf: Will Policymakers Keep Listening?," *Progressive City*, November 14, 2017, <https://www.progressivecity.net/single-post/2017/11/14/las-real-estate-industry-keeps-crying-wolf-will-policymakers-keep-listening> (accessed May 14, 2024); Mike Bonin and Peter Dreier, "LA's Corporate Class Wants to Reverse

Several city council members and their staff have been indicted and convicted in recent years for corruption involving alleged payments from real estate developers.²⁷⁶

In 2018, changes in state law allowed the city to enforce long-dormant “inclusionary zoning” laws that require new developments in some areas to include affordable units, but they have not been in effect long enough to have major impact.²⁷⁷

The Ellis Act, a state law which allows landlords to evict tenants in rent controlled or rent stabilized units and convert those units to high-priced housing, has led to the removal of nearly 30,000 homes with tenant protections from the Los Angeles rental market since 2001.²⁷⁸

While not investing sufficiently in measures that will reduce houselessness and promoting market-based laws and policies that encourage the commodification of housing, federal, state, and especially local governments continue to invest heavily in criminalization.

E. Houselessness in Los Angeles is a Manifestation of White Supremacy

The high rate of houselessness among Black residents of Los Angeles is the result of decades of laws, policies, and practices that discriminate against Black people and other people of color.²⁷⁹ It is the result of a commodified housing market that devalues Black lives. It is the result of systemic racism that pervades policing, education, health care,

Progressive Gains,” *Nation*, February 12, 2024, <https://www.thenation.com/article/society/thrive-la-raman-tenant-caruso/> (accessed May 14, 2024).

²⁷⁶ KCAL News Staff, “LA Real Estate Developer Convicted of Bribing Former Councilman Jose Huizar,” *CBS Los Angeles*, June 27, 2022, <https://www.cbsnews.com/losangeles/news/la-real-estate-developer-convicted-of-paying-bribe-to-former-city-councilman/> (accessed December 1, 2023); Grace Toohey, “How L.A. City Hall Became So Corrupt: A Recent History of Bribes, Kickbacks, Scandal, Leaks,” *Los Angeles Times*, October 14, 2022, <https://www.latimes.com/california/story/2022-10-14/a-guide-to-los-angeles-city-council-scandals> (accessed December 1, 2023); United State Attorney’s Office, Central District of California, Former Los Angeles City Politician Jose Huizar Pleads Guilty to Racketeering, Conspiracy and Tax Evasion Charges, press release, January 20, 2023, <https://www.justice.gov/usao-cdca/pr/former-los-angeles-city-politician-jose-huizar-pleads-guilty-racketeering-conspiracy> (accessed December 1, 2023).

²⁷⁷ Elijah Chiland, “LA’s Old Mandate That Developers Build Affordable Housing is Back,” *Curbed Los Angeles*, March 1, 2018, <https://la.curbed.com/2018/3/1/17062478/inclusionary-zoning-los-angeles-affordable-housing-requirements> (accessed December 1, 2023).

²⁷⁸ Anti-Eviction Mapping Project, “The Destruction of Los Angeles Affordable Housing Due to the Ellis Act,” <http://www.antievictionmappingproject.net/losangeles.html> (accessed December 1, 2023); California Government Code Sections 7060 – 7060.7, enacted 1985, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=12.75 (accessed May 14, 2024).

²⁷⁹ LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 20.

employment, and other systems and disadvantages Black people in the competition for scarce housing resources. Much of the houselessness in Los Angeles, and much of the rest of the country, is a manifestation of white supremacy.²⁸⁰

Racist policies and practices leading to modern houselessness date back centuries.²⁸¹ The land on which Los Angeles now sits is home to the Tongva people, but it was taken from them by Spanish colonial settlers and Catholic priests who enslaved and forcibly converted some, killed most, and banished others.²⁸² In 1850, California passed a law punishing “Indians” found to be loitering by forcing them to perform unpaid labor.²⁸³ In practice, white Californians used this law to press Native Americans into forced labor.²⁸⁴ In downtown Los Angeles, where the federal courthouse now sits and across the street from the county criminal court and City Hall, there was a slave market for the sale of Native American people.²⁸⁵

Black people began migrating to Los Angeles during the late 1840’s California Gold Rush, seeking economic opportunity.²⁸⁶ By the time it became a state, California already had laws and policies upholding white supremacy and restricting citizenship based on race, including segregating schools, prohibiting inter-racial marriage, and banning non-white people from voting.²⁸⁷

²⁸⁰ Cathleen Williams, “Root Shock: Why So Many African American Men are Unhoused,” *Sacramento Homeless Organizing Committee*, June 18, 2021, <https://sacshoc.org/2021/06/18/root-shock/> (accessed December 1, 2023).

²⁸¹ See Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*, (Chapel Hill: University of North Carolina Press, Chapel Hill, 2017) for a description of the settlement of Tongva land in Southern California, the forcible displacement, enslavement and annihilation of its native people.

²⁸² Elias Castillo, *A Cross of Thorns: The Enslavement of California’s Indians by the Spanish Missions*, (Fresno: Craven Street Books, 2015); Lytle Hernandez, *City of Inmates*.

²⁸³ Kimberly Johnson-Dodds, *Early California Laws and Policies Related to California Indians*, California Research Bureau, September 2002, <https://www.courts.ca.gov/documents/IB.pdf> (accessed December 1, 2023), p. 8-12.

²⁸⁴ “Act for the Government and Protection of Indians,” *PBS SoCal*, <https://www.pbs.org/wgbh/americanexperience/features/goldrush-act-for-government-and-protection-of-indians/> (accessed December 1, 2023).

²⁸⁵ Robert Peterson, “Los Angeles’ 1850s Slave Market is Now the Site of a Federal Courthouse,” *KCET*, September 2, 2016, <https://www.kcet.org/shows/lost-la/los-angeles-1850s-slave-market-is-now-the-site-of-a-federal-courthouse> (accessed December 1, 2023).

²⁸⁶ Kelly Simpson, “The Great Migration: Creating a New Black Identity in Los Angeles,” *KCET*, February 15, 2012, <https://www.kcet.org/history-society/the-great-migration-creating-a-new-black-identity-in-los-angeles> (accessed December 1, 2023).

²⁸⁷ Natalie N. Novoa, “Review: West of Jim Crow: The Fight against California’s Color Line, by Lynn M. Hudson,” *Pacific Historical Review*, vol: 90(4) (2021), pp. 549–551 2021, doi: 10.1525/phr.2021.90.4.549 (accessed December 1, 2023).

Around the turn of the 20th century, Black people arrived in Los Angeles in larger numbers from the US south, especially Texas, Louisiana, and Georgia, fleeing racial violence and discrimination under the emerging Jim Crow regime.²⁸⁸ They mostly settled just south of downtown, found plentiful work, and created communities.²⁸⁹

By the 1920s, as Los Angeles was experiencing extremely rapid growth and expansion, the real estate industry began to impose aggressive measures to enforce racial segregation.²⁹⁰ Homeowners' associations, driven by an ideological belief that racially "pure" white communities had higher economic value, demanded restrictive covenants that forbade Black people, other people of color, and non-Christians from living in their neighborhoods.²⁹¹

Government policies of that era deliberately promoted racial segregation. The Homeowners Loan Corporation (HOLC), created by the federal government during the 1930s to promote lending for homeownership and to help people fight off foreclosures, generated maps to guide lending institutions that graded neighborhoods higher for being all white and discouraged lending in low-income and non-white neighborhoods, most severely in Black neighborhoods.²⁹² This "redlining," named because the maps colored disfavored neighborhoods in red, led to disinvestment in Black communities, deterioration of housing stock, and the encouragement of restrictive covenants and other methods of racial segregation.²⁹³

²⁸⁸ Simpson, "The Great Migration."

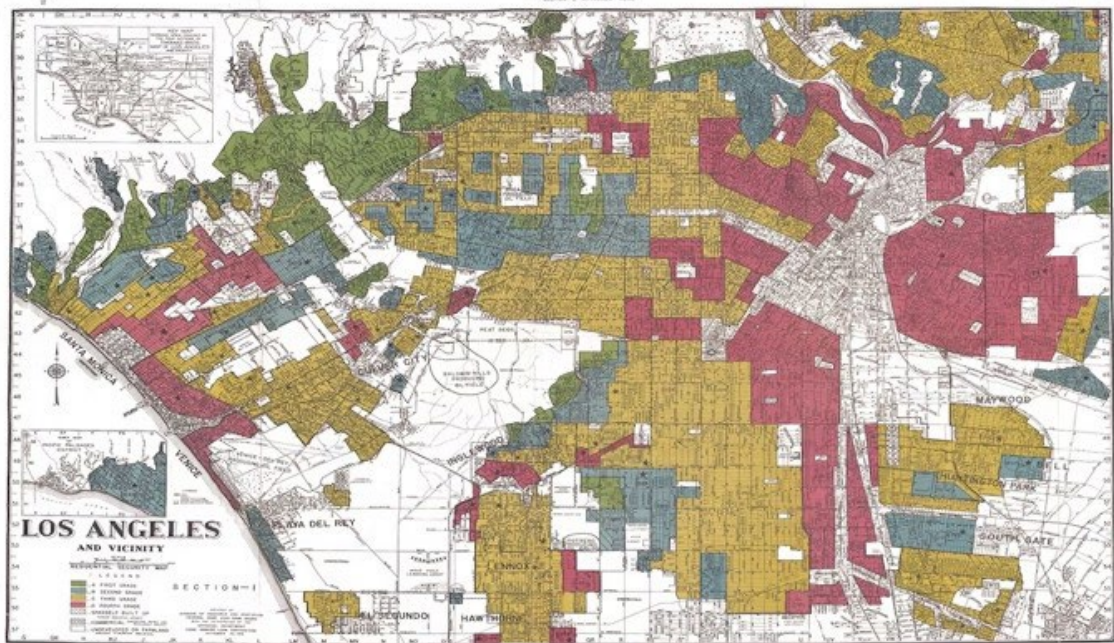
²⁸⁹ Ibid.

²⁹⁰ Adrian Glick Kudler, "Watch the Strange Growth of Los Angeles, from 1877 to 2000," *Curbed Los Angeles*, November 30, 2018, <https://la.curbed.com/2014/4/3/10121264/los-angeles-sprawl-history-map-animation> (accessed December 1, 2023); Gibbons, *City of Segregation*.

²⁹¹ Gibbons, *City of Segregation*, Ch. 1.

²⁹² United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, Civil Minutes, April 20, 2021, <https://ca-times.brightspotcdn.com/47/f7/c117263f4f03b6be5f1b5bef207d/injunction.pdf> (accessed December 1, 2023), p. 6-7; Ryan Reft, "Segregation in the City of Angels: A 1939 Map of Housing Inequality in L.A.," *PBS SoCal*, November 14, 2017, <https://www.pbssocal.org/shows/lost-la/segregation-in-the-city-of-angels-a-1939-map-of-housing-inequality-in-la> (accessed December 1, 2023); Gibbons, *City of Segregation*, Chap. 2; See also Richard Rothstein, *The Color of Law: A Forgotten History of How our Government Segregated America* (New York: Liverights Publishing, 2017), Appendix: Frequently Asked Questions: "Although our history includes government-organized discrimination and even segregation of other groups, including Hispanics, Chinese, and Japanese, it was a lesser degree, and is in the more distant past, than the de jure segregation experienced by African Americans. ...Only African Americans have been systematically and unconstitutionally segregated for such a long period, and with such thorough repression, that their condition requires an aggressive constitutional remedy."

²⁹³ Gibbons, *City of Segregation*, Chap. 2.



Source: Nelson, Robert K., LaDale Winling, et al, “Mapping Inequality: Redlining in New Deal America,” *American Panorama: An Atlas of United States History*, 2023, <https://dsl.richmond.edu/panorama/redlining> (accessed March 7, 2024).

The Federal Housing Administration (FHA), created to promote homeownership by offering insurance and 80 percent loans on long-term mortgages, explicitly required racial segregation by refusing to make loans in mixed race neighborhoods that were considered less economically “stable” than all-white neighborhoods.²⁹⁴ FHA underwrote entire suburban developments throughout the US, including Los Angeles, with explicit conditions that Black people be excluded.²⁹⁵ These restrictions on homeownership deprived Black people of the opportunity to build wealth as compared to their white counterparts and forced them to crowd into smaller parts of the growing city with deteriorating housing stocks.²⁹⁶

Restrictive covenants, private contracts that excluded Black people and other minorities from living in a particular area, became prominent in Los Angeles in the early part of the

²⁹⁴ Rothstein, *The Color of Law*, Ch. 1, 2, 4.

²⁹⁵ Ibid., Ch. 4.

²⁹⁶ Ibid., Ch. 4.

20th century.²⁹⁷ These covenants were promoted by the real estate industry and by the 1920s had made most of the housing in Los Angeles unavailable to Black and Asian residents.²⁹⁸ These practices, enforced by government and courts, were widespread throughout the US.

Similarly widespread was the practice of zoning sections of the city into white and Black only neighborhoods.²⁹⁹ Though this practice was found unconstitutional in 1919, some jurisdictions continued it.³⁰⁰ Others simply shifted to facially race-neutral zoning policies that allowed only single-family homes to be built in certain areas.³⁰¹ These policies effectively excluded non-white and particularly Black people from living there, while multi-unit developments that were financially attainable to Black and other people of color were relegated to limited zones.³⁰² This zoning, which explicitly segregated by economic class, functions to exclude by race because of longstanding discriminatory policies that have systematically prevented wealth accumulation by Black people.³⁰³

Many cities, including Los Angeles, zoned areas around where Black people lived as “industrial,” allowing toxic, polluting industries to exist near their residences.³⁰⁴ These zoning policies, which continue today, have limited the development of safe, affordable, multi-family housing throughout the country and in Los Angeles. They have forced Black and Latinx people to crowd into neighborhoods with concentrated poverty, bad air quality, and poorer schools.³⁰⁵

²⁹⁷ Gene Slater, “How Los Angeles Pioneered the Residential Segregation That Helped Divide America,” *Los Angeles Times*, September 10, 2021, <https://www.latimes.com/opinion/story/2021-09-10/racial-covenants-los-angeles-pioneered> (accessed March 7, 2024).

²⁹⁸ Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York City: Verso Books, 1990), p. 161.

²⁹⁹ Rothstein, *The Color of Law*, Ch. 3.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ Rothstein, *The Color of Law*, Ch. 3; Stephen Menendian, Samir Gambhir, and Chih-Wei Hsu, *Single-Family Zoning in Greater Los Angeles*, report, Othering & Belonging Institute, March 2, 2022, <https://belonging.berkeley.edu/single-family-zoning-greater-los-angeles?emci=e825c360-7896-ec11-a507-281878b83d8a&emdi=bab3f8bd-499a-ec11-a22a-281878b85110&ceid=8140773>, (accessed December 1, 2023); Human Rights Watch interview with Jan Breidenbach, February 3, 2022.

³⁰⁴ Rothstein, *The Color of Law*, Ch. 3.

³⁰⁵ City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 54.

Areas zoned for single-family housing in Los Angeles have higher white populations and lower Black and Latinx populations.³⁰⁶ By stifling wealth accumulation and economic opportunity for non-white people and restricting their housing options, these zoning policies have contributed to the prevalence of Black houselessness.

Los Angeles experienced another wave of growth in the 1940s, including a large influx of Black people attracted to plentiful industrial jobs during and immediately after World War II.³⁰⁷ The real estate industry continued to shape a segregated city through informal practices such as refusing to show homes in white neighborhoods to Black buyers and promoting laws to entrench racial divisions even after the US Supreme Court held restrictive covenants unlawful in 1948.³⁰⁸ The continuation of redlining, discriminatory housing practices, and racist zoning prevented Black people from benefitting from the post-war housing boom, while increasing housing insecurity as the Black population of Los Angeles grew tenfold from 1940 to 1970.³⁰⁹

Freeway construction and “urban renewal” projects destroyed Black and poor communities throughout the US in the 1950s and 1960s, displacing people from their homes and creating physical barriers between white and Black residents.³¹⁰ The federal Urban Renewal Act of 1949 authorized local governments to clear land considered blighted and sell it to private developers. The majority of urban renewal areas were inhabited by Black residents, in part a direct result of decades of disinvestment leading to the decay of those neighborhoods.³¹¹ Building codes, enforced as part of “anti-blight” campaigns in the 1950s, especially in Black neighborhoods, further cut the stock of affordable, low-income housing.³¹² Destruction of these neighborhoods, which had affordable, if low-quality,

³⁰⁶ Menendian, Gambhir, and Hsu, *Single-Family Zoning in Greater Los Angeles*.

³⁰⁷ Gibbons, *City of Segregation*, Ch. 2; Simpson, “The Great Migration.”

³⁰⁸ Slater, “How Los Angeles Pioneered the Residential Segregation That Helped Divide America”; See *Shelley v. Kraemer*, 334 U.S. 1 (1948).

³⁰⁹ Kirsten Moore Sheeley, et al., *The Making of a Crisis: A History of Homelessness in Los Angeles*, report, UCLA Luskin Center for History and Policy, January 2021, <https://luskincenter.history.ucla.edu/wp-content/uploads/sites/66/2021/01/LCHP-The-Making-of-A-Crisis-Report.pdf> (accessed December 1, 2023), p. 20-21.

³¹⁰ United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, Civil Minutes, p. 9-10; Moore Sheeley, et al., *The Making of a Crisis*, p. 21; Williams, “Root Shock”; Benjamin Schneider, “CityLab University: Understanding Homelessness in America,” Bloomberg, July 6, 2020, Why Is Homelessness Such a Problem in U.S. Cities? – Bloomberg, (accessed December 1, 2023).

³¹¹ Mindy Thompson Fulilove, “Root Shock: The Consequences of African American Dispossession,” *Journal of Urban Health*, Vol. 78, No. 1 (2001), doi: 10.1093/jurban/78.1.72 (accessed December 1, 2023).

³¹² Gudis, Containment and Community, Los Angeles Poverty Department, p. 8-9.

housing, resulted in further ghettoization for Black people and greater housing instability leading to houselessness.³¹³

In the 1970s the suburbs of Los Angeles, made up of vast tracts of mostly single-family homes, grew in population and area.³¹⁴ This suburbanization reinforced the trend of segregated living.³¹⁵ In 1978, California voters passed and enacted Proposition 13, limiting property taxes for homeowners.³¹⁶ This change helped entrench the wealth derived from homeownership, enabled in part by discriminatory zoning, land use, and financing policies, while reducing revenues needed for basic services to help low-income people.³¹⁷ The 2020 rate of homeownership in Los Angeles was 33 percent for Black people and 57 percent for white people.³¹⁸

Beginning in the 1960s and 1970s, deindustrialization resulted in the loss of high paying manufacturing jobs throughout the US and especially in Los Angeles.³¹⁹ It hit Black workers especially hard, putting homeownership out of reach for more people, raising unemployment and increasing housing instability.³²⁰ Unemployment, under-employment, and low-wage employment have been consistently higher for Black people in Los Angeles than for white people, contributing to higher rates of housing instability and houselessness.³²¹

Concurrently, federal government investment in public housing and other forms of subsidized housing, which had evolved to primarily provide homes in Black communities,

³¹³ Western Regional Advocacy Center, *Without Housing*, p. 20; Fullilove, “Root Shock”, p.74; Black people made up two-thirds of all residents of areas in the US demolished through “urban renewal” despite making up only 10 percent of the population at the time.

³¹⁴ Adrian Glick Kudler, “Watch the strange growth of Los Angeles”

³¹⁵ Gibbons, *City of Segregation*, Chapter 4.

³¹⁶ Los Angeles County Assessor, “Proposition 13,” October 26, 2023, <https://assessor.lacounty.gov/real-estate-toolkit/proposition-13> (accessed December 1, 2023).

³¹⁷ Gibbons, *City of Segregation*, Ch. 5; Moore Sheeley, et al., *The Making of a Crisis*, p. 28.

³¹⁸ Dana Anderson, “Just 45% of Black families own their home, compared to 74% of white families—and the gap has hardly narrowed over the last decade,” *Redfin*, May 17, 2022, <https://www.redfin.com/news/homeownership-rate-black-white-gap-2022/> (accessed December 1, 2023).

³¹⁹ Los Angeles Black Worker Center and UCLA Labor Center, “Ready to Work: Uprooting Inequity,” *UCLA Institute for Research on Labor and Employment*, March 2017, p. 8, https://www.wiblacity.org/images/reports/UCLA-Labor-Center_BlackWorkersinLACounty_report_March2017.pdf (accessed December 1, 2023).

³²⁰ Gibbons, *City of Segregation*, Ch. 6; Los Angeles Black Worker Center and UCLA Labor Center, “Ready to Work: Uprooting Inequity,” p. 8; Moore Sheeley, et al., *The Making of a Crisis*, p. 28.

³²¹ Daniel Flaming, et al., “Locked Out: Unemployment and Homelessness in the Covid Economy,” *Economic Roundtable*, p. 5, 54-55; LAHSA, “Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness,” p. 20-23.

declined dramatically.³²² In the 1980s, during the administrations of Presidents Ronald Reagan and George H.W. Bush, the federal government began destroying the social safety net and gutting social programs that helped Black and poor people maintain their housing.³²³ In the 1990s, US President Bill Clinton’s administration continued that destruction, dismantling the Aid to Families with Dependent Children (AFDC) program and directing funds to policing, prosecutions, and prisons.³²⁴

During this period, federal and local governments embarked on “wars” on drugs and crime, while neglecting root causes related to poverty. US state and federal prison populations increased from 218,000 in 1974 to 1,404,032 in 2001, and overall rates of imprisonment rose from 92 to 472 per 100,000 people.³²⁵ Prison populations have decreased slightly since then to roughly 1,230,000 people in 2022 and a rate of 355 per 100,000 people.³²⁶ Perhaps more significant to the understanding of houselessness, the number of people who had ever been to prison increased from 1,819,000 to 5,618,000 between 1974 and 2001.³²⁷ As of 2018, one in every two adults (approximately 113 million people) has had an immediate family member incarcerated for at least one night in jail or

³²² Rothstein, *The Color of Law*, Ch. 1-2; Colburn and Page Aldern, *Homelessness is a Housing Problem*; Western Regional Advocacy Center, *Without Housing*, p. 15-16, Appendix A.

³²³ Western Regional Advocacy Center, *Without Housing*, p.8, 15-16

³²⁴ Premilla Nadasen, “Welfare Reform and the Politics of Race,” *Perspectives on History*, American Historical Association, August 22, 2016, <https://www.historians.org/research-and-publications/perspectives-on-history/summer-2016/welfare-reform-and-the-politics-of-race-20-years-later> (accessed December 1, 2023); US Department of Justice, Office of Justice Programs, 1994 Violent Crime Control and Law Enforcement Act, February 14, 2020, <https://www.ojp.gov/ojp50/1994-violent-crime-control-and-law-enforcement-act> (accessed December 1, 2023); Lauren-Brooke Eisen, “The 1994 Crime Bill and Beyond: How Federal Funding Shapes the Criminal Justice System,” *Brennan Center for Justice*, September 9, 2019, <https://www.brennancenter.org/our-work/analysis-opinion/1994-crime-bill-and-beyond-how-federal-funding-shapes-criminal-justice> (accessed December 1, 2023); The increase in funding for prisons and policing dates back at least to the administrations of President Richard Nixon (1969-1974) and Ronald Reagan (1981-1989), but was greatly enhanced by the Violent Crime Control and Law Enforcement Act of 1994.

³²⁵ 1974 data from Bureau of Justice Statistics, Historical Statistics on Prisoners in State and Federal Institutions, Year-end 1925-86, Table 3, <https://bjs.ojp.gov/content/pub/pdf/hspsfy2586.pdf> (accessed July 30, 2024); 2001 data from Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT) – Frequently Requested Figures; Jurisdiction population, 1978-2019 prisoners under the jurisdiction of state or federal correctional authorities at year-end, by year, December 31, 1978-2019, <https://csat.bjs.ojp.gov/freq-requested-charts> (accessed July 30, 2024); Population data for rates from US Census Bureau, National Intercensal Tables 1900-1990 at <https://www.census.gov/data/tables/time-series/demo/popest/pre-1980-national.html>.

³²⁶ E. Ann Carson and Rich Klucklow, Prisoners in 2022 – Statistical Tables, Bureau of Justice Statistics, November 2023, <https://bjs.ojp.gov/library/publications/prisoners-2022-statistical-tables> (accessed February 2, 2024).

³²⁷ Thomas P. Bonczar, Prevalence of Imprisonment in the U.S population, 1974-2001, Bureau of Justice Statistics Special Report, August 2003, <https://bjs.ojp.gov/content/pub/pdf/piusp01.pdf> (accessed December 1, 2023), p. 2.

prison and one in seven adults has had an immediate family member incarcerated for at least one year.³²⁸

This carceral response to crime and poverty—including funding the penal system at the expense of social supports, imposing overly harsh punishments, and prosecuting crimes related to survival and coping with poverty—focused largely on Black communities, who have continued to experience incarceration rates in vast disproportion to their share of the population. In 2022, the latest year for which data is available, Black people were incarcerated in state and federal prisons at nearly five times the rate of white people.³²⁹ As of 2018, Black adults were 50 percent more likely than white adults to have an immediate family member incarcerated.³³⁰ Contact with the police and criminal legal system increases the likelihood a person will become or remain unhoused.³³¹

These numbers do not include those who were incarcerated in local jails, youth and immigration detention centers, or were supervised on probation and parole. By 2020, there were 1.9 million people across the US incarcerated in jails or prisons, nearly 3.7 million on probation or parole, and at least 79 million with a criminal record.³³² While comprising about 13 percent of the US population, Black people make up about 38 percent of the incarcerated population.³³³

Local, state and federal governments began decommissioning large and often abusive mental hospitals in the 1950s, but failed to invest in community mental health care to replace them.³³⁴ Without this community-based care, many people with mental health conditions with high support requirements ended up living on the streets.³³⁵ Similarly, a shortage of evidence-based treatment or other supports for people with substance use

³²⁸ Brian Elderbroom et al., “Every Second: The Impact of the Incarceration Crisis on America’s Families”, report, *FWD.us*, 2018, p. 21, <https://everysecond.fwd.us/downloads/everysecond.fwd.us.pdf> (accessed December 1, 2023).

³²⁹ E. Ann Carson, “Prisoners in 2022 – Statistical Tables” (Washington, DC: BJS, 2023), <https://bjs.ojp.gov/library/publications/prisoners-2022-statistical-tables> (accessed February 2, 2024).

³³⁰ Brian Elderbroom et al., “Every Second,” p.21.

³³¹ LAHSA, “Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness,” p. 24

³³² Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2023.”

³³³ Ibid.

³³⁴ Moore Sheeley, et al., *The Making of a Crisis*, p. 29-34. This report will discuss the impact of mental health care on homelessness in more detail in Section IV, below.

³³⁵ Ibid.

disorder impacts houselessness.³³⁶ A 2019 report by the Los Angeles County Department of Mental Health noted that mental health and substance use services for people of color are “disproportionately limited compared to services for the white population.”³³⁷

These factors contributed to an explosion of houselessness in Los Angeles in the 1980s, especially among Black people.³³⁸ By that time, Skid Row had become a majority Black neighborhood.³³⁹ In the mid-1970s, city leaders had planned to demolish Skid Row to pave the way for an expanded business district.³⁴⁰ Local advocates and Skid Row residents objected and forced a compromise.³⁴¹ City officials withdrew demolition plans and instead turned Skid Row into what they called a “containment zone” in which to keep unhoused people from spreading throughout the city. Skid Row would be the location of affordable Single Room Occupancy (SRO) housing, shelters, and drug rehabilitation facilities.³⁴² Officials and service providers encouraged and directed unhoused people from all over the region, people returning from prison on parole, and people discharged from mental health facilities to go to Skid Row to access services and shelter and to keep them contained in one place.³⁴³ Police enforced the isolation and concentration of Black poverty in Skid Row through selective enforcement at the perimeter of the neighborhood to deter movement into other areas.³⁴⁴ One primary result of the “containment zone” was to make houselessness and poverty less visible to the rest of Los Angeles.³⁴⁵

³³⁶ Jonathan Sherin, “Addressing the Shortage of Mental Health Hospital Beds: Board of Supervisors Motion Response,” *County of Los Angeles, Department of Mental Health*, October 29, 2019, <https://file.lacounty.gov/SDSInter/bos/supdocs/142264.pdf> (accessed December 1, 2023).

³³⁷ Jonathan Sherin, “Addressing the Shortage of Mental Health Hospital Beds,” p. 98.

³³⁸ Moore Sheeley, et al., *The Making of a Crisis*, p. 35

³³⁹ *Ibid.*, p. 38.

³⁴⁰ *Ibid.*, p. 26-27.

³⁴¹ *Ibid.*, p. 26-27; People from neighborhoods outside of Skid Row also objected to its demolition, fearing displaced unhoused people would move to their streets.

³⁴² United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, Civil Minutes, p. 13; Gibbons, *City of Segregation*, Ch. 6; Deshonay Dozier, “Contested Development: Homeless Property, Police Reform, and Resistance in Skid Row, LA,” p. 2; Gudis, *Containment and Community*, Los Angeles Poverty Department, p. 5-8; Moore Sheeley, et al., *The Making of a Crisis*, p. 27-28.

³⁴³ Carla Green, “The Containment Plan,” *99% Invisible*, October 10, 2017, <https://99percentinvisible.org/episode/the-containment-plan/> (accessed December 1, 2023).

³⁴⁴ United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, Civil Minutes, p. 14; Dozier, “Contested Development,” p. 4; Carla Green, “The Containment Plan.”

³⁴⁵ Dozier, “Contested Development,” p. 4; Gudis, *Containment and Community*, Los Angeles Poverty Department, p. 9.

By the early 2000s, city and state lawmakers passed legislation that encouraged luxury development in and around Skid Row, resulting in the loss of much low-cost SRO housing and the dramatic increase in luxury housing development.³⁴⁶ This transformation further reduced the number of housing options in this majority Black neighborhood. The police presence increased even further, focused on Skid Row's largely Black population.

In the late 2000s, the US economy experienced the "Great Recession"—unemployment rates doubled to over 10 percent, home prices fell about 30 percent, stock values dropped drastically and production nationally declined by 4.3 percent.³⁴⁷ Predatory lending practices by banks and other financial institutions that had made mortgages easier to get through subprime loans, had few standards in place to ensure borrowers could repay them and complex payment plans that increased risk.³⁴⁸ The resulting massive numbers of foreclosures were a major cause of the crisis.³⁴⁹

This crisis had a particularly dramatic impact on Black and Latinx communities, contributing to houselessness and housing instability. Because of the long history of lending discrimination and residential segregation and fueled by aggressive marketing by the industry, Black and Latinx people had taken out subprime loans in vast and disproportionate numbers.³⁵⁰ The increase in Black homeownership through the 1990s depended largely on such loans.³⁵¹ Thus, when the market crashed Black and Latinx neighborhoods suffered the worst losses.³⁵² Since 2010, Black homeownership in Los Angeles has declined by 11 percent.³⁵³ The foreclosure crisis drove up demand for rentals, causing their price to increase. It also enabled investors to buy foreclosed and distressed

³⁴⁶ Gudis, *Containment and Community*, Los Angeles Poverty Department, p. 13-16; New housing construction in Downtown Los Angeles, which had previously been almost 75 percent "affordable housing" before 1999, is now almost exclusively market rate rentals and condominiums.

³⁴⁷ Wayne Duggan, "A Short History Of The Great Recession," *Forbes Advisor*, June 21, 2023, <https://www.forbes.com/advisor/investing/great-recession/#:~:text=The%20Great%20Recession%20of%202008,down%2057%25%20from%20its%20highs> (accessed October 16, 2023).

³⁴⁸ Wayne Duggan, "A Short History Of The Great Recession."

³⁴⁹ *Ibid.*

³⁵⁰ Jacob S. Rugh and Douglas S. Massey, "Racial Segregation and the American Foreclosure Crisis," *American Sociology Review*, vol. 75(5) (2010), pp. 629–651, doi:10.1177/0003122410380868 (accessed December 1, 2023), p. 631-634.

³⁵¹ Rugh and Massey, "Racial Segregation and the American Foreclosure Crisis," p. 2.

³⁵² *Ibid.*, p. 5-7; Moore Sheeley, et al., *The Making of a Crisis*, p. 48-50; Foreclosure rates for Black homeowners were 1.9 times greater than those of white homeowners, and for Latino homeowners, 2.3 times greater.

³⁵³ City of Los Angeles, *Housing Element 2021-2029*, Chapter One, p. 33: Latino and Asian homeownership has increased since 2010, and white homeownership has dropped by 1 percent.

properties in marginalized communities, allowing for expanded corporate ownership of Los Angeles' housing stock.³⁵⁴

This long history of racial discrimination and racist economic and social structures has led to extreme gaps in available affordable housing for Black people in Los Angeles, higher rates of housing instability, and the prevalence of Black people living on the streets.³⁵⁵ Policies and practices that criminalize unhoused people and deny their basic human rights compound this racial oppression.

³⁵⁴ Moore Sheeley, et al., *The Making of a Crisis*, p. 48-49.

³⁵⁵ Williams, "Root Shock."

IV. Criminalization: Arrest, Citation, and Coercion of Unhoused People by Police

- Over the past seven years, nearly 40 percent of all arrests and citations combined by LAPD have been against unhoused people, including 99 percent of all citations for infraction violations.
- Los Angeles police enforce laws explicitly targeting unhoused people for simply existing in public spaces, including laws against sitting and sleeping and laws against having personal property, which leave them exposed to arrest, citation and destruction of property in large segments of the city.
- While the overall number of arrests by LAPD of all people, including unhoused people, has decreased substantially in recent years, the number of incidents of use of force against unhoused people has remained steady. Further, unhoused people account for about one-third of all LAPD force incidents despite being less than 1 percent of the population.

Mario V., 59, and his wife lost their home and car six years ago after a back injury made him unable to work his construction job. They lived in MacArthur Park and on the streets of Skid Row and Santa Monica before setting up a tent in a community of unhoused people at Spring Street and Arcadia Street within view of City Hall, the Criminal Court Building, and the Federal Courthouse.³⁵⁶

Police have arrested Mario and his wife numerous times since they began living on the streets, mostly for sitting on the sidewalk or sleeping in the park.³⁵⁷ Police have also arrested him for not taking down his tent during the day, though it is the only place he has had to store his possessions and it protects him from the sun, rain, and wind.³⁵⁸

Sometimes, to avoid drawing attention to himself, he would stay on the sidewalk with no tent. But police would still cite and arrest him and throw away his belongings, including

³⁵⁶ Human Rights Watch interview with Mario V. (pseudonym), Los Angeles, August 26, 2021.

³⁵⁷ See LAMC sections 41.18(d) and 63.44.

³⁵⁸ Human Rights Watch interview with Mario V. (pseudonym), August 26, 2021.

his medications and papers. On some occasions, police have arrested his wife as well and thrown away her medications.³⁵⁹

Every time Mario was arrested, he would spend between two and six days in jail, either at the Twin Towers County Jail facility or at the lock-up in the downtown LAPD station, known as the “Glass House.”³⁶⁰ Upon release, he and his wife would have to replace their medications, their clothing, their toiletries, and their tent. Upon release from jail, they still had no place to stay but on the streets.³⁶¹

Mario’s experience is not unusual. For decades, the most prominent response to visible houselessness in Los Angeles has been the enforcement of minor code violations, like sitting on sidewalks or sleeping in parks.³⁶² This enforcement approach has its roots in Depression-era “anti-Okie” laws which criminalized poor people migrating to California from other states, vagrancy laws which criminalized lodging in public or private places without explicit permission, and racist “sundown towns” which criminalized Black people being present after dark.³⁶³ It has echoes from pre-statehood laws allowing courts to deem Native Californians accused of loitering to be “vagrants” and force them to work for private businesses or ranches owned by white people.³⁶⁴

While its proponents adhere to the rhetoric of public safety, often invoking the largely discredited “broken windows” approach to policing, this style of enforcement has little impact on violent crime or public safety.³⁶⁵ Unlike some systemic or ramped up

³⁵⁹ Ibid.

³⁶⁰ See Human Rights Watch, *“Not in it for Justice”: How California’s Pretrial Detention and Bail System Unfairly Punishes Poor People* (New York, Human Rights Watch, 2017), <https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly>.

³⁶¹ Human Rights Watch interview with Mario V. (pseudonym), August 26, 2021.

³⁶² Human Rights Watch interview with Dennis Gleason, Policy Chief for former LA City Councilmember Joe Buscaino, Los Angeles, February 24, 2022.

³⁶³ Human Rights Watch interview with Paul Boden, January 10, 2022; Western Regional Advocacy Center, “Historical Criminalization Fact Sheet: Homeless Bill of Rights Campaign,” September 2008, <https://wraphome.org/wp-content/uploads/2008/09/HistoricalCriminalizationFactSheet.pdf> (accessed January 12, 2024); California Penal Code Section 647(e), enacted 1872, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=647.&lawCode=PEN (accessed January 12, 2024).

³⁶⁴ Andres Resendez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Mariner Books, 2016), p. 263-265.

³⁶⁵ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 65; Sharon Chamard, “Homeless Encampments, Guide No. 56” *ASU Center for Problem-Oriented Policing*, 2010,

enforcement of minor violations of law that generate funds for the local jurisdiction, enforcement in this context is not a money-maker—unhoused people can rarely afford to pay fines.³⁶⁶

Criminalization is punitive; its primary effect is banishment—to remove unhoused people from view, making it appear as though there is no problem.³⁶⁷ Some city officials refer to criminalization as a “tool in our toolbox.”³⁶⁸ Dennis Gleason, staff person responsible for homelessness policy for former LA City Council Member Joe Buscaino, described enforcement of these laws as providing people with “deadlines.”³⁶⁹ Unfortunately, with inadequate available housing, the only way to meet the “deadline” for most unhoused people is to simply move to another location and make themselves invisible.

<https://popcenter.asu.edu/content/homeless-encampments-o> (accessed December 3, 2023), p. 3; Allard K. Lowenstein International Human Rights Clinic at Yale Law School, “*Forced into Breaking the Law*,” p. 40; Melissa Lewis, “Police Know Arrests Won’t Fix Homelessness. They Keep Making Them Anyway.,” *Reveal*, June 23, 2022, <https://revealnews.org/article/homeless-unhoused-police-arrests-west-coast-cities/> (accessed December 3, 2022); Herring, “Complaint-Oriented Policing,” p. 4; New York City Department of Investigation Office of the Inspector General for the NYPD, An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015, 2016, <https://www.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf> (accessed December 4, 2023); Casey Tolan, “How New York City is Slowly Rethinking Broken Windows Policing,” *Fusion*, February 3, 2016, access at <https://www.splinter.com/how-new-york-city-is-slowly-rethinking-broken-windows-p-1793854462>; Bernard E. Harcourt, “Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order Maintenance Policing New York Style,” *Michigan Law Review*, vol. 97 (1998), https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1664&context=faculty_scholarship (accessed December 4, 2023), p. 291; Daniel O’Brien, “How Broken Windows Do—And Do Not—Matter,” *Scholars Strategy Network*, April 23, 2019, <https://scholars.org/contribution/how-broken-windows-do-and-do-not-matter> (accessed May 15, 2024).

³⁶⁶ United States Department of Justice Civil Rights Division, Investigation of the Ferguson Police Department, March 4, 2015, https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf (accessed December 4, 2023).

³⁶⁷ Human Rights Watch interview with Gary Blasi, January 17, 2022; National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 38.

³⁶⁸ Human Rights Watch interview with Paul Boden, January 10, 2022; Jose Herrera, “LA to Assess Homeless Law: Is Anti-Street Camping Ordinance Working?,” *Los Angeles Daily News*, April 12, 2023, <https://www.dailynews.com/2023/04/12/la-to-assess-homeless-law-is-anti-street-camping-ordinance-working/> (accessed December 4, 2023); Patrick Sisson, “LA’s City Hall Leads a New Fight Against an Old Foe: Homelessness,” *Bloomberg*, March 22, 2023, <https://www.bloomberg.com/news/features/2023-03-22/la-plan-to-combat-homelessness-emphasizes-compassion-not-cops> (accessed December 4, 2023); Gale Holland, “LAPD Defends Rising Arrests of Homeless People,” *Los Angeles Times*, March 6, 2018, <https://www.latimes.com/local/lanow/la-me-ln-lapd-homeless-20180306-story.html#:~:text=Los%20Angeles%20police%20on%20Tuesday%20defended%20stepped-up%20enforcement,and%20citations%20are%20needed%20to%20meet%20the%20crisis.> (accessed December 4, 2023); Elizabeth Chou, “What’s Next: LA ban on Sitting, Lying Down and Sleeping on Sidewalks Will Launch Sept. 3,” *Los Angeles Daily News*, July 30, 2021, <https://www.dailynews.com/2021/07/30/whats-next-la-ban-on-sitting-lying-down-and-sleeping-on-sidewalks-will-launch-sept-3/> (accessed December 4, 2023); Emily Alpert Reyes, “Garcetti Says L.A. Can Resume Disputed Ban On Overnight Sidewalk Sleeping,” *Los Angeles Times*, June 22, 2018, <https://www.latimes.com/local/lanow/la-me-ln-sidewalk-sleeping-20180622-story.html> (accessed December 4, 2023).

³⁶⁹ Human Rights Watch interview with Dennis Gleason, February 24, 2022.

Criminalization is grounded in an ideological belief that individual “pathologies” or perceived moral failings as opposed to large-scale economic conditions, cause houselessness. The belief that people live on the streets because they are lazy, criminal, or drug-addicted, fuels support for policies that treat them as criminals.³⁷⁰ Many proponents of criminalization believe that enforcing laws against existing on the streets will incentivize unhoused people to come indoors.³⁷¹

The Trump Administration Council of Economic Advisors stated this belief explicitly: “Increasing the tolerability of living on the streets shifts the demand for homes inward, and so the number of people living on the streets increases.... One potential factor [explaining higher levels of homelessness in some cities] is differences in city ordinances and policing practices, as these policies would directly affect the tolerability of living on the streets and predict the aggregate number of unsheltered homeless people.”³⁷²

While Democratic elected officials, particularly in local jurisdictions like Los Angeles, are less likely to use the same terms as Trump’s advisors, they often implement essentially the same policies.³⁷³

Criminalization does not address the lack of sufficient housing.³⁷⁴ Without adequate housing, people have no place to go and must simply experience the punitive consequences of criminalization or move out of sight of law enforcement and members of the housed community who call police, often retreating to secluded and remote places where survival is much more difficult.³⁷⁵

³⁷⁰ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 60.

³⁷¹ ACLU of Southern California, “Nowhere to Live: The Homeless Crisis in Orange County & How to End It,” report, August 2016, p. 11, https://www.aclusocal.org/sites/default/files/field_documents/nowhere-to-live-aclu-socal-report.pdf (accessed December 4, 2023); See also, “Brief of Amicus Curiae” Cicero Institute in Support of Petitioner,” *City of Grants Pass v. Gloria Johnson et al*, United States Supreme Court, March 4, 2024, https://www.supremecourt.gov/DocketPDF/23/23-175/302212/20240304161555229_23-175%20Amicus%20BOM%20Cicero%20PDFA.pdf (accessed May 15, 2024): Numerous other briefs filed in this case argued that the threat of arrest or citation for sleeping in public is required to get unhoused people to enter shelter.

³⁷² The Council of Economic Advisors, “The State of Homelessness in America,” p. 16-18.

³⁷³ Alissa Walker, “Trump’s Grotesque Plan to ‘End Homelessness’ is Already Mainstream Policy,” *Curbed*, July 28, 2022, <https://www.curbed.com/2022/07/donald-trump-homelessness-rick-caruso.html> (accessed December 4, 2023).

³⁷⁴ National Law Center on Homelessness and Poverty, “No Safe Place,” p. 9.

³⁷⁵ Eve Garrow and Tiffany Bailey, “Banished & Abandoned: Criminalization and Displacement of Unhoused People in Lancaster,” *ACLU Southern California*, February 2021, p. 28-32, <https://www.aclusocal.org/en/publications/banished-and-abandoned-lancaster> (accessed December 4, 2023); National Law Center on Homelessness & Poverty, *Housing Not Handcuffs*, p. 66.

Arresting unhoused people for existing in public can cause considerable harm to those individuals. Arrests rob them of their liberty and expose them to often brutal and, at minimum, dehumanizing conditions in custody. Even if prosecutors do not pursue criminal charges, a person can remain in jail for days.³⁷⁶ That person's property, essential for survival, is either taken from them by police and sanitation officials or left exposed to theft or other destruction.

There are three levels of adult crimes in California—felonies, misdemeanors, and infractions.³⁷⁷ A felony arrest invariably means a person is taken into custody and conviction can lead to incarceration in prison. A misdemeanor arrest can result in release with a citation or being taken into custody. Punishment for a misdemeanor can include imprisonment in a county jail, probation, unpaid labor, and/or a fine. Arrest for an infraction is followed by release with a citation.

Treating violations of these laws as infractions rather than misdemeanors still has harmful consequences.³⁷⁸ Infraction enforcement initially involves a citation and potential punishment by a monetary fine. For a person living on the streets with little income or financial resources, paying a fine is either highly debilitating or simply impossible. With “penalty assessments” added to base fines, a typical ticket for sleeping on the sidewalk can cost as much as \$300—substantially more than Los Angeles County’s monthly General Relief payment.³⁷⁹

Unhoused people face challenges with transportation and property storage just to go to court to handle their tickets. Inability to get to court or to pay fines results in courts issuing arrest warrants.³⁸⁰ People with warrants then live in fear of imminent arrest, subject to the discretion of police officers who frequently stop them.

³⁷⁶ Human Rights Watch, *“Not in it for Justice”: How California’s Pretrial Detention and Bail System Unfairly Punishes Poor People* (New York: Human Rights Watch, 2017), <https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly>.

³⁷⁷ California Penal Code Section 17, <https://casetext.com/statute/california-codes/california-penal-code/division-preliminary-provisions/section-17-felony-misdemeanor-infraction> (accessed January 10, 2024).

³⁷⁸ Following his election as City Attorney in 2012, Mike Feuer announced a policy of primarily filing “quality-of-life” citations as infractions instead of misdemeanors. Gale Holland and Christine Zhang, “Huge Increase in Arrests of Homeless in L.A.—but Mostly for Minor Offenses,” *Los Angeles Times*, February 4, 2018, <https://www.latimes.com/local/politics/la-me-homeless-arrests-20180204-story.html> (accessed December 4, 2018).

³⁷⁹ Ibid.

³⁸⁰ Ibid. Human Rights Watch interview with Carla Orendorff, StreetWatch organizer, Van Nuys, November 11, 2021.

Convictions for crimes make it more difficult to find housing, as landlords may refuse to rent to a person with a criminal record. Obtaining Section 8 subsidies or public housing is more difficult with a criminal record.³⁸¹ Public benefits may be paused or terminated when a person goes to jail.³⁸² Unhoused people lose jobs, miss opportunities for obtaining shelter or housing, and become disconnected from health care and other services, when arrested and jailed.³⁸³ Warrants and unpaid fines can lead to damaged credit ratings and loss of drivers' licenses.³⁸⁴

Enforcement of laws against unhoused people for existing in public is prevalent and rising throughout the US.³⁸⁵ These include laws against sitting or sleeping, asking for money, staying in cars, and storing property in public.³⁸⁶ Law enforcement also disproportionately uses other laws, even if they do not explicitly target unhoused people, against them, such as trespassing, urinating in public, drinking or possessing alcohol in public, being under the influence of alcohol or narcotics in public, and possessing narcotics.

A. Laws in Los Angeles Specifically Targeting Unhoused People

Los Angeles has several municipal ordinances that directly target unhoused people for existing in public spaces throughout the city. Each of these laws has evolved over the years, often in response to community political pressure and litigation by unhoused people, advocates, and public interest lawyers. Enforcement varies as policy priorities and public opinion shift. Enforcement also varies from location to location, often responsive to pressure from housed people and business owners in each area.

³⁸¹ National Law Center on Homelessness and Poverty, “No Safe Place,” p. 32-33.

³⁸² National Law Center on Homelessness and Poverty, “No Safe Place,” p. 33; National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 52; Allard K. Lowenstein International Human Rights Clinic, Yale Law School, “*Forced into Breaking the Law*,” p. 20.

³⁸³ Madeline Bailey, Erica Crew, and Madz Reeve, “No Access to Justice: Breaking the Cycle of Homelessness and Jail,” *Vera Institute of Justice*, August 2020, <https://www.safetyandjusticechallenge.org/wp-content/uploads/2020/08/homelessness-brief-web.pdf> (accessed December 4, 2023); Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles; Allard K. Lowenstein International Human Rights Clinic, Yale Law School, “*Forced into Breaking the Law*,” p. 23; Eve Garrow and Tiffany Bailey, “Banished & Abandoned: Criminalization and Displacement of Unhoused People in Lancaster,” p. 8.

³⁸⁴ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 52.

³⁸⁵ *Ibid.*; National Law Center on Homelessness and Poverty, “No Safe Place.”

³⁸⁶ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 13-14

1) LAMC section 41.18

Los Angeles Municipal Code (LAMC) section 41.18 is an example of a “sit/lie” law.³⁸⁷ It makes sitting, lying down, and, by implication, setting up a tent, sleeping bag, or other living structure, in public spaces illegal. A 2019 study found that over half of 187 cities surveyed across the country had some version of a “sit/lie” law, a 75 percent increase since 2006.³⁸⁸

Proponents of sit/lie laws often couch them as being about removing obstructions on sidewalks and roads. Sometimes they promote access for people with disabilities.³⁸⁹ However, often they are written broadly to empower enforcement beyond these narrow goals, criminalizing the act of simply existing in public space.³⁹⁰

The Los Angeles City Council passed the original version of LAMC section 41.18 in the early 1960s.³⁹¹ They amended subsection (d) in 1968 to say: “No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.”³⁹² Police have used this extremely broad formulation to cite and arrest unhoused people. The punishment for a violation of section 41.18, as a misdemeanor, was a fine of up to \$1,000 and imprisonment in the county jail for up to six months.³⁹³

³⁸⁷ Los Angeles Municipal Code section 41.18, effective September 3, 2021, https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-128514 (accessed October 17, 2023); Matt Tinoco, “LA’s Rules About Where Homeless People are Allowed to Sit and Sleep Could Get Even More Complicated,” *LAist*, August 22, 2019, <https://laist.com/news/los-angeles-homeless-sit-lie-sleep-law>, (accessed December 4, 2023).

³⁸⁸ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 13.

³⁸⁹ Human Rights Watch interview with Gita O’Neill, Assistant Los Angeles City Attorney, Director, Homeless Policies and Strategies, Los Angeles, March 11, 2022.

³⁹⁰ Julia Osborne, Policy Analysis of Los Angeles City Ordinance 41.18, *California State University, Los Angeles*, May 2020, <https://scholarworks.calstate.edu/downloads/gm8ohz19n> (accessed December 4, 2023), p. 5-6; See, *Jones v. City of Los Angeles*, (9th Cir 2006) 444 F.3d 1118, 1124, https://scholar.google.com/scholar_case?case=4259488333208893136&q=jones+v.+city+of+los+angeles&hl=en&as_sdt=2006&as_vis=1 (accessed December 4, 2023).

³⁹¹ Lorraine A. Lopez, “Cruelty Will Not Solve the ‘Homeless Problem’ in LA,” *Daily Journal*, July 15, 2021, <https://www.dailyjournal.com/articles/363510-cruelty-will-not-solve-the-homelessness-problem-in-la> (accessed December 4, 2023).

³⁹² Los Angeles Poverty Department, @Lapovertydept, “X Thread,” September 16, 2021, <https://twitter.com/lapovertydept/status/1438551601103314946?s=20> (accessed December 4, 2023); Moore Sheeley, et al., *The Making of a Crisis*, p. 26.

³⁹³ As currently revised, the punishment remains the same for a misdemeanor violation of LAMC section 41.18. These maximum penalties are occasionally imposed; See Human Rights Watch interview with Julia S. (pseudonym), Los Angeles, August 20, 2021; Even a small fine or a short period of time in jail can be a devastating punishment.

In 2003, a group of unhoused people living on Skid Row filed a lawsuit, *Jones v. City of Los Angeles*, challenging the constitutionality of LAMC section 41.18(d). Attorney Carol Sobel and lawyers from the ACLU argued that given the lack of sufficient shelter, the plaintiffs had no choice but to break the law and therefore enforcement violated their due process and equal protection rights under the 14th Amendment to the US Constitution and their right against “cruel and unusual punishment” under the 8th Amendment.³⁹⁴ In 2006, the 9th Circuit Court of Appeal ruled that, while the law is broadly constitutional, enforcement of 41.18(d) without any time and place limitations against involuntarily unhoused people who cannot obtain shelter violates the 8th Amendment.³⁹⁵ The result of the *Jones* litigation was a settlement agreement in 2007 that precluded enforcement from 9 p.m. to 6 a.m., with exceptions for obstructing certain rights of way, until the city provided an additional 1,250 permanent supportive housing units for chronically unhoused people.³⁹⁶

The *Jones* settlement mitigated some of the impact of section 41.18(d), but it did not stop police from enforcing it. Police would regularly pull up to unhoused people and communities at 6 a.m. and demand that they pack up their tents, often ticketing those who failed to comply, even those who were ill, had a disability, or had no place to go.³⁹⁷

- Luther W. described being jailed frequently for not taking his tent down while he was living on Skid Row. Because he was on parole, they labeled it a violation.³⁹⁸
- Julia S. has been arrested and cited dozens of times for staying on the sidewalk on Skid Row. She has contested misdemeanor charges for violations of section 41.18(d) in court. One time, after she lost at trial, a judge sentenced her to six months in jail. She says that she has no housing options and that offers of “housing” from the city have been vague and insufficient.³⁹⁹

³⁹⁴ *Jones v. City of Los Angeles*, p. 1125.

³⁹⁵ *Jones v. City of Los Angeles*, p. 1138.

³⁹⁶ Los Angeles Housing and Community Investment Department, “The Jones Settlement Agreement Fact Sheet,” June 10, 2015, https://cdn.theatlantic.com/assets/media/files/jones_settlement_factsheet_6_10_15.pdf (accessed December 4, 2023): “[E]xceptions to this rule apply. For example, the law is enforceable at all times at locations within ten (10) feet of any operational and utilizable entrance, exit, driveway or loading dock.”

³⁹⁷ Human Rights Watch interviews with Luther W. (pseudonym), Los Angeles, August 20, 2021; Julia S. (pseudonym), August 20, 2021; Calvin A. (pseudonym), Los Angeles, August 25, 2021; Arthur M. (pseudonym), Los Angeles, August 25, 2021; Cecilia R. (pseudonym) Los Angeles, August 26, 2021; LaDonna Harrell, Van Nuys, September 2, 2021; Rebecca B. (pseudonym), Los Angeles, September 15, 2021; Gary C. (pseudonym), Los Angeles, September 17, 2021; Sonya V. (pseudonym), Los Angeles, October 13, 2021; Betsy C. (pseudonym), Los Angeles, November 2, 2021; Susan G. (pseudonym), Hollywood, February 14, 2022; Shawn Pleasants, Van Nuys, April 20, 2022; and Ida J. (pseudonym), August 18, 2021.

³⁹⁸ Human Rights Watch interview with Luther W. (pseudonym), August 20, 2021.

³⁹⁹ Human Rights Watch interview with Julia S. (pseudonym), August 20, 2021.

- Ida J., in her 60s and living with a debilitating back injury, has received numerous tickets for not taking her tent down. Since she was unable to pay the tickets, they became arrest warrants. She has gone to jail twice because of them.⁴⁰⁰
- Arthur M. was arrested for sitting on a chair on the sidewalk in front of his tent and property on Skid Row. Officers put him up against the wall and searched him before taking him to the station lock-up. He spent a day in jail. When he got back to his spot, his property was gone—taken either by police and sanitation workers or by thieves.
- Cecilia R. got three tickets in two weeks from the same LAPD officers. The officers came to her unhoused community near City Hall at 6 a.m. and demanded she take down her tent. They ticketed her when she had not packed her stuff quickly enough. The tent provides her with protection from the elements. Cecilia went to court to contest her tickets and the officers did not show up, resulting in dismissal.
- Betsy C. keeps an orderly tent site on a side street on Skid Row. One night, she had her tent set up before 9 p.m. An officer told her to “collapse [her] tent.” When she did not, he ticketed her. She went to court, but the ticket was not filed. The court clerk told her she needed to monitor the court website to find out if it does get filed. Failure to appear if it is filed will result in a warrant for her arrest.⁴⁰¹
- Sharon C. was sitting on a chair by her tent on Skid Row. Police arrested her. The prosecutor declined to file charges, but she still spent the night in jail.⁴⁰²

In 2019, the US Court of Appeals for the 9th Circuit issued a ruling in the case *Martin v. Boise* finding, in line with the reasoning of the *Jones* case, that cities and counties were violating the 8th Amendment by enforcing laws against sitting or sleeping in public places

⁴⁰⁰ Human Rights Watch interview with Ida J. (pseudonym), August 18, 2021.

⁴⁰¹ Human Rights Watch interview with Betsy C. (pseudonym), November 2, 2021.

⁴⁰² Human Rights Watch interview with Sharon C. (pseudonym), Los Angeles, September 1, 2021.

at all times and places if there was not “adequate shelter” available to them.⁴⁰³ However, the court did not clearly define what constitutes adequate shelter.⁴⁰⁴

In 2023, California Governor Gavin Newsom and San Francisco Mayor London Breed called for the US Supreme Court to reverse the holding of *Martin v. Boise*, the subsequent holding in *Johnson v. City of Grants Pass*, and a district court ruling in San Francisco following those holdings, claiming that the requirement that a municipality offer adequate shelter as a precondition to punishing a person for existing on the streets hampered their ability to “solve” the problem of homelessness.⁴⁰⁵ In the *Grants Pass* case, a divided Ninth Circuit panel forbade enforcement of the city’s law that allowed unhoused people to sleep in public places, but punished them for using blankets or any other bedding.⁴⁰⁶

Newsom filed an amicus brief in the *Grants Pass* case urging the US Supreme Court to reverse its holding and to limit the scope of *Martin* in ways that would give cities broad latitude to clear encampments even if there was not enough shelter for

⁴⁰³ *Martin v. City of Boise* 920 F.3d 584, 604 (9th Cir. 2019),

<http://content.delivra.com/etapcontent/NationalLawCenteronHomeles/Martin%20vs.%20Boise%202018.pdf> (accessed December 5, 2023); “We agree with *Jones*’s reasoning and central conclusion... and so hold that an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them” (p. 5). In a footnote to its holding however, the court noted that with its decision, it did not mean to suggest that “a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. See *Jones*, 444 F.3d at 1123. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures.” The *Martin v. Boise* decision effectively superseded the *Jones* settlement because its prohibition on enforcement is broader than that of *Jones*.

⁴⁰⁴ *Ibid*, n. 8.

⁴⁰⁵ Jeremy White, “Newsom Urges SCOTUS to Consider Encampment Ruling That has ‘Paralyzed’ California Cities,” *Politico*, September 6, 2022, <https://www.politico.com/news/2023/09/22/newsom-scotus-encampment-california-00117762> (accessed December 14, 2023); *Johnson v. City of Grants Pass*, No. 20-35752 (9th Cir. 2023), <https://www.documentcloud.org/documents/23867827-johnson-et-al-v-city-of-grants-pass-nos-20-35752-20-35881> (accessed December 14, 2023); David Sjostedt, “San Francisco Calls on Supreme Court to Reverse Homelessness Ruling,” *The San Francisco Standard*, October 5, 2023, <https://sfstandard.com/2023/10/05/san-francisco-supreme-court-homeless-ruling/> (accessed December 14, 2023); Associated Press, “San Francisco Homeless Encampments: Gavin Newsom Says State Will Intervene in Sweeps Ban,” *San Francisco Standard*, September 13, 2023, <https://sfstandard.com/2023/09/13/gavin-news-state-will-speak-on-case-over-san-francisco-encampments/> (accessed December 14, 2023); On January 11, 2024, a divided 9th Circuit panel affirmed most aspects of the San Francisco preliminary injunction. See *Coalition on Homelessness v. City and County of San Francisco*, No. 23-15087 (9th Circuit 2024), <https://cdn.ca9.uscourts.gov/datastore/opinions/2024/01/11/23-15087.pdf> (accessed January 12, 2024).

⁴⁰⁶ *Johnson, et al. v. City of Grants Pass*, No-35752 (9th Cir. 2023), p. 7, 47, <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/09/28/20-35752.pdf> (accessed January 10, 2024).

everyone.⁴⁰⁷ The US Department of Justice, in their brief, stated that criminalization was unconstitutional, but argued that courts must make determinations for each individual as to whether they had alternatives to sleeping in public.⁴⁰⁸ To make such a determination, the individual unhoused person must already have been arrested and brought to court, thus suffering much of the harmful consequences of criminalization. The Los Angeles city attorney also filed a brief asking to reverse *Grants Pass* and limit the reach of *Martin* to ensure that cities can enforce these laws against unhoused people even if there are not enough shelter beds for all unhoused people, similarly arguing for individualized determinations.⁴⁰⁹ A ruling in line with Newsom, the Department of Justice and the city attorney's positions would render *Martin*'s modest protections from criminalization meaningless.

Conservative justices on the Ninth Circuit authored a series of strongly worded dissents in the *Grants Pass* case, calling for reversal of *Martin*'s holding.⁴¹⁰ Law enforcement, municipalities, and neighborhood associations filed briefs calling for reversal.⁴¹¹ On January 12, 2024, the US Supreme Court granted the petition to review the *Grants Pass* case.⁴¹²

On June 28, 2024, the Supreme Court reversed *Grants Pass* and invalidated the holding in *Martin*, removing the requirement that cities and counties across the US provide unhoused people with shelter or some lawful place to stay before enforcing

⁴⁰⁷ "Brief for California Governor Gavin Newsom as Amicus Curiae Supporting Petitioner," *City of Grants Pass v. Johnson*, Supreme Court of the United States, No. 23-175, September 22, 2023, https://www.supremecourt.gov/DocketPDF/23/23-175/280288/20230922163648635_Amicus%20Brief%20for%20Governor%20Newsom%20-%20Grants%20Pass_Final.pdf (accessed December 14, 2023).

⁴⁰⁸ "Brief for the United States as Amicus Curiae in Support of Neither Party," *City of Grants Pass v. Johnson*, Supreme Court of the United States, No. 23-175, March 2024, p. 27-33, https://www.supremecourt.gov/DocketPDF/23/23-175/302264/20240304183726571_23-175npUnitedStates.pdf (accessed May 15, 2024).

⁴⁰⁹ "Brief for Amicus Curiae City of Los Angeles in Support of Petitioner," *City of Grants Pass v. Johnson*, Supreme Court of the United States, No. 23-175, September 25, 2023, p. 17-18, https://www.supremecourt.gov/DocketPDF/23/23-175/280395/20230925153022862_23-175%20Amicus%20City%20of%20LA%20-%20Final.pdf (accessed December 14, 2023).

⁴¹⁰ *Johnson v. City of Grants Pass*, No. 20-35752 (9th Cir. 2023).

⁴¹¹ US Supreme Court Docket, *City of Grants Pass v. Johnson*, Supreme Court of the United States, No. 23-175, <https://www.supremecourt.gov/docket/docketfiles/html/public/23-175.html> (accessed December 14, 2023).

⁴¹² US Supreme Court Docket, *City of Grants Pass, Oregon, Petitioner v. Gloria Johnson et al.*, No. 20-35752, January 12, 2024, <https://www.supremecourt.gov/docket/docketfiles/html/public/23-175.html> (accessed January 12, 2024).

laws punishing them for being in public space.⁴¹³ The Court's holding rejected limitations on punishing people for their status, including that of being unhoused. Led by Councilmember Traci Park, the Los Angeles city council immediately initiated legislation to consider changes to their criminalization laws in light of the Court's ruling.⁴¹⁴ This ruling may increase dramatically the use of arrests and citations to drive unhoused people out of visible public spaces.

In response to these court decisions and to the rise of visible unhoused communities throughout Los Angeles, the City Council passed a revised version of section 41.18, which became effective on Sept. 3, 2021.⁴¹⁵ The new version appears narrower in scope than the original section 41.18(d), and is designed to allow enforcement against people on the streets while avoiding the limits on that enforcement imposed by the *Martin* decision.⁴¹⁶ The new section 41.18 creates categories of places where people may not sit, lie, sleep, or store property. These include near driveways and loading docks, building entrances, fire hydrants, on roadways open to vehicles, including bicycle paths and other public rights-of-way. It also prohibits people from sitting, lying, sleeping, or storing property in ways that interfere with access for people with disabilities or with any city-permitted activity.⁴¹⁷

The law further allows the City Council to pass resolutions to designate additional zones ("resolution zones") where people are not allowed to sit, lie, sleep or store property.⁴¹⁸ These zones can include "sensitive use" designations within 500 feet of a public park or

⁴¹³ *City of Grants Pass v. Johnson*, Supreme Court of the United States, No. 23--175, June 28, 2024, https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf (accessed July 14, 2024).

⁴¹⁴ Council File 24-0140-S1, "Motion," Los Angeles City Council, June 28, 2024, <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=24-0140-S1> (accessed July 14, 2024).

⁴¹⁵ Los Angeles Municipal Code section 41.18, Ordinance No. 187127, File No. CF 20-1376-S1, passed July 28, 2021, effective September 3, 2021, https://clkrep.lacity.org/online/docs/2020/20-1376-S1_ord_187127_09-03-21.pdf (accessed December 5, 2023).

⁴¹⁶ Human Rights Watch interview with Shayla Myers, attorney, Legal Aid Foundation of Los Angeles, Los Angeles, January 13, 2022; Action Network, "Support Amendments to LA Municipal Code 41.18," *A Coalition of Westside Neighbors*, <https://actionnetwork.org/letters/support-amendments-to-la-municipal-code-4118> (accessed December 5, 2023); Sharon Tso, Chief Legislative Analyst, "Report of the Chief Legislative Analyst: Outreach Engagement Framework," Council File No. 21-0329, August 31, 2021, p. 17, https://clkrep.lacity.org/online/docs/2021/21-0329_rpt_cla_8-31-21.pdf (accessed December 5, 2023).

⁴¹⁷ LAMC section 41.18(a) and (b).

⁴¹⁸ LAMC section 41.18(c)

public library.⁴¹⁹ They can include any street or sidewalk within 500 feet of an overpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway if the City Council determines that people staying there is “unhealthy, unsafe, or incompatible with safe passage.”⁴²⁰ They can include any street or sidewalk within 1,000 feet of a facility providing shelter, services or “safe camping” for unhoused people.⁴²¹ They may include any location if the City Council determines, based on “specific documentation,” that continued sitting, lying, or sleeping there “poses a particular and ongoing threat to public health or safety.”⁴²² In September 2022, the City Council amended section 41.18 to add a prohibition on sitting, lying, or sleeping within 500 feet of a school or day care facility.⁴²³

The law allows prosecution as a misdemeanor of anyone who “willfully resists, delays, or obstructs” enforcement of the section or “willfully refuses to comply” with orders from a city official to move from a prohibited location.⁴²⁴ A municipal code misdemeanor is punishable by up to six months in the county jail and up to \$1,000 fine.⁴²⁵

Under the new law, vast swaths of the city have become zones where unhoused people may not exist.⁴²⁶ As of February 2023, there were approximately 2,000 designated zones.⁴²⁷ As a result, people are left with considerable confusion about where they can and cannot be.

Individual City Council members drive the creation of resolution zones within their district: some have chosen to file a high number of resolutions; others have refused to do any.⁴²⁸

⁴¹⁹ LAMC section 41.18(c)(1)

⁴²⁰ LAMC section 41.18(c)(2).

⁴²¹ LAMC section 41.18(c)(3).

⁴²² LAMC section 41.18(c)(4).

⁴²³ LAMC section 41.18(e).

⁴²⁴ LAMC section 41.18(f).

⁴²⁵ LAMC section 41.18(f).

⁴²⁶ City of Los Angeles, “Los Angeles Municipal Code 41.18,”

<https://ladcp.maps.arcgis.com/apps/webappviewer/index.html?id=14b53371a3ad4b98b4d52da77296c273> (accessed December 5, 2023); UC Irvine, “City of Los Angeles—41.18 Zones,”

<https://ucirvine.maps.arcgis.com/apps/instant/basic/index.html?appid=dod54258b92240e6a486ea1d8facoa3f> (accessed December 5, 2023).

⁴²⁷ Councilmember Katy Yaroslavsky, “Motion,” City Council File No. 21-0329, February 15, 2023,

https://clkrep.lacity.org/online/docs/2021/21-0329-S4_misc_2-15-23.pdf (accessed December 5, 2023).

⁴²⁸ Human Rights Watch interviews with Dennis Gleason, Los Angeles, February 24, 2022; Nithya Raman, Los Angeles City Councilmember, District 4, Los Angeles, March 3, 2022; and Mike Bonin, Los Angeles City Councilmember, District 11, Los

Often they are guided by political pressure from housed residents and business owners. Council members generally vote to approve each other's resolutions.

Council Member Mike Bonin, representing Council District 11, which includes the gentrifying Venice community, Westchester, and parts of West Los Angeles, spoke about the ineffectiveness and cruelty of section 41.18 enforcement.⁴²⁹ He refused to seek any resolution zones. However, he did not run for re-election in 2022.⁴³⁰ Traci Park, campaigning on promises of more aggressive enforcement against unhoused people, as well as opposition to development of affordable housing in Venice, won the seat and immediately proposed nine resolution zones in her district.⁴³¹

To enforce the resolution zones the City Council set up a process that requires LAHSA's Homeless Engagement Teams (HETs) to assess the needs for services of unhoused residents in the zone, identify available housing and resources, and place signs notifying the public of the zone prior to enforcement.⁴³² The process then allows LASAN to clear any unhoused communities in the zone and fence off specific areas if the council member recommends it.

Angeles, February 7, 2022; Times Editorial Board, "Will an L.A. street engagement strategy really get homeless people housed? Don't count on it," *Los Angeles Times*, November 18, 2021, <https://www.latimes.com/opinion/story/2021-11-18/editorial-will-an-l-a-city-street-engagement-strategy-really-get-homeless-people-housed-dont-count-on-it> (accessed December 5, 2023); Mar Vista Voice, @marvistavoices, "X Thread," September 21, 2021, <https://twitter.com/marvistavoices/status/1445944546941042689> (accessed December 5, 2023).

⁴²⁹ City News Service, "LA City Council Approves Ordinance to Restrict Homeless Encampments," *Spectrum News 1*, July 28, 2021, <https://spectrumnews1.com/ca/la-west/homelessness/2021/07/28/los-angeles-city-council-expected-to-approve-ordinance-to-restrict-encampments> (accessed December 5, 2023); Jane Nguyen, @theglowingstars, "X Thread," August 2, 2022, https://twitter.com/theglowingstars/status/1554531341726691328?s=20&t=lgeskhjMoU_iZ32USuphew (accessed December 5, 2023).

⁴³⁰ Bonin's refusal to create added 41.18 enforcement zones and his advocacy for permanent housing as the solution to homelessness led an assertive group of his constituents to make sustained personal attacks against him, which, along with personal reasons, may have contributed to his decision not to run for reelection. David Zahniser and Benjamin Oreskes, "Westside Councilman Mike Bonin Says He Won't Seek Reelection," *Los Angeles Times*, January 26, 2022, <https://www.latimes.com/california/story/2022-01-26/westside-councilman-mike-bonin-says-he-wont-look-for-re-election>, (accessed December 5, 2022).

⁴³¹ Less than a month later, Council Member Park removed one location from the January 23, 2023, list and added four additional locations. In November 2023, Park submitted a resolution for seven more zones in her district. Councilmember Traci Park, "Resolution #55," November 14, 2023; See Adam Smith, @AdamOfTheSmiths, "X Thread," November 14, 2023, <https://x.com/AdamOfTheSmiths/status/1724589922844324063?s=20> (accessed December 5, 2023); On May 8, 2024, she submitted resolutions for six more 41.18 zones. See Adam Smith, @AdamOfTheSmiths, "X Thread," May 8, 2024, <https://x.com/AdamOfTheSmiths/status/1788358016120799232>, (accessed May 15, 2024).

⁴³² City of Los Angeles, Attachment C—Street Engagement and Management, September 2, 2021, https://clkrep.lacity.org/online/docs/2021/21-0329_misc_c_9-2-21.pdf (accessed December 5, 2023).

The process does not require the city to provide, or even offer, shelter, much less housing, and does not establish locations where people can go.⁴³³ Media reports indicate that outreach is inconsistent, with outreach workers offering unhoused people little other than some food and water, taking down names and other information, and then not returning with offers of help in finding more permanent housing.⁴³⁴

In the hearing to pass her resolutions, Councilmember Park said: “We will not do enforcement until every individual has been offered the opportunity to come inside.”⁴³⁵ She referenced a legal and moral obligation to offer housing. She did not define what that housing would be, how it would be provided, or the terms of any “offer.”⁴³⁶

Councilmember Katy Yaroslavsky, explaining her opposition to Park’s and others’ 41.18 resolutions in February 2023, raised concerns about the inadequacy of outreach: “It is not clear that we are making credible offers of housing and services as we apply it across our 15 districts.... 41.18 has been used in a dozen cases in my district. It just blows up encampments and spreads people around. Homelessness has gotten worse in my district.... [We are] engaging in an elaborate shell game.”⁴³⁷ The City Council subsequently passed Yaroslavsky’s motion ordering a report on implementation and outreach related to section 41.18.⁴³⁸

⁴³³ Ethan Ward, “Accountability Check: LA City Council and Street Outreach at Homeless Encampments,” *LAist*, November 15, 2021, <https://laist.com/news/housing-homelessness/accountability-check-la-city-council-and-street-outreach-at-homeless-encampments> (accessed December 5, 2023); Sharon Tso, Chief Legislative Analyst, Report of the Chief Legislative Analyst: Outreach Engagement Framework, Council File No. 21-0329, p. 17: The Los Angeles City Attorney instructed that: “The newly adopted MC 41.18 is structured so that an offer of shelter is not needed for enforcement because the ordinance addresses only certain locations where the public health, safety, or welfare supports public dwelling restrictions.”

⁴³⁴ Ward, “Accountability Check”; Human Rights Watch interview with Berto E. (pseudonym), Los Angeles, October 5, 2021; Doug Smith, et al., “L.A.’s Crackdown on Homeless Camping Off To Slow Start With Little Enforcement,” *Los Angeles Times*, May 2, 2022, <https://www.latimes.com/homeless-housing/story/2022-05-02/los-angeles-anti-camping-law-homeless>, (accessed December 5, 2023).

⁴³⁵ Los Angeles City Council, “Regular City Council, 2/15/2023,” video, 2023, <https://lacity.primegov.com/Portal/Meeting?meetingTemplateId=112600>, (accessed December 5, 2023).

⁴³⁶ Councilmember Park referenced having “beds” available. Human Rights Watch has observed law enforcement officers going up to unhoused people in their tents and asking if they want housing. When questioned about what housing they were talking about, the officers said that they did not know. It is unclear whether inquiries of this type are considered “offers” for purposes of enforcement.

⁴³⁷ Unrig LA, @UnrigLA, “X Thread,” February 15, 2023, <https://twitter.com/UnrigLA/status/1625990610317606912> (accessed December 5, 2023); Los Angeles City Council, “Regular City Council, 2/15/2023.”

⁴³⁸ City News Service, “LA Council Orders Review of Effectiveness and Financial Cost of City’s Anti-Camping Law,” *ABC7*, April 13, 2023, <https://abc7.com/homeless-anti-camping-law-los-angeles-unhoused/13122086/>; Councilmember Katy Yaroslavsky, “Motion,” February 15, 2023, https://clkrep.lacity.org/online/docs/2021/21-0329-S4_misc_2-15-23.pdf (accessed December 5, 2023).

Yaroslavsky's motion, passed on April 12, 2023, required a report back from the Chief Legislative Analyst, with coordination from LAHSA, LAPD, LASAN and other city agencies, within 60 days.⁴³⁹ As of February 2024 the chief legislative analyst had not produced the report, but someone leaked to the press LAHSA's submission generated in compliance with this city council order.⁴⁴⁰ Several city council members had not seen LAHSA's study before it was leaked, though it was produced November 28, 2023.⁴⁴¹

LAHSA's findings exposed the failure of enforcement of LAMC section 41.18 to live up to its supporters' promise that it would facilitate housing people and clearing encampments.⁴⁴² It said that outreach efforts associated with enforcement were "generally ineffective in permanently housing individuals," and that most encampments saw some repopulation within a year of being cleared.⁴⁴³ It reported that encampment clearances could disrupt efforts to provide services by causing people to lose contact with outreach workers or to lose trust.⁴⁴⁴ In the nearly two-year implementation period LAHSA analyzed, only two people attained permanent housing, while only 16.9 percent of LAHSA clients were placed in "interim housing" or shelter before LASAN and LAPD cleared their encampments.⁴⁴⁵ Those placed in "interim housing" stayed a median of 53 days, most presumably returning to the streets.⁴⁴⁶ The LAHSA report noted that 93.5 percent of encampment residents actively engaged with outreach workers to find housing before section 41.18 went into effect.⁴⁴⁷

City Council President Paul Krekorian, a strong supporter of LAMC section 41.18, called the LAHSA report "clearly faulty and incomplete at best, and perhaps even

⁴³⁹ Councilmember Yaroslavsky, "Motion."

⁴⁴⁰ Nick Gerda, "Hidden City Report Finds LA Council's Signature Anti-Encampment Law is Failing," *LAist*, March 3, 2024, <https://laist.com/news/housing-homelessness/los-angeles-homeless-enforcement-report-on-4118> (accessed May 15, 2024).

⁴⁴¹ Ibid.

⁴⁴² Paul Rubenstein, Deputy Chief External Relations Officer, LAHSA, Los Angeles Municipal Code Section 41.18 Effectiveness Report (21-0329-S4), November 28, 2023, <https://www.documentcloud.org/documents/24453676-4118-efficacy-summary-report#document/p1> (accessed May 15, 2024).

⁴⁴³ Ibid, p. 1.

⁴⁴⁴ Ibid, p. 3-4.

⁴⁴⁵ Ibid, p. 4: This number, the report said, is consistent with LAHSA's success rate for street outreach in general.

⁴⁴⁶ Ibid, p. 4.

⁴⁴⁷ Ibid, p. 3.

deliberately misleading.”⁴⁴⁸ LAHSA officials countered that they had offered “impartial analysis.”⁴⁴⁹ Krekorian did not provide documentation to support his claims.⁴⁵⁰

On May 31, 2024, the chief legislative analyst publicly produced the full report.⁴⁵¹ It did not dispute the LAHSA data on the lack of results housing people, but pointed out that LAHSA is not required to house people during LAMC section 41.18 enforcement actions and that “41.18 is an anti-encampment law,” not a housing program.⁴⁵² It disputed LAHSA’s claims that 81 percent of encampments were repopulated, arguing that only 39 percent were repopulated by a person who had been in the encampment before it had been cleared.⁴⁵³ The chief legislative analyst’s own investigation found that most of the previously cleared encampments had people living in them, even if they were not from the population that had lived there before the clearance.⁴⁵⁴

The full report included some data from LAPD, including that section 41.18 arrests had increased from 555 in 2021 to 1,846 in 2023, though those in 2023 were primarily infraction citations, while those in 2021 and 2022 were more commonly written as misdemeanors.⁴⁵⁵ Without providing any underlying data, the report repeated LAPD claims that violent crime against unhoused people dropped 3.9 percent from 2021 to 2022 and 6.9 percent from 2022 to 2023, and that property crime fell 4.6 percent and 27.5 percent in those years.⁴⁵⁶ LAO said that they could not determine if the reduction

⁴⁴⁸ Gerda, “Hidden City Report Finds LA Council’s Signature Anti-Encampment Law is Failing.”

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ Sharon M. Tso, Chief Legislative Analyst, Report of the Chief Legislative Analyst: Implementation of LAMC 41.19, Council File No. 21-0329-S4, May 31, 2024, https://clkrep.lacity.org/online/docs/2021/21-0329-S4_rpt_CLA_5-31-24.pdf (accessed June 5, 2024).

⁴⁵² Ibid, p. 17.

⁴⁵³ Ibid, p. 10-13.

⁴⁵⁴ Ibid, p. 11.

⁴⁵⁵ Ibid, p. 6: In the document, they refer to enforcement actions, both misdemeanor and infraction, as “citations.” In this report Human Rights Watch, based on how LAPD characterized the data that they gave us pursuant to our Public Records Act request, classifies both misdemeanor and infraction citations as arrests.

⁴⁵⁶ Ibid, p. 8.

was attributable to 41.18 enforcement or some other causes.⁴⁵⁷ Without access to the data supporting these claims, they are impossible to assess.

The report failed to meaningfully assess the costs of section 41.18 enforcement as required by the city council motion. Neither LAPD nor LASAN gave dollar amounts that accurately reflected their costs, saying that they were unable to disaggregate those costs from the rest of their operations.⁴⁵⁸ The report said that the city spent \$1.83 million on posting signs announcing prohibited zones.⁴⁵⁹

LAPD has trained its officers to instruct unhoused people on the requirements of section 41.18, give them an undefined “reasonable” amount of time to move away from the prohibited area, and cite them for an infraction if they do not move.⁴⁶⁰ If the officer can articulate that the failure to move is willful, the officer may arrest for a misdemeanor violation.

Data Human Rights Watch received from the LAPD tracks the use of section 41.18 against unhoused people. LAPD also provided us a dataset of arrests and citations of people it identified as “homeless.”⁴⁶¹ The data covers the period from January 1, 2016, through August 30, 2022. Prior to September 3, 2021, police enforced section 41.18(d), the blanket prohibition on sitting or lying in public space, as limited by the *Jones* settlement and then the *Martin* ruling; after that date, they enforced the revised section 41.18.

⁴⁵⁷ Ibid, p. 8: Removing people from sight and increasing enforcement against them for existing in public locations may explain some reduction in reported crime by unhoused people. Without access to the data supporting these claims, they are impossible to assess.

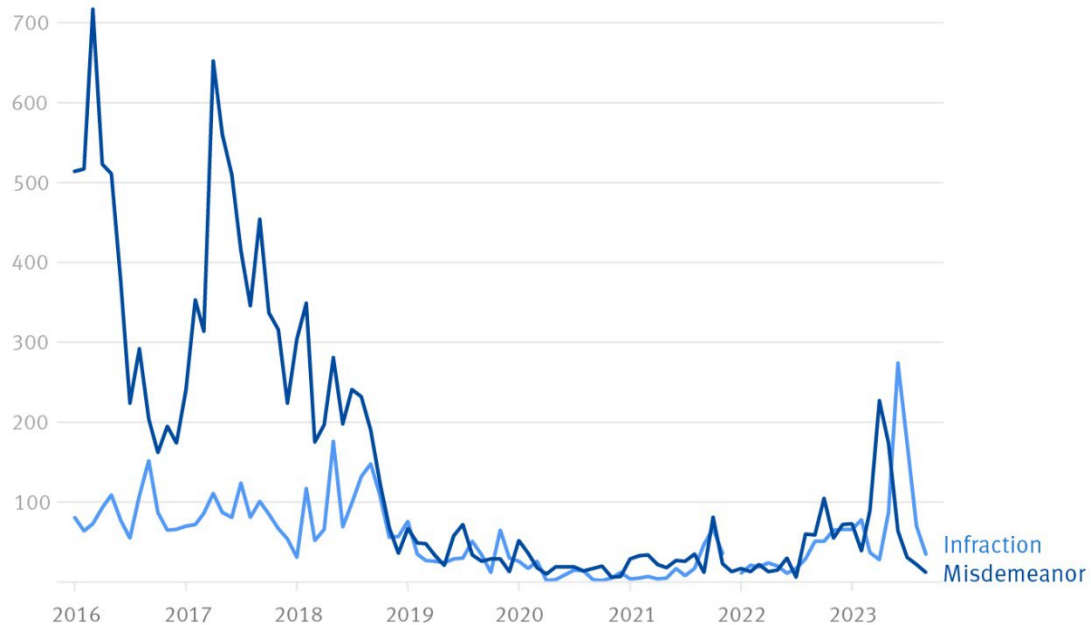
⁴⁵⁸ Ibid, p. 3-4.

⁴⁵⁹ Ibid, p. 5

⁴⁶⁰ Department Homeless Coordinator’s Office, Homelessness in the City of Los Angeles, LAPD, on file with Human Rights Watch. People report widely varied allowances of time to pack their stuff and move, dependent on the discretion of officers and Sanitation Department workers.

⁴⁶¹ Los Angeles Police Department data provided to Human Rights Watch via CA Public Records Act request for all arrests and citations of unhoused people. The dataset may be a substantial undercount, as it is unclear how LAPD codes a person as “homeless” in their records. However, it is useful for understanding the likely scale of enforcement and for tracking trends. Previous reporting has indicated that LAPD officers mark whether an arrestee is “transient” or otherwise does not have a home address, see Gale Holland and Christine Zhang, “Huge increase in arrests of homeless in L.A.—but mostly for minor offenses.”

Monthly Arrests for LAMC 41.18 - Sit/lie/sleep on sidewalk or street



Source: Human Rights Watch analysis of Los Angeles Police Department data.

During that time, police made 13,046 arrests for misdemeanor violations of section 41.18 and issued 4,326 citations for infraction violations.⁴⁶² Human Rights Watch compared the dataset of arrests of unhoused people with publicly available LAPD data on arrests and citations. We found that all those arrests and citations for violations of section 41.18 were of unhoused people.⁴⁶³

⁴⁶² Arrests may be custodial or may result in release with a citation. Police officers have discretion to decide if a violation is a misdemeanor or an infraction. However, if the police cite as a misdemeanor, the prosecutor—the City Attorney for all cases in the city of Los Angeles—has discretion to file it as a misdemeanor or an infraction or to decline to file altogether. Punishment for a misdemeanor may include a jail sentence. Punishment for an infraction can be a fine. In a 2023 response by LAPD to an audit of section 41.18 arrests by the LA City Controller, LAPD said that they had made errors coding arrests as misdemeanors that were in fact infractions. It is unclear if these same coding errors apply to the data given to Human Rights Watch. Regardless, the errors do not change the overall numbers of arrests: Intradepartmental Correspondence, Los Angeles Police Department’s response to the City Controller’s report on the enforcement of Los Angeles Municipal Code section 41.18, Board of Police Commissioners, October 4, 2023, https://clkrep.lacity.org/online/docs/2023/23-1213_rpt_BPC_10-25-23.pdf (accessed December 21, 2023).

⁴⁶³ Human Rights Watch analysis of LAPD and LAHSA data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all

In 2016, LAPD officers made 191 arrests or citations for LAMC section 41.18 per 1,000 unhoused people.⁴⁶⁴ That rate dropped dramatically between 2017 and 2019.⁴⁶⁵ This reduction partially coincided with the issuance of the *Martin* decision in April 2019, but the sharpest drop occurred before the court ruling. The annual rate in 2020 was 8 per 1,000 unhoused people.⁴⁶⁶ LAPD says that they “made a concerted effort to conduct enforcement ... only as a last resort,” and that the policy was to seek “voluntary compliance” with section 41.18.⁴⁶⁷ Voluntary compliance means unhoused people obey orders from police to move away from a particular location, with the threat of arrest for those who “refused to correct the violation.”⁴⁶⁸ Since September 2021, with implementation of the new law, enforcement through ticketing and arrests has increased. It continued to be low relative to 2016 levels, but data released by the City Controller in October 2023 revealed that arrests for Section 41.18 had almost doubled since 2022 with officers making more infraction-level arrests in June and July 2023 than in any other months since 2018.⁴⁶⁹

Arrests over the past 10 years have been heavily concentrated in the downtown LA/Skid Row, Hollywood, and Venice areas, according to LAPD 41.18 arrest data analyzed by the City

data, analysis code, and detailed methodology. Rates are computed using the LAHSA PIT Count data as the measure of the number of unhoused people in the city.

⁴⁶⁴ Ibid.

⁴⁶⁵ LAPD issued an order to officers strictly limiting the circumstances under which they would enforce section 41.18 on October 22, 2018: See Department Homeless Coordinator’s Office, Homelessness in the City of Los Angeles, Training Deck, p. 6.

⁴⁶⁶ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology; During the initial stages of the Covid 19 pandemic, city officials followed a policy of allowing unhoused people to “shelter in place” in their built communities. This policy likely explains some of the reduction in arrests and ticketing during 2020.

⁴⁶⁷ Intradepartmental Correspondence, Los Angeles Police Department’s response to the City Controller’s report, p. 3.

⁴⁶⁸ Ibid.; Human Rights Watch reached out to LAPD’s public information officer and asked, among other questions, if there was an explanation for the large drop in arrests of unhoused people from 2016 to 2023. Without giving a detailed response, the LAPD representative said, “I will tell you our current enforcement efforts are more outreach oriented coupled with education warnings before any enforcement action is taken with a backdrop of constitutional policing based on reasonable suspicion or [probable] cause.” Email to Human Rights Watch from Commander Gisselle Espinoza, Department Homeless Coordinator, LAPD, February 13, 2024.

⁴⁶⁹ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology; Arrests and citations in 2022 raised to 20 per 1,000 unhoused people. City of Los Angeles Controller, 41.18 Arrests (Jan 2012-May 2023), <https://controller.lacity.gov/landings/4118> (accessed December 21, 2023). Data from 2023 indicates further increases in section 41.18 arrests since the low in 2020.

Comptroller.⁴⁷⁰ A disproportionately high 42.5 percent of those arrests have been of Black people, compared to 33.9 percent of white people and 20.5 percent of Latinx people.⁴⁷¹

Arrest and fear of arrest cause many people to leave established communities.⁴⁷² This dispersal removes people from protected situations and may leave them alone and vulnerable to violence, drug overdose, and deterioration of mental health.⁴⁷³ It interferes with outreach for services and housing.⁴⁷⁴

Councilmember Nithya Raman stated her opposition to section 41.18 enforcement given the extreme lack of housing resources: “I don’t have any intention of resolving homelessness by moving people up and down the sidewalk.”⁴⁷⁵

2) LAMC Section 56.11

Enforcement of section 41.18 is directly tied to enforcement of Los Angeles Municipal Code section 56.11.⁴⁷⁶ While one regulates a person’s ability to exist in public spaces, the other regulates their keeping of possessions in public spaces. Both serve to remove people from public spaces.

The LAPD uses Section 56.11 in parts of the city where section 41.18 does not apply. LAPD training materials on enforcement against unhoused people specifically say: “[LAMC section 56.11(10)(a)] should be used to cite individuals who **willfully resist, delay or obstruct** an authorized City employee from moving, removing or discarding personal property that violates provisions of Section 56.11 that do NOT occur on property governed by LAMC Section 41.18.”⁴⁷⁷ The same training maps all the zones covered by section 41.18,

⁴⁷⁰ Ibid. The LA Controller analyzed data from 2012 to 2023; Intradepartmental Correspondence, Los Angeles Police Department’s response to the City Controller’s report, p. 5: LAPD responded to their analysis by pointing out that, over the time-period, the racial breakdown of arrests for section 41.18 closely tracked the racial breakdown of the unhoused population.

⁴⁷¹ Ibid.

⁴⁷² Human Rights Watch interview with Carla Orendorff, November 11, 2021.

⁴⁷³ Ibid.

⁴⁷⁴ Human Rights Watch interview with Heidi Marston, March 14, 2022.

⁴⁷⁵ Human Rights Watch interview with Nithya Raman, March 3, 2022.

⁴⁷⁶ Los Angeles Municipal Code section 56.11, effective April 11, 2016, https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-138386 (accessed December 6, 2023); Human Rights Watch interview with Mike Bonin, February 7, 2022.

⁴⁷⁷ Department Policy, Roles, Responsibilities Regarding the Use of Public Space, Department Homeless Coordinator’s Office, (emphasis in original).

which has its own provisions banning people from keeping personal property in its enforcement areas.⁴⁷⁸ While section 41.18 by itself may not contravene the *Martin* ruling, because it applies only in limited locations, in combination with section 56.11 it leaves unhoused people no place to go in the absence of “adequate shelter,” unless they have no possessions.

Prior to 2016, section 56.11 banned people from “leav[ing] or permit[ing] to remain any merchandise, baggage, or any article of personal property upon any parkway or sidewalk.”⁴⁷⁹ Police and Sanitation workers employed this broad prohibition to confiscate and destroy property and sometimes to cite or arrest people.

In 2011, unhoused residents of Skid Row filed a lawsuit challenging enforcement of section 56.11.⁴⁸⁰ The plaintiffs in *Lavan v. City of Los Angeles* each had stored valuable personal property, including identification documents, medications, toiletries, family memorabilia, cell phones, and sleeping bags, on public sidewalks while they left to use bathrooms and showers or to go to court. City officials took their unabandoned property and destroyed it. They took some property even while the owner was present claiming possession.⁴⁸¹ Organizers with the Los Angeles Community Action Network (“LA CAN”) documented the destruction to show the court.⁴⁸² LA CAN is a grassroots community organization made up of poor and unhoused people living on Skid Row that advocates for human rights.

The federal district court found the summary destruction of property to violate Fourth and Fourteenth Amendment protections against unreasonable government seizures and issued an injunction against “1. Seizing property in Skid Row absent an objectively reasonable belief that it is abandoned, presents an immediate threat to public health or safety, or is evidence of a crime, or contraband; and 2. Absent an immediate threat to public health or

⁴⁷⁸ LAMC Section 41.18.

⁴⁷⁹ *Lavan v. City of L.A.*, 797 F. Supp. 2d 1005 (C.D. Cal. 2011), affirmed by *Lavan v. City of L.A.*, 693 F.3d 1022 (9th Cir. 2012); Denied cert. by the US Supreme Court, *City of L.A. v. Lavan*, 570 U.S. 918, 133 S. Ct. 2855 (2013), <https://casetext.com/case/lavan-v-city-of-los-angeles-3> (accessed December 6, 2023).

⁴⁸⁰ Ibid.

⁴⁸¹ Ibid.

⁴⁸² Human Rights Watch interview with General Dogon, September 17, 2021.

safety, destruction of said seized property without maintaining it in a secure location for a period of no less than 90 days.”⁴⁸³ The 9th Circuit Court of Appeals upheld this decision.⁴⁸⁴

Instead of ending the seizure of property, city officials changed their justifications and began deeming unhoused people’s property a threat to public health.⁴⁸⁵

In 2016, another group of unhoused Skid Row residents, LA CAN, and the Los Angeles Catholic Worker, a volunteer service organization that helps unhoused people, filed another lawsuit alleging unlawful taking and destruction of property. The plaintiffs in *Mitchell v. City of Los Angeles* presented evidence that LAPD officers were arresting people on minor charges and then destroying their property, and supervising “clean-ups” without notifying people so they could move their property.⁴⁸⁶ Ruling on the lawsuit, the court issued a further injunction that forbade destruction of property during a cleanup or following arrest absent a reasonable belief it is abandoned, evidence of a crime, contraband, or an immediate threat to public safety. The court also ordered the city to store seized property in an easily accessible location, and to provide 24-hour notice before conducting large scale cleanups.⁴⁸⁷

To account for the limitations imposed by the *Lavan* and *Mitchell* injunctions, the City Council passed a modified version of section 56.11 later in 2016.⁴⁸⁸ While the previous version was general in scope, the new ordinance very specifically targets unhoused people by prohibiting keeping unattended property and “excess” property, even if attended, in public spaces.⁴⁸⁹ City officials may discard “bulky items,” even if attended, though with some exceptions. City officials may remove property that they deem a health hazard or that obstructs access without notice. People must remove their tents from public property

⁴⁸³ *Lavan v. City of L.A.*, 797 F. Supp. 2d at 1020.

⁴⁸⁴ *Lavan v. City of L.A.*, 693 F.3d 1022, (9th Cir. 2012); Denied cert. by the US Supreme Court, *City of L.A. v. Lavan*, 570 U.S. 918, 133 S. Ct. 2855 (2013), <https://caselaw.findlaw.com/court/us-9th-circuit/1611251.html> (accessed December 6, 2023).

⁴⁸⁵ Human Rights Watch interviews with Pete White, May 25, 2021; General Dogon, September 17, 2021; and Shayla Myers, January 13, 2022; See also Human Rights Watch interview with David Busch, April 25, 2022; This report provides a more detailed discussion of this point in Section VI below.

⁴⁸⁶ *Mitchell v. City of Los Angeles*, “Amended Complaint,” Case No. 16-cv-01750 SJO JPR, filed March 17, 2016, <https://storage.courtlistener.com/recap/gov.uscourts.cacd.642450.9.o.pdf> (accessed December 6, 2023). See Section X below for a discussion of how the city complies with these orders.

⁴⁸⁷ *Mitchell v. City of Los Angeles*, “Order Granting Plaintiff’s Application of Preliminary Injunction,” <https://clearinghouse.net/doc/88926/> (accessed December 6, 2023), p. 11.

⁴⁸⁸ Human Rights Watch interview with Shayla Myers, January 13, 2022.

⁴⁸⁹ LAMC section. 56.11: Under the law, “excess” property is any property beyond what fits into a 60-gallon bag.

between 6 a.m. and 9 p.m.; city officials may take tents without notice, even if attended. Personal property is supposed to be taken to storage and held for 90 days before destruction or returned to its owner on proof of ownership.⁴⁹⁰

While simply having property in violation of section 56.11 is not a crime under the new law, resistance to officials taking property or refusal to take down tents is a misdemeanor, punishable by up to six months in jail.⁴⁹¹

On July 19, 2019, Human Rights Watch observed a team of police officers stop an older Black man on the Venice Boardwalk during the regular Friday sanitation sweeps. The man had a very clean wheeled laundry cart filled with personal items. The officers told him that he could not have this amount of property and handed him a clear plastic 60-gallon bag. They told him to put what he wanted to keep into that bag and that they would take the rest. The man complained that he had just bought the cart and that he needed to keep his property. He begged them not to destroy his property. The officers surrounded him and threatened him with arrest. He obeyed, filling the plastic bag. The officers took the cart and the rest of his possessions and turned them over to LASAN workers who loaded them into the trash compactor.⁴⁹²

In October 2019, police came to Arthur M.'s tent and took his generator from him. They told him they took it to storage. They gave him a citation.⁴⁹³ Sharon C. lives on Skid Row. Three times, police arrested her in her tent and LASAN workers discarded her property. She has seen them arrest others for having their tents up and not moving them quickly enough.⁴⁹⁴

Unhoused people who had their property taken and summarily destroyed under the “bulky item” provision of section 56.11 sued the City and won an injunction in 2020 against enforcement of that provision in the case *Garcia v. City of Los Angeles*.⁴⁹⁵ LAPD training on the *Garcia* decision says it prohibits destroying personal property “based solely on the size

⁴⁹⁰ LAMC Section 56.11(5) and (6).

⁴⁹¹ Ibid.

⁴⁹² Observations of Human Rights Watch researcher, who witnessed these events in person on the Venice Boardwalk on July 19, 2019.

⁴⁹³ Human Rights Watch interview with Arthur M. (pseudonym), August 25, 2021.

⁴⁹⁴ Human Rights Watch interview with Sharon C. (pseudonym), September 1, 2021.

⁴⁹⁵ *Garcia v. City of Los Angeles*, 481 F.Supp.3d 1031 (C.D. Cal.2020), <https://casetext.com/case/garcia-v-city-of-l-a> (accessed December 6, 2023).

of the item,” leaving open property seizure and destruction based on the criteria set forth in *Lavan*: “abandoned, immediate threat to public health and safety or is evidence of a crime or contraband.”⁴⁹⁶ They can also claim larger property violates ADA and other public access regulations as a reason to take and destroy it.

In the course of the *Garcia* litigation, the court determined that the LASAN officials had altered their documentation to change their stated justifications for seizing items from unhoused people from “bulky items” to “ADA violation” and “contaminated.”⁴⁹⁷ The judge found that these changes amount to “spoliation [of evidence] ... during the course of the litigation...” and that changes were made by LASAN officials to match their litigation position, presumably to avoid liability or evade court orders limiting property destruction.⁴⁹⁸ The court indicated an intention to impose sanctions. As of this writing, city officials have not held anyone at LASAN accountable.

While, in recent years, LAPD has focused their section 56.11 enforcement powers on supporting LASAN in taking and destroying property and dismantling unhoused communities, they have also arrested people and issued citations. From January 1, 2016, through August 30, 2022, according to data on arrests of unhoused people provided by LAPD, police made 3,972 arrests and citations for violation of this section.⁴⁹⁹ Every arrest made by LAPD under this code section during this period was of an unhoused person.⁵⁰⁰

Enforcement through arrest and citation was relatively rare in 2016, then peaked in 2018 with 46 arrests per 1,000 unhoused people. By 2022 it had dwindled to just 1 arrest per 1,000 unhoused people, reflecting a de-emphasis on arrests as a means of enforcement.⁵⁰¹

⁴⁹⁶ Department Homeless Coordinator’s Office, *Homelessness in the City of Los Angeles*, p. 32, 57, 53.

⁴⁹⁷ Doug Smith, “A Federal Judge has Found That L.A. City Officials Doctored Records in a Case Over Homeless Camp Cleanups,” *LA Times*, April 16, 2024, <https://www.latimes.com/california/story/2024-04-16/a-federal-judge-has-found-that-l-a-city-officials-doctored-evidence-in-a-case-over-homeless-camp-cleanups> (accessed May 15, 2024).

⁴⁹⁸ “Order re Neutral Forensic Examination,” *Garcia v. City of Los Angeles*, 2:19-cv-06182-DSF-MRW, filed February 15, 2024, <https://lafla.org/wp-content/uploads/2024/04/Fischer-Spoliation-Finding-02-15-24.pdf> (accessed May 15, 2024).

⁴⁹⁹ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵⁰⁰ *Ibid.*: Human Rights Watch compared the LAPD dataset of arrests of people identified as unhoused with a dataset of all arrests for the same period and found that 100 percent of arrests for section 56.11 were of unhoused people.

⁵⁰¹ See Human Rights Watch data analysis.

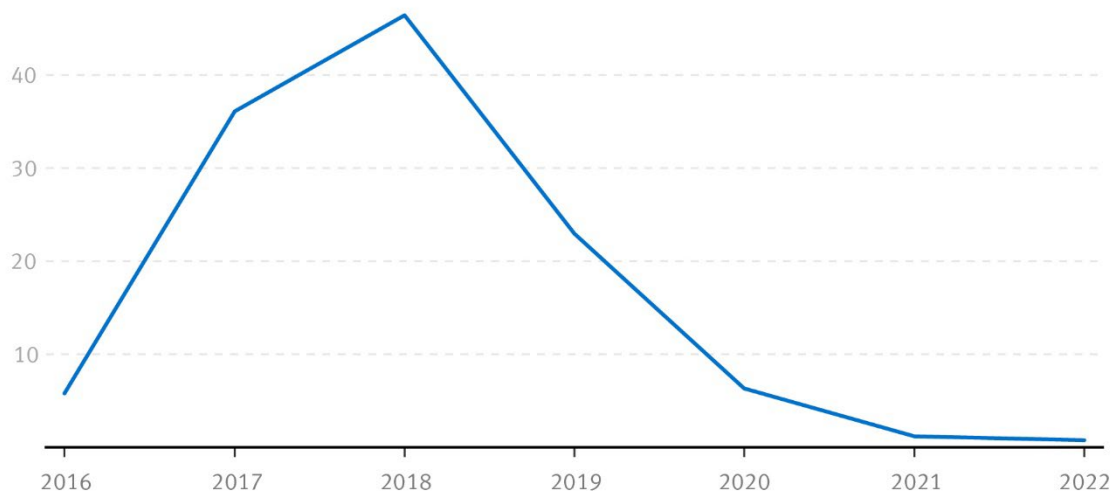
As will be discussed in subsequent chapters, enforcement of section 56.11 by LASAN through taking and destroying property, always backed by the threat of arrest by LAPD, has been the city’s primary approach and has continued as actual arrests decreased.

Under the new version of section 56.11, police can arrest or cite a person for willful refusal to comply, which, according to LAPD training “may be demonstrated where officers have evidence that an individual has been directed and complied, and thereafter engaged in the SAME violation.”⁵⁰² Since compliance does not help a person get housed, repeated “violations” are all but inevitable, allowing officers wide discretion to threaten and make arrests.

While the number of arrests has decreased substantially from the 2018 peak, criminal enforcement remains critical to city policies towards unhoused people: the threat of arrest and long history of arrest continue to define the context in which all relevant city policies play out and shape how unhoused people navigate their daily lives and assess their options.

LAMC 56.11 - Leaving Personal Property

Arrests per 1,000 unhoused people



Source: Human Rights Watch analysis of Los Angeles Police Department data and Los Angeles Homeless Services Authority (LAHSA) Homeless Count data.

⁵⁰² Department Homeless Coordinator’s Office, Homelessness in the City of Los Angeles, p. 19.

3) Other laws explicitly targeting unhoused people

Sections 41.18 and 56.11 are the most prominent city ordinances that explicitly target unhoused people. But there are other laws that give police power to cite and arrest people for existing in public.

LAMC section 63.44 regulates the use of parks and recreation areas within the city, including beaches.⁵⁰³ It includes bans on “camping,” defined as “remaining for prolonged or repetitious periods” with personal possessions associated with sleeping and cooking, or actually sleeping, cooking, eating, or storing personal possessions.⁵⁰⁴ It bans setting up a tent, possessing “bulky items,” and storing personal property in a park, and it authorizes removal and discarding of that property.⁵⁰⁵ It forbids people to enter or remain in public parks during certain hours.⁵⁰⁶

- Berto E. had been staying in MacArthur Park for a year prior to the September 2021 LAPD and LASAN action that removed all people living there and erected a fence around the park. He said he frequently observed police harassing unhoused people and giving them tickets for being in the park after hours. He himself avoided ticketing by quickly moving away when police arrived.⁵⁰⁷



Photo taken by Human Rights Watch on October 5, 2021 at MacArthur Park in Los Angeles, depicting a sign at the entrance notifying the public of rules only enforced against unhoused people. © 2021 Human Rights Watch

⁵⁰³ Los Angeles Municipal Code Section 63.44, effective November 16, 1979, https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-159459 (accessed December 6, 2023).

⁵⁰⁴ LAMC Section 63.44(D)(4).

⁵⁰⁵ LAMC Section 63.44(B)(26): Notice requirements and rules around summarily destroying property, or storing it, vary depending on the type of property in the park.

⁵⁰⁶ LAMC Section 63.44(B)(13).

⁵⁰⁷ Human Rights Watch interview with Berto E. (pseudonym), October 5, 2021.

- Carolyn S. received nine tickets for sleeping on the beach in Venice or for trespassing when she set up her tent off the beach. She received two tickets in one day. A free legal clinic run by the Venice Justice Committee, an organization that advocates for unhoused people, is helping her to fight these tickets.⁵⁰⁸
- Carl M. has lived on the streets since arriving in Los Angeles in 2015. He received multiple tickets for sleeping on the beach which have gone to warrant. He has avoided arrest, but he remains vulnerable to the discretion of police officers.⁵⁰⁹

Between 2016 and 2022, police in Los Angeles made 12,427 arrests for violations of park regulations under LAMC section 63.44, 100 percent of which were of unhoused people.⁵¹⁰ Most were for infractions, but almost one third were misdemeanors.⁵¹¹ Arrests for park violations have trended downward from a high of 94 per 1,000 unhoused people in 2018 to 22 per 1,000 in 2022.⁵¹²

LAMC section 85.02 forbids using cars, vans, or other vehicles for “dwelling,” defined as using a car as a place of residence or accommodation. In 2014, the Ninth Circuit Federal Court of Appeal found this section unconstitutional.⁵¹³ The City Council revised the law in 2019 but built in a sunset provision. As of this writing, section 85.02 is not in effect.⁵¹⁴

Other laws in Los Angeles that directly target unhoused people include LAMC section 41.59 which prohibits “aggressive” solicitation or panhandling.⁵¹⁵ This section defines “aggressive” to include a broad variety of behaviors that can be interpreted subjectively. It also forbids panhandling in certain locations.

⁵⁰⁸ Human Rights Watch interview with Carolyn S. (pseudonym), Venice, December 17, 2021.

⁵⁰⁹ Human Rights Watch interview with Carl M. (pseudonym), Venice, December 17, 2021.

⁵¹⁰ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵¹¹ Ibid.

⁵¹² Ibid.

⁵¹³ *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (9th Cir. 2014), <https://law.justia.com/cases/federal/appellate-courts/ca9/11-56957/11-56957-2014-06-19.html> (accessed December 6, 2023).

⁵¹⁴ Los Angeles Municipal Code Section 85.02, effective August 2, 2019, https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-168517 (accessed July 25, 2024).

⁵¹⁵ Los Angeles Municipal Code Section 41.59, effective January 27, 2001, https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/o-o-o-129258 (accessed December 6, 2023).

B. Other Laws Used Against Unhoused People

Unsheltered houselessness increases the likelihood that people will be arrested and prosecuted for crimes that bear some relationship to their poverty and unhoused status, like trespassing, public intoxication, or petty theft.⁵¹⁶ This likelihood further increases for unhoused people with mental health conditions.⁵¹⁷

Arrests in general in Los Angeles are highly concentrated among the unhoused population. From 2011 to 2016, the percentage of LAPD arrests of unhoused people compared to total arrests rose from 7 to 12 percent, according to a UCLA study.⁵¹⁸ This increase occurred as overall numbers of arrests in the city decreased.⁵¹⁹ This study showed that by 2016, LAPD arrested unhoused people at a rate 17 times greater than they did the overall population

LAPD Arrests of Unhoused People

2016 – 2022

Arrest type	Number of arrests	Percentage of total arrests that are of unhoused people
Felony	46,855	20.0%
Infraction	48,080	99.6%
Misdemeanor	135,580	42.6%
Other	4,011	24.9%
Total	234,526	38.0%

Source: Human Rights Watch analysis of Los Angeles Police Department data.

⁵¹⁶ Chamard, “Homeless Encampments,” p. 1.

⁵¹⁷ Ibid.

⁵¹⁸ Danielle Dupuy et al., *Policing the Houseless: Arrests by the LAPD (2011-2016)*, report, Million Dollar Hoods, October 2017, <https://milliondollarhoods.org/wp-content/uploads/2017/10/MDHHouselessReport-3.pdf> (accessed December 6, 2023).

⁵¹⁹ LAHSA, “Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness,” p. 24.

and that the number of custodial arrests of unhoused people that year equaled 50 percent of the unhoused population.⁵²⁰

A later study found that, from 2017 to 2020, 24 percent of all arrests in the city were of unhoused people.⁵²¹

1) LAPD data shows police enforcement has focused on unhoused people

Unhoused people make up about 1 percent of the over 3.8 million people in Los Angeles, yet accounted for 38 percent of everyone LAPD cited or arrested between 2016 and 2022.⁵²² Unhoused people made up 17 percent of everyone booked into jail upon arrest. They accounted for 20 percent of all felony arrests; 42.6 percent of all misdemeanor arrests; and over 99 percent of infraction arrests.⁵²³ Infraction arrests have been almost exclusively of unhoused people over the entire period.⁵²⁴ Publicly available LAPD data and that provided to Human Rights Watch does not include individual identifiers, so people with multiple arrests or citations cannot be accounted for. However, as a rate per population, there were more arrests and citations of unhoused people than total unhoused people living in the city (1,102 per 1,000 people). An unhoused person in Los Angeles was 79 times more likely than a housed person to receive a citation or arrest and 27 times more likely to be booked into jail.⁵²⁵

⁵²⁰ Dupuy et al., *Policing the Houseless*, Some people were arrested multiple times in that year.

⁵²¹ Lewis, “Police Know Arrests Won’t Fix Homelessness.”

⁵²² Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵²³ *Ibid.*: Many misdemeanor arrests may not result in booking into jail and may be resolved by issuance of a citation and release at the scene. Infractions are not punishable by jail time, unless a warrant for non-payment of the fine or for failure to appear in court has been issued. Absent such a warrant, infraction arrests result in citation and release.

⁵²⁴ *Ibid.*

⁵²⁵ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024), LAHSA point-in-time unhoused population counts and US Census Bureau data. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

Citations and Arrests by Housing Status (2016-2022)

Category	Housing status	Number	Rate per 1,000 people	Odds	Difference
Total citations and arrests	Unhoused	233,320	1,102	1 per 0.9 people	79 x
	Housed	382,253	14	1 per 71 people	-
Arrests ending with a jail booking	Unhoused	80,091	378	1 per 2.6 people	27x
	Housed	382,166	14	1 per 71 people	-
Felony arrests	Unhoused	46,856	221	1 per 4.5 people	33x
	Housed	187,092	7	1 per 143 people	-
Misdemeanor arrests	Unhoused	135,581	640	1 per 1.5 people	96x
	Housed	182,881	7	1 per 143 people	-

- Julius M. had been unhoused and staying on Skid Row for many years. Police used to ticket him for having a shopping cart to carry his possession or for jaywalking. Since the Covid-19 pandemic began, he said, they are making fewer arrests.⁵²⁶
- Police cited Sebastian C. for trespassing and for not removing his property when they ordered it removed. He says that they are ticketing infrequently now, but some officers are more aggressive than others. He has gone to jail after his tickets have gone to warrant.⁵²⁷
- Ronald C. stayed in a tent on the Venice Boardwalk before city officials cleared it of unhoused people. While living there, he observed unhoused and housed people using drugs and stealing. Police ticketed him twice for having his tent up during the day and once for having an open alcohol container. He said that

⁵²⁶ Human Rights Watch interview with Julius M. (pseudonym), Los Angeles, September 17, 2021.

⁵²⁷ Human Rights Watch interview with Sebastian C. (pseudonym), Los Angeles, November 2, 2021.

police frequently ticket for these violations, but they are selective about who they cite.⁵²⁸

- Police held Calvin A. in jail for over 16 hours for a shopping cart violation before releasing him with a citation. While he was detained LASAN threw away his property, including his backpack, shoes, ID, General Relief paperwork, and cash.⁵²⁹
- Officers arrested Andre N. for selling cigarettes, a common survival tactic of people living on the streets. He says when he argued with them, they charged him with criminal threats resulting in him going to prison.⁵³⁰

While the overall number of arrests of unhoused people has dropped since 2016 from a monthly average of just over 4,000 to just under 2,000 by the end of 2022, the rate of arrest of unhoused people remains extremely high relative to the rate of arrest of housed people: in 2016 there were 1,612 arrests and citations for every 1,000 unhoused people and 18 arrests for every 1,000 housed people, with the unhoused 89 times more likely to be arrested; in 2023 those numbers were 519 per 1,000 unhoused people and 10 per 1,000 housed people, with the unhoused 50 times more likely to be arrested.⁵³¹ Numbers of arrests of housed and unhoused people correlate nearly perfectly over time suggesting that arrest numbers are more reflective of policing practices than of actual criminal behavior.⁵³² In other words, because trends in the numbers and rates of arrest of unhoused people mirror the trends of overall arrests, any changes in unhoused arrest statistics are likely more associated with changes in policing policy and practices rather than changes in the unhoused population numbers or activity.

⁵²⁸ Human Rights Watch interview with Ronald C. (pseudonym), Venice, December 17, 2021.

⁵²⁹ Human Rights Watch interview with Calvin A. (pseudonym), August 25, 2021.

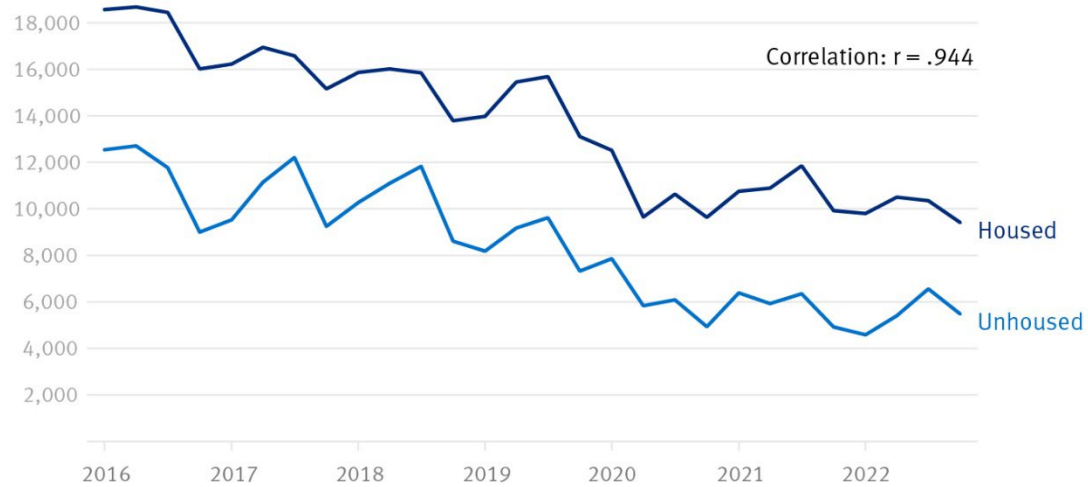
⁵³⁰ Human Rights Watch interview with Andre N. (pseudonym), Los Angeles, September 15, 2021.

⁵³¹ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵³² Pearson's correlation coefficient: $r = .944$ for total number of monthly arrests of housed and unhoused people.

Arrest Trends of Housed and Unhoused People Nearly Identical

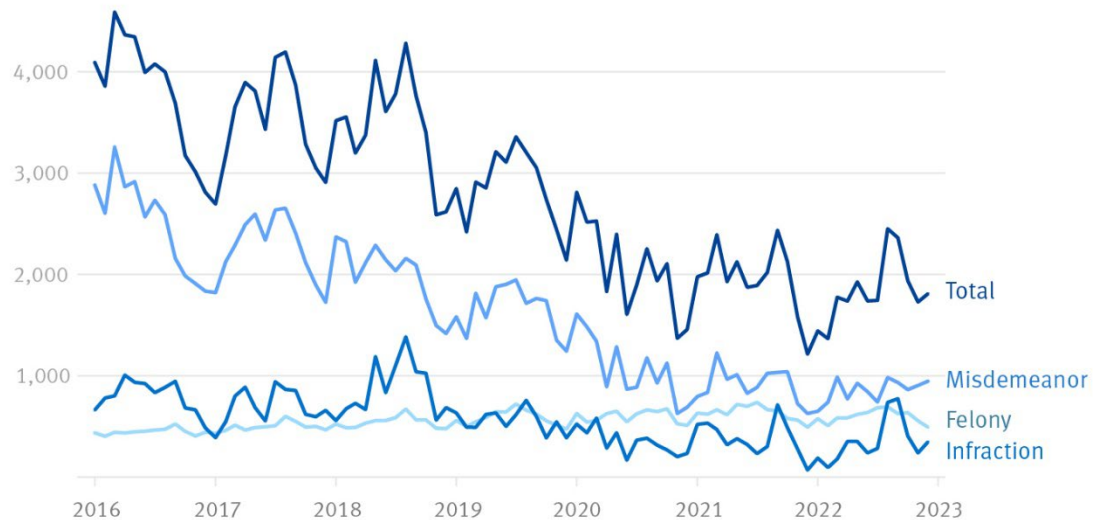
Total arrests per quarter



Source: Human Rights Watch analysis of Los Angeles Police Department data and Los Angeles Homeless Services Authority (LAHSA) Homeless Count data.

Arrests of Unhoused People Have Declined

Number of monthly arrests of unhoused people by arrest type



Source: Human Rights Watch analysis of Los Angeles Police Department data.

Arrest totals for felonies and infractions have remained consistent over that period; monthly arrests for misdemeanors, however, have dropped from just under 3,000 to about 1,000.⁵³³ The bulk of that reduction (78 percent) is attributable to major decreases in arrests for open container/drinking in public, LAMC section 41.18, LAMC section 63.44, and shopping cart possession.⁵³⁴

This change suggests a move away from traditional criminalization through arrests, but also may reflect changes due to the Covid-19 pandemic.

Annual arrests for different types of charges followed different patterns over time. Arrests for drug use and possession increased rapidly in 2018 and 2019 but have since returned to earlier levels. Arrests for property crimes, such as shoplifting or burglary, have stayed flat over the period with roughly 2,700 arrests per year. Yearly arrests for “violent/potentially violent” crimes such as aggravated assault, domestic violence, robbery or battery, have increased from about 2,200 arrests in 2016 to nearly 3,000 in each of the past several years.⁵³⁵ However, because the unhoused population has grown considerably, the rate of arrests relative to that population for all crimes has decreased. The arrest rate for “violent/potentially violent” crimes was 8 percent lower in 2022 than it was in 2016. Further, the recent changes in the annual number of arrests may be a result, in part, of greater awareness by LAPD of the unhoused status of people they arrest.⁵³⁶

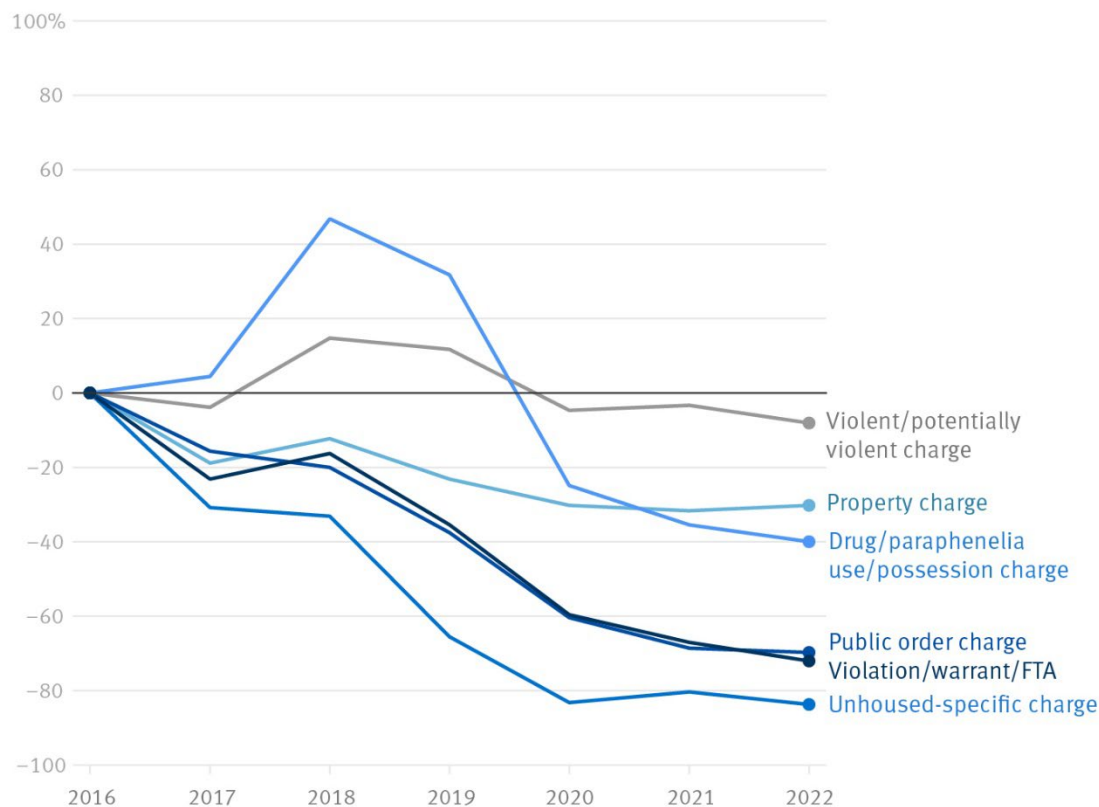
⁵³³ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵³⁴ Ibid.

⁵³⁵ Ibid.: Arrests for drug possession and use spiked noticeably from 2016 to 2019 before dropping back to their previous levels.

⁵³⁶ Chief Charlie Beck, Intradepartmental Correspondence: The Los Angeles Police Department’s 2017 Year-End Report on Homelessness, February 28, 2018, http://www.lapdpolicecom.lacity.org/030618/BPC_18-0091.pdf, (accessed December 6, 2023), p. 6: LAPD attributes “an unknown portion” of arrests of unhoused people to their “growing awareness” of the involvement of unhoused people in incidents that they investigate.

Percent Change from 2016 in Annual Arrest Rate of Unhoused People by Charge Category



Percent change in the rate of arrest per 1,000 unhoused people.

Source: Human Rights Watch analysis of Los Angeles Police Department data and Los Angeles Homeless Services Authority (LAHSA) Homeless Count data.

Police arrest unhoused people for certain specific charges. While violations of LAMC sections 41.18 and 56.11 account for 7.4 and 1.7 percent of all arrests of unhoused people, respectively, police use other offenses that are not explicitly tied to houselessness to criminalize.⁵³⁷

⁵³⁷ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

Drinking in public or open container violations account for 21.4 percent of all arrests of unhoused people.⁵³⁸ According to LAPD data, every single one of the 50,182 arrests LAPD made for drinking in public or open container violations during the time period studied was of an unhoused person, indicating that the LAPD is enforcing these laws strictly against people who do not have a private place to drink alcohol.⁵³⁹ Enforcement of open container and drinking in public laws, however, has dropped from a rate of 500 per 1,000 unhoused people in 2016 to 85 per 1,000 in 2022.⁵⁴⁰

As is the case for LAMC Sections 41.18, 56.11 and 63.44, LAPD has directed 100 percent of its enforcement of city cannabis regulations, laws against hiring unlicensed vehicles, and laws against soliciting/vending at unhoused people.⁵⁴¹ Ninety-nine percent of citations for violations of littering laws have been against unhoused people.⁵⁴²

Arrests for violations of liquor laws, gambling, and obstructing sidewalks are all almost entirely of unhoused people.⁵⁴³ Loitering, drug paraphernalia, marijuana possession in public, trespassing, sex work, and other offenses lead to arrests of unhoused people in vast disproportion to their share of the population.⁵⁴⁴

Given the prevalence with which police apply these laws to unhoused people, often related to exposure in open and public space, frequent contact with police, and engagement in survival activities, like sex work and shoplifting, their enforcement against unhoused people serves to criminalize the status of being unhoused.

Arrests for violent crimes, including homicide, domestic violence, kidnapping, aggravated assault, robbery, and others, are also disproportionately high for unhoused people, though not nearly at the levels of the other violations.⁵⁴⁵

⁵³⁸ Ibid.

⁵³⁹ Ibid.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

⁵⁴² Ibid.

⁵⁴³ Ibid.

⁵⁴⁴ Ibid.

⁵⁴⁵ Ibid.

Unhoused People Account for Disproportionate Number of Arrests

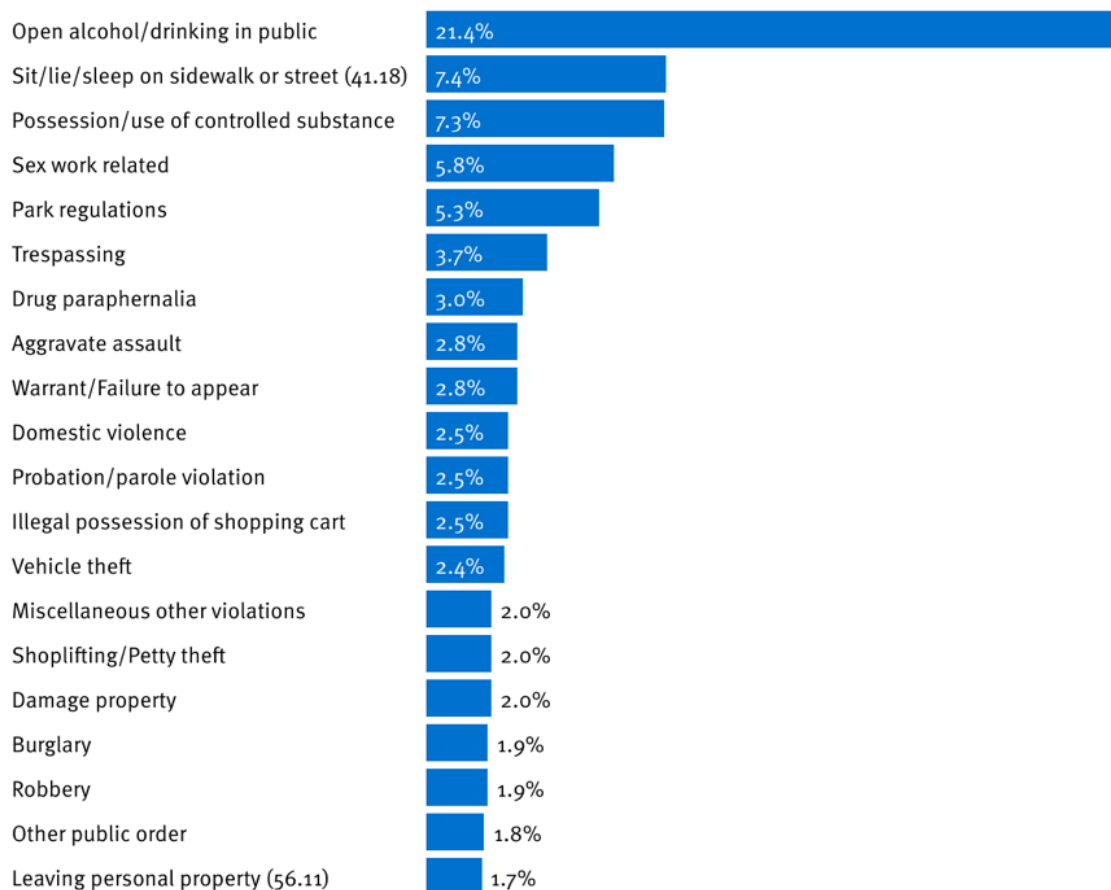
2016 – 2022

Charge	Total Citations and Arrests	Unhoused Citations and Arrests	Percentage of Citations and Arrests that are Unhoused
Sit/lie/sleep on sidewalk or street (41.18)	17,373	17,372	100
Park regulations	12,429	12,427	100
Leaving personal property (56.11)	3,972	3,972	100
Cannabis regulation (e.g. 104.15 LAMC)	2,375	2,375	100
Hire vehicle w/o license	1,502	1,502	100
Open alcohol/drinking in public	50,227	50,182	100
Illegal possession of shopping cart	5,790	5,758	99
Alcohol/tobacco minor	3,662	3,607	99
Gambling	2,725	2,463	90
Loitering	1,219	921	76
Drug paraphernalia	9,234	6,942	75
Other public order	6,709	4,901	73
Sex work related	24,889	13,684	55
Other LA municipal code	5,752	3,023	53
Trespassing	17,553	8,753	50
Marijuana in public/possession	6,511	3,090	48
Possession/use of controlled substance	38,511	16,509	43
Miscellaneous other violations	12,518	4,784	38
Warrant/Failure to appear	17,647	6,498	37
Burglary	13,873	4,572	33
Probation/parole violation	17,975	5,776	32
Battery on police/emergency personnel	2,282	661	29
Damage property	15,945	4,582	29
Robbery	16,777	4,393	26
Larceny	9,617	2,471	26
Shoplifting/Petty theft	18,751	4,741	25
Receive Stolen Property	3,073	775	25
Obstruct public officer	4,844	1,212	25
Vehicle theft	23,785	5,558	23
Transport/sell controlled substance	12,382	2,766	22
Aggravate assault	29,714	6,549	22
Fraud/Embezzlement	8,218	1,736	21
Terrorize causing fear	12,386	2,419	20
Other sex offense	3,642	482	13
Weapon (carry/poss)	26,393	3,065	12
Domestic violence	53,859	5,951	11
Sexual assault/rape	1,901	199	11
Homicide	1,916	187	10
Battery	15,587	1,377	9
Against family/child	1,821	119	7
Moving traffic violations	20,126	1,171	6
Driving under influence	54,870	1,120	2

Source: Human Rights Watch analysis of Los Angeles Police Department data and Los Angeles Homeless Services Authority (LAHSA) Homeless Count data.

Proportion of Arrests of Unhoused People by Charge

LAPD arrests (2016-22)



Source: Human Rights Watch analysis of Los Angeles Police Department data.

LAPD officers jail nearly every person arrested for a felony and about two-thirds of those arrested for misdemeanors. Nearly every person arrested for a misdemeanor who was not booked into jail from 2016 through 2022 was unhoused, according to LAPD data.⁵⁴⁶ This fact underscores how few alleged violations by unhoused people police consider an immediate threat to public safety.

Enforcement disproportionately impacts Black and Latino people. Black people make up 28 percent of arrests of unhoused people in the city, compared to an approximately 8

⁵⁴⁶ Ibid.

percent share of the total population. However, that number is less than their 37 percent share of the unhoused population over the seven-year period.⁵⁴⁷ Unhoused Latinx people account for 43 percent of arrests, but only 32 percent of the unhoused population.⁵⁴⁸

Race data 2016-2022

Race	Percentage of Los Angeles Population	Percentage of Unhoused Population	Percentage of Unhoused Arrests
Black	8%	37%	28%
White	28%	22%	23%
Latinx	48%	32%	43%
All others	15%	9%	6%

C. Unhoused People as Victims/Survivors of Crime

According to LAPD data covering the 2016-2021 period, there were 26,500 crimes reported in which unhoused people in Los Angeles were identified as the victims, a rate of 126 per 1,000 people.⁵⁴⁹ This rate is 2.3 times higher than that of the general population.⁵⁵⁰ The victimization rate peaked in 2019 when there were over 160 reported crimes per 1,000 unhoused people.

A surface look at increased crime victimization of unhoused people appears to show it corresponds to decreased arrests of unhoused people for minor crimes, which could support an argument that more enforcement protects unhoused people. However, a closer

⁵⁴⁷ Ibid.: Over the 7 years period analyzed, Black people made up an aggregate of 37 percent of the unhoused population. According to the 2022 PIT count, that percentage had dropped to 33, primarily due to a rise in Latinx houselessness.

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid.

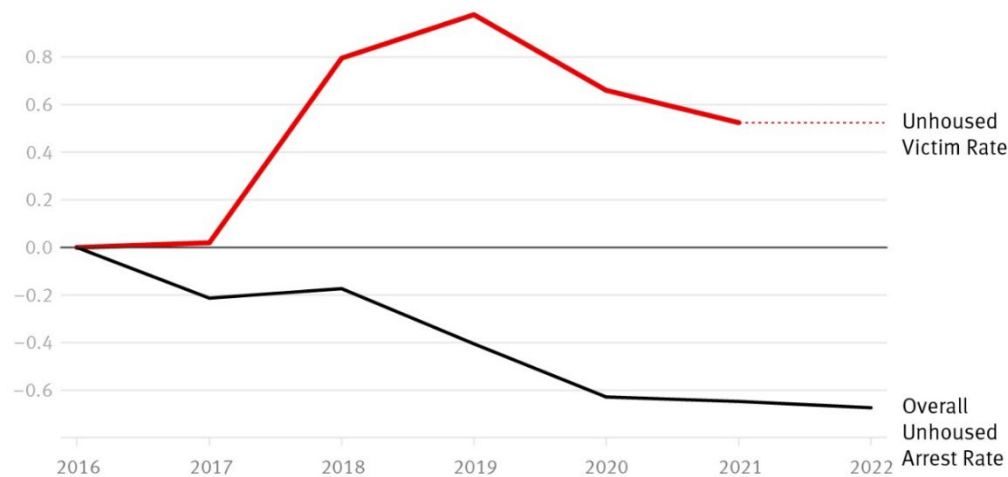
⁵⁵⁰ Human Rights Watch downloaded reported crime data from the LAPD, computed an overall rate of crime incidents per 1,000 Los Angeles residents: City of Los Angeles, Crime Data from 2010 to 2019, (last updated December 6, 2023) <https://data.lacity.org/Public-Safety/Crime-Data-from-2010-to-2019/63jg-8b9z> (accessed December 6, 2023): All the analyses comparing unhoused rates with the general population rates may underestimate the differences because unhoused victims and people are included in both the numerators and denominators of the total crime rates because the individual crimes reported against unhoused people could not be extracted from the total crime dataset.

examination shows there is no such correlation. Victimization of unhoused people increased most profoundly in 2018, when arrest rates of unhoused people also increased; victimization decreased steadily from 2019 through 2021, as arrests dropped dramatically.⁵⁵¹

Unhoused people are disproportionately more likely to be victims of violent crime. Between 2016 and the end of 2022, there were nearly 300 homicide victims identified as unhoused, accounting for 15 percent of all homicide victims in the city. Unhoused people are the victims of homicide at over 17 times the rate of the total population. They are the victims of reported rapes at nearly 11 times the rate of the total population and account for 10 percent of all reported rape victims. They are the victims of assault with a deadly weapon at nearly 12 times the rate of the total population. Many of these crimes are marked as having occurred in streets, sidewalks, alleys, and parking lots.⁵⁵²

Change from 2016

Reports per 1,000 unhoused people



Source: Human Rights Watch analysis of Los Angeles Police Department data, Los Angeles Homeless Services Authority (LAHSA) Homeless Count data and US Census Bureau data.

⁵⁵¹ In 2016 and 2017, the victimization rate was just over 80 per 1,000, then increased to about 150 in 2018. In 2018, overall arrests of unhoused people increased slightly. From 2019 through 2021, as arrests for minor crimes dropped dramatically, crime victimization of unhoused people rose modestly to its 2019 peak, then steadily dropped to about 125 per 1,000 by 2021.

⁵⁵² Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

Unhoused People are Victims of Violent Crime at High Rates

Reported crimes from LAPD (2016–2021)

Offense	Rate per 1,000 Unhoused People	Rate per 1,000 Total Population	▼ Rate Ratio	Percentage of Victims who are Unhoused
Criminal homicide	1.3	0.1	17.3	15.4%
Assault with deadly weapon, aggravated assault	34.1	2.9	11.9	10.7%
Rape, forcible	3.2	0.3	10.8	9.7%
Intimate partner - aggravated assault	5.6	0.7	7.8	7.0%
Robbery	13.1	2.1	6.2	5.5%
Brandish weapon	4.3	0.7	6.1	5.4%
Attempted robbery	1.9	0.3	6.0	5.3%
Battery - simple assault	21.4	4.6	4.7	4.2%
Theft, person	1.7	0.4	4.4	4.0%
Intimate partner - simple assault	12.0	3.0	4.0	3.6%
Battery with sexual contact	1.0	0.3	3.2	2.8%
Theft plain - petty (\$950 & under)	10.7	3.5	3.1	2.7%
Criminal threats - no weapon displayed	2.3	1.2	1.9	1.7%
Theft-grand (\$950 & over)	1.9	1.7	1.1	1.0%
Vandalism - misdemeanor (\$399 or under)	1.2	2.0	0.6	0.5%

Source: Human Rights Watch analysis of Los Angeles Police Department data, Los Angeles Homeless Services Authority (LAHSA) Homeless Count data, and US Census Bureau data.

For many types of offenses, the LAPD makes arrests at a lower rate when crime victims are unhoused. For example, in rape cases, police make arrests at more than twice the rate when the victim is from the general population (49.8 percent) than when the victim is unhoused (22.8 percent). Similar rate ratios apply for simple assaults and sexual battery.⁵⁵³ The lack of police response to crimes against unhoused people signals they are not protected and may embolden people who seek to harm them.

Murders of unhoused people have increased steadily from less than 5 in 2010 to 85 in 2021, making up an increasingly larger share of total murders in the city.⁵⁵⁴ Only 27 percent of the 2021 murders of unhoused people involved unhoused suspects and only 22 percent involved a suspect who knew the victim.⁵⁵⁵ These numbers may indicate vigilantism or other targeting of unhoused people based on their status or unique vulnerabilities.⁵⁵⁶

The high rates of unhoused people victimized by crime demonstrates the vulnerability of people living on the streets, which permanent housing could alleviate. Studies show that evicting people from encampments and their communities heightens their risk of exposure to violent crime by forcing them into more isolated areas where they have less community to support and protect them.⁵⁵⁷ When victimized, unhoused people are also less likely to seek help from law enforcement for fear of punishment under laws criminalizing their presence in public spaces.⁵⁵⁸

⁵⁵³ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁵⁵⁴ Yeung, "Murders of People Experiencing Homelessness are on the Rise."

⁵⁵⁵ Ibid.

⁵⁵⁶ Ibid.

⁵⁵⁷ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 65-67.

⁵⁵⁸ Ibid.

Crimes with Unhoused Victims Have Lower Arrest Rates

Reported crimes from LAPD (2016-2021)

Offense	Arrest rate (Unhoused victim)	Arrest rate (Total victims)	▼ Rate ratio	Percentage point difference
Theft-grand (\$950 & over)	3.5%	10.0%	2.8	6
Battery - simple assault	17.1%	37.4%	2.2	20
Rape, forcible	22.8%	49.8%	2.2	27
Battery with sexual contact	22.8%	42.8%	1.9	20
Theft plain - petty (\$950 & under)	3.8%	7.0%	1.8	3
Theft, person	10.6%	19.3%	1.8	9
Criminal threats - no weapon displayed	35.2%	53.7%	1.5	18
Robbery	21.1%	30.4%	1.4	9
Assault with deadly weapon, aggravated assault	31.2%	42.1%	1.3	11
Attempted robbery	23.9%	32.2%	1.3	8
Brandish weapon	33.1%	44.5%	1.3	11
Intimate partner - simple assault	58.6%	67.6%	1.2	9
Intimate partner - aggravated assault	68.6%	77.7%	1.1	9
Criminal homicide	63.4%	66.5%	1.0	3
Vandalism - misdemeanor (\$399 or under)	14.5%	14.0%	1.0	-1

Source: Human Rights Watch analysis of Los Angeles Police Department data, Los Angeles Homeless Services Authority (LAHSA) Homeless Count data, and US Census Bureau data.

D. Move Along Orders and Other Harassment

Edgar S. is in his late 50s.⁵⁵⁹ He lives on the streets of Skid Row. He says that people break into his tent and steal things and that he fears being robbed. He is trying to get on a waiting list for housing, but he understands that there is little available. He survives on Los Angeles County General Relief Fund (GR) payments of \$221 per month and on food stamps. He is on probation.

“Police work at their own discretion,” Edgar said. They frequently approach him, order him to put his hands up against the wall or fence, then search him. Sometimes they take him to jail for warrants from tickets he has received in the past but was unable to pay. When arrested, his possessions are left out to be stolen or destroyed. He said, “They got me by the balls.”⁵⁶⁰

Police encounters with people that do not result in arrest or citation can still be coercive, demeaning, and abusive. Stops and searches are prevalent among unhoused people, even if they are not necessarily reflected in police data.

UCLA Law Professor Gary Blasi, an expert on Los Angeles policy on houselessness, said that police enforcement against unhoused people is less about reducing crime or punishment and more about “banishment,” making unhoused people disappear from sight.⁵⁶¹ According to one LAHSA employee, enforcement of section 41.18 is used to move people from one council district to the next.⁵⁶²

Police use the threat of arrest for crimes related to a person’s unhoused status as leverage to order them to move from a particular location.⁵⁶³ Often the location is one about which housed neighbors and local business owners have complained or politicians have

⁵⁵⁹ Human Rights Watch interview with Edgar S. (pseudonym), August 20, 2021. See Section II above for further details about Edgar S.

⁵⁶⁰ Ibid.

⁵⁶¹ Human Rights Watch interview with Gary Blasi, January 17, 2022.

⁵⁶² Human Rights Watch interview with (anonymous), LAHSA outreach worker, Los Angeles.

⁵⁶³ Herring, “Complaint-Oriented Policing,” p. 17; National Law Center on Homelessness & Poverty, *Housing Not Handcuffs* 2019, p. 39.

targeted.⁵⁶⁴ A study in San Francisco found that the vast majority of citizen complaints resulted in move-along orders rather than arrest or citations.⁵⁶⁵

While simply displacing people may seem less harmful to them than arrest or citation, the cumulative effects of being uprooted and constantly moving takes a substantial toll and serves in itself as a form of punishment.⁵⁶⁶ UCLA Assistant Professor of Sociology Chris Herring, who has conducted studies of police interactions with unhoused people, said that because “move-along” orders are informal, they do not generate a record like arrests and citations do, making it impossible to quantify how often they occur and making it extremely difficult to hold officers and police departments accountable for abuses.⁵⁶⁷

Move-along orders serve to break up encampment communities, often leaving people isolated and cut off from others who can help and protect them.⁵⁶⁸ Scattering people can lead to confrontations because it destabilizes existing unhoused communities, forcing people together who do not know each other and do not know the rules of the community.⁵⁶⁹ Often, police respond to complaints from housed neighbors about unhoused people who are not violating the law by threatening arrest and ordering them to move.⁵⁷⁰

To avoid the trauma of being uprooted constantly by police move-along orders, many unhoused people simply avoid staying in one place. Cathy G. deliberately keeps only a few possessions and moves quickly when police tell her to go.⁵⁷¹ Carlton Y. keeps all his possessions in two bags and a blanket roll. He never stays in the same location.⁵⁷² Anthony S. keeps his possessions in a cart and stays mobile; he hides from the police.⁵⁷³ Sean O.

⁵⁶⁴ Herring, “Complaint-Oriented Policing,” p. 11.

⁵⁶⁵ *Ibid.*, p. 16.

⁵⁶⁶ *Ibid.*, p. 22.

⁵⁶⁷ Human Rights Watch interview with Chris Herring, January 20, 2022.

⁵⁶⁸ Human Rights Watch interview with Carla Orendorff, November 11, 2021.

⁵⁶⁹ Human Rights Watch interview with Sally Franklin (pseudonym), Los Angeles, October 19, 2021; Herring, “Complaint-Oriented Policing.”

⁵⁷⁰ Human Rights Watch interview with Lili Graham, attorney, Disability Rights California, Los Angeles, March 18, 2022; Herring, “Complaint-Oriented Policing.”

⁵⁷¹ Human Rights Watch interview with Cathy G. (pseudonym), Venice, September 21, 2023.

⁵⁷² Human Rights Watch interview with Carlton Y. (pseudonym), Los Angeles, September 15, 2021.

⁵⁷³ Human Rights Watch interview with Anthony S. (pseudonym), August 29, 2021.

does not stay in a tent so that he can move quickly when police tell him to move. He finds it hard to live exposed to the elements and to potential violence.⁵⁷⁴

On September 17, 2021, LAPD officers approached Serena C. at her family's tent by the Van Nuys Metro station. They told her neighboring business owners had complained and she had to leave. She said she knew this claim was false. She had a good relationship with all the business owners and employees on the street. One let her use their electrical outlet and several would ask her to watch their places after working hours. She kept her tent area clean and fully contained. Serena refused to move.⁵⁷⁵

Steven A. had been living in Skid Row for about 18 months. Police and private security officers frequently told him to move and threatened him with arrest. When he did not move, police would arrest him. To avoid these confrontations, he does not set up a tent and stays wherever he can find a spot.⁵⁷⁶

E. Police Violence

Though unhoused people only make up a little over 1 percent of the City of Los Angeles' population, in 2022 35 percent of all people subjected to force by the LAPD were identified as unhoused, according to the LAPD's own data.⁵⁷⁷ From 2018 through 2022, police engaged in at least 11,962 distinct documented incidents in which they used physical force, 4,030 or 34 percent of which were against unhoused people.⁵⁷⁸ The percentages of

⁵⁷⁴ Human Rights Watch interview with Sean O. (pseudonym), December 17, 2021.

⁵⁷⁵ Human Rights Watch interview with Serena C. (pseudonym), September 17, 2021; Observations of Human Rights Watch researcher, who was present on Aetna Street that day and witnessed police speaking to Serena C. and her remaining in her location on September 17, 2021.

⁵⁷⁶ Human Rights Watch interview with Steven A. (pseudonym), Los Angeles, August 27, 2023.

⁵⁷⁷ Los Angeles Police Department, Use of Force Year-End Review: 2022, <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2022-Year-End-Review.pdf> (accessed December 6, 2023), p. 153, 171, 247, 258, 262, 268, 272, 281, 286, 293, 296, 303 and 330.

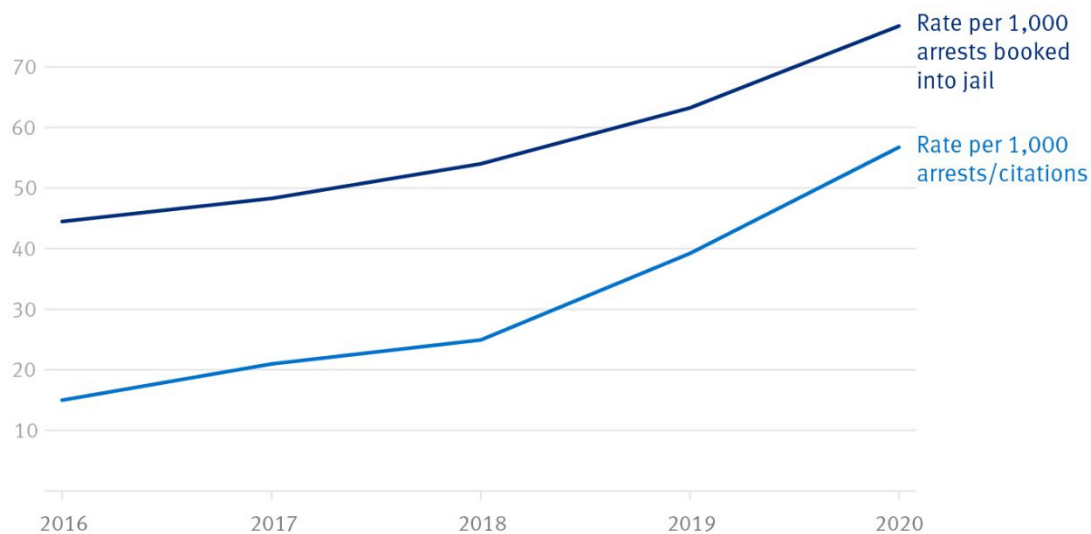
⁵⁷⁸ Ibid., p. 153, 171, 247, 258, 262, 268, 272, 281, 286, 293, 296, 303 and 330: This number adds LAPD's documented "categorical" and "non-categorical" uses of force. LAPD defines a "categorical" use of force to include deadly force, deaths in custody, incidents resulting in death or hospitalization, animal shooting, unintentional discharge of a firearm, carotid restraint control holds, or a dog bite resulting in hospitalization. They define a "non-categorical" use of force as any other use of force, including those resulting in serious injuries like broken bones and cuts requiring sutures, shooting with bean bag guns and other "less lethal" firearms, tasers, chemical sprays, punches, kicks, take-downs, and others; The vast majority of force applications are considered "non-categorical." Ibid., p. 38.

force incidents involving unhoused people have remained consistent each year over this timespan.⁵⁷⁹

The total numbers of incidents of police violence against unhoused people each year, ranging from a low of 714 in 2018 to a high of 850 in 2021, also have remained fairly consistent over this time period.⁵⁸⁰ This consistency, despite the substantial decline in actual arrests of unhoused people over these years indicate that police continue to have coercive interactions with unhoused people that result in violence, even as they are pursuing arrests less systematically. The rate at which force incidents occur per arrest or citation of unhoused people nearly quadrupled from 15 per 1,000 in 2016 to 56 per 1,000 in 2020.⁵⁸¹

LAPD Use of Force Against Unhoused People

Number of use of force incidents per 1,000 arrests of unhoused people



Source: Human Rights Watch analysis of Los Angeles Police Department Data.

⁵⁷⁹ Ibid., p. 153, 171, 247, 258, 262, 268, 272, 281, 286, 293, 296, 303 and 330: In 2018, 31.3 percent of force incidents involved unhoused people; in 2019, 34 percent; in 2020, 34 percent; in 2021, 34.5 percent; in 2022, 34.7 percent.

⁵⁸⁰ Ibid., p. 153, 171, 247, 258, 262, 268, 272, 281, 286, 293, 296, 303 and 330: In 2018, there were 714; in 2019, 830; in 2020, 806; in 2021, 850; in 2022, 830.

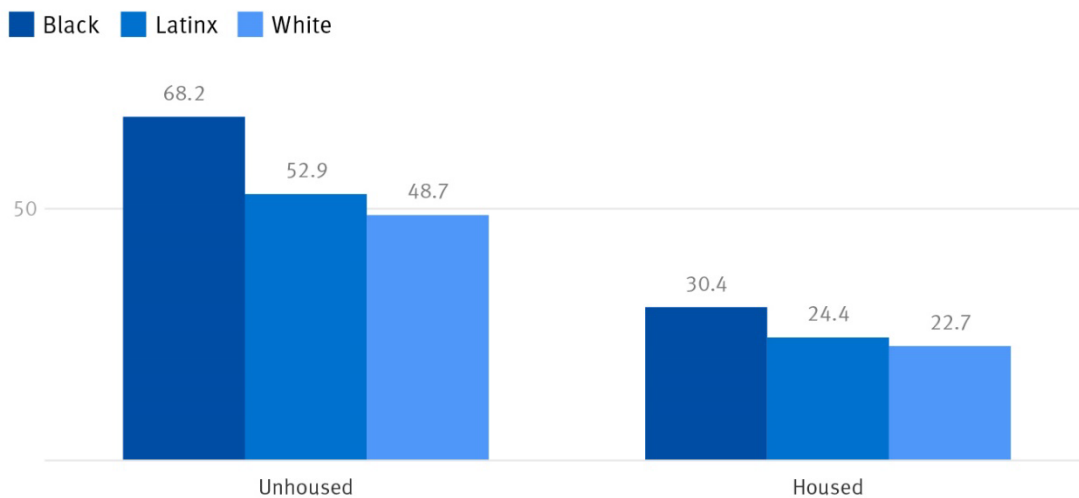
⁵⁸¹ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

The data on the 2016-2020 period show that police used force against unhoused Black people at much higher rates than they did against white and Latinx people, a disparity that similarly applies to housed people.⁵⁸²

LAPD data reveals that a large percentage of force incidents involve people with mental health conditions.⁵⁸³ Of the 11,746 distinct “non-categorical uses of force” from 2018 through 2022, 3,643—or 31 percent—were against people perceived to have a mental health condition or as experiencing “a mental health crisis.”⁵⁸⁴ Similarly, of the 115 shootings over that time period in which officers hit someone, 42 were identified as having a mental health condition.⁵⁸⁵ As discussed previously, a substantial portion of unhoused people have mental health conditions, in part because of the effects of houselessness.

LAPD Use of Force Rates by Race and Housing Status

Use of force per 1,000 arrests (2016 – 2020)



Only includes arrests that resulted in a jail booking.

Source: Human Rights Watch analysis of Los Angeles Police Department data.

⁵⁸² Ibid.

⁵⁸³ Los Angeles Police Department, Use of Force Year-End Review: 2022, p. 329.

⁵⁸⁴ Ibid., p. 329.

⁵⁸⁵ Ibid., p. 198.

F. The Evolution of Police Actions Towards Unhoused People

A 1967 study of policing on Skid Row by sociologist Egon Bittner found that officers spent time getting to know the residents to contain their presence in that area and away from the rest of the city.⁵⁸⁶ Officers used their discretion to make or not make arrests for minor violations of law for the purpose of maintaining order, as opposed to enforcing laws.⁵⁸⁷ They might make an arrest simply to resolve a problem by removing one of the parties from the situation, without regard to whether anyone committed a crime.⁵⁸⁸ Officers rationalized this lack of concern for individual rights and for assigning guilt for wrongdoing by claiming arrests were for people's own protection and for protection of the community.⁵⁸⁹ Officers told the author of this study that they believed arrests essentially had no negative impact on the people arrested.⁵⁹⁰

As policing of unhoused people has evolved in Los Angeles, it has maintained many elements of this "order maintenance" approach, even with the recent de-emphasis on arrests and citations.

1) Safer Cities Initiative (SCI)

An important variation of "order maintenance" policing was the "Safer Cities Initiative" (SCI) introduced in 2006 by then Los Angeles Mayor Antonio Villaraigosa and then LAPD Chief William Bratton.⁵⁹¹ Deployed on Skid Row, SCI was based on "broken windows," a policing doctrine that studies have shown to be abusive, racially discriminatory, and ultimately ineffective.⁵⁹²

⁵⁸⁶ Egon Bittner, "The Police on Skid-Row: A Study of Peace Keeping," *American Sociological Review*, Vol. 32 (5) (1967), pp. 669-715, <http://www.dourish.com/classes/ics235aw05/readings/Bittner-PoliceOnSkidRow-ASR.pdf>, (accessed December 6, 2023), p. 707-710.

⁵⁸⁷ Ibid., p. 702.

⁵⁸⁸ Ibid., p. 709-713.

⁵⁸⁹ Ibid., p. 710-714.

⁵⁹⁰ Ibid., p. 714

⁵⁹¹ Gary Blasi and Forrest Stuart, "Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?," research report, UCLA School of Law, September 15, 2008, https://wraphome.org/wp-content/uploads/2008/09/safer_cities.pdf (accessed December 6, 2023), p. 1-3; Patrick McGreevy and Jim Newton, "LAPD Chief Won't Give Details on Consultants," *Los Angeles Times*, March 17, 2006, <https://www.latimes.com/archives/la-xpm-2006-mar-17-me-bratton17-story.html>, (accessed December 6, 2023). Bratton hired George Kelling as a consultant for this project.

⁵⁹² National Institute of Justice (NIJ), Program Profile: Safer Cities Initiative, US Department of Justice, June 16, 2011, <https://crimesolutions.ojp.gov/ratedprograms/182#ar> (accessed December 6, 2023); National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 65; Allard K. Lowenstein International Human Rights Clinic, Yale Law School,

“Broken windows” policing, first described in a 1982 magazine article by political scientist James Q. Wilson and criminologist George Kelling, hypothesizes, using anecdotal evidence, that a neighborhood with signs of disorder—a broken window, a panhandler, a publicly intoxicated person—will inevitably breed crime, and that enforcement against those appearing to create disorder will stop crime.⁵⁹³ Under their plan, police would use charges like vagrancy and public drunkenness as “legal tools to remove undesirable persons from a neighborhood...”⁵⁹⁴ They argued that police should enforce community norms of order and remove “undesirable persons,” even if that meant acting outside of the law.⁵⁹⁵ The authors did not explain who defines those norms. They acknowledged that there was no way to ensure police do not become agents of neighborhood bigotry, but believed training and supervision would limit officers’ discretionary authority.⁵⁹⁶

“Forced into Breaking the Law,” p. 3, 40; Lewis, “Police Know Arrests Won’t Fix Homelessness.”; Herring, “Complaint-Oriented Policing,” p. 4; New York City Department of Investigation Office of the Inspector General for the NYPD, *An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015*; Tolan, “How New York City is Slowly Rethinking Broken Windows Policing”; Harcourt, “Reflecting on the Subject”; Steven Andrew Pace, “Assessing the Impact of Police Order Maintenance Units on Crime: An Application of the Broken Windows Hypothesis,” (MCJ Thesis, University of Nevada, Las Vegas, May 2010), <https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=1396&context=thesesdissertations> (accessed December 6, 2023); D. Weisburd, et al., *Legitimacy, Fear and Collective Efficacy in Crime Hot Spots: Assessing the Impacts of Broken Windows Policing Strategies on Citizen Attitudes*, report, US DOJ, National Institute of Justice Grant No. 2007-IJ-CX-0047, November 2010, <https://www.ojp.gov/pdffiles1/nij/grants/239971.pdf> (accessed December 6, 2023); Bernard E. Harcourt and Jens Ludwig, “Broken Windows: New Evidence from New York City and a Five-City Social Experiment,” *Chicago Public Law and Legal Theory Working Paper No. 93*, June 2005, <https://ssrn.com/abstract=743284> (accessed December 6, 2023); Justin Peters, “Yes, Mayor Bloomberg, Stop-and-Frisk is Really, Really Racist,” *Slate*, July 1, 2013, <https://slate.com/news-and-politics/2013/07/mayor-bloomberg-stop-and-frisk-yes-the-controversial-policy-is-really-really-racist.html> (accessed December 6, 2023); Jeffrey Fagan and Garth Davies, “Street Stops and Broken Windows: Terry, Race, and Disorder in New York City,” *Fordham Urban Law Journal*, Vol. 28, No. 2, 2000, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1808&context=ulj>; Rocco Parascandola, “Broken Windows Policing a Recipe for Race-Based Enforcement, Legal Aid Society Warns in New Analysis,” *Daily News*, March 29, 2022, <https://www.nydailynews.com/2022/03/29/broken-windows-policing-a-recipe-for-race-based-enforcement-legal-aid-society-warns-in-new-analysis/> (accessed December 6, 2023); United States Commission on Civil Rights, *The Civil Rights Implications of “Broken Windows” Policing in NYC and General NYPD Accountability to the Public, A Briefing Report of the New York Advisory Committee to the U.S. Commission on Civil Rights*, March 2018, <https://www.usccr.gov/files/pubs/2018/03-22-NYSAC.pdf> (accessed December 6, 2023); Steve Zeidman, “Why Arrest If It Isn’t Necessary?” *Medium*, August 26, 2018, <https://medium.com/new-yorkers-for-justice/steve-zeidman-why-arrest-if-it-isnt-necessary-d39369d8ae9> (accessed December 6, 2023); Leitner Center for International Law and Justice and Police Reform Organizing Project, “Broken Window, Broken Lives: The Danger of the NYPD’s Quota-Driven System,” *Fordham Law School*, 2017, https://www.leitnercenter.org/wp-content/uploads/2017/12/Leitner_PROP-report.pdf (accessed December 7, 2023).

⁵⁹³ George L. Kelling and James Q. Wilson, “Broken Windows: The Police and Neighborhood Safety,” *Atlantic*, March 1982, <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/> (accessed December 6, 2023); Dasse, “The Neoliberalization of Public Spaces and the Infringement of Civil Liberties,” p. 9: This article points out that Kelling and Wilson’s article had no scientific grounding and was published in a cultural magazine, not a scholarly journal.

⁵⁹⁴ Kelling and Wilson, “Broken Windows.”

⁵⁹⁵ *Ibid.*

⁵⁹⁶ *Ibid.*

Putting “broken windows” into operation, SCI concentrated large numbers of officers into a small area and tasked them with citing people for “quality of life” violations, like sitting on the sidewalk, littering, jaywalking, and other pedestrian violations.⁵⁹⁷ They also brought in additional plainclothes officers to engage in undercover stings to arrest people they believed were selling or using drugs or involved in sex work.⁵⁹⁸ The purpose of SCI was “to reduce the density of homeless encampments using fines and citations.”⁵⁹⁹

Nine months after SCI began, Chief Bratton touted it as a great success.⁶⁰⁰ He announced, at a time when Skid Row’s population ranged between 8,000 and 11,000, that uniformed SCI officers had made 1,800 felony and 1,300 misdemeanor arrests, conducted 8,000 warrant checks and issued 8,000 citations.⁶⁰¹ Narcotics buy teams, which primarily target people suspected of low-level street sales and personal use of drugs, made an additional 2,000 arrests in that period. A study by UCLA professor Gary Blasi found even more extreme levels of enforcement: 9,000 arrests and 12,000 citations, primarily for pedestrian violations, in the first year of the program.⁶⁰²

2) SCI impacts

While overall crime decreased during the first two years of SCI, according to Blasi’s study, it decreased by similar amounts in surrounding areas that were not policed with nearly the same intensity or in the same style.⁶⁰³ The study found a more substantial reduction only for robberies on Skid Row, but noted that the cost for each reduced robbery was high and questioned whether city funds spent in other ways would have achieved better results.⁶⁰⁴

⁵⁹⁷ Blasi and Stuart, “Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?,” p. 2.

⁵⁹⁸ *Ibid.*, p. 2.

⁵⁹⁹ NJJ, Program Profile: Safer Cities Initiative.

⁶⁰⁰ LAPD Online, Chief Bratton Gives Safer Cities Update on Skid Row, June 8, 2007, <https://www.lapdonline.org/newsroom/chief-bratton-gives-safer-cities-update-on-skid-row/> (accessed December 6, 2023).

⁶⁰¹ *Ibid.*; Community Redevelopment Agency of the City of Los Angeles, Los Angeles’ Skid Row, October 2005, http://lachamber.com/clientuploads/LUCH_committee/102208_Homeless_brochure.pdf, (accessed December 6, 2023), p. 2.

⁶⁰² Blasi and Stuart, “Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?,” p. 2: Only a tiny percentage of arrests were for violent crimes.

⁶⁰³ *Ibid.*, p. 2.

⁶⁰⁴ *Ibid.*, p. 9-10; The authors of another 2009 study of the impact of SCI found “modest but meaningful reductions across a wide range of crimes,” though they did not compare crime levels in nearby neighborhoods as the Blasi study did. Former Chief Bratton cited to this study to claim success for SCI. The authors questioned the public policy value of having police break up concentrations of unhoused people living on the streets and whether it made sense to police aggressively with a shortage of available shelter. They said: “[P]olice interventions of the sort undertaken by ... the [SCI] do not solve the



An LA CAN survey of Skid Row residents about the impacts of SCI conducted in 2010 found that most of the citations were for jaywalking, though other common violations included drinking in public, sitting on the sidewalk, possessing an open container, loitering, and littering.⁶⁰⁵ The survey also found that SCI officers handcuffed and searched most of the people they were citing and that nearly half of those people reported being abused verbally or physically in the process.⁶⁰⁶ Over 82 percent of unhoused Skid Row residents and over 50 percent of all residents surveyed had been cited or arrested by police in the year preceding the survey.⁶⁰⁷

problem of homelessness” R. Berk and J. MacDonald, “Policing the Homeless: An Evaluation of Efforts to Reduce Homeless-Related Crime,” *Criminology and Public Policy*, Vol. 9(4), pp. 813-840, <https://cebc.org/evidence-based-policing/the-matrix/neighborhood/neighborhood-berk-and-macdonald-2010/> (accessed December 6, 2023), p. 839-840.

⁶⁰⁵ Los Angeles Community Action Network, “Community-Based Human Rights Assessment: Skid Row’s Safer Cities Initiative,” *LACAN*, December 2010, <https://cangress.org/publications/> (accessed December 6, 2023), p. 4.

⁶⁰⁶ *Ibid.*, p. 4.

⁶⁰⁷ *Ibid.*, p. 5.

Even people who were not cited or arrested reported high rates of being handcuffed, searched, and subjected to further abusive treatment.⁶⁰⁸ Nearly 90 percent of unhoused people and two-thirds of all residents reported being detained by police.⁶⁰⁹

Then-LAPD Chief Charlie Beck disputed LA CAN's findings and challenged LA CAN's methodology, but he did not provide evidence disputing the high frequency of citations, arrests, detentions, and abusive encounters."⁶¹⁰

In defending SCI, Beck described horrific conditions on Skid Row, including "urine, feces, drugs and disease which coated the sidewalks."⁶¹¹ However, in conjunction with SCI, city officials removed portable public toilets from the area "⁶¹² Police frequently cited people for littering when the area has very few public trashcans.⁶¹³ A federal court found LAPD violated constitutional rights of Skid Row residents by using minor infractions like jaywalking as an excuse to search people and take them to jail.⁶¹⁴

Beck said to the Board of Police Commissioners that because of SCI, "the community has reclaimed their public spaces"⁶¹⁵ He did not define who he meant by "the community." General Dogon, a long-time Skid Row resident and community organizer, described an atmosphere of terror during SCI among fellow Skid Row residents, including many housed people, who were afraid to leave their homes due to the risk of police harassment.⁶¹⁶

⁶⁰⁸ Ibid., p. 5.

⁶⁰⁹ Ibid., p. 5.

⁶¹⁰ Chief Charlie Beck, Department's Response to the Los Angeles Community Action Network's Report on the Skid Row Safer Cities Initiative, Intradepartmental Correspondence, March 3, 2011, https://www.lapdpolicecom.lacity.org/030811/BPC_11-0103.pdf (accessed July 30, 2024), p. 4; Prior to becoming chief, Beck helped lay the groundwork for the law enforcement component of SCI. Ryan Vaillancourt, "New Police Chief Brings Downtown Ties: Mayor's Nominee Charlie Beck, Once Presided Over Central Division," *DT News*, November 6, 2009, http://www.ladowntownnews.com/news/new-police-chief-brings-downtown-ties/article_fc5a3174-8ea4-56cc-9041-eb66a040f745.html (accessed December 6, 2023).

⁶¹¹ Chief Beck, Department's Response to the Los Angeles Community Action Network's Report on the Skid Row Safer Cities Initiative, p. 1.

⁶¹² NIJ, Program Profile: Safer Cities Initiative; Berk and MacDonald, "Policing the homeless," p. 822; A common charge LAPD cited and arrested for was public urination.

⁶¹³ Blasi and Stuart, "Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?," p. 2.

⁶¹⁴ ACLU of Southern California, "Judge Rules LAPD Violated the Constitutional Rights of Skid Row Homeless with Unlawful Searches," news release, April 24, 2007, <https://www.aclusocal.org/en/news/judge-rules-lapd-violated-constitutional-rights-skid-row-homeless-unlawful-searches> (accessed December 6, 2023).

⁶¹⁵ Chief Beck, Department's Response to the Los Angeles Community Action Network's Report on the Skid Row Safer Cities Initiative, p. 1.

⁶¹⁶ Human Rights Watch interview with General Dogon, September 17, 2021.

3) *SCI coercion and lack of supportive services*

When the Mayor announced SCI, he said that policing was only one component and promised that the city would offer services, like drug treatment programs, housing, or mental health services, in conjunction with enforcement.⁶¹⁷

This two-pronged approach to policing has been called “therapeutic policing.”⁶¹⁸ It involves an implicit and explicit ultimatum: enter treatment programs or face aggressive policing and jail.⁶¹⁹ However, the city never funded or provided the core services and treatment component of SCI that was proposed to benefit the unhoused population.⁶²⁰ Primarily, the policy relied on private sector missions, which are non-profit agencies, often religiously affiliated, that provide large shelters and services for unhoused people.

Officers said that the goal of SCI was to make life on the streets so uncomfortable that people would “hit rock bottom” and go to the missions.⁶²¹ Some shelter administrations helped to shape this policy and legitimized this form of policing.⁶²² Reverend Andy Bales, president and CEO of the Union Rescue Mission, one of several large shelters on Skid Row, supported SCI. His teams would encourage people to come to the shelters and engage in programs, telling them that police were “right behind them” ready to take enforcement actions if they did not.⁶²³ He also believed courts would order people into shelter and programming after citation or arrest by SCI officers.⁶²⁴

⁶¹⁷ Blasi and Stuart, “Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?,” p. 1-2; Kelsey Longmuir, “Power, Poverty and Policy: Evaluating Anti-Violence Strategies in the Context of Los Angeles’ Skid Row,” *Occidental College Urban and Environmental Policy*, April 2011, https://www.oxy.edu/sites/default/files/assets/UEP/Comps/2011/Kelsey%2520Longmuir_Unified%2520Comps.pdf, (accessed December 6, 2023), p. 27.

⁶¹⁸ Forest Stuart, *Down and Out and Under Arrest: Policing and Everyday Life in Skid Row* (Chicago: University of Chicago Press, 2016); Sociologist Christopher Herring used the term “coercive benevolence” to describe how SCI and similar policing programs in other cities operate. The animating principle is the choice: “Go to shelter or go to jail.” He says it is done in San Francisco as well and has had minimal impact on reducing crime; Human Rights Watch interview with Chris Herring, January 20, 2022.

⁶¹⁹ Stuart, *Down and Out and Under Arrest*, p. 15

⁶²⁰ Gale Holland, “L.A. Leaders are Crafting New Plan to Help Homeless on Skid Row,” *Los Angeles Times*, July 15, 2014, <https://www.latimes.com/local/la-me-skid-row-police-20140716-story.html> (accessed October 20, 2023); Blasi and Stuart, “Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?.”

⁶²¹ Stuart, *Down and Out and Under Arrest*, p. 117.

⁶²² *Ibid.*, p. 66-69, 92, 256.

⁶²³ Human Rights Watch interview with Rev. Andy Bales, CEO, Union Rescue Mission, Los Angeles, March 2, 2022.

⁶²⁴ *Ibid.*

In his 2016 study of Skid Row under SCI, sociologist Forrest Stuart wrote: “Skid Row policing couples these programs [Streets or Services, HALO] with aggressive and constant enforcement of minor laws to restructure residents’ range of potential decisions, de incentivize behaviors deemed irresponsible, and compel the self-discipline that residents have supposedly shirked.”⁶²⁵ He explained that those who did not choose to submit to the particular forms of treatment offered by the missions had to disappear from sight or face punitive consequences.⁶²⁶ Stuart quotes an officer saying: “Our job is to help them to make the right choice. If they don’t want to make the right choices to get better, to move up and out of here, then we have to step in.”⁶²⁷

Stuart found that while people might enroll in a program, when it was available, to avoid jail, few participated.⁶²⁸ One study found that in 2006 and 2007 only 34 of 7,428 people arrested by SCI officers completed “Streets or Services,” which was the main program to which they were referred.⁶²⁹

4) “RESET” replaces SCI

In 2016, the LAPD formally ended SCI and replaced it with the Resources Enhancement and Services Enforcement Team or “RESET,” also focused on Skid Row.⁶³⁰ RESET is tasked with “crime suppression, LAMC ordinance violations, Penal Code violations, Health & Safety Code violations, California Vehicle code, Business & Professional Code, and crime deterrence through high visibility patrols.”⁶³¹ LAPD assigned 56 officers to RESET, nearly the same number assigned to SCI, to provide foot patrols, enforce code violations, and back up LASAN workers, especially during sweeps.⁶³²

⁶²⁵ Stuart, *Down and Out and Under Arrest*, p. 255.

⁶²⁶ *Ibid.*, p. 108.

⁶²⁷ *Ibid.*, p. 108.

⁶²⁸ *Ibid.*, p. 71-72.

⁶²⁹ Blasi and Stuart, “Has the Safer Cities Initiative in Skid Row Reduced Serious Crime?,” p. 1-2.

⁶³⁰ Human Rights Watch interview with Pete White, May 25, 2021.

⁶³¹ Chief Beck, Intradepartmental Correspondence: The Los Angeles Police Department’s 2017 Year-End Report on Homelessness, p. 3.

⁶³² *Ibid.*, p. 3, 11.

LAPD says that RESET conducts “outreach,” but it is unclear what the purpose of that outreach is or whether it is connected to actual services.⁶³³ In 2017, for example, their data report showed that RESET officer outreach resulted in 2,637 contacts with unhoused people, 482 “referrals” (to what is not clear), and 42 mental health detentions.⁶³⁴ During the same time period, RESET officers issued 1,693 citations, made 1,121 misdemeanor arrests, 70 of which were based on warrants, and 759 felony arrests, 309 of which were based on warrants.⁶³⁵ While these enforcement numbers are much lower than they were at the peak of SCI, they still indicate an investment in enforcement.

5) “HOPE” units

While RESET is limited to Skid Row, LAPD has created units called Homeless Outreach and Proactive Engagement (HOPE) that they deploy throughout the city.⁶³⁶ Their stated goal is to connect people with services.⁶³⁷ HOPE units are tasked with supporting LASAN workers while they tear down unhoused communities, enforcing LAMC section 56.11, and “homeless outreach in conjunction with LAHSA.”⁶³⁸ HOPE units have a total of 38 officers and four sergeants, many fewer than RESET; they make far fewer arrests and give out fewer tickets.⁶³⁹ They also make “referrals,” but again, it is unclear to what.⁶⁴⁰

⁶³³ Ibid., p. 12; In this public relations news video, a RESET officer and a mega-shelter director talk about RESET as an effort to get people into shelter. People featured that the officer approaches say that they do not want shelter: Gina Silva, “LAPD’s ‘RESET’ Program Struggles to Get the Homeless Off the Streets,” *Fox 11 Los Angeles*, Nov. 24, 2017, <https://www.foxla.com/news/lapds-reset-program-struggles-to-get-the-homeless-off-the-streets> (accessed October 20, 2023); See also video accompanying story accessible separately online: <https://www.youtube.com/watch?v=sWajLvUko4U> (accessed October 20, 2023); Human Rights Watch reached out to the LAPD Department Homeless Coordinator for clarification of the outreach component of RESET, but received no response: See Human Rights Watch email correspondence with Commander Gisselle Espinoza, Department Homeless Coordinator, February 14, 2024.

⁶³⁴ Chief Beck, Intradepartmental Correspondence: The Los Angeles Police Department’s 2017 Year-End Report on Homelessness, p. 12; California Welfare & Institutions Code section 5150 allows a 72-hour hold for someone determined to be a danger to self or others.

⁶³⁵ Ibid., p. 12; Warrant arrests generally occur after an accused misses a court appearance, has unpaid fines, or is in technical violation of a probation condition. They are more common for misdemeanors than felonies.

⁶³⁶ Jordy Coutin, “Policing Homelessness: A Review of the Literature on Policing Policies That Target Homelessness and Best Practices for Improving Outcomes,” *Homelessness Policy Research Institute*, <https://socialinnovation.usc.edu/wp-content/uploads/2021/10/Policing-Homelessness-Final-1.pdf> (accessed December 6, 2023), p. 4.

⁶³⁷ Chief Beck, Intradepartmental Correspondence: The Los Angeles Police Department’s 2017 Year-End Report on Homelessness, p. 3.

⁶³⁸ Ibid., p. 9; It is unclear what role the officers play in that outreach.

⁶³⁹ Ibid., p. 10-11.

⁶⁴⁰ Ibid., p. 11; Human Rights Watch asked LAPD Department Homeless Coordinator, Commander Gisselle Espinoza to explain what the “referrals” in this document meant, but has received no response as of this writing: See Email to Commander Gisselle Espinoza, Department Homeless Coordinator, February 14, 2024.

In 2017, for example, HOPE units initiated 16,312 contacts with unhoused people, made 3,134 referrals, and arrested or cited 1,421 people.⁶⁴¹ The LAHSA workers affiliated with LAPD's HOPE teams placed only 229 people into shelters city-wide in 2017 and 23 into permanent housing.⁶⁴²

While LAPD officials publicly speak of how HOPE and RESET de-emphasize enforcement in favor of connecting people to services, these programs, in fact, use the threat of arrest and other enforcement actions and the repeated destruction of unhoused communities to pressure people to go to shelters.⁶⁴³

G. Gentrification and Criminalization

Gentrification is a process in which a neighborhood of poor and working-class, often Black or BIPOC people, becomes attractive to wealthier, and often white, people who move in, invest in physical improvements that change the character of the neighborhood, and drive housing, property tax, and other costs up, forcing poor people to leave their home community. During the transition of the neighborhood, the newer, wealthier, and more politically connected residents often pressure police to take enforcement actions to remove unhoused people.

Downtown Los Angeles, of which Skid Row is a part, has been rapidly gentrifying. Developers have produced large numbers of luxury apartments and condominiums over the past several decades as these policies have evolved. Business and property owner organizations, like the Central City Association and Central City East Association, who sought to and did help to transform downtown Los Angeles into a place that serves

⁶⁴¹ Chief Charlie Beck, "Intradepartmental Correspondence: The Los Angeles Police Department's 2017 Year-End Report on Homelessness," p. 10-11; Elizabeth Chou, "LAPD's 'HOPE Teams' Sees Results in Cleaning Up Homeless Camps," *Los Angeles Daily News*, August 29, 2017, <https://www.dailynews.com/2017/04/04/lapds-hope-teams-sees-results-in-cleaning-up-homeless-camps/> (accessed December 6, 2023).

⁶⁴² Chief Beck, Intradepartmental Correspondence: The Los Angeles Police Department's 2017 Year-End Report on Homelessness, p. 14.

⁶⁴³ Coutin, "Policing Homelessness," p. 4; John Cadiz Klemack, "'HOPE' Team Dismantles Homeless Encampments, Seeks Out Services for LA's Homeless Population," *NBC Channel 4*, October 15, 2018, <https://www.nbclausangeles.com/local/hope-team-seeks-out-services-for-las-homeless/157001/> (accessed December 6, 2023): "The HOPE team says oftentimes it takes losing everything over and over before some of LA's homeless accept the help they are offered."

business and real estate interests, have consistently advocated for aggressive policing, especially the SCI program.⁶⁴⁴

Removing people living on the streets of downtown Los Angeles from the homes and communities they have created facilitates this gentrification, increases monetary property values, serves the wealthy, and protects their investments.⁶⁴⁵

A driving force behind the aggressive enforcement approach are housed people who demand an immediate “solution” to the presence of unhoused people in their neighborhoods.⁶⁴⁶ Housed neighbors often oppose efforts to make life on the streets more comfortable, including efforts to provide bathrooms and garbage facilities.⁶⁴⁷ Complaints about unhoused people escalate in neighborhoods where more wealthy people are moving.⁶⁴⁸

H. Criminalization Offers No Solution

The United States Interagency Council on Homelessness, a collaboration of 19 federal agencies whose mission is to create and implement a national strategic plan to end houselessness, issued a report in 2012 called “Searching for Solutions: Constructive

⁶⁴⁴ Jacob Woocher, “‘It’s outlandish’—UCLA Lewis Center Legitimizes Anti-Homeless Politics With Their Latest Hire,” *KnockLA*, October 3, 2019, <https://knock-la.com/its-outlandish-ucla-lewis-center-legitimizes-anti-homeless-politics-with-their-latest-hire-338481afa52a/> (accessed December 6, 2023); Carol Schatz, “Enabling Homelessness in L.A.’s Skid Row,” *Los Angeles Times*, April 9, 2012, <https://www.latimes.com/opinion/la-xpm-2012-apr-09-la-oe-schatz-skid-row-deterioration-20120409-story.html>, (accessed December 6, 2023); Central City Association of Los Angeles, Contact Database, 2019, https://www.ccala.org/index.php?submenu=AboutMembership&src=membership&srctype=membership_list_2019&submenu=Membership (accessed December 6, 2023); CCA’s membership includes major banks, telecom companies, transportation companies like United Airlines, construction and real estate development companies, hotels, universities, and also the mega-shelters on Skid Row; Rick Orlove, “Skid Row Program Praised, Criticized,” *Los Angeles Daily News*, August 29, 2017, <https://www.dailynews.com/2007/07/23/skid-row-program-praised-criticized/> (accessed December 6, 2023); Downtown LA Industrial District BID, “About the Bid,” 2023, <https://industrialdistrictla.com/about> (accessed December 6, 2023); CCEA’s board is made up of major Skid Row business owners and also includes Rev. Bales from the Union Rescue Mission. Similarly motivated organizations and individuals operate similarly in other parts of the city that are in the process of gentrification, including Venice and Hollywood. Dasse, “The Neoliberalization of Public Spaces and the Infringement of Civil Liberties,” p. 6-8.

⁶⁴⁵ Dasse, “The Neoliberalization of Public Spaces and the Infringement of Civil Liberties,” p. 6-8.

⁶⁴⁶ Melissa Lewis, “Police Know Arrests Won’t Fix Homelessness.”; Herring, “Complaint-Oriented Policing.”

⁶⁴⁷ Tracy Rosenthal, “Inside LA’s Homeless Industrial Complex,” *The New Republic*, May 19, 2022, <https://newrepublic.com/article/166383/los-angeles-echo-park-homeless-industrial-complex> (accessed December 6, 2023).

⁶⁴⁸ Herring, “Complaint-Oriented Policing.”

Alternatives to the Criminalization of Homelessness.”⁶⁴⁹ The report said: “Local and county governments frequently devote significant resources to deploying law enforcement to disperse people experiencing homelessness from public spaces; however, these interventions do little to stop the cycle of homelessness.... Police action to move or arrest people experiencing homelessness is rarely effective because those who sleep unsheltered on the streets are often chronically homeless with no access to housing and have underlying mental health issues and other disabilities. It is not a solution to force someone to move when they have nowhere else to go, but in many cities police do not have the tools they need to offer solutions, they can only disperse or arrest.”⁶⁵⁰

The report warned that criminalization is costly and ineffective; that criminalization is at best a temporary solution that undermines more lasting ones, like developing affordable housing; that criminalization, by jailing people and saddling them with criminal records, makes it more difficult for them to find work and housing.⁶⁵¹

The ongoing policy of tasking law enforcement with addressing homelessness, through ticketing, arresting, detaining, searching, and using force, as well as under cover of offering services and shelter that are generally inadequate and unacceptable, has been as ineffective as it has been cruel.

Pete White of LA CAN summed up the evolution of policing against unhoused people on Skid Row and throughout Los Angeles: “Each iteration is the same. They do the same stuff. They always tie enforcement to the promise of more services, but they never deliver. They just enforce. In the end it is about land clearance and banishment.”⁶⁵²

⁶⁴⁹ United States Interagency Council on Homelessness, *Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness*, USICH, 2012, http://www.direitoamoradia.fau.usp.br/wp-content/uploads/2012/04/searchingoutsolutions_homelessness.pdf (accessed December 6, 2023).

⁶⁵⁰ *Ibid.*, p. 3.

⁶⁵¹ *Ibid.*, p. 1; California’s Council of Regional Homeless Advisors similarly said: “Sweeps and criminalization have been shown not to work in this effort. Strategies that explicitly or implicitly encourage these actions will be unacceptable.” Council of Regional Homeless Advisors, “Letter to Governor Gavin Newsom,” January 13, 2020, <https://cheac.org/wp-content/uploads/2020/01/Homeless-TF-Letter.pdf> (accessed December 6, 2023), p. 3-4.

⁶⁵² Human Rights Watch interview with Pete White, May 25, 2021.

V. Mental Health and Hopelessness: Institutionalization as Criminalization

- California policymakers are enacting changes to laws around mental health to set up court systems and legal procedures to order unhoused people into mandatory “treatment,” that may include severe loss of personal liberty, while proposing to spend billions to build involuntary care facilities.
- California policymakers are taking funding away from already scarce voluntary mental health treatment programs to pay for involuntary care.
- Mental health professionals disproportionately diagnose Black and Latinx people with conditions qualifying them more readily for involuntary treatment and loss of liberty.

With the limitations on arrests and citations imposed by the *Martin v. Boise* decision and some recognition by officials that arresting people for their unhoused status is unfair, cities like Los Angeles and states like California are expanding mechanisms for involuntary detention for mental health treatment which will have the effect of removing unhoused people from public spaces.⁶⁵³

The 2023 PIT Count found that 25 percent of unhoused people in Los Angeles reported experiencing a mental health condition with high support requirements.⁶⁵⁴ The circumstances of living on the streets, including lack of sleep, constant danger and stress, poor nutrition, criminalization, and exposure to elements, easily can lead people into mental distress; people with mental health conditions, especially those who lack an external support network, may be less able to compete for scarce housing and thus end up unhoused.⁶⁵⁵ But houselessness is not caused by people experiencing mental health conditions.⁶⁵⁶

⁶⁵³ Rankin, “Hiding Homelessness,” p. 34-39; Human Rights Watch interview with Lili Graham, March 18, 2022.

⁶⁵⁴ LAHSA, 2023 Greater Los Angeles Homeless Count Deck, p. 19.

⁶⁵⁵ County Behavioral Health Directors Association (CBHDA), CARE Courts Considerations, March 2022, https://static1.squarespace.com/static/5b1065c375f9ee699734d898/t/623e5518802d0963ada47b87/1648252184773/CB_HDA_Care_Courts_Lobby_Day_Fact_Sheet_March_2022.pdf (accessed December 7, 2023); Human Rights Watch interviews with Jason Robison, Chief Program Officer, SHARE!, Culver City, June 30, 2023; David Busch, April 25, 2022; Darrell Steinberg, March 21, 2022; and Lili Graham, March 18, 2022.

⁶⁵⁶ CBHDA, CARE Courts Considerations.

Unfortunately, people who need care, especially those who live on the streets, face a severe shortage of voluntary treatment options.⁶⁵⁷ When the state shut down large institutional mental hospitals in the 1950s through the 1970s, it promised to replace them with community-based treatment centers that would allow people with mental health conditions to access care while maintaining their autonomy and avoiding jail-like conditions.⁶⁵⁸ In 1963, the federal government enacted the Community Mental Health Act to advance de-institutionalization and fund community-based treatment, but Congress failed to adequately fund it.⁶⁵⁹

In 2004, California voters passed the Mental Health Services Act (MHSA), which added a tax to high-income people intended to fund treatment programs for people with mental health conditions, in addition to money in existing county mental health budgets.⁶⁶⁰ This tax had generated \$29 billion by 2022, but for a variety of reasons, including chronic and systemic underfunding of other social and mental health programs and a severe shortage of mental health clinicians, it has not expanded voluntary treatment enough to meet the need.⁶⁶¹

The MHSA helped pay for Full Service Partnership Programs (FSPPs), which provide voluntary mental health and substance use treatment, along with housing, employment, and education assistance. FSPPs have been effective in improving housing outcomes and reducing homelessness, decreasing criminal legal system involvement, reducing

⁶⁵⁷ Human Rights Watch interviews with Gary Blasi, January 17, 2022; Lili Graham, March 18, 2022; Jason Robison, June 30, 2023; David Busch, April 25, 2022; and Darrell Steinberg, March 21, 2022;

⁶⁵⁸ Human Rights Watch interviews with Sam Tsemberis, February 14, 2022; and (anonymous) Los Angeles County official, Los Angeles; Blake Erickson, “Deinstitutionalization Through Optimism: The Community Mental Health Act of 1963,” *American Journal of Psychiatry, Resident’s Journal*, vol. 16(4) (2021), doi: 10.1176/appi.ajp-rj.2021.160404 (accessed December 7, 2023).

⁶⁵⁹ Ibid.; Jessica Placzek, “Did The Emptying of Mental Hospitals Contribute to Homelessness?,” *KQED*, December 8, 2016, <https://www.kqed.org/news/11209729/did-the-emptying-of-mental-hospitals-contribute-to-homelessness-here> (accessed December 7, 2023).

⁶⁶⁰ Mental Health California, “California Mental Health Services Act (MHSA),” 2023, <https://www.mentalhealthca.org/faq-1> (accessed December 7, 2023); Jessica Garrison, et al., “California Taxed Millionaires to Fix Its Mental Health Crisis. Why It’s Fallen So Short,” *Los Angeles Times*, July 10, 2022, <https://www.latimes.com/california/story/2022-07-10/california-proposition-63-mental-health-money>, (accessed December 7, 2023).

⁶⁶¹ Garrison, et al., “California Taxed Millionaires To Fix Its Mental Health Crisis”; Thomas Curwen, “With An Epidemic Of Mental Illness on the Streets, Counties Struggle to Spend Huge Cash Reserves,” *Los Angeles Times*, August 19, 2018, <https://www.latimes.com/local/california/la-me-mhsa-unspent-balance-20180819-story.html>, (accessed December 7, 2023).

emergency room usage, and saving public money.⁶⁶² They are premised on intensive case management, a belief that people with mental health conditions with high support requirements can achieve housing stability with adequate support, and treatment tailored to the needs of the individual.⁶⁶³ Despite their success, FSPPs have not been adequately funded or implemented.⁶⁶⁴

A. “CARE” Court

Rather than expanding FSPPs and other successful voluntary programs, especially early interventions, to meet the need, in 2022 California Governor Gavin Newsom proposed creating a new court system to order people into involuntary treatment.⁶⁶⁵ There is no evidence that involuntary treatment is more effective than voluntary treatment, and some studies indicate it causes harm.⁶⁶⁶ The experience of involuntary treatment also can be highly traumatizing.⁶⁶⁷ People who enter treatment voluntarily, sometimes after extended outreach efforts, have better outcomes than those who are coerced into it.⁶⁶⁸

Known as the Community Assistance, Recovery and Empowerment (CARE) Act, this new system authorizes police, outreach workers, medical personnel, mental health workers, family members and even roommates to file a petition for a person to be evaluated for court-ordered treatment if they are an adult “currently experiencing a severe mental illness” with a diagnosis “identified in the disorder class: schizophrenia spectrum and

⁶⁶² Mental Health Services Oversight and Accountability Commission, Report to the Legislature on Full Service Partnerships, January 25, 2023, https://mhsoac.ca.gov/wp-content/uploads/SB-465-Report-to-the-Legislature_approved_ADA.pdf, (accessed December 7, 2023), p. 11-12.

⁶⁶³ *Ibid.*, p. 6-10: FSPP programs may or may not always live up to these principles.

⁶⁶⁴ *Ibid.*, p. 2-3; Human Rights Watch interview with Lili Graham, March 18, 2022.

⁶⁶⁵ California Health & Human Services Agency, CARE Court FAQ: A New Framework for Community Assistance, Recovery and Empowerment,” June 2022, https://www.chhs.ca.gov/wp-content/uploads/2022/03/CARECourt_FAQ.pdf (accessed December 7, 2023).

⁶⁶⁶ D. Werb, et al., “The Effectiveness of Compulsory Drug Treatment: A Systematic Review,” *International Journal of Drug Policy*, vol 28(1-9) (2015), doi: 10.1016/j.drugpo.2015.12.005 (accessed December 7, 2023).

⁶⁶⁷ CBHDA, CARE Courts Considerations; Human Rights Watch interview with Alison D. (pseudonym), Los Angeles, April 20, 2022; “Coercion can inflict severe pain and suffering on a person, and have long-lasting physical and mental health consequences which can impede recovery and lead to substantial trauma and even death. Moreover, the right to independent living and inclusion in the community is violated when coercive practices result in institutionalization or any other form of marginalization.” World Health Organization and United Nations Human Rights Office of the High Commissioner, “Mental Health, Human Rights and Legislation: Guidance And Practice,” *World Health Organization and United Nations*, HR/PUB/23/3, March 2023, <https://iris.who.int/bitstream/handle/10665/373126/9789240080737-eng.pdf?sequence=1> (accessed March 5, 2024), p. 15.

⁶⁶⁸ Human Rights Watch interview with Sam Tsemberis, February 14, 2022.

other psychotic disorders.”⁶⁶⁹ It is unclear how that determination is made in each case, though the petition must document that a behavioral health professional has examined the person or has made unsuccessful attempts to do so.⁶⁷⁰ This uncertainty leaves much to the discretion of officials implementing the system.

Once a petition is filed, there are a variety of steps, many requiring court appearances, in which the individual has an opportunity to agree to comply with a “CARE Plan” that can include mental health treatment, medications, and “housing.”⁶⁷¹ If the person does not agree to the plan, the court, after a hearing with fairly informal process, may order the person to comply with the plan.⁶⁷²

Once ordered to comply or after agreeing without the court’s formal order, the person must submit to regular monitoring by the court and may be ordered to continue involuntarily for a second year if the court is unsatisfied with progress after one year.⁶⁷³ The court may also notify officials responsible for placing people under conservatorships of a person’s non-compliance with the ordered treatment.⁶⁷⁴ Failure to comply with a CARE Plan will be used as evidence of the need for a conservatorship and will create a legal presumption that the person needs “additional intervention” beyond the CARE plan—presumably a conservatorship or other mandatory treatment.⁶⁷⁵

The CARE Act does not bring in new resources for mental health care or for housing, instead relying on existing funding sources, including the MHSA.⁶⁷⁶ It does provide tens

⁶⁶⁹ California Welfare and Institutions Code Sections 5972 and 5974, enacted as The Community, Assistance, Recovery, and Empowerment Act, 2022, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220SB1338&showamends=false (accessed December 7, 2023).

⁶⁷⁰ Ibid., Section 5975.

⁶⁷¹ Ibid., Sections 5977 and 5982: Attending court and other appointments poses challenges for unhoused people, including the risk of losing their essential property.

⁶⁷² Ibid., Section 5977.1.

⁶⁷³ Ibid., Section 5977.3.

⁶⁷⁴ Ibid., Section 5979.

⁶⁷⁵ Ibid., Section 5979.

⁶⁷⁶ California Health & Human Services Agency, CARE Court FAQ: A New Framework for Community Assistance, Recovery and Empowerment, p. 4; California Health & Human Services Agency, Funding Backgrounder: California’s Behavioral Health Approach and Funding, August 17, 2022, <https://www.chhs.ca.gov/wp-content/uploads/2022/08/Public-Community-Behavioral-Health-Funding-8.17.22.pdf> (accessed December 7, 2023); The state is investing additional money in housing, shelter and mental health infrastructure independent of funding for the CARE Act. However, the emphasis of this new investment is on involuntary treatment and temporary housing.

of millions of dollars of new funding for the courts.⁶⁷⁷ People ordered to CARE Plans may be given priority for scarce treatment placements and housing over people who seek them voluntarily.⁶⁷⁸

Though the CARE Plans may include a housing requirement, they do not guarantee a “housing” placement. The legislation does not define what counts as “housing,” but it does list a variety of eligible programs that include interim shelters.⁶⁷⁹ Counties will be allowed to decide what “housing” will suffice.⁶⁸⁰

Unhoused people and their advocates have great concern that CARE Plans will force people into substandard and restrictive shelters that will not lead to permanent housing. Opponents of the CARE Act object to its coercive approach to mental health—using police and courts, while denying people’s autonomy and control over their own health care.⁶⁸¹ Along with peer organizations and mental health care providers, unhoused people and advocates have called for more housing and more voluntary care.

The CARE Act process will allow police and outreach workers to petition a person into court if that person does not meet a subjective definition of “stabilized” or if that person has been detained or arrested multiple times.⁶⁸² While not increasing the resources an

⁶⁷⁷ California Health & Human Services Agency, CARE Court FAQ,” p. 4; Manuela Tobias and Jocelyn Wiener, “California Lawmakers Approved CARE Court. What Comes Next?” *CalMatters*, September 8, 2022, <https://calmatters.org/housing/2022/09/california-lawmakers-approved-care-court-what-comes-next/> (accessed December 7, 2023).

⁶⁷⁸ Clara Harter, “Q&A: Newsom’s Sprawling CARE Court Rethinks Mental-Health Services. Can It Work For Homeless?” *Los Angeles Daily News*, January 23, 2023, <https://www.dailynews.com/2023/01/23/qa-newsoms-sprawling-care-court-rethinks-mental-health-services-can-it-work-for-homeless/>, (accessed December 7, 2023).

⁶⁷⁹ California Welfare and Institutions Code, Section 5982.

⁶⁸⁰ Clara Harter, “Q&A: Newsom’s Sprawling CARE Court Rethinks Mental-Health Services.”

⁶⁸¹ Disability Rights California, “SB 1339 (Umbert)—Disability Rights California Information on CARE Act,” February 7, 2023, <https://www.disabilityrightsca.org/latest-news/sb-1338-umbert-disability-rights-california-information-on-care-act#:~:text=DRC%20strongly%20opposes%20CARE%20Court,population%2C%20only%20of%20furthering%20institutional%20racism>, (accessed December 7, 2023); Disability Rights California, “Disability Rights California & Over 50 Disability, Civil Rights, Racial Justice and Housing Advocacy Organizations Urge Governor Newsom to Veto SB 1338,” September 1, 2022, <https://www.disabilityrightsca.org/latest-news/disability-rights-california-over-50-disability-civil-rights-racial-justice-and-housing>, (accessed December 7, 2023); Letter from Human Rights Watch to Honorable Chris Holden, Chair California Assembly Appropriations Committee, “Human Rights Watch’s Opposition to CARE Court (SB 1338) as Amended June 16, 2022,” July 22, 2022, <https://www.hrw.org/news/2022/07/22/human-rights-watches-opposition-care-court-ca-sb-1338>, (accessed December 7, 2023); Western Regional Advocacy Project, “California. Why We Oppose CARE Court—And You Should Too!” June 20, 2022, <https://wraphome.org/2022/06/20/california-why-we-oppose-care-court-and-you-should-too/> (accessed December 7, 2023).

⁶⁸² California SB 1338, “Community Assistance, Recovery, and Empowerment (CARE) Court Program,” September 9, 2022, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1338 (accessed December 7, 2023).

outreach worker has to offer, it increases the potential consequences for a person who does not want to enter a substandard shelter. Knowing that outreach workers may be documenting their interactions for a petition to the CARE Court, unhoused people may be hesitant to engage with them at all. Police may use the petitions to remove people from the streets that they find problematic or use the threat of petitions to displace people.⁶⁸³ Fearing being petitioned into involuntary treatment, many unhoused may make themselves less visible, and thus less accessible for actual services and more vulnerable to harm. Giving police the power to petition, and especially to threaten to petition, people into coerced treatment—a consequence that can be more severe than an arrest—simply provides them another tool with which to can drive unhoused people into hiding or place them under control of the state.

The CARE Act passed with near unanimous support in the legislature.⁶⁸⁴ Newsom’s administration announced CARE Act as a “new plan to get Californians in crisis off the streets and into housing, treatment and care.”⁶⁸⁵ City governments across the state, chambers of commerce, tourism industry groups, and National Alliance on Mental Illness-CA supported the CARE Act; disability rights organizations, mental health peer organizations, civil and human rights groups, housing justice, racial justice, mental health providers, and many individuals who had experienced involuntary treatment opposed it.⁶⁸⁶

Los Angeles County voted to fast-track implementation of the CARE Act to begin in December 2023.⁶⁸⁷

⁶⁸³ Scott Wilson, “California shifts to an experiment in coercion to treat the homeless,” *Washington Post*, April 27, 2023, <https://www.washingtonpost.com/nation/2023/04/27/california-homeless-mental-illness-newsom/>, (accessed December 7, 2023).

⁶⁸⁴ California SB 1338: Proponents of the CARE Act have gone to great lengths claiming it is a “voluntary” system, despite the fact that a person can be petitioned into it against their will and ordered by a judge to engage in a treatment plan, even if they disagree with it, and potentially fast-tracked to the extreme loss of liberty of conservatorship if they fail to comply.

⁶⁸⁵ Governor of the State of California, Fact Sheet: CARE Court, March 2022, https://www.gov.ca.gov/wp-content/uploads/2022/03/Fact-Sheet_-CARE-Court-1.pdf (accessed May 16, 2024); Tobias and Wiener, “California Lawmakers Approved CARE Court.”

⁶⁸⁶ Senate Rules Committee, Community Assistance, Recovery, and Empowerment (CARE) Court Program, Office of Senate Floor Analysis, August 30, 2022, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB1338, (accessed December 7, 2023), p. 16-22; Human Rights Watch actively opposed the CARE Act. See Human Rights Watch, Letter to Honorable Chris Holden.

⁶⁸⁷ Office of Governor Gavin Newsom, Los Angeles County Accelerates CARE Court Implementation to Support Californians With Untreated Severe Mental Illness, press release January 13, 2023, <https://www.gov.ca.gov/2023/01/13/los-angeles-county-accelerates-care-court-implementation-to-support-californians-with-untreated-severe-mental-illness/#:~:text=The%20County%20is%20working%20to,%2C%20Stanislaus%2C%20Orange%20and%20Riverside>, (accessed December 7, 2023).

B. Discriminatory Impact—CARE Court

The racial implications of the CARE Act and other efforts at involuntary treatment are likely to be profound. As it targets the unhoused population which is disproportionately Black and Latino in Los Angeles, more Black and Latino people will lose autonomy over their care.

Further, mental health professionals diagnose Black and Latinx people with qualifying conditions at much higher rates than they do white people, despite no evidence that these conditions are more prevalent in these populations.⁶⁸⁸ One meta-analysis of over 50 separate studies in the US found that Black people are diagnosed with schizophrenia at a rate nearly 2.5 times greater than white people.⁶⁸⁹ A 2014 review of empirical literature on the subject found that Black people were diagnosed with psychotic disorders three to four times more frequently than white people.⁶⁹⁰ This review found large disparities for Latino people as well. The disparities may be a result of racial and ethnic bias and lack of cultural competence by clinicians, and biased assessment norms.⁶⁹¹ As a result, there is a real risk that CARE Court will place a disproportionate number of Black and Latino people under involuntary court control.

C. CARE Act and SB 43 Expand State Power to Control Lives Through Conservatorships

As referral to conservatorship can be the consequence for non-compliance with a CARE Plan; at Newsom's urging, the legislature passed a law to expand eligibility for conservatorships that will make it easier to place people under strict control.⁶⁹² The law,

⁶⁸⁸ Charles M Olbert, Arundati Nagendra, and Benjamin Buck, "Meta-Analysis of Black vs. White Racial Disparity in Schizophrenia Diagnosis in the United States: Do Structured Assessments Attenuate Racial Disparities?," *Journal of Abnormal Psychology*, vol. 127(1) (2018), pp. 104-115, doi: 10.1037/abn0000309 (accessed December 7, 2023); Robert C. Schwartz and David M. Blankenship, "Racial Disparities in Psychotic Disorder Diagnosis: A Review of Empirical Literature," *World Journal of Psychiatry*, vol. 4(4) (2014), pp. 133-140, doi: 10.5498/wjp.v4.i4.133 (accessed December 7, 2023).

⁶⁸⁹ Ibid.

⁶⁹⁰ Schwartz and Blankenship, "Racial Disparities in Psychotic Disorder Diagnosis."

⁶⁹¹ Linda A. Teplin, Karen M. Abram, and María José Luna, "Racial and Ethnic Biases and Psychiatric Misdiagnoses: Toward More Equitable Diagnosis and Treatment," *American Journal of Psychiatry*, Vol. 180(6) (2023), doi: org/10.1176/appi.ajp.20230294 (accessed December 7, 2023); Margaret T. Hicken, et al., "Racial Inequalities in Health: Framing Future Research," *Social Science & Medicine*, Vol. 199(11-18) (2018), doi: doi.org/10.1016/j.socscimed.2017.12.027 (accessed December 7, 2023).

⁶⁹² California SB 43, Enacted October 10, 2023,

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB43, (accessed December 7, 2023).

SB 43, enacted in 2023, amends existing California law. It expands the definition of “gravely disabled,” a condition required to be placed under a conservatorship, from a person “unable to care for basic personal needs for food, clothing, shelter,” by adding “unable to care for... personal safety or necessary medical care.”⁶⁹³ This expansion has potential to expose crime survivors and people who assert their own wishes about their health care to placement under conservatorship.⁶⁹⁴ The bill also adds “severe substance use disorder” to the definition of gravely disabled.⁶⁹⁵ This change greatly expands the reach of conservatorship laws, in a way that is particularly threatening to unhoused people, who are continually being policed and are likely to be a major target of CARE Act enforcement.

Conservatorship is an extreme limitation on a person’s liberty. A conservatorship allows the court to authorize mental health treatment, including psychotropic drugs, against the will of the conserved person.⁶⁹⁶ It allows the conservator to place the conserved person anywhere, including in a locked facility.⁶⁹⁷ The conservator takes over all financial decisions for the conserved person.⁶⁹⁸

In September 2023, the legislature passed AB 531, which asks state voters to approve a bond measure to allocate over \$6.3 billion to build psychiatric facilities.⁶⁹⁹ Days before the vote in the legislature, the bill’s authors removed all language requiring the facilities be voluntary and unlocked and replaced it with language allowing locked facilities for involuntary holds.⁷⁰⁰

The overall impact of this move towards forced treatment will not reduce houselessness, except to the extent it increases detention. Fear of placement in locked facilities, forced

⁶⁹³ Ibid.

⁶⁹⁴ A person who has survived a violent crime may be deemed unable to care for their personal safety and subject to risk of conservatorship. Similarly, a person who refuses medication or other treatment may be considered unable to provide for “necessary medical care.” California SB 43.

⁶⁹⁵ Ibid.

⁶⁹⁶ Los Angeles County Department of Mental Health, Frequently Asked Questions (FAQ’s)—LPS Conservatorships, <https://dmh.lacounty.gov/our-services/public-guardian/faqs/> (accessed December 7, 2023).

⁶⁹⁷ Ibid.

⁶⁹⁸ National Alliance on Mental Illness, “Guide to LPS Conservatorship for Family & Friends,” 2023, <https://namiwla.org/resources/guide-to-lps-conservatorship-family/> (accessed December 7, 2023).

⁶⁹⁹ California AB 531, “The Behavioral Health Infrastructure Bond Act of 2023,” December 13, 2023, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB531 (accessed December 7, 2023).

⁷⁰⁰ Cal Voices Letter to Gov Newsom, ASM Irwin, Ass. Housing Committee, “AB 531 (Irwin) as Amended September 11, 2023/Proposition 1—Oppose,” Sept. 14 (on file w/Human Rights Watch).

medication, unacceptable interim shelter, and loss of rights and self-determination will drive unhoused people away from needed services. Without permanent housing, forced treatment will not remove the underlying instability of houselessness.⁷⁰¹

⁷⁰¹ Human Rights Watch interview with Sam Tsemberis, February 14, 2022.

VI. Sanitation Sweeps as Criminalization

- Los Angeles Sanitation Department enforces laws against unhoused people existing in public space by systematically taking and destroying their property, including tents, bedding, clothing, medication, paperwork and personal effects.
- From 2020 through 2022, LASAN has conducted nearly 25,000 cleanups or “sweeps” of unhoused communities and disposed of 1.3 million pounds of material, on average, per month, much of it valued possessions of unhoused people, while only collecting 72 bags per month for storage, despite court orders against destroying property.

A. Hampton Drive, Venice—Case study of LASAN destruction

On Hampton Drive in Venice, about three blocks from the beach, unhoused people had established a long-standing community between Sunset and Rose Avenues. This two-block stretch has no residential buildings and borders the back of a restaurant, parking lots, a gym, and a Google facility.⁷⁰² Many of its unhoused residents were originally from Venice, including some who had to leave a subsidized affordable apartment building that the owners converted to a luxury hotel.⁷⁰³

Michael C. had been making this community his home for about five years when he returned from an errand on the morning of September 16, 2021 to find that the LASAN CARE+ crew, which conducts “comprehensive” cleanups that include the destructive sweeps, had arrived and given everyone a short time to clear out their belongings.⁷⁰⁴

⁷⁰² Google Maps, 321 Hampton Drive, <https://www.google.com/maps/place/321+Hampton+Dr+Suite+%23202,+Venice,+CA+90291/@33.9961811,-118.4770348,285m/data=!3m1!1e3!4m15!1m8!3m7!1sox8oc2bacf46e4955d:oxdece9f810f29b18!2sHampton+Dr,+Los+Angeles,+CA!3b1!8m2!3d33.9961406!4d-118.4766269!16s%2Fg%2F1tdmq9sx!3m5!1sox8oc2bacf16b3231b:oxdcb6cb2da498dc5d!8m2!3d33.995868!4d-118.4766016!16s%2Fg%2F11sn006vvh?entry=ttu> (accessed December 8, 2023).

⁷⁰³ Human Rights Watch interview with Laddie Williams, October 26, 2023.

⁷⁰⁴ Human Rights Watch interview with Michael C. (pseudonym), Venice, September 21, 2021; CARE+ is a LASAN program for “cleaning” unhoused encampments that primarily implements sweeps. This report will discuss CARE+ in detail in this section.

LASAN protocols say that they should allow people living in unhoused communities 15 minutes to clear out before “clean-ups” begin.⁷⁰⁵

Michael, who supported himself by recycling and had been looking for a job, had just a few minutes to gather his stuff. In the stress and confusion and with so little time, he was unable to salvage much. He begged for just five more minutes, but the LASAN lead refused and ordered him outside the yellow tape. He stepped aside with just a small backpack with some clothing and his bicycle.⁷⁰⁶



Photo taken by Human Rights Watch on September 21, 2021, on Hampton Drive, just south of Rose Avenue in Venice, showing Michael C. with his bicycle and knapsack following the September 16 sweep. © 2021 Human Rights Watch

He watched as the LASAN workers took his tent and threw it into the trash compactor truck. Along with his tent, they destroyed his cell phone, his clothes, his bedding, his letters, paperwork, ID, and photos. They trashed his medication for his mental health condition. They trashed his medication for diabetes and the machine that checks his blood sugar levels.⁷⁰⁷ He turned to the LAPD officers who were standing by at the scene, but they gave no help.⁷⁰⁸ Their presence was a reminder of the threat of arrest for interfering with LASAN’s operations.⁷⁰⁹

Five days later, Peggy Kennedy of the Venice Justice Committee found him on the sidewalk where his tent once stood, looking afraid and

hopeless.⁷¹⁰ LAHSA outreach workers had been out at the sweep, but they had not offered him any place to go or replacement for his lost property. He said of them, “It’s more for

⁷⁰⁵ LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, April 7, 2016 (amended September 2018), https://ia601709.us.archive.org/7/items/los-angeles-bureau-of-sanitation-training-materials-including-56.11-and-carecare/LASAN_LAMC_56.11_SOP_SIGNED_Amended_August_2018%284%29.pdf (accessed December 8, 2023), p. 9.

⁷⁰⁶ Human Rights Watch interview with Michael C. (pseudonym), September 21, 2021.

⁷⁰⁷ Ibid.

⁷⁰⁸ Ibid.

⁷⁰⁹ Department Homeless Coordinator’s Office, Homelessness in the City of Los Angeles, p. 8, 42.

⁷¹⁰ Observations of Human Rights Watch researcher, who was present on Hampton Drive, interviewed Michael C. in person and witnessed Peggy Kennedy’s actions September 21, 2021.

show.”⁷¹¹ He had been on lists for housing over the past five years, but nothing had ever come of them. He had heard that LAHSA offered motel vouchers to people staying a block away on Third Street, but not on Hampton.⁷¹² He felt that his blood sugar levels were high and rising. He was afraid he might have to go to the emergency room.⁷¹³

Kennedy called Dr. Coley King from the Venice Family Clinic.⁷¹⁴ King specializes in street medicine, meeting with people at the various unhoused communities in the area and helping with their health needs.⁷¹⁵ King was on vacation, but he answered her call and arranged for prescription refills at the nearby clinic. About an hour later, Michael rode by on his bicycle to thank Kennedy and tell her he had gotten his medication.⁷¹⁶

Michael was not the only person to lose important property during the sweep of Hampton Drive that day. Lester C., 67 years old at the time, had gone to a nearby McDonald's to get a cup of coffee and to use the bathroom. When he returned, his tent was in the street and much of his property was in bags, including his clothes, paperwork, guitar and sleeping bag. LASAN workers would not let him retrieve anything. They put his tent in the garbage. Later, someone gave him another one just like it.⁷¹⁷ LASAN refused to give him his bagged property, instead loading it into a truck and taking it away.⁷¹⁸

⁷¹¹ Human Rights Watch interview with Michael C. (pseudonym), September 21, 2021.

⁷¹² Ibid.

⁷¹³ Ibid.

⁷¹⁴ Observations of Human Rights Watch researcher, who was present on Hampton Drive, interviewed Michael C. in person and witnessed Peggy Kennedy's actions September 21, 2021.

⁷¹⁵ Steve Lopez, "This Work Speaks to My Heart: A Student Helps Take Primary Medicine to the Street," *Los Angeles Times*, April 9, 2022, <https://www.latimes.com/california/story/2022-04-09/lopez-column-primary-care-medicine-homeless-outreach-venice-clinic> (accessed December 8, 2023).

⁷¹⁶ Observations of Human Rights Watch researcher, who was present on Hampton Drive, interviewed Michael C. in person and witnessed Peggy Kennedy's actions September 21, 2021.

⁷¹⁷ It might have been LAHSA who gave him the tent. Lester C. did not specifically distinguish between the government officials.

⁷¹⁸ Human Rights Watch interview with Lester C. (pseudonym), Venice, September 21, 2021.



Photo provided by Venice Justice Committee, taken on September 16, 2021 on Hampton Drive just south of Rose Avenue in Venice, depicting LASAN crews destroying a tent and other property of unhoused people during the sweep that day.

A woman named Dorothea, who was also staying on Hampton Drive, said that there was no prior notice of the sweep and that LASAN and LAPD came early in the morning and told them that they had two minutes to pack up and could take two bags.⁷¹⁹ She disputed the claim by a representative from Council District 11 that there had been notice. Dorothea said she lost everything except the clothes she was wearing.⁷²⁰

The LASAN “Confirmation Sheets” for the CARE+ cleaning did not indicate a cleaning for Hampton Drive that day and noted the area at 3rd Street and Rose Avenue, just a block away, was set for “spot clean only” due to being a “COVID Hotspot.”⁷²¹ Spot cleaning, as opposed to a full clean-up, usually means that they take away trash from the area, but do not destroy tents and property. After the September 16 clean-up, the area remained dirty.⁷²²

⁷¹⁹ Video interview with Dorothea by Peggy Kennedy, Venice Justice Committee on September 16, 2021, Venice. On file with Human Rights Watch.

⁷²⁰ Ibid.

⁷²¹ LASAN, CARE+ Tentative Schedule: Thursday, September 16, On file with Human Rights Watch.

⁷²² Human Rights Watch interview with Lester C. (pseudonym), September 21, 2021; Observations of Human Rights Watch researcher, who was present on Hampton Drive on September 21, 2021.

Cathy G. was staying on Hampton Drive when the city agencies arrived on September 16. Someone from LAHSA told her that she had to move because LASAN was coming to clean and take everybody's stuff. They gave her a bag to fill with her property. Because she deliberately keeps very little stuff with her, Cathy was able to pack everything up and avoid any loss. But doing so is inconvenient as she stores most of her clothes and other things with friends, and she wastes time travelling to retrieve them when needed.⁷²³ Cathy had been on lists for housing for a year with no apparent progress.⁷²⁴

1) The LASAN operation on Hampton Drive

Hampton Drive is within the Special Enforcement and Cleaning Zone (SECZ), around the A Bridge Home (ABH) shelter on Main Street and Sunset Avenue a few blocks away.⁷²⁵ There are permanent signs up indicating cleaning every Thursday, which would include the day of this sweep.⁷²⁶ While this serves as notice in a technical sense, the area indicated on the signs is several square blocks large. Unhoused people do not know on a given Thursday whether their particular area will be cleaned or, if so, whether it will be a “comprehensive cleaning,” in which everything can be thrown away, or a “spot cleaning,” that will work around tents and structures.⁷²⁷ It is labor and time intensive to pack up a sidewalk home, in addition to being emotionally traumatic and physically difficult, especially for the many people with disabilities in unhoused communities.⁷²⁸ The lack of specific notice means LASAN frequently catches people unprepared.

LASAN documents indicate that Councilmember Mike Bonin's staff requested the September 16 comprehensive clean-up at Hampton Drive.⁷²⁹ Bonin had been one of the few councilmembers who publicly opposed criminalization of unhoused people and typically resisted calls to simply remove unhoused people from the neighborhood. A

⁷²³ Human Rights Watch interview with Cathy G. (pseudonym), September 21, 2023.

⁷²⁴ Ibid.

⁷²⁵ Under Mayor Garcetti, each Council District built and maintained a shelter through the ABH program. The area surrounding each of those shelters was designated an SECZ, in which police were expected to enforce laws against unhoused people more aggressively and LASAN would conduct systematic cleanings and sweeps. This report will discuss SECZs and ABHs in greater detail below.

⁷²⁶ LASAN, CARE+ Tentative Schedule: Thursday, September 16.

⁷²⁷ Human Rights Watch interview with Cathy G. (pseudonym), September 21, 2023.

⁷²⁸ Human Rights Watch interviews with (Anonymous), LAHSA Outreach Worker, Los Angeles; and Sonja Verdugo, August 4, 2023.

⁷²⁹ Los Angeles Sanitation, Environmental Enforcement, Health Hazard Assessment Report: Care+ Sunset ABH Zone, September 16, 2021, p. 2, on file with Human Rights Watch.

vocal group of housed people in Venice criticized Bonin for this stance, including attempting a recall campaign.⁷³⁰

LASAN documents explained that they were enforcing LAMC 56.11 and removing barriers to access to comply with the Americans with Disabilities Act, as well as removing “feces, urine, sharps, and other potential health hazards.”⁷³¹ People staying on Hampton Drive tried to keep their area clean, but they had no toilets or dumpsters.⁷³²

LASAN documented the destruction of seven “encampments,” referring to individual tent sites, on Hampton Drive that day, though two of them had two adjacent tents.⁷³³ They removed 3 tons of what they called “solid waste/trash;” 1,750 pounds of “hazardous waste;” 75 pounds of feces and urine; and 85 pounds of aerosols, paint, and oil.⁷³⁴ They sent seven bags to storage at the Skid Row “Bin” facility across town.⁷³⁵

While some of the tent sites that LASAN demolished on Hampton that day were disorderly and surrounded by what could have been garbage, others were clean and self-contained.⁷³⁶ LASAN noted there was “bird feces” on Lester C.’s tent, condemned it as contaminated, and threw it away.⁷³⁷ They determined that the tent, bike trailer, and other property at a second site were also contaminated and disposed of them.⁷³⁸ Another tent had syringes, food, and a jug containing urine, which is a common type of makeshift toilet in places where no regular toilet exists.⁷³⁹ LASAN destroyed everything at this site.

⁷³⁰ David Zahniser, “Group Says It Has Enough Signatures to Force L.A. Councilman Mike Bonin Recall Vote,” *Los Angeles Times*, November 10, 2021, <https://www.latimes.com/california/story/2021-11-10/backers-of-mike-bonin-recall-deliver-signatures-to-city-hall> (accessed December 8, 2023). The recall campaign was unsuccessful, but Bonin chose not to run for re-election. His replacement, Traci Park, embraces criminalization.

⁷³¹ Los Angeles Sanitation, Environmental Enforcement, Health Hazard Assessment Report: Care+ Sunset ABH Zone, p. 2.

⁷³² Human Rights Watch interviews with Cathy G. (pseudonym), September 21, 2023, and Laddie Williams, October 26, 2023.

⁷³³ Los Angeles Sanitation, Environmental Enforcement, Health Hazard Assessment Report: Care+ Sunset ABH Zone, p. 2-8.

⁷³⁴ *Ibid.*, p. 8.

⁷³⁵ *Ibid.*, p. 2-8.

⁷³⁶ *Ibid.*, p. 9-18.

⁷³⁷ *Ibid.*, p. 2, 11; City of Los Angeles, LA Sanitation—Livability Services Division, Health Hazard Checklist, September 16, 2021, Case No. 108459, p. 1, on file with Human Rights Watch.

⁷³⁸ Los Angeles Sanitation, Environmental Enforcement, Health Hazard Assessment Report: Care+ Sunset ABH Zone, p. 3, 11.

⁷³⁹ *Ibid.*, p. 5-6, 13; Los Angeles Sanitation, Environmental Enforcement, Sunset ABH CARE+ Summary, September 16, 2021, on file with Human Rights Watch. Unhoused people often urinate in bottles or jugs, rather than on the streets or sidewalks, when they have no available toilet, disposing of the contents cleanly when they have an opportunity later.



Photos provided by LASAN, through Public Records Act compliance, taken on September 16, 2021, at Hampton Drive, just south of Rose Avenue in Venice. They depict tents and living sites that were taken and destroyed by LASAN during the sweep that day. Three photos show Lester C.'s tent before LASAN destroyed it, including a photo of an LASAN worker pointing to stains, apparently from bird feces, that led them to declare it "contaminated."

The September 16, 2021, clearance was not the first such operation on those two blocks on Hampton Drive; nor the first to destroy people's property.⁷⁴⁰ Just four weeks earlier, unhoused Hampton Drive resident Juan R. returned from taking a shower one block east on 3rd Street, to find the area where he had been living was closed off with yellow tape. Juan had seen no notice of a sweep, other than the unspecific permanent signs. He was completely unprepared.⁷⁴¹

He asked the police officers if he could go inside the tape to get his diabetes medications. They told him to ask the LASAN officials. Those officials refused him. They threw away his identification, bicycles and parts, tent, clothing, sheets, blanket, and medications. He was able to refill his medications at the nearby Venice Family Clinic, and a local mutual aid

⁷⁴⁰ Human Rights Watch interview with Juan R. (pseudonym), Venice, September 21, 2021.

⁷⁴¹ Ibid.

activist got him a replacement tent later that day. Otherwise, Juan had to start over again gathering possessions necessary for his survival.⁷⁴²

2) Sweeps on Hampton Drive over the years

The September 16, 2021, operation was just one of many that LASAN undertook between October 2019 and January 2023 at this location. LASAN records show 141 “comprehensive” and “spot” cleanings during that period, in which LASAN cumulatively disposed of over 215,000 pounds of material.⁷⁴³ While some of it was likely garbage, much of it was the personal possessions and shelters of the people living there. During this period, LASAN also took 72 bags of property to the downtown storage facility.⁷⁴⁴ Despite this investment in resources in the destruction of people’s property, the encampment remained in place until January 2023, when newly elected Mayor Bass completely dismantled it through her Inside Safe program.⁷⁴⁵

LAHSA outreach workers were also present during the September 16, 2021 Hampton Drive sweep.⁷⁴⁶ Their records show they provided services to three people, primarily distributing food, water, hygiene items, and Covid-19 protection equipment. They gave referrals for housing or shelter to two people, but their records do not indicate if they provided either with an actual place to go.⁷⁴⁷ One of the two is marked as having “attained” ABH shelter two months later, on November 15, 2021.

⁷⁴² Ibid.

⁷⁴³ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology; Human Rights Watch identified all LASAN cleanings and sweeps that occurred within a 250-meter radius of Rose Avenue and Hampton Drive. This data will include cleanings and sweeps on 3rd Street as well.

⁷⁴⁴ Ibid.

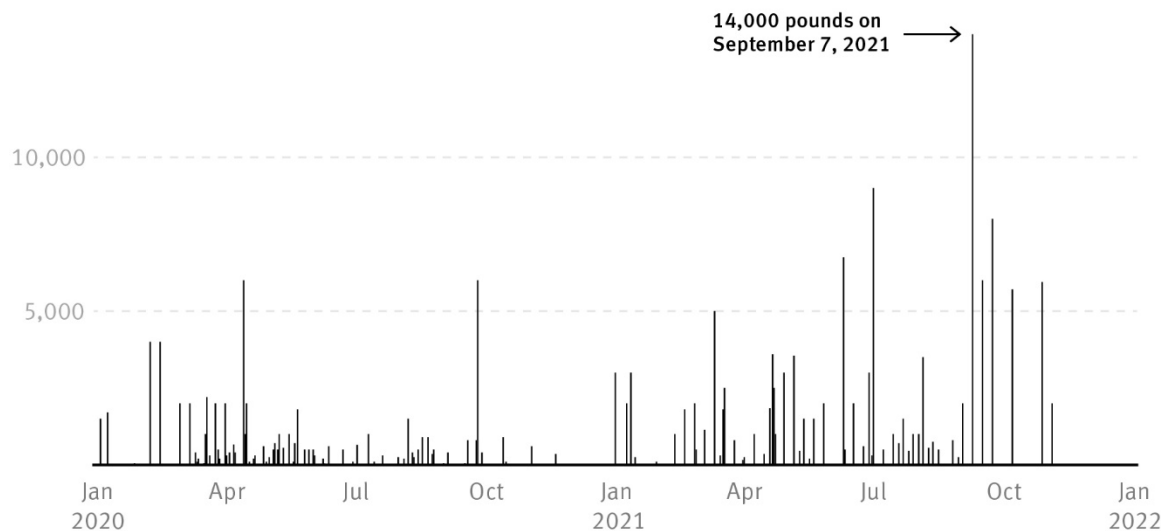
⁷⁴⁵ This dismantling will be discussed in detail in Section X of this report.

⁷⁴⁶ LAHSA outreach workers frequently participate in the sweeps. This report will discuss that participation in depth in Section VII below.

⁷⁴⁷ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

LASAN Sweeps at Hampton Ave and Rose Ave in Venice

Pounds of property/waste thrown away per sweep



Source: Human Rights Watch analysis of LA Sanitation data.

Between March 2020 and April 2022, LAHSA records show they encountered 475 individuals in the area around the Hampton Drive unhoused community. Only about half of those people were given a “housing referral” by the agency. Fifty-two people attained LAHSA-referred housing or shelter at some point during this two-year period, about 11 percent of the people LAHSA encountered in the area.⁷⁴⁸

B. Sweeps Throughout the City

In response to public records requests, LASAN provided Human Rights Watch with data from all the cleanings and sweeps of unhoused encampments in the city from April 1, 2020, through October 31, 2022. This includes spot and comprehensive cleanings. During this time, LASAN carried out nearly 25,000 total cleanings in the city, during which crews threw away at least 100 pounds of solid material. LASAN disposed of an average of 1.3 million pounds each month. In 2020, the average sweep disposed of 1,617 pounds; in 2022, that average had increased to 2,600 pounds.⁷⁴⁹

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid.

Despite a legal requirement to take and store property that was not considered hazardous, LASAN workers did so infrequently, collecting only 72 bags on average per month throughout 2021 and 2022.⁷⁵⁰

Much of the material that LASAN collects during these sweeps, estimated as high as 80 percent by LASAN Chief Enrique Zaldivar, comes not from unhoused people but from businesses that dump illegally.⁷⁵¹ The City of Los Angeles controller reported that “illegal dumpers” frequently seek out unhoused encampments as locations to leave garbage.⁷⁵²

C. Police Enforcement and the Sanitation Sweeps

The encampment on Hampton Drive has been the sight of police enforcement against unhoused people as well. From 2016 through 2018, LAPD data shows they cited 583 people for infractions and made 139 misdemeanor arrests, 73 percent of which were for violations of LAMC section 41.18.⁷⁵³

In recent years, city policy has shifted away from arrests and citation and instead emphasized sanitation sweeps.⁷⁵⁴ This approach to enforcement has become the primary tool for making unhoused people disappear from public view.⁷⁵⁵ Unlike citations that require a court process, sweeps punish people immediately, on the spot.⁷⁵⁶

⁷⁵⁰ Ibid.

⁷⁵¹ Emily Alpert Reyes, “L.A. Could Overhaul How Homeless Encampments Are Cleaned,” *Los Angeles Times*, June 19, 2019, <https://www.latimes.com/local/lanow/la-me-ln-homeless-encampment-cleanup-dumping-bathrooms-trash-20190619-story.html> (accessed December 8, 2023).

⁷⁵² Ron Galperin, “Piling Up: Addressing L.A.’S Illegal Dumping Problem,” LA Controller, March 24, 2021, p. 4, 10, <https://firebasestorage.googleapis.com/v0/b/lacontroller-2b7de.appspot.com/o/audits%2F2021%2FPiling-Up-Addressing-LAs-Illegal-Dumping-Problem-3.24.21.pdf?alt=media&token=04637eac-cc9a-44bd-98a3-79cod4986d19> (accessed March 7, 2024).

⁷⁵³ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁷⁵⁴ Human Rights Watch interviews with Becky Dennison, October 15, 2021; and Ananya Roy, September 24, 2021.

⁷⁵⁵ Human Rights Watch interviews with Carla Orendorff, November 11, 2021; and Becky Dennison, October 15, 2021.

⁷⁵⁶ Human Rights Watch interview with Gary Blasi, January 17, 2022; Herring, “Complaint-Oriented Policing,” p. 19.

Police play a decisive role in sweeps. They accompany LASAN crews, or they are in radio communication and easily summoned if unhoused people object or refuse to cooperate with the confiscation and destruction of their property.⁷⁵⁷

- LASAN has taken and destroyed Martin S.’s tents, clothing, and medication multiple times while police stand by and prevent him from retrieving his things.⁷⁵⁸
- During a sweep of a community of eight unhoused people in Koreatown, eight police officers stood by, hands on their guns, while LASAN workers threw away their property.⁷⁵⁹
- LASAN has taken Ida J.’s tent three separate times. Along with her tent, they have thrown away her Bible, her mother’s funeral notice, blood pressure medications, phone, ID, and Social Security Card. During one sweep police officers held her arms to prevent her from getting her property.⁷⁶⁰
- Susan G. was having chest pains during a sweep of her community in Hollywood. She asked advocates from StreetWatch to help her move her stuff, but police on the scene would not allow them to help.⁷⁶¹ She left in an ambulance and lost her property.⁷⁶²
- Iris P. was packing up her belongings as LASAN workers were conducting a sweep in Van Nuys in December 2021. A police officer came up to her and said, “You’ve had your time. You need to leave or get arrested.” She argued, asking for more time. When she tried to pick up one last item, the officer grabbed her arms and shook her until she dropped it. The officer cuffed her and placed her in the patrol car where she sat watching her possessions, especially her collection of family photos, thrown in the trash compactor truck.⁷⁶³

⁷⁵⁷ Robert N. Arcos, LAPD Assistant Chief Director, Office of Operations, Officers Expectations When Responding to CARE or CARE+ Operations, (undated memo to Office of Operations Personnel); Department Homeless Coordinator’s Office, Homelessness in the City of Los Angeles; Human Rights Watch interviews with Chris Herring, January 20, 2022; and (Anonymous), LAHSA Outreach Worker, Los Angeles; LAMC section 41.18(f); LAMC section 56.11(10)(a).

⁷⁵⁸ Human Rights Watch interview with Martin S. (pseudonym), Los Angeles, September 1, 2021.

⁷⁵⁹ Human Rights Watch interview with Shawn Pleasants, April 20, 2022.

⁷⁶⁰ Human Rights Watch interview with Ida J. (pseudonym), August 18, 2021.

⁷⁶¹ StreetWatch is a network of community activists and unhoused people in Los Angeles who advocate for the rights and well-being of unhoused people in a variety of ways, including observing and documenting abuses, providing mutual aid in the form of equipment (tents, sleeping bags and more), medication, food and water, direct action to help unhoused people preserve their property and access services, and political engagement.

⁷⁶² Human Rights Watch interview with Susan G. (pseudonym), February 14, 2022.

⁷⁶³ Human Rights Watch interview with Iris P. (pseudonym), Van Nuys, February 4, 2022.

D. The Legal Evolution of Sanitation Sweeps

Prior to 2011, LASAN had a practice of taking the property of unhoused people on public streets and sidewalks and destroying it without limitation.⁷⁶⁴ That year, as part of the *Lavan* lawsuit, which challenged this taking and destroying of property, a federal district court issued an injunction limiting what property they could take and destroy.⁷⁶⁵ The injunction said city officials could not seize property unless they reasonably believed it to be “abandoned, ... an immediate threat to public health or safety... evidence of a crime, or contraband,” and, unless it was a threat to public health or safety, they had to store it for 90 days before destruction.⁷⁶⁶ The judge required city officials to leave a notice at the location where the property was taken advising where it would be stored.⁷⁶⁷

That same year, while the District Court injunction was in effect, the City of Los Angeles requested that the Los Angeles County Department of Public Health (DPH) assess public health issues in Skid Row.⁷⁶⁸ Echoing the language of the *Lavan* injunction in many respects, DPH found human waste constituting an “immediate threat to public health;” improperly disposed hypodermic needles, described as “safety hazards;” active rodent infestations; improperly disposed solid waste; living conditions, including crowding, inadequate water, sanitation and access to health care, that increased the risk of communicable disease transmission; and other public health deficits related to people “living on the streets, in homeless, desperate situations.”⁷⁶⁹ DPH gave directives to the city to mitigate these hazards.

Many of these conditions on Skid Row were a direct result of the city not providing trash cans, dumpsters, or toilets in the area, despite the community requesting them for years.⁷⁷⁰ Similarly, failure to provide adequate housing contributed immensely to the hazardous public health situation. Rather than invest in these solutions, LASAN

⁷⁶⁴ *Lavan v. City of Los Angeles*, 797 F.Supp.2d., at 1009; *Lavan v. City of Los Angeles*, (2012) 693 F.3d, at 1025.

⁷⁶⁵ *Lavan v. City of Los Angeles*, 797 F.Supp.2d 1005. See Section IVA2 above for further discussion of the *Lavan* ruling.

⁷⁶⁶ *Lavan v. City of Los Angeles*, (2012) 693 F.3d 1022, 1025; Previously other courts had enjoined the City from similar confiscation and destruction.

⁷⁶⁷ *Lavan v. City of Los Angeles*, 797 F.Supp.2d., at 1022.

⁷⁶⁸ County of Los Angeles Department of Public Health, Letter to City of Los Angeles: Report of Findings—Request From City of Los Angeles to Address Public Health Issues in the Skid Row Area of Downtown Los Angeles, May 21, 2012, <https://bloximages.chicago2.vip.townnews.com/ladowntownnews.com/content/tncms/assets/v3/editorial/8/7f/87fbo226-ae86-11e1-9f3c-001a4bcf887a/4fcd1f8d46dad.pdf.pdf> (accessed December 8, 2023).

⁷⁶⁹ *Ibid.*

⁷⁷⁰ The DPH report, among other things, recommended providing an adequate number of trashcans with frequent disposal.

implemented a program called “Operation Healthy Streets” (OHS), which it called “a robust homeless community outreach program.”⁷⁷¹ Its stated objective was to “reduce the impacts of encampments in the Skid Row area (as identified in the Los Angeles County Public Health Report) on public health, fire hazard, hazardous materials, and safety.”⁷⁷²

LASAN continued to take and discard property throughout the city following the *Lavan* injunction, but they adjusted their justifications to meet the injunction’s exceptions.⁷⁷³ “Biohazards” and “contamination,” like the bird feces on Lester Carson’s tent, became the justification to throw out property.⁷⁷⁴

Environmental Compliance Officers or Inspectors (ECIs), who lead the LASAN teams conducting sweeps, decide what is contaminated, based on an expansive and somewhat vague list of possible hazards.⁷⁷⁵ The list of hazardous materials includes toxic and flammable substances and human waste, but it also includes “materials potentially-infested with lice, fleas, bedbugs, bacteria, or viruses,” “materials potentially in contact with vectors such as rodents and birds,” “materials or substances which may potentially harbor infectious agents,” and “materials which may have come in contact with a hazardous substance, Health Hazard or infectious agent.”⁷⁷⁶

One ECI told reporters: “Pretty much when something is in contact with the ground and it’s near urine and feces, it’s a health hazard, so it’s trash.”⁷⁷⁷ Without toilets available to unhoused communities on Skid Row and throughout the city, this standard makes most property vulnerable to destruction.⁷⁷⁸ A LAHSA outreach worker, who has been present at

⁷⁷¹ Los Angeles Department of Sanitation, Operation Healthy Streets (OHS), 2023, https://www.lacitysan.org/san/faces/home/portal/s-lsh-es/s-lsh-es-si/s-lsh-es-si-ohs?_adf.ctrl-state=4x9q6lguy_5&_afLoop=39086662182477743#! (accessed December 8, 2023).

⁷⁷² Ibid.

⁷⁷³ Human Rights Watch interview with Shayla Myers, January 13, 2022.

⁷⁷⁴ Human Rights Watch interview with Chris Herring, January 20, 2022. See discussion of Lester Carson in Section V.A.1 above.

⁷⁷⁵ LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, (September 2018), p. 17-18.

⁷⁷⁶ City of Los Angeles, LA Sanitation—Livability Services Division, Health Hazard Checklist, September 16, 2021, Case No. 108459; City of Los Angeles, LA Sanitation—Livability Services Division, List of Hazardous Materials/Waste and Potentially Hazardous Materials; LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, p. 36-37.

⁷⁷⁷ Ryan Vaillancourt, “Operation Healthy Streets, As Seen From the Streets,” *DT News*, July 6, 2012, https://www.ladowntownnews.com/news/operation-healthy-streets-as-seen-from-the-streets/article_d5a6d402-c78e-11e1-85ad-0019bb2963f4.html (accessed December 8, 2023).

⁷⁷⁸ Ibid.

dozens of LASAN clean-up operations, said that LASAN workers will claim that condensation on a tent is evidence of contamination and use it as an excuse to dispose of the tent and everything inside it.⁷⁷⁹

At the time of the *Lavan* injunction, LAMC section 56.11 said: “No person shall leave or permit to remain any merchandise, baggage or any article of personal property upon any parkway or sidewalk.”⁷⁸⁰ While the language of the ordinance sounded neutral, it was applied selectively, against unhoused people.⁷⁸¹

In 2016, the City Council rewrote section 56.11 to conform it to the restrictions in the *Lavan* and *Mitchell* injunctions, and in a way that more specifically applies to unhoused people.⁷⁸² It now defines how much and what types of property unhoused people are allowed to possess, and where they may keep that property. Some provisions address issues of accessibility, including forbidding keeping property close to property entrances or fire hydrants or in ways that violate the Americans with Disabilities Act. It codifies the right to take and destroy without notice any property that “poses an immediate threat to the health and safety of the public.”⁷⁸³ It does not define how such a threat is determined, effectively leaving it to the broadly interpreted discretion of LASAN officials and workers.⁷⁸⁴

The revised section of 56.11 specifically limits the erection of tents, and allows the city to impound any tent set up in violation. It authorizes officials to impound and store any unattended personal property and to take “excess personal property,” defined as anything not fitting into a 60-gallon container.⁷⁸⁵ LASAN officials frequently pass out 60-gallon bags to unhoused people and take any property they cannot fit into it.⁷⁸⁶ Unattended property means the owner is not immediately there, thus allowing disposal of property, even if it is only unattended temporarily or if it is guarded by another person on behalf of the owner.

⁷⁷⁹ Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

⁷⁸⁰ *Lavan v. City of Los Angeles*, 693 F.3d at 1026.

⁷⁸¹ Larry Mantle, Air Talk, “Cities can’t randomly seize possessions of the homeless, federal court rules,” podcast, *Laist*, September 5, 2012, <https://laist.com/shows/airtalk/cities-cant-randomly-seize-possessionsof-the-homeless-federal-court-rules> (accessed December 8, 2023).

⁷⁸² LAMC section 56.11(1). See Section IVA2 above for a discussion of the *Mitchell* case.

⁷⁸³ LAMC section 56.11(3)(g).

⁷⁸⁴ Human Rights Watch interview with Shayla Myers, January 13, 2022.

⁷⁸⁵ LAMC section 56.11(3)(b).

⁷⁸⁶ Observations of Human Rights Watch Researcher, who was present during numerous sweeps and enforcement actions throughout Los Angeles from 2021 through 2023.

The ECI leads the LASAN teams and makes the final decisions about what is done—including what gets destroyed, what gets taken to storage, what people are allowed to keep, and how much time to give people to pack up their belongings.⁷⁸⁷ Some ECIs allow people more time, while others do not.⁷⁸⁸ Once the ECI designates something as a health hazard, LASAN crews take it and dispose of it.⁷⁸⁹

The stated goal of the sweeps is cleaning, but their tangible impact is the destruction of encampments, and thus removal of unhoused people, from the locations.⁷⁹⁰ The job description for LASAN’s ECIs says their role includes “prevent[ing] misappropriation of public areas for personal use...,” “respond[ing] to neighborhood issues and concerns as called for in... LAMC 56.11, and developing strategies for dealing with situations that may arise among unsheltered [unhoused] individuals....”⁷⁹¹

E. 31st and Main: An Unhoused Community

On October 19, 2021, LASAN destroyed an unhoused community at 31st and Main Street, a mostly industrial area with few residences or retail businesses, just south of Downtown Los Angeles. They tore down shelter structures and threw away people’s possessions.⁷⁹² Records indicate 6,000 pounds of material were trashed and no property was taken to storage.⁷⁹³ They left in place a huge pile of trash on the corner.⁷⁹⁴ They also left in place a

⁷⁸⁷ Human Rights Watch interviews with (Anonymous), LAHSA Outreach Worker, Los Angeles; Kristy Lovich, former LAHSA outreach supervisor, Los Angeles, January 21, 2022; LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, (September 2018), p. 17-18.

⁷⁸⁸ Human Rights Watch interviews with Kristy Lovich, January 21, 2022; and Tommy Kelly, StreetWatch organizer, Los Angeles, February 9, 2022.

⁷⁸⁹ LASAN protocols for 56.11, p. 17-18.

⁷⁹⁰ Human Rights Watch interview with Mike Bonin, February 7, 2022.

⁷⁹¹ City of Los Angeles, “Position Description, Chief/Senior Environmental Compliance Inspector,” *Internet Archive*, November 19, 2019, <https://archive.org/details/los-angeles-bureau-of-sanitation-job-descriptions-november-2019/LSD1-17CARE.PD.ECI.RESO/> (accessed December 8, 2023).

⁷⁹² Human Rights Watch interviews with Roberto F. (pseudonym), Los Angeles, October 20, 2021; and Sandra C. (pseudonym), October 20, 2021.

⁷⁹³ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁷⁹⁴ Human Rights Watch interviews with Sandra C. (pseudonym), October 20, 2021; and Roberto F. (pseudonym), October 20, 2021; Observations of Human Rights Watch, who was present at 31st and Main Streets on October 20, 2021; It is possible that much that of garbage has been dumped there by people who do not live there. Its presence makes the unhoused community look dirty. See photos below.

wooden structure and fencing that a business owner on that block had erected that completely blocked the sidewalk.⁷⁹⁵

This unhoused community was in an SECZ with permanent signs saying that cleanings in the zone can occur any Tuesday.⁷⁹⁶ The zone encompasses seven large square blocks, any of which—or none—may be cleared on a given Tuesday. LASAN considers these permanent signs to meet the notice requirements of the *Mitchell* injunction. Usually, someone from LASAN lets the people staying in this close-knit community know about a major cleaning so that they have a chance to move their belongings.⁷⁹⁷



⁷⁹⁵ Observations of Human Rights Watch researcher who was present at 31st and Main Streets on October 20, 2021.

⁷⁹⁶ See photo below.

⁷⁹⁷ Human Rights Watch interview with Sandra C. (pseudonym), October 20, 2021.



Photo taken by Human Rights Watch on October 20, 2021 at 31st Street and Main Street in Los Angeles, depicting the permanently posted signs showing the map of the SECZ and giving notice of sweeps every Tuesday in some part of that zone. © 2021 Human Rights Watch

On this date, the people living on 31st Street received no specific notice until the early morning, when police arrived with LASAN and told them they had 20 minutes to move.⁷⁹⁸ After what people there said was only 10 minutes, the officials told them to stop and step away from the area.⁷⁹⁹

Roberto F. had built a structure out of wood that protected him from the elements. He was able to get some papers and some clothing packed before they stopped him. LASAN destroyed his other papers and clothing, his bed, a sofa, a small refrigerator, and a fan. They destroyed his home structure and those of 10 other people living on that block.⁸⁰⁰

Sandra C. lost photos of her son and other personal items with sentimental value.⁸⁰¹ Two people who were sleeping when police and LASAN came were unable to salvage anything before being rushed out of the area.⁸⁰² LASAN destroyed mattresses, couches, chairs,

shades, and other furnishings and structures that allowed people to create some comfort and protection from the elements and to feel like they had a home.⁸⁰³

⁷⁹⁸ Ibid.; Human Rights Watch interview with Roberto F. (pseudonym), October 20, 2021.

⁷⁹⁹ Human Rights Watch interviews with Sandra C. (pseudonym), October 20, 2021; and Roberto F. (pseudonym), October 20, 2021.

⁸⁰⁰ Human Rights Watch interview with Roberto F. (pseudonym), October 20, 2021.

⁸⁰¹ Human Rights Watch interview with Sandra C. (pseudonym), October 20, 2021.

⁸⁰² Ibid.

⁸⁰³ Ibid.



Photos taken by Human Rights Watch on October 20, 2021, at 31st Street by Main Street in Los Angeles. One day after the sweep, a huge pile of trash was on the sidewalk, most likely illegally dumped. A business just down the block from the encampment had this wooden structure blocking the sidewalk. © 2021 Human Rights Watch

After the destruction, the residents of this community stayed exposed on the sidewalk until they were able to rebuild.⁸⁰⁴ LAHSA staff have come to this community and given out food, but they have very rarely offered housing.⁸⁰⁵ On the day of the October sweep, LAHSA did not offer services to any resident, nor did they offer services to anyone in the month following the sweep. Over the 2 years before and after this sweep, LAHSA staff encountered 19 different people in the vicinity, offering housing referrals to 11, with 4 people attaining housing or shelter.⁸⁰⁶

The residents of this community try to keep the area clean themselves.⁸⁰⁷ They had a dumpster on the block, but city officials removed it. The city had provided porta-potties, but removed one and did not maintain the others.⁸⁰⁸ The residents rely on a local laundromat for a bathroom.⁸⁰⁹

Between the periodic destructive sweeps at 31st and Main Street, LASAN also conducts occasional “spot cleanings” which involve trash removal and sometimes power-washing, but not the wholesale elimination of people’s property.⁸¹⁰

The residents of unhoused communities generally appreciate the “spot cleaning.”⁸¹¹ Often they spend time cleaning their areas themselves, but need additional support given the lack of trash cans, dumpsters or working toilets.⁸¹² Sometimes LASAN will conduct cleanings in an area but leave trash cans overflowing with garbage.⁸¹³ The Services Not

⁸⁰⁴ Ibid. Human Rights Watch interview with Roberto F. (pseudonym), October 20, 2021.

⁸⁰⁵ Human Rights Watch interviews with Sandra C. (pseudonym), October 20, 2021; and Roberto F. (pseudonym), October 20, 2021.

⁸⁰⁶ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁸⁰⁷ Human Rights Watch interview with Sandra C. (pseudonym), October 20, 2021.

⁸⁰⁸ Ibid. Human Rights Watch researcher observed one completely non-functioning portable toilet that was filled with garbage the day after the October 19, 2021, sweep.

⁸⁰⁹ Ibid.

⁸¹⁰ Ibid.; Human Rights Watch interview with Roberto F. (pseudonym), October 20, 2021.

⁸¹¹ Human Rights Watch interviews with Luther W. (pseudonym), August 20, 2021; Harvey Franco, August 26, 2021; Nithya Raman, March 3, 2022; and Alvin H. (pseudonym), Van Nuys, September 28, 2023.

⁸¹² Human Rights Watch interviews with Cassandra Y. (pseudonym), November 2, 2021, Los Angeles, Sandra C. (pseudonym), October 20, 2021; Roberto F. (pseudonym), October 20, 2021; Connie W. (pseudonym), September 8, 2021; and Bobby M. (pseudonym), August 18, 2021; In her interview, Williams described having to clean up after the sanitation crews finished. On several occasions, Human Rights Watch observed residents of unhoused communities meticulously cleaning the streets and sidewalks in their areas.

⁸¹³ Human Rights Watch interview with General Dogon, September 17, 2021.

Sweeps Coalition, made up of community organizations that represent unhoused people and that provide mutual aid to assist unhoused people's survival, has called for regular non-destructive sanitation services, including handwashing stations, dumpsters, toilets, and regularly scheduled trash removal.⁸¹⁴

F. CARE and CARE+

LASAN currently implements two different types of “cleanings” of unhoused communities, using two different kinds of teams: Cleaning And Rapid Engagement (CARE) teams, which conduct “spot cleanings,” and Comprehensive Cleaning And Rapid Engagement (CARE+) teams, which conduct “spot cleanings” and fully destructive sweeps.⁸¹⁵ In 2021, CARE and CARE+ teams scheduled cleanings on approximately 250 days.⁸¹⁶



Photos by Human Rights Watch taken on September 23, 2021, during a sweep of 6th Street by Towne Street in Los Angeles. Even after throwing away tents and property, and power washing the streets and sidewalks, LASAN workers left this trash can overflowing.

⁸¹⁴ Matt Tinoco, “LA Will Spend \$30m This Year on Homeless Sweeps. Do They Even Work?” *Laist*, April 10, 2019, <https://laist.com/news/homeless-sweeps-los-angeles-public-health> (accessed December 8, 2023).

⁸¹⁵ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, September 2019, <https://ia601709.us.archive.org/7/items/los-angeles-bureau-of-sanitation-training-materials-including-56.11-and-carecare/CARE%20Team%20Training.pdf> (accessed December 8, 2023); Los Angeles Bureau of Sanitation, Livability Services Division, OHS Skid Row Comprehensive Cleanup Report, September 23, 2021, unpublished document on file with Human Rights Watch. On Skid Row, LASAN calls its clean-ups Operation Healthy Streets, but they work in basically the same way as CARE and CARE+.

⁸¹⁶ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

CARE teams include two ECIs, one maintenance laborer, one garbage truck operator, and two Homeless Engagement Team (HET) members who work for LAHSA.⁸¹⁷ CARE operations are intended to provide regular trash collection to improve public health conditions at encampments.⁸¹⁸ CARE staff trainings stress working directly with people living in those settlements to provide voluntary trash removal.⁸¹⁹ The inclusion of LAHSA workers on the CARE teams is supposed to facilitate connection to services and housing, along with the trash removal.⁸²⁰

CARE+ teams are larger, and their operations are often much more invasive.⁸²¹ They include two additional laborers and two additional truck operators, as well as traffic control officers, since CARE+ operations frequently involve closing off entire streets.⁸²² Police are more likely to be on-site or within immediate reach when CARE+ teams are involved. LASAN trainings claim CARE+ is about connecting unhoused people with resources, but the reality is that the program prioritizes clearing encampments and destroying the property of unhoused people.⁸²³ CARE+ teams maintain data on what they collect, store, and discard, not on services provided or people connected to shelter or housing.⁸²⁴

Notices for the CARE+ “comprehensive cleanings” tell people that LASAN will clean the area, including power washing, and that people must remove all personal property. Anything left behind will be collected and taken to storage for 90 days before destruction. Anything considered to be “an immediate threat to public health or safety, trash, [or]

⁸¹⁷ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 39.

⁸¹⁸ *Ibid.*, p. 40.

⁸¹⁹ *Ibid.*, p. 44-46.

⁸²⁰ *Ibid.*, p. 31; This report will discuss in detail the role of LAHSA and to what extent they do serve to connect people to housing and services or whether their presence facilitates the destruction of unhoused settlements by LASAN.

⁸²¹ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 51; Gabriel Miranda, LA Sanitation and Environment/Livability Services Division, Updates to L.A.M.C. 56.11 Standard Operating Procedures, CARE+ Enhanced Services, LSD Daily Operations, September 2, 2021, p. 3, unpublished document on file with Human Rights Watch.

⁸²² City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 50; Gabriel Miranda, LA Sanitation and Environment/Livability Services Division, Updates to L.A.M.C. 56.11 Standard Operating Procedures, CARE+ Enhanced Services, LSD Daily Operations, September 2, 2021, p. 3.

⁸²³ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 51; Gabriel Miranda, LA Sanitation and Environment/Livability Services Division, Updates to L.A.M.C. 56.11 Standard Operating Procedures, CARE+ Enhanced Services, LSD Daily Operations, September 2, 2021, p. 3.

⁸²⁴ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 25, 66. Other jurisdictions have been criticized for using “tons of garbage” cleared, rather than number of people helped, as their metric of success; Rankin, “Hiding Homelessness,” p. 33.

evidence of a crime may be discarded immediately.”⁸²⁵ CARE+ teams are supposed to give people “up to 30 minutes” to move their belongings out of the cleaning area, though other protocols say only 15 minutes.⁸²⁶ People frequently report that the ECIs give them much less than that amount of time, though some ECIs give more time.⁸²⁷

CARE and CARE+ are integrally connected to former Mayor Garcetti’s A Bridge Home (ABH) shelter plan. Under Garcetti’s plan, the city built and operates a shelter in each council district. Surrounding each shelter are “Special Enforcement and Cleaning Zones” (SECZs), like the one that includes the Hampton Avenue unhoused community, in which city officials promised to enforce laws criminalizing use of public space by unhoused people, and established cleaning operations under these two programs. The SECZs have CARE spot-cleaning four days a week and a CARE+ comprehensive cleaning one day a week.⁸²⁸ Though CARE and CARE+ are implemented throughout the city, they are especially intense in the SECZs.

In March 2020, city officials suspended some enforcement of LAMC section 56.11 and comprehensive CARE+ cleaning due to the Covid-19 pandemic. A few months later, they reversed and reauthorized implementation of CARE+ within the SECZs.⁸²⁹ In June 2021, the City Council voted to resume CARE+ encampment clearances throughout the entire city.⁸³⁰

⁸²⁵ Gabriel Miranda, LA Sanitation and Environment/Livability Services Division, Updates to L.A.M.C. 56.11 Standard Operating Procedures, CARE+ Enhanced Services, LSD Daily Operations, September 2, 2021, p. 3.

⁸²⁶ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 56. See LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, September 2018, p. 10.

⁸²⁷ Sometimes the ECIs give people much more time than that, which is more likely when activists are watching and advocating.

⁸²⁸ City of Los Angeles, Unified Homeless Response Center, CARE Team Training, p. 71.

⁸²⁹ Howard Wong, Chief Environmental Compliance Officer, Livability Services Division, Notice of Major Cleaning Posting Revised August 7, 2020 & Suspension of Use Regarding Standard Operating Protocols Appendix 2 Posting Notice, English and Spanish, August 24, 2020, unpublished document on file with Human Rights Watch; Emily Alpert Reyes, “L.A. council Votes to Resume Major Cleanups Near Shelters,” *Los Angeles Times*, July 29, 2020, <https://www.latimes.com/california/story/2020-07-29/la-to-resume-major-cleanups-near-shelters-critics-say-it-puts-homeless-people-at-risk> (accessed December 9, 2023).

⁸³⁰ City News Service, “Mandatory Cleanups of Homeless Encampments Resume in Los Angeles,” *ABC 7*, September 8, 2021, [https://abc7.com/homeless-encampments-cleanup-care/11008728/#:~:text=LOS%20ANGELES%20\(CNS\)%20%2D%2D%20Los,2020%20vote%20by%20council%20members](https://abc7.com/homeless-encampments-cleanup-care/11008728/#:~:text=LOS%20ANGELES%20(CNS)%20%2D%2D%20Los,2020%20vote%20by%20council%20members) (accessed December 9, 2023); Elizabeth Chou, “Pandemic-Era Restraint Ends as Sweeps Revived at LA encampments, Amid COVID-19 Surge, Heat Wave,” *Los Angeles Daily News*, September 7, 2021, <https://www.dailynews.com/2021/09/07/pandemic-era-restraint-ends-as-sweeps-revived-at-la-encampments-amid-covid-19-surge-heat-wave/> (accessed December 9, 2023).

Advocates and unhoused people, led by LA CAN and the Services Not Sweeps coalition, called for regular cleanups of unhoused communities and had reason to be hopeful when the city initiated the CARE program, despite ongoing concerns about police involvement.⁸³¹ However, within a few months of starting the program, LASAN shifted to the more aggressive sweeps, under pressure from members of the City Council to “fully enforce” LAMC section 56.11.⁸³²



Photos by Human Rights Watch taken on September 23, 2021, during a sweep of 6th Street by Towne Street in Los Angeles. © 2021 Human Rights Watch

G. Notice of Cleanings

On November 4, 2021, LAPD officers and a LASAN CARE+ team arrived at Ceres Street, between 6th and 7th, on Skid Row early in the morning. There are permanent signs stating that this block is within a much larger zone that may be cleaned every Thursday between 7:00 a.m. and 3:00 p.m. Generally, LASAN only cleans a segment of the zone each week. The sign is not specific about which parts of the zone will be cleaned. The cleanings occur inconsistently, and residents do not know when LASAN will clean their block.⁸³³ Frequently people move their possessions, but then there is no clean-up.⁸³⁴

Angela P. was living in the unhoused community on that block. She was using a wheelchair and, following a recent surgery, she had tubes running out of her abdomen emptying into a

⁸³¹ Emily Alpert Reyes, “L.A. Could Overhaul How Homeless Encampments are Cleaned.”

⁸³² Emily Alpert Reyes, “L.A. Announced More ‘Sensitive’ Cleanups for Homeless Camps. Now It Is Taking a Harder Line,” *Los Angeles Times*, January 21, 2020, <https://www.latimes.com/california/story/2020-01-21/los-angeles-homeless-encampment-cleanups> (accessed December 9, 2023).

⁸³³ Human Rights Watch interview with Carla M. (pseudonym), Los Angeles, November 4, 2021.

⁸³⁴ *Ibid.*



Photo taken by Human Rights Watch on November 4, 2021, on Ceres Street, between 6th and 7th Streets. It depicts the permanent sign noticing comprehensive cleanings every Thursday in the zone on the map. © 2021 Human Rights Watch

plastic bag.⁸³⁵ A LASAN official came up to her that morning and told her that she and the others would not have to move, indicating that they intended to do a “spot,” rather than “comprehensive,” cleaning. Angela said usually there are specific signs indicating a comprehensive cleanup or sweep, in addition to the permanent signs, but that day there had been no additional notice.⁸³⁶

A short time later, a different LASAN official came and told her and others on the block that they would have to move their tents and their belongings, or everything would be taken and destroyed. Several people had already left the location to go to jobs or other appointments, relying on the earlier assurance that their possessions were safe.⁸³⁷

People on the block started furiously packing their property and tents.⁸³⁸ Aaron W. had been

living on this block for over a year and had his possessions taken by LASAN twice before. In his 50s, he has an injured back and, despite having little money, he hires others to help him move when the sweeps occur. The people who usually helped him were gone by the time he got notice of the need to move.⁸³⁹

Robert J. had lived on the block for five years and has had his property taken eight times. He has lost jewelry, shoes, clothes, family pictures, and his identification. “If you come back while they are ‘cleaning,’ they don’t let you get your stuff. They don’t care. They call it

⁸³⁵ Observations of Human Rights Watch researcher, who was present for the sweep on Ceres Street and interviewed Angela P. in person on November 4, 2021.

⁸³⁶ Human Rights Watch interview with Angela P. (pseudonym), Los Angeles, November 4, 2021.

⁸³⁷ Human Rights Watch interviews with Carla M. (pseudonym), November 4, 2021; Aaron W. (pseudonym), Los Angeles, November 4, 2021; and Ronald J. (pseudonym), Los Angeles, November 4, 2021.

⁸³⁸ Observations of Human Rights Watch researcher, who was present for the sweep on Ceres Street on November 4, 2021.

⁸³⁹ Human Rights Watch interview with Aaron W. (pseudonym), November 4, 2021.

‘I’m just doing my job.’”⁸⁴⁰ A LASAN worker came up to him and told him they would return at 1 p.m. and throw everything away that had not been moved.⁸⁴¹

After LASAN workers left the Ceres Street community, the unhoused residents moved all that they could out of the cleaning zone.⁸⁴² LASAN workers did return that afternoon and took 18,000 lbs. of material.⁸⁴³

Unnoticed and misleadingly noticed sweeps, like what happened on Ceres Street, are common.⁸⁴⁴ An activist with the organization StreetWatch, which helps unhoused people replace essential property lost in sweeps and documents the destruction, described witnessing incidents where LASAN officials said they were just “spot cleaning” but then threw away everything people left in place.⁸⁴⁵ He described other incidents in which officials told people they would be comprehensively cleaning an entire area, leading those people to move their tents and property, only to have LASAN leave without cleaning.⁸⁴⁶



Photos taken by Human Rights Watch on November 4, 2021, on Ceres Street, between 6th and 7th Streets, of several of the tents belonging to unhoused residents on this street. © 2021 Human Rights Watch

⁸⁴⁰ Human Rights Watch interview with Ronald J. (pseudonym), November 4, 2021.

⁸⁴¹ Observations of Human Rights Watch researcher, who was present for the sweep on Ceres Street on November 4, 2021.

⁸⁴² Ibid.

⁸⁴³ Human Rights Watch interview with General Dogon, September 17, 2021.

⁸⁴⁴ Human Rights Watch interviews with Tommy Kelly, February 9, 2022; Fred M. (pseudonym), Los Angeles, September 8, 2021; Rene H. (pseudonym), Los Angeles, September 9, 2021; Susan G. (pseudonym), February 14, 2022; and Chris Herring, January 20, 2022. Herring called this a “pump fake,” referring to the technique in basketball of pretending to shoot to get the defender to jump, then driving past the defender.

⁸⁴⁵ Human Rights Watch interview with Tommy Kelly, February 9, 2022.

⁸⁴⁶ Ibid.



Photo taken by Human Rights Watch on November 4, 2021 on Ceres Street, between 6th and 7th Streets, showing LASAN trucks beginning the sweep of this encampment. © 2021 Human Rights Watch

Susan G. asked the LASAN team what their plan was when they arrived at her encampment in Hollywood. The officials told her it was just a spot cleaning. With this understanding, several residents left, some going to medical appointments. Then, LASAN switched and conducted a “comprehensive clean-up,” throwing away all property left at the site. StreetWatch replaced people’s essential belongings.⁸⁴⁷

The Naomi Street sweep came after previous verbal notices of sweeps had been false alerts.⁸⁴⁸ Similarly, city officials gave no specific notice of the sweep of the encampment on 31st and Main Street described previously.⁸⁴⁹ People who are not present during the sweeps, either because they did not receive notice, because the notice they received had

⁸⁴⁷ Human Rights Watch interview with Susan G (pseudonym), February 14, 2022.

⁸⁴⁸ Human Rights Watch interviews with Arturo T. (pseudonym), August 18, 2021; and Lisa G. (pseudonym), August 18, 2021.

⁸⁴⁹ Human Rights Watch interviews with Sandra C. (pseudonym), October 20, 2021; and Roberto F. (pseudonym), October 20, 2021.

been a false alert in the past, or because they had some other place where they had to go, frequently lose all of their property.⁸⁵⁰ LASAN also often does not allow people to remove property that belongs to a neighbor or friend, even if the owner has asked them to look after that property.⁸⁵¹

Some people living on the streets avoid the trauma of losing their property in the sweeps by avoiding any accumulation of property.

- Gary C. keeps all his things in a small backpack. He said: “You got to keep it simple, be ready to shake the spot. You can’t get comfortable.”⁸⁵²
- Andre N. does not use a tent. He keeps all his property in one bag and a small cart.⁸⁵³ While packing light allows him to be mobile, he said he had not slept in days at the time of his interview with Human Rights Watch.⁸⁵⁴
- After having his property taken and destroyed seven or eight times, Julius M. reduced his belongings down to a bicycle and all he could fit into a basket.⁸⁵⁵ Rather than live in a tent, he sleeps on a piece of cardboard or directly on the concrete. He admitted to not getting much rest, suffering back pain, and being exposed to the elements.⁸⁵⁶
- Carlton Y. does not stay in one place, to avoid police and sanitation sweeps. He lives “cowboy style,” keeping everything in just two bags, rolling out a blanket on the ground for a bed. He said, “God provides.”⁸⁵⁷

⁸⁵⁰ Human Rights Watch interviews with Sebastion C. (pseudonym), November 2, 2021; Lupe R. (pseudonym), Los Angeles, September 9, 2021; and Dayton F. (pseudonym), Los Angeles, October 13, 2021.

⁸⁵¹ Human Rights Watch interviews with Bobby M. (pseudonym), August 18, 2021; Susan G. (pseudonym), February 14, 2022; Iris P. (pseudonym), February 4, 2022; and Peter L. (pseudonym), Los Angeles, June 23, 2023. See LASAN, Los Angeles Municipal Code 56.11 Standard Operating Protocols, p. 29. Defining “unattended” property as no person present who claims ownership of the property.

⁸⁵² Human Rights Watch interview with Gary C. (pseudonym), September 17, 2021.

⁸⁵³ Human Rights Watch interview with Andre N. (pseudonym), September 15, 2021. Observations of Human Rights Watch researcher, who interviewed Andre N. in person in Los Angeles on September 15, 2021. His cart is not a regular grocery store style shopping cart, but a small metal cart approximately one foot by one foot by two feet.

⁸⁵⁴ Human Rights Watch interview with Andre N. (pseudonym), September 15, 2021.

⁸⁵⁵ Human Rights Watch interview with Julius M. (pseudonym), September 17, 2021.

⁸⁵⁶ Ibid.

⁸⁵⁷ Human Rights Watch interview with Carlton Y. (pseudonym), September 15, 2021; Observation of Human Rights Watch researcher who interviewed Carlton Y. in person on September 15, 2021, in Los Angeles.

H. Storage

LASAN workers refused to give Lester C. his property back when he returned to his Hampton Avenue tent site to find they had bagged it up and put it on a truck. Instead, they posted a notice on the fence above where his property had been, telling him he could retrieve it at “the Bin,” a storage facility in Skid Row, over 17 miles away.⁸⁵⁸ When Lester went there the next day, they told him to fill out a form and that they would call him. As of the time of his interview with Human Rights Watch, five days after the sweep, no one had called. “They didn’t give me shit,” he said.⁸⁵⁹

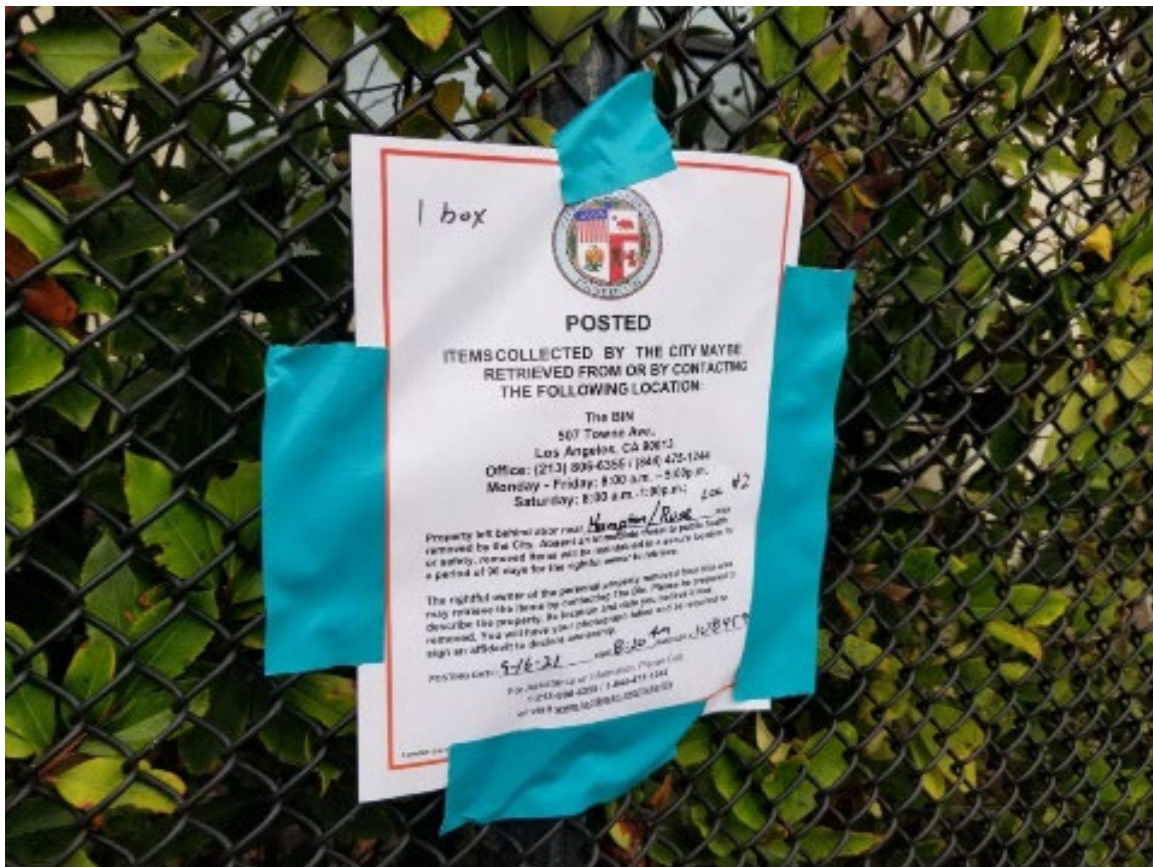


Photo provided to Human Rights Watch by LASAN pursuant to a Public Records Act request. It was taken on September 16, 2021, on Hampton Drive just south of Rose Avenue, in Venice. It depicts the notice placed on the fence behind where Lester C.’s tent had been, advising that property had been taken to the storage facility in downtown Los Angeles.

⁸⁵⁸ Human Rights Watch interview with Lester C. (pseudonym), September 21, 2021.

⁸⁵⁹ Ibid.



Photo provided to Human Rights Watch by LASAN pursuant to a Public Records Act request. It was taken on September 16, 2021 on Hampton Drive just south of Rose Avenue, in Venice. It depicts Lester C.'s property bagged, with tags on it, presumably to be taken to the storage facility.

Lester's story is familiar:

- Alice J. had thousands of dollars' worth of kitchen equipment she had been saving in the hopes of finding a home where she could use it. During a sweep of her unhoused community near Naomi Street, LASAN took it, loaded it on a truck and told her it was going to the storage facility. When she went to retrieve it, the employee at the storage facility told her it was not there.⁸⁶⁰
- Sharon C. had to wait outside the Skid Row storage facility in the blazing sun for two hours before they let her in to claim property taken during a sweep. The employee told her he could not give her property back if she did not have paperwork.⁸⁶¹

⁸⁶⁰ Human Rights Watch interview with Alice J. (pseudonym), August 18, 2021.

⁸⁶¹ Human Rights Watch interview with Sharon C. (pseudonym), September 1, 2021.

It is extremely difficult for people to retrieve their property from the storage facility.⁸⁶² Sometimes LASAN does not put the property there; sometimes people get property but some of it has been lost.⁸⁶³ Unhoused people have to travel great distances on foot, by bicycle, or using public transit to get to the storage facility, and then, if they are able to retrieve it, they have to carry their property back to where they are staying.⁸⁶⁴ Human Rights Watch calculated the public transit travel time to the Bin from every location where LASAN took a bag of property.⁸⁶⁵ The median travel time to the Bin was over 65 minutes. For hundreds of people, they would need to travel over 90 minutes on public transit to reach the Bin.⁸⁶⁶

The storage facility often creates bureaucratic hurdles, including requiring paperwork or sometimes identification, which not everyone has, before they will release property.⁸⁶⁷ Many times the property is simply not there.⁸⁶⁸

LASAN workers took a crate full of tools belonging to Joseph H. during one sweep. He took the notice they left, drove his truck to the Skid Row storage facility from where he was staying in Van Nuys, and successfully retrieved his property.⁸⁶⁹ A LAHSA worker who spoke to Human Rights Watch described frequently going to the storage facility on behalf of clients and navigating bureaucratic hurdles to get their property. This worker is unsure what would happen to his clients if they went alone.⁸⁷⁰

⁸⁶² Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

⁸⁶³ Ibid.

⁸⁶⁴ Ibid.; Human Rights Watch interview with Iris P. (pseudonym), February 4, 2022.

⁸⁶⁵ Google maps API was used to calculate public transit travel times at 9:30 am on a Monday morning, shortly after rush hour traffic recedes.

⁸⁶⁶ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁸⁶⁷ Human Rights Watch interviews with (Anonymous), LAHSA Outreach Worker, Los Angeles; Linda M. (pseudonym), Los Angeles, November 2, 2021; Carla M. (pseudonym), November 4, 2021; and Iris P. (pseudonym), February 4, 2022.

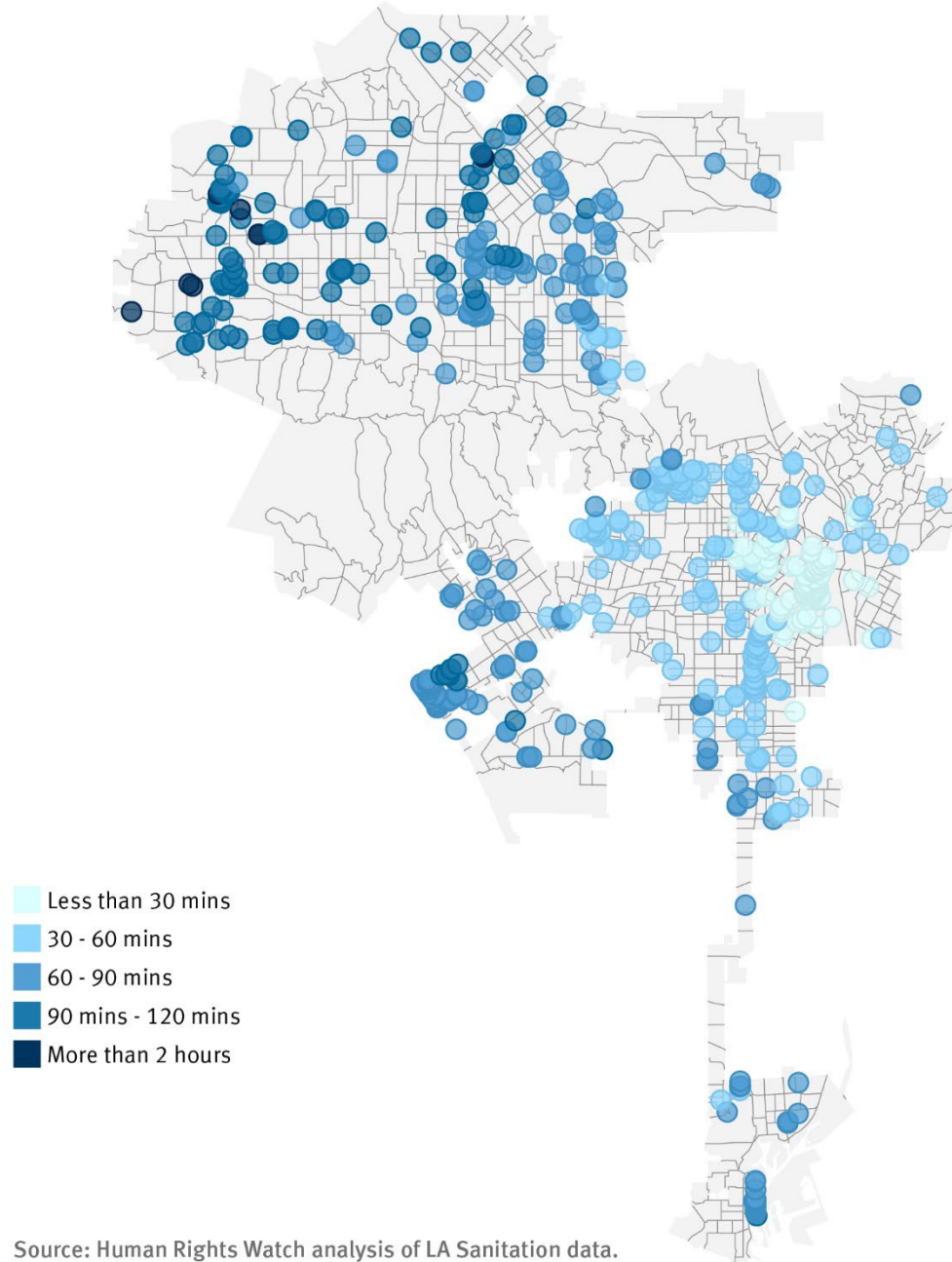
⁸⁶⁸ Human Rights Watch interviews with Lester C. (pseudonym), September 21, 2021; Linda M. (pseudonym), November 2, 2021; Carla M. (pseudonym), November 4, 2021; Iris P. (pseudonym), February 4, 2022; and Sonja Verdugo, August 4, 2023.

⁸⁶⁹ Human Rights Watch interview with Joseph H. (anonymous), Van Nuys, February 14, 2022.

⁸⁷⁰ Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

Travel Time to Property Storage

Length of time on public transit between property confiscation and "The Bin" storage facility



Even as the storage process is extremely burdensome and often futile for unhoused people, LASAN infrequently collects property for storage—electing to dispose of it instead. They took fewer than 4,000 property bags to storage from nearly 25,000 cleanings during 2021 and 2022.⁸⁷¹ LASAN did not collect and store a single property bag at 96 percent of the nearly 25,000 cleanings it carried out between April 2020 and October 2022.⁸⁷² Even after excluding spot cleanings and public right-of-enforcement calls, LASAN only collected property at 6 percent of cleanings. During 2021 and 2022, LASAN only collected one bag of property, on average, per every eight cleanings.⁸⁷³

Those who do manage to retrieve their property from storage are still exposed to future confiscations, as the abusive process does not help anyone find housing.

I. Sanitation as Justification for Banishment

Despite knowledge of the harms of property destruction and breaking up unhoused communities, and despite the lack of housing options for people, Los Angeles city officials have spent millions of dollars on these abusive policies.

While often advertised as necessary to maintain public health and sanitation, the sweeps are conducted in ways not tailored to meet this goal. Instead of providing regular, consistent, and complete garbage removal; installing and maintaining dumpsters, toilets, and washing stations; and providing supportive sanitation services the city pursues a policy of taking and destroying property.⁸⁷⁴ Instead of providing regular, consistent, and complete garbage removal; installing and maintaining dumpsters, toilets, and washing stations; and providing supportive sanitation services the city pursues a policy of taking and destroying property.⁸⁷⁵

The wholesale destruction of property, like tents, chairs, and bedding, makes living in already harsh conditions even harsher. The taking of essential items, like court papers,

⁸⁷¹ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁸⁷² Ibid.

⁸⁷³ Ibid.

⁸⁷⁴ Tinoco, "LA Will Spend \$30m This Year on Homeless Sweeps."

⁸⁷⁵ Ibid.

identification, hygiene materials, clothing, medications, and personal items, like family photographs, is cruel. It harms the mental and physical health of those losing property. It makes it more difficult for unhoused people to find solutions to their situations. Repeatedly starting over—finding new clothes, building a new structure to shelter from the elements, restocking medications, or obtaining replacement identification—is difficult, demoralizing, and traumatizing.

The sweeps, like traditional criminalization through ticketing and arrests, implicitly and wholly blame unhoused people for their circumstances by moving them away from where they are and out of sight of the housed public.⁸⁷⁶ Sweeps remove the visible signs of poverty and houselessness.⁸⁷⁷ They primarily serve the interests of those concerned about monetary property values, including homeowners, landlords, developers, financial institutions, and others generating wealth from such values, and the politicians who benefit from supporting such interests.⁸⁷⁸

A Comprehensive “Cleaning” in Hollywood

On March 1, 2022, Human Rights Watch observed a CARE+ sweep of an encampment in Hollywood, at Selma Avenue and Shrader Boulevard. About a dozen LAPD officers were present. They taped the area off to prevent entry on both ends of the block. A large crew of LASAN workers were present, with a loader and a garbage disposal truck. Representatives from LAHSA and Council District 13, along with workers from Urban Alchemy, a private organization contracted by the city to perform some cleaning and other tasks related to unhoused people, were present.⁸⁷⁹ Department of Transportation officers were controlling traffic around the location.⁸⁸⁰

⁸⁷⁶ Herring, “Complaint-Oriented Policing”; Tinoco, “LA Will Spend \$30m This Year on Homeless Sweeps:” The Deputy Mayor for City Homelessness Initiatives Christina Miller is quoted in this article saying: “The city has no interest in confiscating people’s belongings, or moving people along. The city has no interest in doing that. What we want to do is make sure people can come indoors, and that there aren’t encampments to address on the streets, so we can make sure the streets clean and the sidewalks are passable.” Given the profound shortage of affordable housing and even interim housing for unhoused people, this statement exposes the priority of city policy.

⁸⁷⁷ Rankin, “Hiding Homelessness.”

⁸⁷⁸ Dasse, “The Neoliberalization of Public Spaces and the Infringement of Civil Liberties.”

⁸⁷⁹ Observations of Human Rights Watch researcher, who was present for the sweep on Selma Avenue and Shrader Boulevard in Hollywood on March 1, 2022. At the time the Council member for that district was Mitch O’Farrell

⁸⁸⁰ Ibid.

The LAPD sergeant told Human Rights Watch that this operation was a “regularly scheduled clean-up.”⁸⁸¹ The unhoused settlement was in an SECZ, as it was within a couple of blocks of an ABH shelter. There were paper notices posted advising of the sweep that day. The sergeant said outreach workers had offered everyone hotel rooms through PRK, but only about 10 of the 100 residents had accepted.⁸⁸²

According to LAHSA data, LAHSA staff conducted outreach in the vicinity on four occasions in the month prior to this cleaning, speaking with five individuals. During that outreach two people were given housing referrals, but neither attained housing at the time. On the day of the sweep, LAHSA representatives spoke with one individual, offering only food.

StreetWatch activists were able to convince the LASAN ECI to allow a trans woman who had just returned to the encampment from an appointment to go inside the taped-off area to retrieve a cart full of her belongings before LASAN threw it in the trash compactor truck.⁸⁸³ Previously, police had denied her permission.

A Black man in his mid-fifties who walked with a cane asked police officers if he could go inside the area to retrieve his property from his tent.⁸⁸⁴ He said he needed to get his identification, his shoes, his medicine, and other things. The officers did not respond. The StreetWatch activists attempted to get the attention of the ECI on this man’s behalf, but the ECI ignored them. The man said some outreach workers came to this encampment a few days earlier offering food and put people on lists for hotel rooms, but they never actually offered rooms. The man’s partner separately described the same experience.⁸⁸⁵

⁸⁸¹ Ibid.

⁸⁸² Project Roomkey was a program started in 2020 during the Covid-19 pandemic to shelter unhoused people in hotel rooms. This report discusses PRK in greater detail in Section VIII below.

⁸⁸³ Observations of Human Rights Watch researcher, who was present for the sweep on Selma Avenue and Shrader Boulevard in Hollywood on March 1, 2022.

⁸⁸⁴ Ibid.

⁸⁸⁵ Ibid.

Before the LASAN workers could destroy the man's tent, the StreetWatch activists lifted the yellow tape and walked into the sweep area with him. Police intercepted them and a verbal confrontation ensued. However, police did not stop the man from going to his tent and removing a bag full of his possessions. He struggled to get out of his tent, as police, LASAN, and Urban Alchemy workers stood by watching without offering any help.

When asked what the city had to offer them, the man's partner said: "A badge, a gun, and dumptrucks."



Photo taken by Human Rights Watch on March 1, 2022, at Selma Avenue and Shrader Boulevard in Hollywood. It depicts LASAN workers conducting the sweep. © 2022 Human Rights Watch



Photo taken by Human Rights Watch on March 1, 2022, at Selma Avenue and Shrader Boulevard in Hollywood. It depicts the LASAN truck into which property belonging to unhoused people is loaded and destroyed. © 2022 Human Rights Watch



Photo taken by Human Rights Watch on March 1, 2022, at Selma Avenue and Shrader Boulevard in Hollywood. Police stood over the tent while the man retrieved his medications before the tent was to be destroyed. © 2022 Human Rights Watch

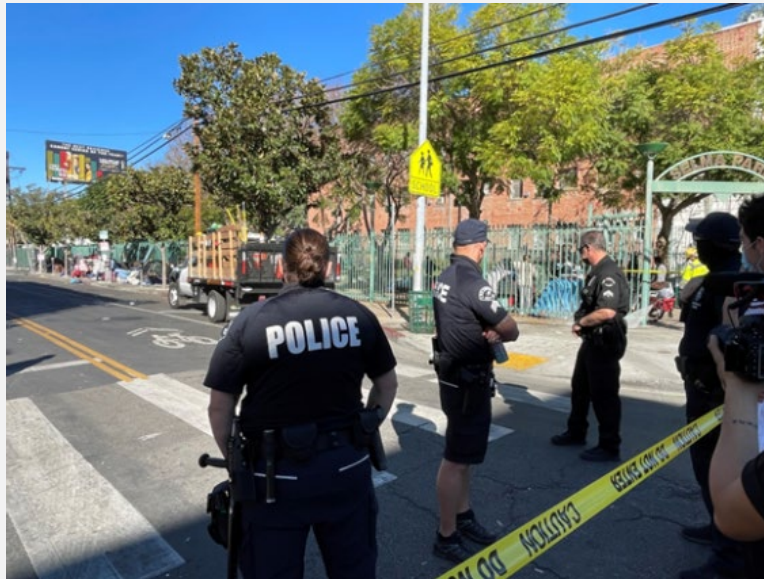


Photo taken by Human Rights Watch on March 1, 2022, at Selma Avenue and Shrader Boulevard in Hollywood. Police stand guard at the perimeter of the area being swept, preventing people from entering and ready to address any resistance to the sweep. © 2022 Human Rights Watch

VII. Services and Criminalization

- LAHSA data indicates they provided services for nearly 80,000 individuals but helped “attain” housing for only a very small percentage—10,255 people from January 1, 2019, through April 22, 2022, according to their own dataset.
- LAHSA outreach workers’ participation in the LASAN encampment sweeps, in violation of their “guiding principles” that condemn “encampment clearings” and other policies of displacement, undermines their ability to build trust with and provide services for unhoused people.
- LAHSA provided shelter or housing referrals to any person at only 10 percent of LASAN sweeps, and attained housing or shelter for any person at only 3 percent of LASAN sweeps.
- LAHSA often prioritizes people for scarce shelter and housing resources based on political pressure to clear publicly visible encampments, rather than based strictly on individuals’ need to be indoors.

LAHSA plays a complex role in Los Angeles city and county policy towards unhoused people. They are responsible for providing services, including helping to find shelter and housing. They operate through their own outreach teams and resources, and through non-profit agencies with which they contract and supervise. Despite their underlying mission to help unhoused people, and their success in doing so, LAHSA also participates in criminalization and the sweeps. Their presence, for example, on the CARE+ teams lends a perception of legitimacy to the destruction and allows city leaders to claim that the sweeps are not abusive because they offer “housing” and services. However, with housing and shelter resources available to help only a small fraction of unhoused people subject to sweeps and to other criminalization, LAHSA’s participation can be harmful.

A. The MacArthur Park Closure

Berto E. had been staying in a tent in the section of MacArthur Park north of Wilshire Boulevard for about a year, along with dozens of other unhoused people, when we spoke

to him. Before moving to the park, he had lived with his family in East Los Angeles. When his mother died, they lost their house and he ended up living on the streets.⁸⁸⁶

During his stay in MacArthur Park, representatives from LAHSA would come to his tent periodically. Each time they came, they would take down his name and information, promising they would get him housing. Berto was eager to get indoors. He told them he would accept any kind of housing they offered. He gave them his phone number and email address, but the LAHSA representatives never followed up with him. Berto even went to their office to try to move the process forward, with no results.⁸⁸⁷



Photo taken by Human Rights Watch on October 5, 2021, at MacArthur Park in Los Angeles, showing poles bolted into the ground in preparation for fencing off this entire section of the park following the sweeps. © 2021 Human Rights Watch

In September 2021, LAHSA representatives started coming to MacArthur Park more frequently.⁸⁸⁸

In late September 2021, city officials announced that they would be renovating MacArthur Park.⁸⁸⁹ The officials gave unhoused people a strict deadline of October 15 to vacate the

⁸⁸⁶ Human Rights Watch interview with Berto E. (pseudonym), October 5, 2021.

⁸⁸⁷ Ibid.

⁸⁸⁸ Ibid. In addition to LAHSA, non-profit service providers, including People Assisting the Homeless (PATH), conducted outreach in MacArthur Park in the leadup to the shut-down; Sam Levin, “LA Clears Another Park Encampment in Battle Over Worsening Housing Crisis,” *Guardian*, October 14, 2021, <https://www.theguardian.com/us-news/2021/oct/14/los-angeles-macarthur-park-encampment-housing-crisis> (accessed December 10, 2023). It is uncertain whether the outreach workers contacting Berto E. were all from LAHSA or if they included PATH or other providers.

⁸⁸⁹ Ibid.



Photo taken by Human Rights Watch on October 5, 2021, at MacArthur Park in Los Angeles, showing a man packing up his tent while city officials, including LASAN workers, are conducting a sweep of this area of the park. © 2021 Human Rights Watch

park.⁸⁹⁰ The unhoused community in the park had grown dramatically during the height of the Covid-19 pandemic.⁸⁹¹

By the first week of October, city officials had begun erecting a fence around the southern section of the park.⁸⁹² Sanitation crews began dismantling encampments and throwing away tents and other possessions of unhoused residents in that section.⁸⁹³ Some police were present, supporting LASAN with the looming threat of arrest for anyone who resisted the destruction.⁸⁹⁴

LAHSA outreach workers were at the park during the destruction of

the encampments, going from tent to tent with clipboards.⁸⁹⁵ One LAHSA worker said they were moving people to hotel rooms through PRK. One man, whose tent LASAN had destroyed, brought a couple of bags with him as he entered an SUV with LAHSA markings, which later drove away. Before he left, he said he did not know if they were taking him to a hotel room or not.⁸⁹⁶

⁸⁹⁰ Ibid.; Thomas Curwen, “L.A. Prepares to Clear Homeless People From Macarthur Park; Set to Close Oct. 15 for ‘Rehabilitation’ Work,” *Los Angeles Times*, October 2, 2021, <https://www.latimes.com/california/story/2021-10-02/los-angeles-prepares-to-clear-homeless-from-macarthur-park-set-to-close-oct-15-for-rehabilit> (accessed December 10, 2023).

⁸⁹¹ Levin, “LA Clears Another Park Encampment in Battle Over Worsening Housing Crisis.”

⁸⁹² Observations of Human Rights Watch researcher, who was present in MacArthur Park on October 5, 2021.

⁸⁹³ Ibid.

⁸⁹⁴ Ibid.

⁸⁹⁵ Ibid.

⁸⁹⁶ Ibid.



Photo taken by Human Rights Watch on October 5, 2021, at MacArthur Park in Los Angeles, showing an encampment within MacArthur Park as police and other city and LAHSA officials prepare for the sweep. © 2021 Human Rights Watch

Ramon T., who had been staying in the southern portion of MacArthur Park, came back from work on October 4, 2021, to find that LASAN had taken his tent and all his possessions and thrown them away.⁸⁹⁷ He had nothing left but the clothing he was wearing. The next day, LAHSA representatives approached him for the first time ever and told him they would get him into a Project Roomkey hotel room. Ramon was eager to get out of MacArthur Park, and felt he had little choice, given the destruction of his tent and other property. However, they did not have a room for him that day.⁸⁹⁸ Ramon was aware of other people from this section of the park who had gone to hotel rooms. Some had left those rooms and returned to the park.⁸⁹⁹

⁸⁹⁷ Human Rights Watch interview with Ramon T. (pseudonym), October 5, 2021.

⁸⁹⁸ Ibid.

⁸⁹⁹ Ibid.

Kelvin G., who also stayed in the park, said LAHSA outreach workers had approached him in the weeks leading up to the park closing and removal of unhoused residents. They had talked to him about housing, but they had not told him that they had housing available for him.⁹⁰⁰

According to then-City Council Member Gil Cedillo, LAHSA and People Assisting the Homeless (PATH), the contracted service provider, moved 126 people from MacArthur Park into hotel rooms and shelters in the 18 days between the announcement of the park plan and the closure on October 15, 2021.⁹⁰¹ Those who did not get into rooms or shelter moved to other locations but remained unhoused.⁹⁰²

The records LAHSA provided to Human Rights Watch do not corroborate the information released by Cedillo. These records show that during September and October 2021, LAHSA personnel and contractors contacted 232 individuals in MacArthur Park, including multiple contacts with a few.⁹⁰³ They made referrals for interim housing to nearly all of them. However, only 49 people encountered by LAHSA in MacArthur Park during that period were marked as having “attained” hotel rooms or shelter beds.⁹⁰⁴



Photo taken by Human Rights Watch on October 5, 2021, at MacArthur Park in Los Angeles, showing a LAHSA outreach worker talking to a resident of the encampment who has packed his property into bags. © 2021 Human Rights Watch

⁹⁰⁰ Human Rights Watch interview with Kelvin G. (pseudonym), Los Angeles, October 5, 2021.

⁹⁰¹ City News Service, “Councilman Says 326 Homeless People Brought Indoors From MacArthur Park,” *Spectrum News 1*, (October 21, 2021), <https://spectrumnews1.com/ca/la-west/homelessness/2021/10/22/councilman-says-326-unhoused-people-brought-indoors-from-macarthur-park> (accessed December 10, 2023).

⁹⁰² Ibid.

⁹⁰³ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁹⁰⁴ Ibid. Human Rights Watch reached out to LAHSA representatives for an explanation of the difference between their records and the claims they and former Councilmember Cedillo made about placing people from MacArthur Park. The LAHSA

During September and October 2021, LASAN teams went to MacArthur Park 27 times, throwing away a cumulative 37,465 pounds of material and failing to collect a single bag of property for storage.⁹⁰⁵ LAPD made 83 arrests of unhoused people in the park, booking 10 of them into jail. The arrests included 19 for drinking in public or open containers, 14 for possession of a controlled substance, 13 for loitering, and 10 for trespassing. Over half, 52 percent, of those arrested were Latinx, 24 percent were Black, and 19 percent were white.⁹⁰⁶

B. LAHSA's Important but Controversial Role

LAHSA is a joint Los Angeles County and City agency that is responsible for coordinating services for unhoused people throughout the county. Among its primary roles is rehousing—moving unhoused people back into interim and permanent housing.⁹⁰⁷ It oversees and contracts with a network of service providers who, among other things, administer the PRK and, now under Mayor Bass, the Inside Safe hotel sites; help unhoused people navigate the complexities of the housing system; and run shelters and other forms of interim housing.⁹⁰⁸

According to LAHSA, its rehousing system placed 65,829 people in Los Angeles County into housing between 2020 and 2022, including 21,213 in 2021 alone.⁹⁰⁹ Rehousing includes rapid rehousing assistance to quickly move recently unhoused people back into housing, permanent supportive housing for people with disabilities, and other forms of affordable

representative said that Cedillo's previous claims were accurate. Human Rights Watch has requested access to the data that supports these claims and shared the data we use—which had come from LAHSA originally—with them. At time of writing, LAHSA representatives have not answered. See email exchange between Human Rights Watch and Ahmad Chapman, LAHSA Director of Communications, et al., December 20, 2023 through May 17, 2024.

⁹⁰⁵ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁹⁰⁶ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city's open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁹⁰⁷ Human Rights Watch interview with Molly Rysman, Chief Program Officer, LAHSA, Los Angeles, January 25, 2022.

⁹⁰⁸ LAHSA, About LAHSA, <https://www.lahsa.org/about> (accessed December 10, 2023).

⁹⁰⁹ LAHSA, Housing Placements Dashboard (2020-2022), December 7, 2023, <https://app.powerbi.com/view?r=eyJrIjoiaMjU4NjJmOTgtNWQxYiooOGJkLWJmY2MtZDY1ZjdiMmNiMjE5IiwidCI6IjBiYWU1NDIiLTUyZDgtNGEzYi1hYTE5LWQ1MDY2MmlzMDg5NyIsImMiOiJZg9&pageName=ReportSectionc643de9d9f857ebf6a73> (accessed December 10, 2023); LAHSA, LA's Rehousing System Ended Homelessness for 21,000 People in 2021, June 28, 2022, <https://www.lahsa.org/news?article=889-la-s-rehousing-system-ended-homelessness-for-21-000-people-in-2021&ref=ces> (accessed December 10, 2023).

housing.⁹¹⁰ LAHSA estimates that while the system helps rehouse 207 people each day on average, an additional 227 people become unhoused each day.⁹¹¹

LAHSA did not provide Human Rights Watch with the raw data underlying the totals stated on their “dashboards,” so we were unable to confirm their claims or audit what kind of housing people obtained.⁹¹² These numbers are substantially higher than what was included within the services data LAHSA provided to Human Rights Watch. According to that data, LAHSA outreach workers provided 12,696 housing and shelter referrals in 2021 as part of their outreach, only 4,431 of which indicated the individual “attained” housing. From January 1, 2019, through April 22, 2022, LAHSA’s data shows that they housed 10,255 people.⁹¹³

In 2021, LAHSA reported sheltering 27,701 people.⁹¹⁴ It is not clear from the data provided how many of those sheltered were subsequently placed into permanent housing, how long they stayed in shelter or interim housing, what types of shelter or interim housing they obtained, or how many left their shelter or interim housing and returned to the streets.⁹¹⁵ It

⁹¹⁰ LAHSA, 2022 State of Homelessness Presentation, June 7, 2022, p. 20, <https://www.lahsa.org/documents?id=6297-2022-state-of-homelessness-presentation> (accessed December 10, 2023).

⁹¹¹ Ibid.; Human Rights Watch interviews with Heidi Marston, March 14, 2022; and Eric Ares, Senior Manager of Policy and System Change, United Way, Los Angeles, February 28, 2022.

⁹¹² Human Rights Watch reached out to LAHSA officials for an explanation of the discrepancies. LAHSA officials said that their higher numbers included people housed by the Los Angeles Continuum of Care Homeless Management Information System (HMIS), the Long Beach Continuum of Care, the Department of Veteran’s Affairs, Los Angeles County Department of Health Services, Los Angeles County Community Development Authority, and HACLA. They acknowledged that duplication could occur in this data. They suggested that the data they gave was only from HMIS, but did not confirm. They did say that HMIS data includes all placements by LAHSA and by LAHSA contractors. See email communications between Human Rights Watch and Ahmad Chapman, LAHSA Director of Communications, from December 20, 2023 to May 17, 2024.

⁹¹³ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch. See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology; Paul Rubenstein, Deputy Chief External Relations Officer, LAHSA, “Los Angeles Municipal Code Section 41.18 Effectiveness Report (21-0329-S4)”, memo, November 28, 2023, p. 4 <https://www.documentcloud.org/documents/24453676-4118-efficacy-summary-report#document/p1> (accessed March 5, 2024). LAHSA officials have acknowledged that placements into permanent housing through street outreach are extremely rare.

⁹¹⁴ LAHSA, LA’s Rehousing System Ended Homelessness for 21,000 People in 2021.

⁹¹⁵ LAHSA, ATI Housing Subcommittee: LAHSA’s Rehousing System, February 17, 2021, <https://ceo.lacounty.gov/wp-content/uploads/2021/02/ATI-Presentation-LAHSA-Housing-Subcommittee-02.17.21.pdf> (accessed December 10, 2023), p. 8. There are several different types of interim housing, include winter shelters, crisis housing, Bridge Housing, A Bridge Home Shelter, Transitional Housing, Project Homekey, Project Roomkey and Tiny Home Villages. LAHSA’s director of communications informed Human Rights Watch that, of the approximately 27,000 people admitted to shelter in 2021, by the end of 2023, 7,906 of them had found a “permanent housing situation, nearly 12,000 had enrolled in a second interim housing program, and 3,157 had returned to homelessness. He did not account for the remaining people or provide the data records from which these numbers came. He also did not answer how long people stayed in these shelters on average, how many remained in their initial placement or if there was overlap in the number of people who entered a second interim

is also unclear if some of those counted had repeated short stays in shelter.⁹¹⁶ LAHSA's analysis of its own data, in response to city council request for a report on section 41.18 enforcement, stated it found interim housing for 17 percent of outreach clients in 2021 and 2022, and the median stay in interim housing for those placed in advance of 41.18 sweeps was 53 days.⁹¹⁷

LAHSA's ability to serve people depends in part on its funding. Voters in Los Angeles County approved Measure H in 2017, assessing a quarter cent sales tax to fund homeless services.⁹¹⁸ Measure H has generated about \$355 million annually and will last a total of 10 years.⁹¹⁹ Much of that money goes to LAHSA to conduct outreach and to implement a system to prioritize services and housing.⁹²⁰ It has allowed for a substantial increase in services for unhoused people.⁹²¹ Some of the money is directed to housing, but not enough to slow the increase in the unhoused population.⁹²² In November 2024, Los Angeles County voters will decide to approve, or not, a ballot measure that would replace Measure H on a more permanent basis with a similar sales tax to fund services, housing, and houselessness prevention.⁹²³

housing placement and those who eventually found permanent housing. See email communications between Human Rights Watch and Ahmad Chapman, LAHSA Director of Communications, from December 20, 2023 to May 17, 2024. Without answers to these questions or access to the complete dataset from which LAHSA is posting these numbers, it is difficult to evaluate their effectiveness.

⁹¹⁶ Human Rights Watch requested the raw data behind LAHSA's claims of the number of people sheltered, but has not received it. We further asked for a specific breakdown of the outcomes for the 27,701 people LAHSA says they sheltered, including how many went to permanent housing, how many back to the streets, and how many were subsequently placed in another interim shelter. LAHSA representatives have not answered these questions. See email exchange with Ahmad Chapman, LAHSA Director of Communications, et al., February 12, 2024.

⁹¹⁷ Paul Rubenstein, Deputy Chief External Relations Officer, LAHSA, Los Angeles Municipal Code Section 41.18 Effectiveness Report (21-0329-S4), p. 4.

⁹¹⁸ Molly Rysman, Report on Los Angeles' Coordinated Outreach System (In response to CF 20-1603), LAHSA, May 7, 2021, p. 4.

⁹¹⁹ Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative.

⁹²⁰ Rysman, Report on Los Angeles' Coordinated Outreach System (In response to CF 20-1603), p. 10.

⁹²¹ Human Rights Watch interview with Nithya Raman, March 3, 2022.

⁹²² Human Rights Watch interview with Becky Dennison, October 15, 2021.

⁹²³ Doug Smith, "Civic Groups Launch Campaign to Double L.A. County's Quarter-Cent Homelessness Sales Tax," *Los Angeles Times*, March 27, 2024, <https://www.latimes.com/california/story/2024-03-27/civic-group-launches-campaign-to-double-l-a-countys-quarter-percent-homelessness-sales-tax> (accessed May 24, 2024); Affordable Housing, Homelessness Solutions, and Prevention Now Transactions and Use Tax Ordinance, <https://affordablelacounty.com/content/uploads/2024/02/Special-Sales-Tax-to-Fund-Homelessness-Programs-and-LACAHSA.pdf> (accessed May 24, 2024).

LAHSA operates the Coordinated Entry System (CES), which conducts assessments and creates a prioritized list of unhoused people to “ensure that people are connected to housing and services appropriate to their needs and eligibility, and to match those with the greatest needs to limited resources.”⁹²⁴

Studies suggest that the VI-SPDAT assessment tool, which the Los Angeles CES and many other jurisdictions use to make assessments, tends to assign higher needs acuity scores to white unhoused people than to Black unhoused people nationally, but also specifically in Los Angeles.⁹²⁵ This results in white people being prioritized for permanent supportive housing at higher rates than Black people.⁹²⁶ LAHSA responded to the studies by saying they were working on a new assessment tool and denying that the disparities were reflected in actual housing placements.⁹²⁷

In addition to conducting these assessments and putting people on lists for housing, LAHSA’s Homeless Engagement Teams (HETs) distribute bottled water, food, hygiene kits, and brochures related to other services. They sometimes help people obtain documents, provide transportation, and help replace tents, medication, and other destroyed property. Sometimes they succeed in helping people access shelter and housing.

The LAHSA data provided to Human Rights Watch contained anonymized identification numbers so services provided to individual people could be tracked over time and geography. Of the 79,429 individual people to whom LAHSA provided some form of services in the time frame, 62 percent, or about 49,000 people, were only encountered once. LAHSA provided services to the other 38 percent on at least 2 or more dates. Eight percent of people were encountered 5 or more times and 2 percent on 10 or more occasions. There were 53 people to whom LAHSA provided services on 50 or more dates and 17 people whom LAHSA contacted on 100 or more separate occasions.

⁹²⁴ LAHSA, The LA County Coordinated Entry System in Action, accessed December 10, 2023, <https://www.lahsa.org/ces/home/about/>.

⁹²⁵ Catriona Wilkey, et al., *Coordinated Entry Systems Racial Equity Analysis of Assessment Data*, report, C4 Innovation, October 2019, https://c4innovates.com/wp-content/uploads/2019/10/CES_Racial_Equity-Analysis_Oct112019.pdf (accessed December 10, 2023); Maddy Varner and Colin Lecher, “How We Investigated L.A.’S Homelessness Scoring System,” *Markup*, February 28, 2023, <https://themarkup.org/show-your-work/2023/02/28/how-we-investigated-l-a-s-homelessness-scoring-system> (accessed December 10, 2023). LAHSA itself recommended that this system be audited for racial impact.

⁹²⁶ Catriona Wilkey, et al., *Coordinated Entry Systems Racial Equity Analysis of Assessment Data*, p. 4.

⁹²⁷ Maddy Varner and Colin Lecher, “How we investigated L.A.’s homelessness scoring system.”

1) LAHSA's participation in sweeps violates their Guiding Principles

In February 2019, LAHSA issued its “Guiding Principles and Practices for Local Response to Unsheltered Homelessness.”⁹²⁸ These principles established a framework for effective and humane responses to homelessness, as well as a realistic assessment of current conditions. They acknowledged that: “until there is enough safe, decent, affordable, and accessible housing for everyone, people will continue to live in public spaces.”⁹²⁹

They said: “We need to end our neighbors’ homelessness, not sweep it out of sight.”⁹³⁰ They condemned citations, “encampment clearings,” and other policies that displace people as making it harder for unhoused people to rise out of homelessness.⁹³¹

LAHSA’s principles stressed the need to build trust through multiple contacts and patient consultation with the people they seek to serve, and condemned criminalization of life-sustaining activities like sitting, sleeping, and eating in public.⁹³²

Unfortunately, LAHSA continues to engage alongside LASAN and LAPD, during CARE and CARE+ sweeps and in other ways, in contradiction of these principles.

In September 2019, LAHSA leadership instructed its teams that CARE and CARE+ were designed to be a collaboration between them, LASAN, and LAPD, they would move away from strict enforcement of LAMC section 56.11, and they were to “focus on offering services rather than achieving compliance.”⁹³³

A few months later, LASAN Director Enrique Zaldivar, in response to pressure from the City Council, especially newly installed Council President Nury Martinez, decreed a different

⁹²⁸ LAHSA, Guiding Principles and Practices for Unsheltered Homelessness, February 28, 2019, <https://www.lahsa.org/documents?id=2951-guiding-principles-and-practices-for-unsheltered-homelessness.pdf> (accessed December 10, 2023).

⁹²⁹ Ibid., p. 2

⁹³⁰ Ibid.

⁹³¹ Ibid.

⁹³² Ibid., p. 2-4

⁹³³ LAHSA, CARE/CARE+ Comprehensive Overview, September 2019, https://docs.google.com/presentation/d/1fglE6udyf2O6_qqoz76BtPNC9CpfP5xH/edit#slide=id.p5 (accessed December 10, 2023), p. 4-6.

vision for these programs and the role of outreach: “Every CARE and CARE+ team will fully enforce LAMC 56.11 at every location they visit.”⁹³⁴

The director said LAHSA was to be “held accountable for implementing adjustments to the CARE program and *enforcing the law*, as well as carrying out Mayor and Council priorities.”⁹³⁵ This policy change made explicit the expectation that LAHSA’s outreach teams’ primary function in the CARE and CARE+ operations was not to provide services and connect people with housing, but to facilitate the sweeps.

LAHSA leaders complied, despite this function directly contradicting their stated principles, possibly due to city council members’ influence over their funding.⁹³⁶ LAHSA workers were told they were to do what the LASAN leads told them to do during the sweeps.⁹³⁷

LAHSA outreach supervisor Kristy Lovich posted on Twitter, on June 29, 2020: “LAHSA Outreach workers may not be cops but their work within sweeps programs is a tool for strict enforcement measures used by law enforcement and electeds, their presence playing the role of ‘political insurance’ so critiques can be deflected by claiming ‘services were offered.’”⁹³⁸

⁹³⁴ Enrique Zaldivar, Director and General Manager, LA Sanitation and Environment, Inter-Departmental Correspondence Memo: LA Sanitation and Environment report back on the City’s Comprehensive Cleaning and Rapid Engagement program (CF# 14-1499-S7, 14-1499-S8, CF 19-0600-S89, 19-0600-S156, 19-0609), memo, January 21, 2020, https://clkrep.lacity.org/online/docs/2019/19-0609_rpt_BOS_01-17-2020.pdf (accessed December 10, 2023), p. 1-2. It is notable and a reflection of priorities that oversight of the CARE and CARE+ programs is not in the Housing and Homelessness Committee; Emily Alpert Reyes, “L.A. Council President: It’s Time to Reexamine How We’re Handling Homelessness,” *Los Angeles Times*, January 14, 2020, <https://www.latimes.com/california/story/2020-01-14/nury-martinez-los-angeles-city-council> (accessed December 10, 2023); David Zahniser, et al., “Nury Martinez Resigns From L.A. City Council in Wake of Audio Leak Scandal,” *Los Angeles Times*, October 12, 2022, <https://www.latimes.com/california/story/2022-10-12/la-me-nury-martinez-resigns#:~:text=04%20PM%20PT-,Nury%20Martinez%20resigned%20her%20seat%20on%20the%20Los%20Angeles%20City,conversation%20involving%20Latino%20political%20leaders> (accessed December 10, 2023). Martinez would later resign from the Council after a recording of her making racist remarks in the context of planning manipulation of redistricting became public.

⁹³⁵ Enrique Zaldivar, Inter-Departmental Correspondence Memo: LA Sanitation and Environment report back on the City’s Comprehensive Cleaning and Rapid Engagement program, p. 3, (emphasis added).

⁹³⁶ Human Rights Watch interviews with Kristy Lovich, January 21, 2022; Mike Bonin, February 7, 2022; Heidi Marston, March 14, 2022; and Eric Tars, Senior Policy Director, National Homeless Law Center, January 14, 2022; Heidi Marston, “The Homelessness Crisis: A Monster of Our Own Making,” *Medium*, April 25, 2022, <https://medium.com/@hmarston2/the-homelessness-crisis-a-monster-of-our-own-making-be5975399ce1> (accessed December 10, 2023).

⁹³⁷ Human Rights Watch interviews with Kristy Lovich, January 21, 2022; and (Anonymous), LAHSA Outreach Worker, Los Angeles.

⁹³⁸ Kristy Lovich, @kristylovich, “X Thread,” June 29, 2020, <https://twitter.com/kristylovich/status/1277642822489829377> (accessed July 29, 2024).

On July 4, 2020, she posted: “I supervised CARE (sweeps) teams for @LAHomeless. Services offered consist of education about how to comply with LAMC 56.11 and notification that @LACitySAN will be conducting a clean up and clients have 15 minutes to prepare.”⁹³⁹

Lovich and others called for an end to LAHSA’s engagement with law enforcement, including its participation in CARE and CARE+ sweeps.⁹⁴⁰ In response, LAHSA issued a statement on July 28, 2020, that read, in part: “Currently, LAHSA deploys outreach teams in advance of encampment clean-ups to offer services and help prepare those living encampment (sic) prepare for the clean-up, and, when appropriate, advocate on the unsheltered residents’ behalf.”⁹⁴¹

LAHSA’s teams provide “immediate services and education around expectations to encampment residents in preparation for sanitation operations,” which generally means advising people they need to pack up quickly and sometimes helping them pack before the loaders put their property in the trash compactor.⁹⁴²

2) LAHSA participation in sweeps undermines proactive outreach

LAHSA conducts “proactive” and “reactive” outreach. The distinction is important to understanding their relationship to criminalization.

“Proactive” outreach teams seek out unhoused people most in need of services, especially shelter and housing, and engage in multiple contacts with them to build trust,

⁹³⁹ Kristy Lovich, @kristylovich, “X Thread,” July 4, 2020, <https://twitter.com/kristylovich/status/1279449241035796482> (accessed July 29, 2024).

⁹⁴⁰ Emily Alpert Reyes and Benjamin Oreskes, “L.A.’s Homeless Agency Faces Calls to Dissolve Ties With Police,” *Los Angeles Times*, June 14, 2020, <https://www.latimes.com/homeless-housing/story/2020-06-14/lahsa-la-homeless-agency-police-petition> (accessed December 10, 2023).

⁹⁴¹ LAHSA, LAHSA Response to Calls to End Its Relationship With Law Enforcement, statement, June 18, 2020, <https://www.latimes.com/homeless-housing/story/2020-06-14/lahsa-la-homeless-agency-police-petition> (accessed December 10, 2023).

⁹⁴² Rysman, Report on Los Angeles’ Coordinated Outreach System (In response to CF 20-1603), p. 9; Human Rights Watch interviews with Kristy Lovich, January 21, 2022; and Carla Orendorff, November 11, 2021; Observations of Human Rights Watch researcher, who personally attended numerous sweeps throughout Los Angeles between 2021-2023; Heidi Marston, in talking about the need for LAHSA to withdraw from CARE+, distinguished between outreach that is connecting people to interim housing and outreach that is helping them move their stuff in advance of a sweep. Human Rights Watch interview with Heidi Marston, March 14, 2022; Tracy Rosenthal, “Inside LA’s Homeless Industrial Complex,” *New Republic*, <https://newrepublic.com/article/166383/los-angeles-echo-park-homeless-industrial-complex>.

so that, over time, they are better able to find resources to help them. Those with the greatest need may be older and more vulnerable, be in poor health, have mental health conditions with high support requirements, be targeted for violence because of their identity, or have any number of other specific social risks heightened by the fact of living on the streets. They also may be less visible than others. Effective prioritization requires “proactive” outreach.⁹⁴³ LAHSA’s “Guiding Principles,” while not using the term explicitly, center on a proactive approach, including patient relationship-building and respect for personal autonomy.⁹⁴⁴

In theory, “reactive” outreach addresses emerging health and safety risks, like wildfire evacuations or Covid-19 outbreaks.⁹⁴⁵ It can provide new connections to the prioritization system.⁹⁴⁶ However, in practice, the main forms of reactive outreach are generated by the teams engaged in the CARE and CARE+ sanitation sweeps and the “Roadmap” teams.⁹⁴⁷ Roadmap outreach teams function under the direction of City Council offices and target specific encampments that those offices prioritize.⁹⁴⁸

As of 2021, LAHSA had 30 HET teams that worked with CARE and CARE+ and 15 assigned with Roadmap, nearly half of all teams countywide.⁹⁴⁹ Even LAHSA’s “generalist” HETs, unrelated to CARE, CARE+, and Roadmap, and presumably dedicated to proactive outreach, often get directed to do reactive outreach at the City Council offices’ request.⁹⁵⁰ Within the City of Los Angeles, less than one-third of the HET units are assigned to provide any traditional proactive outreach, while the rest operate on schedules dictated by LASAN or the Council offices.⁹⁵¹

⁹⁴³ Human Rights Watch interview with Molly Rysman, January 25, 2022; Rysman, Report on Los Angeles’ Coordinated Outreach System (In response to CF 20-1603), p. 14: “A proactive outreach posture allows staff to both focus their attention on people who are most vulnerable and sustain contact with clients who may have engaged previously and need additional outreach to connect to housing and services.”

⁹⁴⁴ LAHSA, Guiding Principles and Practices for Unsheltered Homelessness.

⁹⁴⁵ Rysman, Report on Los Angeles’ Coordinated Outreach System (In response to CF 20-1603), p. 14.

⁹⁴⁶ Ibid., p. 14.

⁹⁴⁷ Ibid., p. 14.

⁹⁴⁸ Ibid., p. 9, 14.

⁹⁴⁹ Ibid., p. 8-9. The Roadmap teams were created in response to an agreement in a federal lawsuit (LA Alliance v. City and County of Los Angeles, discussed in Section VIII below). These teams work closely with the individual council districts to meet their priorities.

⁹⁵⁰ Human Rights Watch interviews with Kristy Lovich, January 21, 2022; and (Anonymous), LAHSA Outreach Worker, Los Angeles.

⁹⁵¹ Rysman, Report on Los Angeles’ Coordinated Outreach System (In response to CF 20-1603), p. 14.

Molly Rysman, chief programs officer for LAHSA, wrote in a May 2021 report on Los Angeles' coordinated outreach system:

When encampments are prioritized based on visibility, public complaints regarding encampment activity, or when services are a precursor to enforcement, resulting outreach efforts can interrupt existing connections, resulting in confusion for clients and additional barriers to engagement and housing placement efforts. Importantly, proactive outreach results in longer-term outcomes for clients by focusing on housing needs and pathways out of homelessness.⁹⁵²

For example, a LAHSA outreach worker described working with an older female client living in a large and highly visible settlement. The woman had recently suffered a stroke and desperately needed to get indoors.⁹⁵³ LASAN, authorized by the Council District, swept the encampment where she lived and put a fence up around the area, forcing her and the other residents to move someplace else. The outreach worker had the woman on a short-list for a room, but he was unable to find her when the room became available.⁹⁵⁴

This outreach worker had a similar experience trying to get a group of three trans women into PRK rooms.⁹⁵⁵ When LASAN conducted a sweep and fenced off the area where they were staying, the residents had to scatter. The outreach worker could not find the three women before their rooms were no longer available.⁹⁵⁶

A former LAHSA outreach worker said that sometimes the council offices treat LAHSA as their “own personal outreach teams,” often bypassing LAHSA priorities and best practices to meet the council members’ political needs.⁹⁵⁷ For example, this worker said they were assigned to a particular site one day but a city council member diverted them to a different site, where there were two people and two tents that LA Department of Transportation

⁹⁵² Ibid., p. 14.

⁹⁵³ Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

⁹⁵⁴ Ibid.

⁹⁵⁵ Ibid. PRK or Project Roomkey was a program to move unhoused people into temporary hotel rooms. See “Key Definitions” above and Section VII below for greater detail.

⁹⁵⁶ Ibid.

⁹⁵⁷ Human Rights Watch interview with Kristy Lovich, January 21, 2022.

LAHSA Services Provided at Minority of LASAN Cleanings

Percent of LASAN Cleanings Where LAHSA Provided Services



Source: Human Rights Watch analysis of LA Sanitation and Los Angeles Homeless Services Agency data.

officers had cordoned off. LAPD was also present. The LAHSA worker's team was simply tasked with helping the pair of unhoused people move their possessions in advance of an LASAN clean-up. They did not have any services or housing to offer. The following day, the council member held a press conference at the location.⁹⁵⁸

Even successful reactive outreach can be problematic. When council members direct LAHSA to clear specific unhoused settlements, requiring them to direct limited resources, including interim housing beds, to people from those settlements, they do so at the expense of other unhoused people who may have greater need.⁹⁵⁹

This prioritization generally responds to pressure from certain housed constituents who complain about seeing unhoused people and about “problematic encampments.”⁹⁶⁰ Those

⁹⁵⁸ Ibid.

⁹⁵⁹ Human Rights Watch interviews with Heidi Marston, March 14, 2022; David Busch, April 25, 2022; (Anonymous), LAHSA Outreach Worker, Los Angeles; Gary Blasi, January 17, 2022; Kristy Lovich, January 21, 2022; Chris Herring, January 20, 2022; Molly Rysman, January 25, 2022; Dr. Coley King, Venice Family Clinic, Venice, October 29, 2021; and Dennis Gleason, February 24, 2022; A staff member from former Council Member Joe Buscaino's office stated that LAHSA was not responsive enough to the council members.

⁹⁶⁰ Human Rights Watch interview with Molly Rysman, January 25, 2022.

unhoused people who live quietly and out of sight do not get the same attention.⁹⁶¹ This approach prioritizes location over need.⁹⁶² It also encourages a policy of driving unhoused people out of view.

3) LAHSA does not provide services at many sweeps

Most of the over 24,000 LASAN cleanings in the data provided to Human Rights Watch were categorized as either a homeless encampment cleaning (43 percent of cleanings) or a right-of-way enforcement (54 percent).⁹⁶³ The remainder were Operation Healthy Streets cleanings in Skid Row or Venice, or other spot cleanings.

Human Rights Watch identified all instances in which LAHSA provided services near cleanings, using a radius of 250 meters, carried out in the city between July 2020 and April 2022. In total, LAHSA provided services at just under 30 percent of the LASAN cleanings.⁹⁶⁴ Some unknown proportion of cleanings may not have required LAHSA's presence, but for those marked as unhoused encampment cleanings, LAHSA only provided services at 31 percent.⁹⁶⁵ Even at the nearly 400 cleanings in which LASAN took one or more bags of property from unhoused people for storage, LAHSA only provided services at 43 percent;⁹⁶⁶ at the other 57 percent, there was no indication in the data that LAHSA provided any services.

At only 10 percent of cleanings did LAHSA staff provide a shelter or housing referral and at fewer than 3 percent did they identify someone attaining shelter or housing.⁹⁶⁷

⁹⁶¹ Human Rights Watch interviews with (Anonymous), LAHSA Outreach Worker, Los Angeles; and Molly Rysman, January 25, 2022.

⁹⁶² Human Rights Watch interviews with Heidi Marston, March 14, 2022; and David Busch, April 25, 2022.

⁹⁶³ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁹⁶⁴ Human Rights Watch analysis of LAHSA and LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. It is impossible to determine any cleanings where LAHSA was present but did not provide services, as the dataset relates to services provided. Only cleanings where at least 100 pounds of property/waste was thrown away are included. Only cleanings Human Rights Watch was able to geo-locate (95 percent of cleanings) were included.

⁹⁶⁵ Ibid.

⁹⁶⁶ Ibid.

⁹⁶⁷ Ibid.

LAHSA Not Providing Services at Most LASAN Cleanings

June 2020 – April 2022

Nature of call/cleaning	▼ Number of cleanings	Percentage where LAHSA provided any services	Percentage where LAHSA provided a housing referral
Public Right-Of-Enforcement	7,367	27%	7%
Homeless Encampment CSLA	5,329	31%	12%
OHS Skid Row Full Cleaning	204	45%	18%
OHS Venice	105	36%	24%
OHS Spot Cleaning	77	44%	16%
Total	13,082	29%	10%

Note: Includes only cleanings with over 100 lbs. thrown away and where location could be geo-located.
Source: Human Rights Watch analysis of LA Sanitation and Los Angeles Homeless Services Agency data.

The proportion of LASAN cleanings where LAHSA provided services peaked in spring and summer of 2021.⁹⁶⁸

C. Council-District-Directed Outreach and Encampment Clearance

LAHSA participates in encampment clearances ordered by city officials. These clearances are accomplished by sanitation sweeps, often including action such as fencing off the swept area, enforcement and threat of enforcement by police of laws like LAMC sections

⁹⁶⁸ Ibid.

41.18 and 56.11, and, in more visible locations, prioritizing unhoused residents for available shelter and housing over others with equal or greater need.

While clearances occur throughout the city with little scrutiny and relatively few resources devoted to them, there have been several major clearances of high-profile locations in recent years, with greater public attention and investment of resources. Main Street, Echo Park Lake, and the Venice Boardwalk have been the sites of some of these actions.

1) Main Street between 5th and 7th

On one side of Main Street, between 5th and 7th Street, sit government buildings, a burgeoning entertainment zone, and luxury apartments—on the other, Skid Row. Advocates call the line that separates the two areas “The Dirty Divide,” to reflect differences in how people are treated depending on their relation to Main Street.⁹⁶⁹ A community of unhoused people had set up about 35 tents and structures to live on these 2 blocks of Main Street.⁹⁷⁰ The residents of this unhoused community generally got along with each other and did their best to keep the area clean.⁹⁷¹

In October 2021, however, prompted by multiple complaints from housed neighbors and businesses, Council District 14 had this encampment cleared.⁹⁷² In the days leading up to the sweep, LAHSA outreach workers went to Main Street and told residents they would be removed and the sidewalks fenced.⁹⁷³ They told the residents they would have to leave, but also took people’s information for housing lists and offered hotel rooms to some. They had posted notices of the sweep dated for October 11, though some residents said LAHSA representatives had told them the sweep would not occur until a few days later.⁹⁷⁴ Some of the residents had been offered and had accepted hotel rooms through PRK, while others, including some who had previous experience with the rooms they were offering, refused.⁹⁷⁵

⁹⁶⁹ Los Angeles Community Action Network, “The Dirty Divide in Downtown Los Angeles: A Call for Public Health Equity,” March 2013, <https://cangress.files.wordpress.com/2013/04/the-dirty-divide-in-dtla.pdf> (accessed December 10, 2023).

⁹⁷⁰ Human Rights Watch interview with General Dogon, October 12, 2021.

⁹⁷¹ Human Rights Watch interviews with Josh F. (pseudonym), Los Angeles, October 13, 2023; and Dayton F. (pseudonym), October 13, 2021.

⁹⁷² Human Rights Watch interview with (Anonymous), LAHSA official, January 25, 2022.

⁹⁷³ Human Rights Watch interview with Frederico S. (pseudonym), Los Angeles, October 12, 2021.

⁹⁷⁴ Ibid.

⁹⁷⁵ Human Rights Watch interview with General Dogon, October 12, 2021; See the discussion of Project Roomkey below.



Photo taken by Human Rights Watch on October 12, 2021, on Main Street between 5th and 7th streets in downtown Los Angeles. It depicts an LAPD officer standing over a tent that is about to be destroyed in the sweep. © 2021 Human Rights Watch

Frederico S., who had been living on Main Street for about a year with his wife and previously stayed in a PRK room, expressed great dissatisfaction with that shelter program.⁹⁷⁶ He said: “They offer ‘housing,’ but not as tenants. They search you coming in, both your body and your bags. They supervise you in the hallway. You don’t do to tenants like this. A lot of us don’t want to go cause of that.” Frederico added, referring to the streets, “We don’t want to be here.” He was eager for a housing situation, but not one with demeaning conditions.⁹⁷⁷

⁹⁷⁶ Human Rights Watch interview with Frederico S. (pseudonym), October 12, 2021.

⁹⁷⁷ Ibid.



Photo taken by Human Rights Watch on October 12, 2021, on Main Street between 5th and 7th streets in downtown Los Angeles, depicting LASAN workers loading items from the unhoused encampment into the trash compactor truck.

On October 12, 2021, LASAN teams, several LAPD officers, and LAHSA outreach teams carried out the sweep.⁹⁷⁸ Representatives from City Council member Kevin DeLeon’s office, in whose district this encampment was located, were present.⁹⁷⁹ Outreach workers made vague promises to the unhoused residents that the hotels would be pathways to permanent housing.⁹⁸⁰ People moving to the hotel rooms had to give up most of their possessions.⁹⁸¹

After a lengthy argument with a council district representative about the lack of adequate notice, Federico and his wife stepped away from their tent and watched as sanitation workers destroyed all the property he could not fit into smaller bags.⁹⁸²

⁹⁷⁸ Observations of Human Rights Watch researcher, who was present on Main Street between 5th and 7th Streets in Los Angeles on October 12, 2021.

⁹⁷⁹ Ibid.

⁹⁸⁰ Los Angeles Community Action Network, @LACANetwork, “X thread,” October 25, 2023, <https://twitter.com/LACANetwork/status/1452785094800777218?s=20> (accessed December 10, 2023); Observation of Human Rights Watch researcher, Los Angeles, October 13, 2023.

⁹⁸¹ Observations of Human Rights Watch researcher, who was present on Main Street between 5th and 7th Streets in Los Angeles on October 13, 2021. It has been standard that people must give up possession over a certain allowable amount when they accept the hotel rooms.

⁹⁸² Ibid.



Photo taken by Human Rights Watch on October 12, 2021, on Main Street between 5th and 7th streets in downtown Los Angeles, depicting LASAN workers dismantling the encampment as LAPD officers look on. © 2021 Human Rights Watch

Josh F., a white man and military veteran in his 40s, had been living on Main Street after becoming unhoused in 2019 due to conflict with his family. He has a variety of job skills, including being a licensed boat operator, but he has severe medical issues. Doctors have told him he needs spinal surgery and dialysis treatments. They have refused to perform the surgery until he has permanent housing in which to recover. LAHSA had previously placed Josh in a PRK hotel room, but the security guards kicked him out for violating rules when he stayed out too long because of his job. He had been there for five months with no progress towards permanent housing. He returned to Main Street.⁹⁸³

On October 11, 2021, after over two years on housing lists, LAHSA placed Josh in a room where they promised he could live for up to two years while they attempted to get him a permanent Section 8 subsidy. Josh appreciated having his own keys and the privacy of his own place, but said the room was very small and they would not let his girlfriend move in with him. He has mental health conditions and was concerned about becoming isolated. Still, Josh was hopeful.⁹⁸⁴

⁹⁸³ Human Rights Watch interview with Josh F. (pseudonym), October 13, 2023.

⁹⁸⁴ Ibid.



Photo taken by Human Rights Watch on October 12, 2021 on Main Street between 5th and 7th streets in downtown Los Angeles, showing a LASAN worker, an LAPD officer and a representative of Council District 14 participating in the sweep, as a loader sits ready to destroy a tent. © 2021 Human Rights Watch

By contrast, Sonya V., who was also staying on Main Street, received no offer of housing or a hotel room. She has cancer and feared being exposed to Covid-19 in a congregate shelter.⁹⁸⁵ On the day of the sweep, she was sitting on the sidewalk wrapped in a blanket with her two bags next to her.⁹⁸⁶ LASAN had taken and destroyed her property on a previous occasion, and she feared they would take the rest on this day.⁹⁸⁷ Sonya hoped to get into a hotel room.⁹⁸⁸

⁹⁸⁵ Human Rights Watch interview with Sonya V. (pseudonym), October 13, 2021.

⁹⁸⁶ Observation of Human Rights Watch researcher, Los Angeles, October 13, 2023.

⁹⁸⁷ Human Rights Watch interview with Sonya V. (pseudonym), October 13, 2021; Observations of Human Rights Watch researcher, who was present on Main Street between 5th and 7th Streets in Los Angeles on October 13, 2021, and who interviewed Sonya V. in person at that time and location.

⁹⁸⁸ Human Rights Watch interview with Sonya V. (pseudonym), October 13, 2021.

On October 12, LASAN crews threw away 7,000 pounds of materials and collected 2 property bags to send to storage. In the month prior, they had already been to the area 5 times, throwing away a cumulative 10,800 pounds.⁹⁸⁹ LAHSA staff provided services to six people, giving shelter or housing referrals to each. Two of those people are marked as having attained housing on that day.⁹⁹⁰

Human Rights Watch searched LAHSA service records for services provided in the area in the three weeks prior to, and the week following, the sweep. Over that period, LAHSA encountered 26 individuals in the area and gave housing referrals to 24 of them.⁹⁹¹ Only one “attained” shelter or housing on the day of the referral. Of the 24 who received referrals, 7 were marked by LAHSA as having “attained” housing or shelter.⁹⁹²

After completing the removal of the residents and the destruction of their property, LASAN set up a fence that blocked off the sidewalk. Some of the residents got into vans headed for hotel rooms, while others simply moved on to another location.⁹⁹³ A few blocks away, on Skid Row, thousands of people, many with a higher need to get indoors than those moved as part of this operation, remained on the streets.

Nearly two years later, in August 2023, the fencing remained in place, obstructing the sidewalks on these blocks.⁹⁹⁴

⁹⁸⁹ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

⁹⁹⁰ Ibid.

⁹⁹¹ Ibid.

⁹⁹² Ibid.

⁹⁹³ Observations of Human Rights Watch researcher, who was present on Main Street between 5th and 7th Streets in Los Angeles on October 12 and 13, 2021.

⁹⁹⁴ Observation of Human Rights Watch researcher, who was present at Main Street between 5th and 7th Streets in Los Angeles on August 16, 2023.



Photo taken by Human Rights Watch on October 13, 2021, on Main Street between 5th and 7th streets in downtown Los Angeles. Following the encampment sweep, city workers installed a fence covering most of the sidewalk on these blocks. © 2021 Human Rights Watch



Photo taken by Human Rights Watch on August 16, 2023, on Main Street between 5th and 7th streets in downtown Los Angeles. Nearly two years after the sweep at this location, the fence remains in place. © 2023 Human Rights Watch

2) *Echo Park Lake clearance*

In March 2021, city officials, spearheaded by then City Council Member Mitch O’Farrell, working with the Mayor’s Office deployed LAPD, LASAN, LAHSA, and other service providers to clear the large unhoused community that had established itself in the park at Echo Park Lake.⁹⁹⁵ The park is located in a rapidly gentrifying neighborhood near downtown Los Angeles.⁹⁹⁶ Prior to its removal, the unhoused community was fairly organized, held regular meetings among its residents, built community showers, tended to a shared garden, and provided mutual aid harm reduction services, all with support from local advocacy groups.⁹⁹⁷ While the Echo Park Lake unhoused settlement had its troubles, including some drug use and occasional fighting, it was a place where many people found shelter, safety, and community.⁹⁹⁸

The operation began in early 2021, as outreach workers, mostly from LAHSA and Urban Alchemy systematically took people’s names and information at Echo Park Lake for the purpose of moving them to some form of shelter.⁹⁹⁹ Many residents received offers to go to hotels rooms and other shelters.¹⁰⁰⁰

LAHSA fast-tracked people from Echo Park Lake into PRK housing, skipping the normal triage process, allowing them to jump ahead of people with higher need in other locations.¹⁰⁰¹ To enter the hotel rooms, people had to surrender most of their property for destruction.¹⁰⁰² Unhoused people at Echo Park Lake often understood the offers of hotel rooms included the implied promise of a pathway to permanent housing.¹⁰⁰³ Some offers of

⁹⁹⁵ After Echo Park Lake Research Collective, “(Dis)placement,” p. 2.

⁹⁹⁶ Ibid.

⁹⁹⁷ Human Rights Watch interview with Alison D. (pseudonym), April 20, 2022.

⁹⁹⁸ Human Rights Watch interviews with Anthony S. (pseudonym), August 29, 2021; David Busch, April 25, 2022; Alison D. (pseudonym), April 20, 2022; Sarah C. (pseudonym), Los Angeles, August 29, 2021; and Betsy C. (pseudonym), November 2, 2021.

⁹⁹⁹ Human Rights Watch interview with Alison D. (pseudonym), April 20, 2022; After Echo Park Lake Research Collective, “(Dis)placement,” p. 45.

¹⁰⁰⁰ Human Rights Watch interview with Kristy Lovich, January 21, 2022; After Echo Park Lake Research Collective, “(Dis)placement.”

¹⁰⁰¹ Human Rights Watch interview with Kristy Lovich, January 21, 2022; After Echo Park Lake Research Collective, “(Dis)placement,” p. 15, 45; Jamie Loftus, “Former Echo Park Lake Residents, Internal LAHSA Communications Contradict Housing Placement Claims,” *KnockLA*, April 1, 2021, <https://knock-la.com/echo-park-lake-lahsa-heidi-marston/> (accessed December 10, 2023).

¹⁰⁰² Ibid.

¹⁰⁰³ Human Rights Watch interview with David Busch, April 25, 2022.

hotel rooms were false and people went instead to congregate shelters or other, less tolerable, living situations instead.¹⁰⁰⁴ Other times city officials rescinded the offers of hotel rooms nearby and placed people in rooms far away from their community.¹⁰⁰⁵

On March 24, after several weeks of outreach and moving people to hotels and shelters, LAPD and LASAN, without providing notice, descended on the unhoused community at Echo Park Lake in massive numbers, forcing the remaining people out and destroying what was left of the community and their structures.¹⁰⁰⁶ Over the course of 2 days, police deployed 750 officers, at a cost of over \$2 million, to take over the Echo Park Lake community, arresting dozens of activists who turned out to defend it.¹⁰⁰⁷ City officials put a fence around large portions of the park, preventing residents from returning and closing it to the public. They arrested two people for remaining at the location and not accepting offers of “housing.”¹⁰⁰⁸

In October 2021, O’Farrell posted a message on Twitter calling the clearance of Echo Park Lake “one of the most successful housing operations in the history of the City.”¹⁰⁰⁹ In an interview later that month he said: “You have got to stand up for housing solutions along with reclaiming our public space.”¹⁰¹⁰ Deputy Mayor Jose “Che” Ramirez, responsible for homelessness policy in the Garcetti administration and then for “city homelessness initiatives” under Mayor Bass, called the Echo Park Lake clearance a model for housing

¹⁰⁰⁴ Jamie Loftus, “Former Echo Park Lake Residents, Internal LAHSA Communications Contradict Housing Placement Claims.”

¹⁰⁰⁵ After Echo Park Lake Research Collective, “(Dis)placement,” p. 46.

¹⁰⁰⁶ After Echo Park Lake Research Collective, “(Dis)placement.” People understood that officials would be clearing the park, but did not know when it would happen. They did not receive notice before LAPD and LASAN arrived on March 24.

¹⁰⁰⁷ After Echo Park Lake Research Collective, “(Dis)placement,” p. 101-116; Los Angeles Police Department, Echo Park Rehabilitation: After Action Report, August 3, 2021, http://www.lapdpolicecom.lacity.org/o8o321/BPC_21-145.pdf, p. 62. LAPD says that they kept plans secret to prevent protesters from interfering with it. See p. 24. The \$2 million was for police alone.

¹⁰⁰⁸ Los Angeles Police Department, Echo Park Rehabilitation: After Action Report, p. 49; David Busch, a longtime advocate for the rights of unhoused people like himself, rejected an offer of “housing” made by an outreach worker and a police officer. He asked if the offer was for a place with his own key where could come and go as he pleased. They told him it was not, that it was just a “pathway” to actual housing. When he declined to accept, they arrested him. Human Rights Watch interview with David Busch, April 25, 2022.

¹⁰⁰⁹ After Echo Park Lake Research Collective, “(Dis)placement,” p. 41.

¹⁰¹⁰ Mitch O’Farrell, “LA City’s Mitch O’Farrell’s Approach to Homelessness & Public Space,” *Planning Report*, October 28, 2021, <https://www.planningreport.com/2021/10/28/mitch-ofarrell-approach-homelessness-public-space> (accessed December 10, 2023).

and services.¹⁰¹¹ Mayor Garcetti considered it a “successful housing operation unprecedented in scale.”¹⁰¹²

The Echo Park Lake Collective, which includes many unhoused and formerly unhoused people, and the UCLA Luskin Institute on Inequality and Democracy published in 2022 a comprehensive report on the Echo Park Lake settlement, its destruction by the city, and the impact on its residents.¹⁰¹³ The report revealed that, nearly a year later, of the 168 people from the encampment placed in some form of interim housing, 82 had simply disappeared from LAHSA’s system to unknown situations, likely returning to houselessness; 15 were known to have returned to houselessness; 17 were placed in some sort of housing, though not necessarily permanent or stable; and 48 were still in the PRK rooms or some similar temporary shelter waiting to be placed.¹⁰¹⁴

Betsy C., a Black woman in her early 40s, found a community in Echo Park Lake. She got blankets, hygiene supplies, and food there. Outreach workers from Urban Alchemy talked to her about PRK and told her she could go to the LA Grand hotel nearby. She packed up and was ready to go, but they then told her that she had to go someplace else. Uncertain of what they were offering, she took her possessions and moved back to Skid Row, where she remained living on the streets.¹⁰¹⁵

3) Venice Boardwalk clearance

The Venice settlement, unlike Echo Park Lake, was not organized, but made up of smaller, more separated communal groups that existed within it. During the height of the Covid-19 pandemic the number of people setting up tents and other living structures on the Venice Boardwalk swelled.¹⁰¹⁶ Housed residents in the area complained and called for eviction of

¹⁰¹¹ After Echo Park Lake Research Collective, “(Dis)placement,” p. 14.

¹⁰¹² Kevin Rector and Emily Alpert Reyes, “As LAPD Assesses Echo Park Response, Chief Moore Says City Needs Better Plan for Park Closures,” *Los Angeles Times*, April 6, 2021, <https://www.latimes.com/california/story/2021-04-06/lapd-to-review-echo-park-homeless-encampment-response> (accessed December 10, 2023).

¹⁰¹³ After Echo Park Lake Research Collective, “(Dis)placement.”

¹⁰¹⁴ *Ibid.*, p. 41-45. It is likely that those who disappeared from the system also returned to houselessness.

¹⁰¹⁵ Human Rights Watch interview with Betsy C. (pseudonym), November 2, 2021.

¹⁰¹⁶ Sam Levin, “The Push to Clear Homeless Camps From Venice Beach: ‘I Don’t Know Where We’ll Go,’” *Guardian*, July 12, 2021, <https://www.theguardian.com/us-news/2021/jul/12/venice-beach-homeless-camps-evicted-los-angeles> (accessed December 10, 2023).

the over 200 unhoused residents, many of whom had been previously forced to move from other unhoused communities in Venice and West LA.¹⁰¹⁷

In April 2021, shortly after the Echo Park Lake evictions, city officials, led by Councilmember Mike Bonin, began planning to remove unhoused people and their property from the Boardwalk.¹⁰¹⁸ Bonin insisted no one be arrested and “housing” be offered to everyone.¹⁰¹⁹ He secured \$5 million for outreach and hotel rooms.¹⁰²⁰ Outreach workers began intensive action on the Boardwalk in June 2021.



Photo taken by Human Rights Watch on June 16, 2021, on the Venice Boardwalk just west of Dudley Avenue showing the longstanding encampment at this location before its removal. © 2021 Human Rights Watch

¹⁰¹⁷ Ibid.; Doug Smith and Benjamin Oreskes, “Bonin: We’ll Clear Homeless Camps From Venice Boardwalk This Summer, With No Arrests,” *Los Angeles Times*, June 22, 2021, <https://www.latimes.com/homeless-housing/story/2021-06-22/bonin-promises-to-clear-homeless-camps-from-venice-boardwalk-by-early-august-with-housing-not-arrests> (accessed December 10, 2023).

¹⁰¹⁸ Levin, “The push to Clear Homeless Camps From Venice Beach.”

¹⁰¹⁹ Smith and Oreskes, “Bonin”

¹⁰²⁰ CD 11—Encampment to Homes, Draft Budget, FY 2021-2022, report, <https://bloximages.newyork1.vip.townnews.com/westsidecurrent.com/content/tncms/assets/v3/editorial/5/48/548ab7f6-cbef-11ec-b33c-938b34ad4993/6272ed1220237.pdf> (accessed December 10, 2023).

As this outreach operation was beginning, Los Angeles County Sheriff Alex Villanueva visited the Boardwalk himself and sent large numbers of deputies there, including his Homeless Outreach Services Team (HOST).¹⁰²¹ Villanueva was running for re-election, and promoted his actions on social media.¹⁰²² As representatives from LAHSA and St. Joseph's Center, the primary homeless services agency in Venice, gathered information from unhoused residents and assessed them for interim housing, armed, uniformed sheriff's deputies went from tent to tent with clipboards taking information from many of the same people and making vague offers of housing. When Human Rights Watch questioned sheriff's deputies at the scene about what kind of housing they were offering, they had no answer.¹⁰²³ At the same time, Villanueva was making threats of mass arrests if people did not leave.¹⁰²⁴

Some people in Los Angeles accused Villanueva of using the Venice Boardwalk, which the Los Angeles Sheriff's Department (LASD) normally does not patrol, and the unhoused community there as a publicity event in the lead up to his ultimately failed re-election bid.¹⁰²⁵

¹⁰²¹ Alene Tchekmedyan, Doug Smith and Kevin Rector, "Sheriff Villanueva deploys deputies to Venice encampments, but is he overstepping his authority?" *Los Angeles Times*, June 9, 2021, <https://www.latimes.com/california/story/2021-06-09/sheriff-villanueva-homeless-venice> (accessed December 10, 2023); Olivia Richard, "Villanueva Didn't Notify City Officials He Was Clearing Venice Beach Encampment, Councilman Says," *Laist*, June 10, 2021, <https://laist.com/news/housing-homelessness/villanueva-didnt-notify-city-officials-he-was-clearing-venice-beach-encampment-councilman-says> (accessed December 10, 2023).

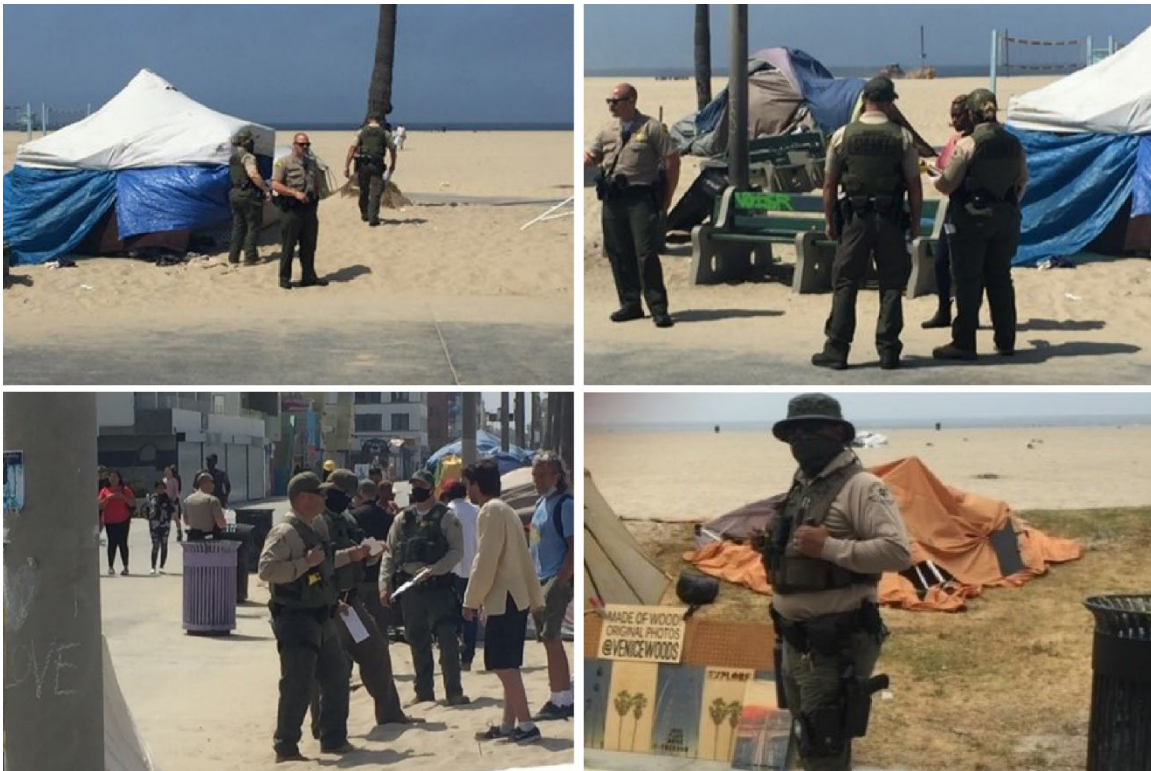
¹⁰²² Ibid.

¹⁰²³ Observations of Human Rights Watch researcher, who was present on the Venice Boardwalk on several days during June and July 2021, while government officials, including LASD, were conducting outreach and implementing the Boardwalk sweeps. The Human Rights Watch researcher on the scene questioned numerous LASD deputies about what housing they were offering. This occurred on June 9, 16, 17, 2021. None of the deputies, including those specifically assigned to HOST said that they knew what they were offering. They were telling people: "housing."

¹⁰²⁴ Alene Tchekmedyan, Doug Smith and Kevin Rector, "Sheriff Villanueva deploys deputies to Venice encampments, but is he overstepping his authority?"

¹⁰²⁵ Richard, "Villanueva Didn't Notify City Officials He Was Clearing Venice Beach Encampment, Councilman Says,"; Kate Cagle, "Venice Homeless Caught In The Middle Of A Battle Over The Beach," *Spectrum News 1*, June 13, 2021, <https://spectrumnews1.com/ca/la-west/homelessness/2021/06/13/venice-homeless-caught-in-middle-of-battle-over-beach> (accessed December 10, 2023); City News Service, "Venice Groups Condemn Sheriff's Actions Toward Homeless in Venice," *Spectrum News 1*, June 12, 2021, <https://spectrumnews1.com/ca/la-west/homelessness/2021/06/12/venice-groups-condemn-sheriff-s-actions-toward-homeless-in-venice> (accessed December 10, 2023).

By early July, city officials cleared the tents and living structures from the Boardwalk. Primarily, they moved people to motels—some local and others far away.¹⁰²⁶ The unhoused people were allowed to keep small amounts of property and LASAN destroyed the rest.¹⁰²⁷ After the initial clearance, LAPD and LASAN more strictly enforced the camping ban on the Boardwalk, which is a city park covered by LAMC section 63.44, including evicting people and destroying their property in the middle of the night.¹⁰²⁸



Photos taken by Human Rights Watch on June 16 and 17, 2021, on the Venice Boardwalk, showing Los Angeles Sheriff's Department deputies conducting "outreach" as part of the removal of unhoused people from the Boardwalk. © 2021 Human Rights Watch

¹⁰²⁶ Benjamin Oreskes and Genaro Molina, "How L.A. Cleared Most Venice Beach Homeless Camps and Sheltered Many Unhoused People," *Los Angeles Times*, August 2, 2021, <https://www.latimes.com/homeless-housing/story/2021-08-02/venice-beach-homeless-encampment-finding-shelter> (accessed December 10, 2023).

¹⁰²⁷ Observations of Human Rights Watch researcher, who was present on the Venice Boardwalk on several days during June and July 2021, while government officials, including LASD, were conducting outreach and implementing the Boardwalk sweeps.

¹⁰²⁸ Benjamin Oreskes and Doug Smith, "Block By Block, Tent By Tent, City Crews Remove Homeless Campers From Venice Beach," *Los Angeles Times*, July 8, 2021, <https://www.latimes.com/homeless-housing/story/2021-07-08/it-took-two-hours-in-the-pre-dawn-darkness-for-city-crews-to-remove-one-venice-homeless-man> (accessed December 10, 2023); Ktown for All, @KtownforAll, "X Thread," July 9, 2021, <https://twitter.com/KtownforAll/status/1413449564909051904?s=20> (accessed December 10, 2023).



Photo taken by Human Rights Watch on July 2, 2021 on the Venice Boardwalk, showing LASAN and other city officials removing unhoused people from the encampment. © 2021 Human Rights Watch



Photos taken by Human Rights Watch on July 2, 2021, on the Venice Boardwalk, showing LASAN operations sweeping unhoused encampments from the Boardwalk. © 2021 Human Rights Watch

St. Joseph Center reported in October 2021 that they and LAHSA had moved 213 people from the Boardwalk: 167 to some form of temporary housing, mostly hotel rooms, and 46 to permanent housing.¹⁰²⁹

- Ronald C. was one of the first people moved to a hotel when they cleared the Boardwalk. They initially took him to one in neighboring Culver City, then moved

¹⁰²⁹ Levin, “LA Clears Another Park Encampment in Battle Over Worsening Housing Crisis.”

him to another one in Inglewood, where he stayed for a few months. People stole his property while he was staying there. Eventually, he was moved to a place in South LA that he shares with seven other people. He was unsure if this place will be permanent or transitional.¹⁰³⁰

- Christian P. had been unhoused in Los Angeles for about a year. He would ride buses all night and sleep on the beach during the day. Eventually, he got a tent and set up on the Boardwalk by Dudley Avenue, where he found a small community of people he trusted and who felt like family to him. LASAN took everything he could not carry—including his blanket, tent, and sleeping bag—when they swept his Boardwalk site in July 2021. They moved him into the Cadillac Hotel close to where he had been staying, with a four-month voucher. Then they moved him to a place in South LA that he describes as “an old frat house.” He has a one-year lease, though it is still considered “transitional.” It is far from his health-care provider in Venice, but he is now optimistic about his situation.¹⁰³¹
- Carolyn S. had been living on the Boardwalk since a fire in 2019 destroyed the home she shared with her son. Homeless service providers moved her to the Venice ABH shelter and then to the nearby Cadillac Hotel. She found the rules, including curfews and frequent searches, oppressive and intimidating. She said that many of the people moved from the Boardwalk either remained in hotels or were back on the streets.¹⁰³² Carolyn eventually moved into a new affordable housing development on Rose Avenue built by Venice Community Housing.

Some city officials saw the Boardwalk clearance as a success, particularly when compared to the Echo Park Lake clearance, given that many people were placed in hotel rooms and reportedly 46 people eventually went into permanent housing.¹⁰³³ Council District 11 budgeted \$2.34 million for hotel rooms for 200 people for 90 days at \$130 per night.¹⁰³⁴ Another \$1.3 million went to case management personnel.¹⁰³⁵ Unlike the Echo Park Lake

¹⁰³⁰ Human Rights Watch interview with Ronald C. (pseudonym), December 17, 2021.

¹⁰³¹ Human Rights Watch interview with Christian P. (pseudonym), Venice, December 17, 2021.

¹⁰³² Human Rights Watch interview with Carolyn S. (pseudonym), December 17, 2021.

¹⁰³³ Human Rights Watch interviews with Dennis Gleason, February 24, 2022; Mike Bonin, February 7, 2022; and Nithya Raman, March 3, 2022.

¹⁰³⁴ CD 11—Encampment to Homes, Draft Budget, FY 2021-2022.

¹⁰³⁵ Ibid.

clearance, there has been no similarly detailed independent evaluation of the Boardwalk clearance. But LAHSA data given to Human Rights Watch does not match the claims.

During June and July 2021, LASAN swept the Boardwalk area over 60 times, throwing away a cumulative 110,440 pounds of material and taking 94 bags of property to storage.¹⁰³⁶ According to their own data, LAHSA staff provided services at about 64 percent of these sweeps. During that period, LAHSA contacted at least 251 individual people at or near the Boardwalk, including two or more contacts for about one-third of those. LAHSA staff gave housing referrals to 143 of those individuals: obtaining shelter or housing for approximately 27 percent of those, according to LAHSA records.¹⁰³⁷

Over the 3 months following these summer sweeps, LAHSA returned to the area multiple times, providing services to 115 people—73 percent of whom they had not previously encountered during the June and July Boardwalk clearance.¹⁰³⁸ Even with the clearance of the visible encampments, unhoused people continued to be in the area.



Photo taken by Human Rights Watch on July 2, 2021, on the Venice Boardwalk, showing the Boardwalk cleared of encampments following the sweep. © 2021 Human Rights Watch

¹⁰³⁶ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

¹⁰³⁷ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. Part of the difference between St. Josephs Center and LAHSA's accounting of the number of people placed into shelter and housing may be attributable to flaws in LAHSA's data collection system.

¹⁰³⁸ Ibid.

Although the Boardwalk clearance resulted in moving people into hotels, and some into more permanent living situations, a great benefit for those individuals, it also paved the way for criminalization and banishment of people from that location.¹⁰³⁹ People who did not go indoors simply moved to another place.

Those who went indoors benefited from a limited resource, but the operation “sidestepped” the CES prioritization system—every room filled by someone from the Boardwalk was a room unavailable to another unhoused person in Los Angeles, perhaps one with a greater need to be indoors.¹⁰⁴⁰

D. Outreach, Sweeps, and “Service Resistance”

A common justification for connecting outreach to police and sanitation enforcement is the false idea that people are “service resistant” and, without some pressure, they prefer to remain on the streets.¹⁰⁴¹ If a person refuses to enter the “housing” offered, then, proponents say, there should be enforcement.

A 2019 New York study found that while it may take multiple outreach contacts to build trust, very few unhoused people ultimately refuse real offers of shelter or housing. The study did find that people were familiar with unkept promises of help and bureaucratic barriers were the primary reason people did not accept offers to get into housing or shelter situations.¹⁰⁴² It found hesitancy to enter shelters was nearly always rationally based on unsafe and unsanitary conditions and disappointing past experiences.¹⁰⁴³ “Service resistance” is largely a myth.¹⁰⁴⁴

¹⁰³⁹ Human Rights Watch interview with Pete White, May 25, 2021.

¹⁰⁴⁰ Human Rights Watch interviews with Dr. Coley King, October 29, 2021; (Anonymous), LAHSA Outreach Worker, Los Angeles; and Heidi Marston, March 14, 2022.

¹⁰⁴¹ Human Rights Watch interview with Dennis Gleason, February 24, 2022.

¹⁰⁴² New York University, “Study Counters Narrative That Street Homeless are ‘Service Resistant,’” *Phys.Org*, June 10, 2019, <https://phys.org/news/2019-06-counters-narrative-street-homeless-resistant.html> (accessed December 10, 2023).

¹⁰⁴³ *Ibid.*

¹⁰⁴⁴ *Ibid.*; Rob Eshman, “What Do Homeless People Want Most? Ask Them,” *Zocalo Public Square*, October 17, 2022, <https://www.zocalopublicsquare.org/2022/10/17/what-do-unhoused-homeless-people-want/ideas/essay/> (accessed December 10, 2023); A-Mark Foundation, “What Do People Experiencing Homelessness Really Want?” September 13, 2022, <https://amarkfoundation.org/reports/what-do-people-experiencing-homelessness-really-want/> (accessed December 10, 2023); After Echo Park Lake Research Collective, “(Dis)placement,” p. 142; Human Rights Watch interviews with Paul Boden, January 10, 2022; and (Anonymous), LAHSA Outreach Worker, Los Angeles.

A Rand Corporation study in Los Angeles, published in 2022, drew similar conclusions.¹⁰⁴⁵ It found that 90 percent of unhoused people surveyed wanted housing or shelter, over 40 percent had been offered “housing” of some type since they had been unhoused, and about one-third were currently on waiting lists.¹⁰⁴⁶ However, the most common reason people cited for not going to housing (43 percent of respondents) was that they had not been contacted for move-in.¹⁰⁴⁷ In other words, many “offers” of housing were not valid offers.

Large majorities of people surveyed expressed willingness to go into various types of interim housing, including hotels and shelters with private rooms; fewer approved shared apartments and group shelters, but still substantial numbers would accept them.¹⁰⁴⁸ Lack of privacy or safety, rules, and curfews were also leading causes of people not entering shelters.¹⁰⁴⁹

LAHSA Policy Director Molly Rysman said: “Service acceptance is often contingent on a client’s level of trust with outreach staff and the availability of services that clients are seeking.”¹⁰⁵⁰ If outreach staff come to people with police and sanitation workers, if they are prioritizing enforcement of LAMC section 56.11 over finding people places to live, or if they repeatedly take down personal information without progress towards housing, they will struggle to build trust effectively.

Service and housing offers, when made, are often unacceptable: the living conditions are incompatible with a person’s needs, the room is in an unsafe place for the individual, accepting the offer will disconnect them from services and community, the shelter is highly temporary and requires surrendering property for destruction, or it is not even a real offer, but an offer of a waiting list or of inaccessible services, like a sometimes hard-to-use Section 8 voucher.¹⁰⁵¹

¹⁰⁴⁵ Jason M. Ward, Rick Garvey, and Sarah B. Hunter, “Recent Trends Among the Unsheltered in Three Los Angeles Neighborhoods,” Rand Corporation, 2022, https://www.rand.org/content/dam/rand/pubs/research_reports/RR1800/RR1890-1/RAND_RRA1890-1.pdf (accessed November 28, 2023).

¹⁰⁴⁶ Ibid., p. 7-8.

¹⁰⁴⁷ Ibid., p. 8.

¹⁰⁴⁸ Ibid., p. 8.

¹⁰⁴⁹ Ibid., p. 8.

¹⁰⁵⁰ Rysman, Report on Los Angeles’ Coordinated Outreach System (In response to CF 20-1603), p. 21.

¹⁰⁵¹ Rankin, “Hiding Homelessness,” p. 25-26.

Shelters and many housing options often require people to surrender their personal autonomy in ways that are degrading, including obeying rules about visitors, curfews, searches, separation from friends and family, and deprivation of privacy.¹⁰⁵² One man on Skid Row explained many people refuse the “housing” situations they are offered because the rules treat them “like a kid again.”¹⁰⁵³

Shawn Pleasants, a formerly unhoused man, said, “People aren’t objects to be warehoused.”¹⁰⁵⁴ Once people find a safe, relatively comfortable place to stay, even if it is on the streets, they will be hesitant to move unless they have some certainty about the safety and permanence of their new location.¹⁰⁵⁵ He described becoming hopeless after filing out the “invasive” CES questionnaire multiple times, and after LAHSA and other services providers repeatedly failed to follow-up on promises of housing and services. “You can only be resilient for so long.”¹⁰⁵⁶

Human Rights Watch spoke to many people who said they preferred living on the streets to shelters, or that they had refused some offer of “housing.”¹⁰⁵⁷ In most instances, they had specific objections to what they had been offered or what they had experienced, and expressed, or implied, that they would go indoors under the right circumstances.¹⁰⁵⁸

David Busch said, “People are not shelter resistant, but they are shelter aware.” They understand the waitlists and the conditions and many feel that the offers of “housing” are not real and a waste of time.¹⁰⁵⁹ Advocates who work directly with unhoused people agree that what some call “service resistance” really is refusal to accept offers of shelter or sub-

¹⁰⁵² Lauren Dunton, et al., Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost, *US Department of Housing and Urban Development*, Office of Policy Development and Research, February 2020, <https://www.huduser.gov/portal/sites/default/files/pdf/Exploring-Homelessness-Among-People.pdf> (accessed December 10, 2023), p. 5.

¹⁰⁵³ Human Rights Watch interview with Julius M. (pseudonym), September 17, 2021. This report discusses the often degrading and repressive rules in some of the interim housing being offered by the City of Los Angeles in greater detail in Section IX below.

¹⁰⁵⁴ Human Rights Watch interview with Shawn Pleasants, April 20, 2022.

¹⁰⁵⁵ Ibid.

¹⁰⁵⁶ Ibid.

¹⁰⁵⁷ Human Rights Watch interviews with Andre N. (pseudonym), September 15, 2021; Iris P. (pseudonym), February 4, 2022; Rebecca B. (pseudonym), September 15, 2021; and Julia S. (pseudonym), August 20, 2021.

¹⁰⁵⁸ Ibid.

¹⁰⁵⁹ Human Rights Watch interview with David Busch, April 25, 2022.

standard housing situations.¹⁰⁶⁰ Paul Boden of Western Regional Advocacy Center points out that the shelters are generally full and the lists for housing are long; there is no housing for people to reject.¹⁰⁶¹ A LAHSA outreach worker said there were huge lists of people waiting for the PRK hotel rooms.¹⁰⁶²

Reverend Andy Bales, former director of the Union Rescue Mission, described using the specter of police enforcement during the Safer Cities Initiative (SCI) to encourage people to enter recovery programs at his shelter.¹⁰⁶³ He said we should not criminalize people unless they have an immediate place to go, but after using compassion and persistence, it is appropriate to use a “legal stick.”

Some city officials see repeated destruction of unhoused people’s tents and other property as the “catalyst they need to accept the help they’re offered.”¹⁰⁶⁴ LAPD Sergeant Jerald Case, lead of the Valley HOPE Unit, a team that combined LAHSA, LASAN, and police to address unhoused settlements, and was the precursor to the CARE and CARE+ teams, told a news reporter: “Sometimes you know they’re upset in the first clean up and then after a couple times they think that maybe there is something to the services that you’re offering.”¹⁰⁶⁵

Criminalization, through sanitation sweeps or arrests and citations, these officials argue, is intended not to be cruel, but to encourage reluctant people to get off the streets. However, given the shortage of acceptable alternatives, the result is cruelty, regardless of stated intention.

E. Lack of Housing Resources Undermines Outreach Efforts

The lack of available housing, including interim housing and shelter, but especially permanent housing, undermines the stated purpose of homeless services outreach, and compounds the harm of their participation in the sweeps.

¹⁰⁶⁰ Human Rights Watch interviews with Pete White, May 25, 2021; and Paul Boden, January 10, 2022.

¹⁰⁶¹ Human Rights Watch interview with Paul Boden, January 10, 2022.

¹⁰⁶² Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

¹⁰⁶³ Human Rights Watch interview with Andy Bales, March 2, 2022.

¹⁰⁶⁴ Klemack, “‘HOPE’ Team Dismantles Homeless Encampments, Seeks Out Services for LA’s Homeless Population.”

¹⁰⁶⁵ Ibid.

The outreach workers are caught in an extremely difficult situation. Many of them are formerly unhoused and have precarious housing situations themselves. Their pay is very low.¹⁰⁶⁶ The job exposes them to people in high stress situations, especially during the sweeps, when people's belongings are being destroyed. Outreach work itself is highly stressful, trying to help people, including people who are attempting to manage mental and physical disabilities that have high support requirements, without the necessary tools and resources to do so. Many outreach workers are conflicted about their role facilitating the sweeps.¹⁰⁶⁷

Outreach workers often have little to offer the people they are tasked with helping.¹⁰⁶⁸ UCLA Professor Gary Blasi described them as “salespeople with no product to sell.”¹⁰⁶⁹ Molly Rysman acknowledged a “dramatic disparity between resources and needs.”¹⁰⁷⁰ Without housing options, the system fails.¹⁰⁷¹

¹⁰⁶⁶ Marston, “The Homelessness Crisis.”

¹⁰⁶⁷ Human Rights Watch interview with Kristy Lovich, January 21, 2022.

¹⁰⁶⁸ Human Rights Watch interviews with Dr. Coley King, October 29, 2021; and Becky Dennison, October 15, 2021.

¹⁰⁶⁹ Human Rights Watch interview with Gary Blasi, January 17, 2022.

¹⁰⁷⁰ Human Rights Watch interview with Molly Rysman, January 25, 2022.

¹⁰⁷¹ Ibid.

VIII. Housing, Interim Shelter, and Criminalization

- Project Roomkey (PRK) peaked in August 2020, providing rooms for 4,472 unhoused people, but quickly reduced capacity, serving 1,392 a year later and dropping to just 63 people by March 2023; through the duration of the program, 1,920 people exited PRK directly to permanent housing, the rest stayed in hotel rooms or other shelters for long terms or returned to the streets.
- The largest PRK hotel, the LA Grand Hotel, fell to less than one-third capacity in February 2021, then rapidly refilled as authorities removed people from the Echo Park Lake encampment, raising questions of whether administrators deliberately emptied it to accommodate a high-profile encampment clearance.
- Less than one in five people admitted to the A Bridge Home (ABH) shelters exit to permanent housing, while nearly 30 percent return to the streets. The rest stay in the facilities long-term or transfer to some other shelter.
- Despite the benefits of getting indoors, many unhoused people resist entering shelter, including PRK rooms, or leave them once admitted, because of oppressive and demeaning rules, lack of privacy, unhealthy living conditions, and uncertain pathways to permanent housing.
- Without a sufficient stock of permanent housing to which people can move, interim housing and shelter are ineffective for moving large numbers of people out of houselessness, though many Los Angeles policymakers continue to emphasize shelter over permanent housing.

Shelter and interim housing can have value in getting people off the streets and into safer situations. However, they do not meet the standards for housing spelled out by international human rights law.¹⁰⁷² In addition to their impermanence, the shelter and interim housing options in Los Angeles often offer deficient living conditions, lack privacy, and, especially, have demeaning rules that resemble aspects of incarceration. As Los Angeles lacks an adequate stock of permanent housing, people remain in these deficient living situations for extended periods of time or they leave and return to houselessness.

¹⁰⁷² See Section XI below and Key Definitions above for details on the standards for the human right to housing.

City officials use the existence of shelter and interim housing to justify, both legally and morally, implementation of criminalization policies—they can say they offered “housing” before destroying an encampment and scattering its residents. They can move a certain number of people indoors, while the vast majority remain on the streets facing enforcement of laws that punish their existence in public.

A. Project Roomkey (PRK)

With the arrival of the Covid-19 pandemic in March 2020, the sudden demise of the tourist industry, and the dangers of congregate shelters for unhoused people, the state of California and local governments enacted a program to repurpose empty hotel rooms for temporary shelter for unhoused people. PRK’s initial goal was to reduce transmission of Covid-19 among unhoused people.¹⁰⁷³ Its further goal was to move people from the streets into hotels and provide case management to help them transition to permanent housing.¹⁰⁷⁴

Originally, Los Angeles city and county officials intended for PRK to have a capacity of 15,000 units.¹⁰⁷⁵ Within a few months, PRK was serving 4,000 people, and at its peak in August 2020, PRK in Los Angeles County housed 4,472 people.¹⁰⁷⁶ After that month, the number steadily declined, as many hotels were removed from the program and other hotels housed less than their maximum capacity.¹⁰⁷⁷ One year after its August 2020 peak, PRK housed 1,392 people. By early March 2023, there were only 63 people housed by the program. However, beginning in mid-March, rooms again began to be utilized and by April, and continuing through the end of the dataset in mid-June, approximately 400 people were staying in PRK rooms.¹⁰⁷⁸

¹⁰⁷³ LAHSA, Project Roomkey, July 29, 2021, <https://www.lahsa.org/news?article=705-project-roomkey> (accessed May 24, 2024); California Department of Social Services, Project Roomkey/Housing and Homelessness COVID Response, 2024, <https://www.cdss.ca.gov/inforesources/cdss-programs/housing-programs/project-roomkey> (accessed May 24, 2024).

¹⁰⁷⁴ Nicole Fiore, et al, “Evaluation of California’s Project Roomkey Program, Final Report,” *Abt Associates*, April 2024, https://www.abtglobal.com/files/insights/reports/2024/abt-global_prk-eval_final-report_5.4.24.pdf (accessed May 24, 2024), p. 6.

¹⁰⁷⁵ Many hotel operators refused to participate in the program, despite having received public funding, being guaranteed payment for rooms by the government, and having high vacancy rates due to drastic declines in travel during the pandemic. Liam Fitzpatrick, “Project Roomkey is Failing in Los Angeles—Now We Know Why,” *KnockLA*, September 15, 2020, <https://knock-la.com/homeless-los-angeles-project-roomkey-lahsa-12027aafec7b/> (accessed December 10, 2023).

¹⁰⁷⁶ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

¹⁰⁷⁷ *Ibid.*

¹⁰⁷⁸ *Ibid.*

Project Roomkey Housing

People housed per day



Source: Human Rights Watch analysis of Los Angeles Homeless Services Agency data.

Black people made up 32 percent of all PRK participants, slightly lower than their share of the unhoused population; white people were slightly over-represented compared to their share of the unhoused population.¹⁰⁷⁹ The median age was 52.

PRK rooms were a finite and scarce resource. Even at its greatest capacity, PRK did not come close to sheltering all the unhoused people who needed to come indoors and did not come close to the housing and shelter goals announced at its inception.

From March 2020 through June 2023, there were 11,400 distinct stays in PRK rooms, though many individuals may have experienced multiple stays.¹⁰⁸⁰ Almost half of those stays lasted 1 to 6 months, while 26 percent of people moved out in less than a month and 11 percent lasted less than a week. Nearly a quarter of all stays were greater than six months.¹⁰⁸¹

¹⁰⁷⁹ Ibid.

¹⁰⁸⁰ Ibid.

¹⁰⁸¹ Ibid.

In November 2022, LAHSA announced in a statement on its website that, since the program began, PRK led to more than 4,800 permanent housing placements.¹⁰⁸² However, data LAHSA gave to Human Rights Watch indicates that only 1,920 people exited PRK directly to permanent housing.¹⁰⁸³ The data from LAHSA did not indicate how many people were placed into a different interim shelter or how many left PRK and went back to the streets. LAHSA officials told Human Rights Watch that 4,800 people who had participated in PRK eventually found permanent housing. They said they made 3,574 placements from PRK into other interim housing, though those include multiple placements for the same individual, while 1,049 people left PRK directly to the streets, 2,883 to unknown locations (which could also mean the streets), and 1,509 to some “other” undefined location.¹⁰⁸⁴

1) PRK is another form of shelter, not housing

While PRK has had some success serving as a conduit from the streets to permanent housing, its residents have conflicting views of its suitability as a temporary shelter. Many reported being grateful to be indoors and to have a bed, shower, and a roof; many also found the conditions harsh and the rules degrading.¹⁰⁸⁵

PRK aimed to get people rapidly indoors, where they could quarantine and limit transmission of Covid-19.¹⁰⁸⁶ At first, it targeted people with the highest risk, though that

¹⁰⁸² LAHSA, Project Roomkey Ends Homelessness for 4,824 People, press release, November 18, 2022, <https://www.lahsa.org/news?article=901-project-roomkey-ends-homelessness-for-4-824-people> (accessed December 10, 2023). It is unclear exactly what the phrase “led to” in the press release means.

¹⁰⁸³ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

¹⁰⁸⁴ Emails to Human Rights Watch from Ahmad Chapman, LAHSA Director of Communications, February 9, 2024 and May 17, 2024; Fiore, et al, “Evaluation of California’s Project Roomkey Program, Final Report,” p. 31. An independent evaluation of PRK found that almost 19 percent of people left for permanent housing; 3.8 percent found some kind of temporary housing, including staying with family or friends; 4 percent left for a jail, hospital or other institutional setting; 1.1 percent died; and 28 percent were identified as leaving for sheltered or unsheltered homelessness. An additional 36 percent were simply “missing,” presumably rejoining the ranks of the unhoused.

¹⁰⁸⁵ Human Rights Watch interviews with Anthony Smith (pseudonym), August 29, 2021; Sonja Verdugo, August 4, 2023; Raquel L. (pseudonym), Los Angeles, September 23, 2021; Todd G. (pseudonym), Los Angeles, August 29, 2021; Angela P. (pseudonym), November 4, 2021; Frederico S. (pseudonym), October 12, 2021; Sally F. (pseudonym), October 19, 2021.

¹⁰⁸⁶ County of Los Angeles, Project Roomkey, <https://covid19.lacounty.gov/project-roomkey/#:~:text=Project%20Roomkey%20is%20a%20collaborative,the%20spread%20of%20COVID%2D19> (accessed December 10, 2023).

prioritization appears to have changed over time. A 2021 study of the same program in San Francisco found it had some success in limiting the harm of the virus.¹⁰⁸⁷

Felicia M. received a PRK room in June 2020, after having a mental health crisis while living on the streets and avoiding the congregate shelters because of fears of Covid-19. It was a hot day when she came indoors. “I cried. I was over the moon.” She had a shower, a clean bed, food, protection from the elements, and safety. She stayed in that hotel for six months before moving into an apartment with a “time limited subsidy.”¹⁰⁸⁸

Though he did not like the conditions in his hotel, Todd G. appreciated that PRK “got [him] off the streets for a while,” and allowed him to save some money.¹⁰⁸⁹ Raquel L. called it a “blessing.”¹⁰⁹⁰

The organization United Tenants Against Carceral Housing (UTACH), strong critics of the way PRK has been administered, recognized the value of sheltering people indoors and pushed for the program to be extended for all participants until they could be moved into permanent housing.¹⁰⁹¹ They also called for improved conditions within the hotels, more effective case management, and program transparency.¹⁰⁹²

PRK residents have lodged profound complaints about the living conditions. The service providers running the hotels often imposed rules that resembled incarceration and denied basic rights; the physical conditions of the rooms were often substandard and

¹⁰⁸⁷ Jonathan D. Fuchs, MD, et al., “Assessment of a Hotel-Based COVID-19 Isolation and Quarantine Strategy for Persons Experiencing Homelessness,” *JAMA Network*, vol: 4(3) (2021), doi:10.1001/jamanetworkopen.2021.0490 (accessed December 10, 2023); A 2024 study of PRK statewide stated that it met its goals of saving lives during the height of the pandemic, but did not present data to back up this statement and acknowledged that data to examine healthcare outcomes was unavailable. Nicole Fiore, et al, “Evaluation of California’s Project Roomkey Program, Final Report,” p. viii; Marisa Kendall, “Did California’s Massive COVID Homeless Shelter Program Work? A New Evaluation Probes the Results,” *CalMatters*, May 7, 2024, <https://calmatters.org/housing/homelessness/2024/05/california-homeless-project-roomkey/> (accessed May 24, 2024).

¹⁰⁸⁸ Human Rights Watch interview with Felicia M. (pseudonym), Los Angeles, July August 4, 2023. A time limited subsidy is temporary rental assistance designed to help people transition to permanent housing.

¹⁰⁸⁹ Human Rights Watch interview with Todd G. (pseudonym), August 29, 2021.

¹⁰⁹⁰ Human Rights Watch interview with Raquel L. (pseudonym), September 23, 2021.

¹⁰⁹¹ U.T.A.C.H., @UTACH9, “X Thread,” October 18, 2021, <https://twitter.com/UTACH9/status/1450160287475138561> (accessed December 10, 2023); Lexis-Olivier Ray, “Unhoused Residents Speak Out Against ‘Prison-Like’ Conditions At Project Roomkey Hotels,” *LA Taco*, May 20, 2021, <https://lataco.com/prison-like-conditions-at-hotels-for-unhoused> (accessed December 10, 2023).

¹⁰⁹² Ibid.

unhealthy; the instability of tenure and constant threat of eviction caused severe anxiety and insecurity.

Angela P. said the rules made her feel like she was in prison.¹⁰⁹³ LAHSA's Project Roomkey Participant Agreement set forth some of those rules.¹⁰⁹⁴ They included "entrance and exit hours," which essentially serve as curfews. Personal belongings were limited to the contents of two 60-gallon garbage bags, and people could not store additional items in the rooms. Alcohol and weapons were not allowed in the rooms.¹⁰⁹⁵ "Loitering and congregate activities" were not allowed, nor were visitors.¹⁰⁹⁶ People could not receive mail at their rooms. Service provider staff retained the right to search a person's room and bags at will. Refusing to allow a search would result in "immediate exit."¹⁰⁹⁷ Additionally, staff could enter and inspect the rooms at will and without notice.

Failure to submit to any of these rules could result in termination from the program and eviction back to the streets.¹⁰⁹⁸ Angela P. said she was evicted when she was hospitalized and had to be away from her room for a few days.¹⁰⁹⁹ The rules made it very clear that people living in PRK rooms were not tenants and did not retain any of the rights that come with a tenancy, making those rules more readily enforceable and contributing to the residents' insecurity.

- Todd G. had to abandon many of his possessions, including tools he needed for work, to enter a PRK room. He lost a job offer because the curfew prevented him from working the hours available.¹¹⁰⁰
- Walt A., who entered PRK when his community on the streets was cleared and destroyed, was searched every time he entered the building. If he was out past curfew, he had to remain outside overnight.¹¹⁰¹

¹⁰⁹³ Human Rights Watch interview with Angela P. (pseudonym), November 4, 2021.

¹⁰⁹⁴ LAHSA, Project Roomkey Participant Agreement, April 29, 2020, <https://www.lahsa.org/documents?id=4462-project-roomkey-participant-agreement.pdf> (accessed December 10, 2023).

¹⁰⁹⁵ Illicit drugs were also not allowed in the rooms, though that regulation does not necessarily distinguish these rooms from any other apartment. People outside of PRK do have the right to own and possess weapons and to consume alcohol.

¹⁰⁹⁶ Rules like these made some sense at the height of the Covid-19 pandemic as efforts to prevent disease transmission, though there could have been accommodations to allow for social interactions.

¹⁰⁹⁷ LAHSA, Project Roomkey Participant Agreement.

¹⁰⁹⁸ Ibid.

¹⁰⁹⁹ Human Rights Watch interview with Angela P. (pseudonym), November 4, 2021.

¹¹⁰⁰ Human Rights Watch interview with Todd G. (pseudonym), August 29, 2021.

¹¹⁰¹ Human Rights Watch interview with Walt A. (pseudonym), Los Angeles, September 1, 2021.

- Raquel L. said security staff, who had keys to their rooms, would come in and steal things from her.¹¹⁰²
- Iris P. could not collect recyclables, her main source of income, in the cooler evening because of the curfew.¹¹⁰³

All PRK residents were adults and would not be subjected to any of these rules if they had not been unhoused.

People who stayed in the rooms said the limitations on visitors and socializing in PRK rooms, even with others in the same hotel, were among the most burdensome of the rules.¹¹⁰⁴ Some people who had lived in the hotels blamed this isolation, a substantial change from life from the unhoused communities on the streets, for contributing to drug overdoses and other deaths.¹¹⁰⁵ The rules that caused isolation of people in their rooms were initially part of efforts to quarantine against the spread of Covid-19, though that goal eventually became less relevant as the pandemic subsided.¹¹⁰⁶ Deaths inside the PRK rooms must also be understood in the context of the high number of deaths that occur on the streets, and the generally poor health conditions of unhoused people.¹¹⁰⁷

Sally F. found conditions at the hotel so isolating that she left after just two days and moved to a sidewalk on Skid Row.¹¹⁰⁸ She said she needed “community.”

¹¹⁰² Human Rights Watch interview with Raquel L. (pseudonym), September 23, 2021.

¹¹⁰³ Human Rights Watch interview with Iris P. (pseudonym), February 4, 2022.

¹¹⁰⁴ Human Rights Watch interviews with Angela P. (pseudonym), November 4, 2021; and Sally F. (pseudonym), October 19, 2021; Ray, “Unhoused Residents Speak Out Against ‘Prison-Like’ Conditions at Project Roomkey Hotels”; After Echo Park Lake Research Collective, “(Dis)placement,” p. 60.

¹¹⁰⁵ Ray, “Unhoused Residents Speak Out Against ‘Prison-Like’ Conditions at Project Roomkey Hotels”; After Echo Park Lake Research Collective, “(Dis)placement,” p. 62; Emily Alpert Reyes, Benjamin Oreskes, and Doug Smith, “Why Did So Many Homeless People Die While Staying at One Hotel Used in Project Roomkey?” *Los Angeles Times*, June 28, 2021, <https://www.latimes.com/homeless-housing/story/2021-06-28/la-homeless-people-died-after-entering-covid-hotel-why> (accessed December 10, 2023); TRD Staff, “Nearly 50 Project Roomkey Deaths in LA raise concern,” *The Real Deal*, July 1, 2021, <https://therealdeal.com/la/2021/07/01/nearly-50-project-roomkey-deaths-in-la-raise-concern/> (accessed December 10, 2023).

¹¹⁰⁶ LAHSA, Project Roomkey Interim Housing Program Policies and Procedures, April 29, 2020, <https://www.lahsa.org/documents?id=4464-project-roomkey-interim-housing-program-policies-and-procedures.pdf> (accessed December 10, 2023).

¹¹⁰⁷ See Section I.E above for a discussion of deaths among unhoused people.

¹¹⁰⁸ Human Rights Watch interview with Sally F. (pseudonym), October 19, 2021.

Many unhoused people placed in PRK rooms said disrespectful and sometimes abusive staff and security treated them “like children,” provoked conflict, invaded their privacy, or changed rules with no notice, enforcing them strictly.¹¹⁰⁹ Others found the physical conditions inhospitable: describing their rooms as “filthy,” infested with bed bugs, and “chaotic.”¹¹¹⁰ The constant threat of eviction—either for violating a rule or because the facilities were closing, added to a continual feeling of instability.¹¹¹¹ Ruth G. spent a year and a half in the program and was moved to three different hotels; she now lives in her car.¹¹¹² Others had similar experiences being moved from place to place.¹¹¹³

Evictions were common.¹¹¹⁴ Equally common were “self-exits;” people simply left and returned to the streets.¹¹¹⁵ Some were pressured out; some simply could not tolerate the restrictive and degrading rules.¹¹¹⁶ Some left when they realized PRK was not leading them to permanent housing.¹¹¹⁷

The result of evictions and “self-exits” was that rooms re-opened, which allowed for a churn of residents. A steady flow out of PRK hotels, even if a large percentage of people are returning to the streets, meant there was space to place people who were being evicted from encampments.

PRK was another form of shelter.¹¹¹⁸ It was valuable for getting people immediate relief and most people were eager to take rooms. However, it was not sustainable for long-term

¹¹⁰⁹ Human Rights Watch interviews with Anthony S. (pseudonym), August 29, 2021; Todd G. (pseudonym), August 29, 2021; Josh F. (pseudonym), October 12, 2021; Raquel L. (pseudonym), September 23, 2021; and Kate W. (pseudonym), August 29, 2021; After Echo Park Lake Research Collective, “(Dis)placement,” p.61.

¹¹¹⁰ Human Rights Watch interviews with Sarah C. (pseudonym), August 29, 2021; Sally F. (pseudonym), October 19, 2021; Todd G. (pseudonym), August 29, 2021; Walt A. (pseudonym), September 1, 2021; Kate W. (pseudonym), August 29, 2021; Susan G. (pseudonym), February 14, 2022; and Raquel L. (pseudonym), September 23, 2021.

¹¹¹¹ After Echo Park Lake Research Collective, “(Dis)placement,” p. 30; Human Rights Watch interview with Raquel L. (pseudonym), September 23, 2021.

¹¹¹² Human Rights Watch interview with Ruth G. (pseudonym), Los Angeles, May 4, 2023.

¹¹¹³ Human Rights Watch interviews with Kate W. (pseudonym), August 29, 2021; and Sarah C. (pseudonym), August 29, 2021; After Echo Park Lake Research Collective, “(Dis)placement,” p. 31, 62, 63.

¹¹¹⁴ Human Rights Watch interviews with Anthony S. (pseudonym), August 29, 2021; Harvey Franco, August 26, 2021; Sonja Verdugo, August 4, 2023; (Anonymous), LAHSA Outreach Worker, Los Angeles; Angela P. (pseudonym), November 4, 2021; and Josh F. (pseudonym), October 13, 2023.

¹¹¹⁵ Human Rights Watch interviews with Ramon T. (pseudonym), October 5, 2021; Sally F. (pseudonym), October 19, 2021; Luisa C. (pseudonym), Los Angeles, March 3, 2022; and Alison D. (pseudonym), April 20, 2022.

¹¹¹⁶ Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

¹¹¹⁷ After Echo Park Lake Research Collective, “(Dis)placement,” p. 61.

¹¹¹⁸ Human Rights Watch interview with Chris Herring, January 20, 2022.

living; the insecurity, restrictions, and lack of basic rights and dignity made it less viable than staying on the streets for many people. Its role in facilitating and justifying criminalization of those who remained on the streets substantially diminished the benefits of the program.

2) PRK capacity and encampment sweeps and clearances

Evidence indicates the hotels may not have been used to their maximum capacity. For each hotel, Human Rights Watch located the date of its highest level of usage and assigned that number of residents as its maximum capacity.¹¹¹⁹ Adding up the maximum capacities of all the hotels in service at a given time generates an overall program capacity. Throughout the summer and fall of 2020, available PRK rooms in Los Angeles County were filled at an 85-93 percent rate. However, throughout 2021 that usage dropped to an average of 80 percent, meaning rooms went unused, despite people with urgent need to get indoors still living on the streets.¹¹²⁰

According to city government sources who wished to remain anonymous, Garcetti administration officials directed PRK administrators to set aside rooms for people who were in encampments deemed a priority for clearance by City Council offices.¹¹²¹ These sources indicated that PRK administrators used minor rule violations as justifications to remove people, making room for new people from those prioritized locations in advance of major sweeps.¹¹²² Human Rights Watch reached out to the specific officials alleged to be responsible: they did not agree to speak.¹¹²³ Reserving shelter beds to allow for encampment clearance reportedly occurs in other cities.¹¹²⁴

¹¹¹⁹ Human Rights Watch analysis of LAHSA data. Hotels may have never filled all their available rooms, so this calculation may be an underestimate. Conversely, there may have been times when rooms were removed from service for maintenance or other reasons, thus reducing the actual capacity; LAHSA officials confirmed that while participating in PRK, hotels were exclusively for PRK clients. Email to Human Rights Watch from Ahmad Chapman, LAHSA Director of Communications, February 29, 2024.

¹¹²⁰ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch's GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. While the individual hotels maintained an average of 80 percent usage rate, the total number of hotels declined steadily, reducing the overall capacity of the PRK program, as detailed above.

¹¹²¹ Anonymous city and county officials. Human Rights Watch attempted to interview numerous Garcetti administration officials who would have been involved in creating this policy or making these decisions. None agreed to speak to us. We submitted a direct question and request for comment to the official most clearly linked to this policy but received no response.

¹¹²² Anonymous city and county officials.

¹¹²³ Anonymous city and county officials.

¹¹²⁴ Human Rights Watch interview with Chris Herring, January 20, 2022.

Project Roomkey Housing Capacity

Percent capacity at Grand Hotel



Source: Human Rights Watch analysis of Los Angeles Homeless Services Agency data.

Human Rights Watch could not corroborate the anonymous sources noted above or assign responsibility to any individual or entity in the mayor’s office or other public official, however, the data is suggestive. At the end of November 2020, the Grand Hotel, the largest of PRK sites, with a capacity of 550 people, was 85 percent full. Over the next two-and-a-half months, leading up to the clearance of the Echo Park Lake community, those numbers steadily dwindled. By February 17, 2021, only 210 rooms were occupied.¹¹²⁵ Over the next few weeks, as intensive outreach was conducted to remove people from the Echo Park Lake community, the Grand steadily re-filled, reaching 94 percent of capacity by March 25 when the police closed the park.¹¹²⁶

There was a similar pattern before the clearance of unhoused people from MacArthur Park in late September and early October 2021 and the clearance of Main Street in downtown Los Angeles between 5th and 7th Street in early October. People from these locations were

¹¹²⁵ The Grand Hotel was entirely devoted to PRK at that time.

¹¹²⁶ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

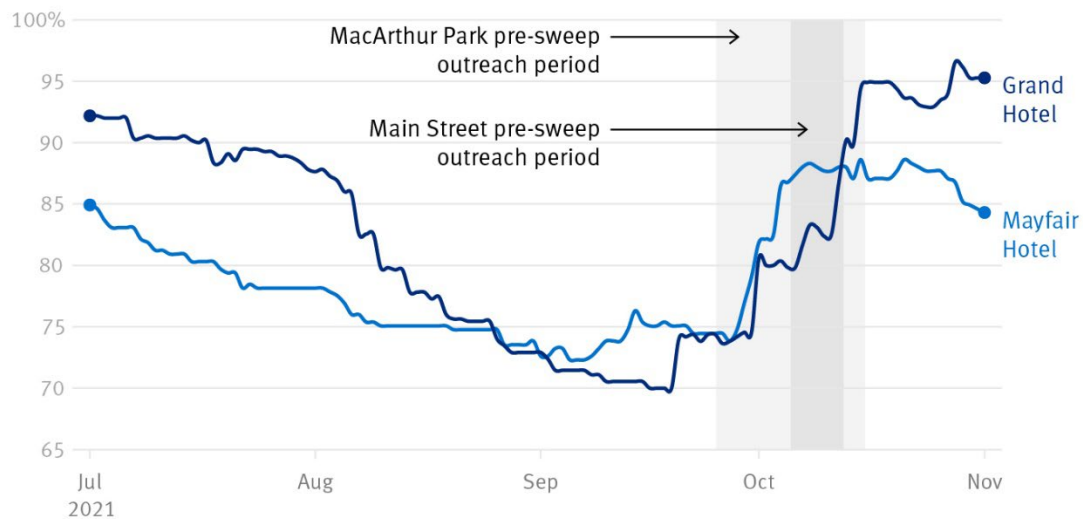
placed primarily in the Grand and Mayfair Hotels, both of which had noticeably reduced occupancy in the two months leading up to those sweeps.¹¹²⁷

Human Rights Watch asked LAHSA officials for an explanation for why the reductions in occupancy at those hotels occurred when they did. LAHSA’s communications director responded by saying:

There were several periods in which, at the city’s request, LAHSA began demobilizing the Grand and the Mayfair in preparation for the end of the lease. During the demobilization process, the City extended the leases to use the hotels to shelter people experiencing homelessness during encampment resolution efforts. In addition, COVID outbreaks could have limited new intakes and people exiting PRK due to contracting COVID could have also been factors in the population change.¹¹²⁸

Project Roomkey Housing Capacity

Percent capacity at Project Roomkey hotels



Source: Human Rights Watch analysis of Los Angeles Homeless Services Agency data.

¹¹²⁷ Ibid.

¹¹²⁸ See email communications between Human Rights Watch and Ahmad Chapman, LAHSA Director of Communications, from December 20, 2023 to May 17, 2024.

Human Rights Watch asked for clarification of this response and, at time of writing, is waiting for an answer.

An anonymous former LAHSA official denied rooms were cleared or held open for people from major encampment sweeps.¹¹²⁹ They did say LAHSA sometimes attempted to move entire encampments into hotels together so they could remain together as a community.

The California Department of Social Services issued recommendations for implementation of PRK, including guidance on “eligibility and prioritization,” which stressed that the rooms were an “extremely scarce resource” and should be held for people with Covid-19 and people at “high-risk,” including older people and those with underlying health conditions.¹¹³⁰ Prioritizing location in particular encampments would counter that recommendation.

LAHSA officials have subsequently reported in another context that “Council Districts do often make requests to reserve interim housing beds in their district, upon availability, for those within a 41.18 encampment resolution initiative....”¹¹³¹ This statement acknowledges that council members seek to use scarce shelter beds to facilitate sweeps.

B. Other Shelter and Interim Housing

Outside of PRK, there are other interim “housing” options, including congregate shelters, “A Bridge Home” (ABH) shelters, Tiny Home Villages, and “safe camping” sites. Cheri Todoroff, Director of LA County Homeless Initiative, said in March 2022 that Los Angeles County had almost 25,000 interim beds, many added by the infusion of Measure H funds.¹¹³²

¹¹²⁹ Human Rights Watch interview with “name withheld,” former LAHSA official, May 21, 2024.

¹¹³⁰ Jennifer Hernandez, Deputy Director Family Engagement and Empowerment Division, Letter to All County Welfare Directors and Federally Recognized Tribal Governments: Project Roomkey Initiative, Department of Social Services, June 1, 2020, https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACWDL/2020/ACWDL_Project_Roomkey_Initiative.pdf (accessed May 24, 2024).

¹¹³¹ Paul Rubenstein, Deputy Chief External Relations Officer, LAHSA, Los Angeles Municipal Code Section 41.18 Effectiveness Report (21-0329-S4), November 28, 2023, <https://www.documentcloud.org/documents/24453676-4118-efficacy-summary-report#document/p1> (accessed March 5, 2024).

¹¹³² County of Los Angeles, Homeless Initiative, Interim Housing, 2023, <https://homeless.lacounty.gov/interim-housing/>, (accessed December 10, 2023); Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative. See Section VII.B above for a brief discussion of Measure H.

Without sufficient permanent housing, however, people can be stuck for months and years in interim situations like shelter beds or hotel rooms, without knowing when they will be able to move to a more stable and livable situation, if they do not leave or get evicted. The longer stays in interim housing compound the shortage of beds.¹¹³³

1) Congregate Shelters

Congregate shelters allow temporary stays in large open-setting rooms that multiple people share—sleeping on bunks, cots, or even mats on the floor.¹¹³⁴ These facilities typically mirror temporary emergency shelters or even prison dormitories.¹¹³⁵

The McKinney Homeless Assistance Act of 1987 addressed houselessness not by restoring federal affordable housing funding, but by directing money towards institutionalizing these congregate shelters.¹¹³⁶ Initiatives under the administrations of US Presidents George H.W. Bush and Bill Clinton, in the 1990s, similarly emphasized shelter over permanent housing.¹¹³⁷ Historically, large congregate shelters, like the Union Rescue Mission, Midnight Mission, and others, mostly centered on Skid Row, have served as the primary option for unhoused people seeking to sleep indoors.¹¹³⁸ The expansion of the shelter system in the 1980s coincided with the emergence of laws criminalizing existing on the streets.¹¹³⁹

For some, these shelters can provide protection from the elements, especially during cold and wet weather, and access to services and rehabilitation.¹¹⁴⁰ Felicia M. went to the Union Rescue Mission after being physically threatened while she was living on the streets. She was able to avoid sleeping outside by accessing that shelter until fear of

¹¹³³ Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative; Rysman, Report on Los Angeles' Coordinated Outreach System (In response to CF 20-1603), p. 16.

¹¹³⁴ Kings County Regional Homelessness Authority, "Definitions," 2022, <https://kcrha.org/resources/definitions/> (accessed December 10, 2023).

¹¹³⁵ Western Regional Advocacy Center, *Without Housing*, p. 28

¹¹³⁶ Ibid., p. 28; Herring, "Complaint-Oriented 'Services,'" p. 265.

¹¹³⁷ Western Regional Advocacy Center, *Without Housing*, p. 29.

¹¹³⁸ Moore Sheeley, et al., *The Making of a Crisis*, p. 12-13.

¹¹³⁹ Herring, "Complaint-Oriented 'Services,'" p. 265.

¹¹⁴⁰ Human Rights Watch interviews with Sage Johnson, April 22, 2022; Tanya L. (pseudonym), April 26, 2022; and Darrell Steinberg, March 21, 2022.

exposure to Covid-19 drove her out again.¹¹⁴¹ Some enter the missions simply to avoid police and penal consequences.¹¹⁴²

The shelters themselves have rules and restrictions that deny people their personal autonomy and freedom, displaying some of the characteristics of a jail or other institutional setting.¹¹⁴³ They narrowly limit what belongings people may bring with them, they forbid pets or separate people from partners or family, some require sobriety or religious practice, and they generally lack privacy.¹¹⁴⁴ Many require people to leave in the morning and wait in line to enter in the evening. These rules and lack of independence discourage many people from voluntarily entering shelters and cause others to leave.¹¹⁴⁵ In addition to the rules, many people cite degrading treatment by staff as reason to avoid the shelters.¹¹⁴⁶

While proponents of shelters argue they are safer and healthier than living on the streets, a fair trade-off for people submitting to restrictive rules and frequently degrading treatment, many unhoused people and advocates believe the shelters themselves are dangerous or have experienced such dangers.¹¹⁴⁷ There have been reports of sexual and physical abuse

¹¹⁴¹ Human Rights Watch interview with Felicia M. (pseudonym), July August 4, 2023.

¹¹⁴² Gudis, Containment and Community, Los Angeles Poverty Department, p. 12; Stuart, *Down and Out and Under Arrest*, Herring, “Complaint-Oriented ‘Services,’” p. 265-266; Human Rights Watch interviews with Andy Bales, March 2, 2022; Shawn Pleasants, April 20, 2022; Chris Herring, January 20, 2022; and Eric Tars, January 14, 2022.

¹¹⁴³ Dunton, et al., “Exploring Homelessness Among People Living in Encampments and Associated Cost,” p. 20; After Echo Park Lake Research Collective, “Continuum of Carcerality: How Liberal Urbanism Governs Homelessness,” *Radical Housing Journal*, July 2022, vol. 4(1), p. 75, doi: 10.54825/CKDY3523 (accessed December 10, 2023); Human Rights Watch interview with Julius M. (pseudonym), September 17, 2021.

¹¹⁴⁴ Gary Blasi, “A Grounded Approach to Our Homelessness Crisis,” *California Real Property Journal*, September 2021, <https://innercitylaw.org/wp-content/uploads/2021/09/A-Grounded-Approach-to-Our-Homelessness-Crisis-by-Gary-Blasi.pdf> (accessed December 1, 2023), p. 45-46; Dunton, et al., “Exploring Homelessness Among People Living in Encampments and Associated Cost,” p. 5.

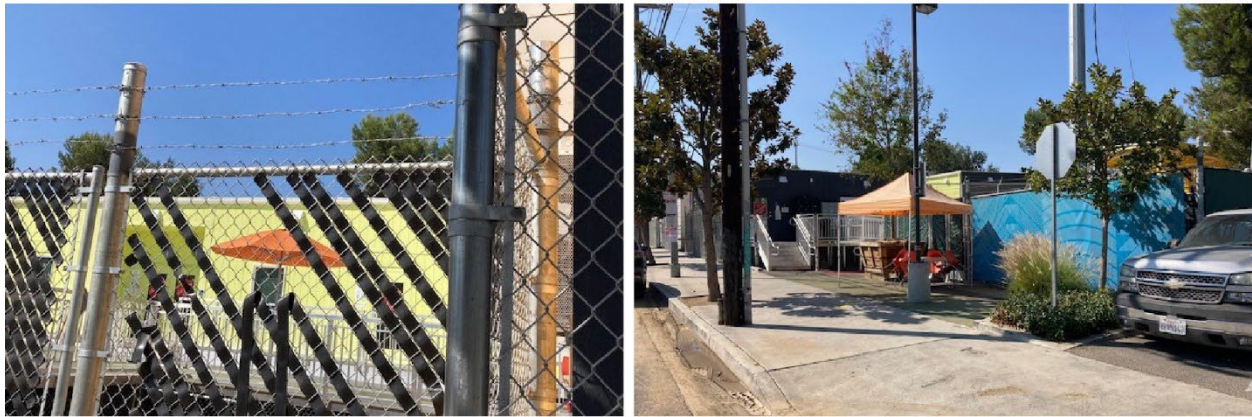
¹¹⁴⁵ Human Rights Watch interviews with Connie W. (pseudonym), September 8, 2021; Carlton Y. (pseudonym), September 15, 2021; Cathy G. (pseudonym), September 21, 2023; Sally F. (pseudonym), September 15, 2021; Bobby M. (pseudonym), August 18, 2021; Cecilia R., (pseudonym), August 26, 2021; Mario V. (pseudonym), August 26, 2021; Kate W. (pseudonym), August 29, 2021; Rene H. (pseudonym), September 9, 2021; Luisa C. (pseudonym), March 3, 2022; Tanya L. (pseudonym), April 26, 2022; and Carla P. (pseudonym), Los Angeles, November 2, 2021.

¹¹⁴⁶ LA CAN, @LACANetwork, “X Thread,” May 13, 2021, <https://twitter.com/LACANetwork/status/1392970780653154307?s=20> (accessed December 10, 2023); Marques Vestal and Andrew Klein, “What We Should Have Learned From L.A.’S Long History of Homelessness,” op-ed, *Los Angeles Times*, February 22, 2021, <https://www.latimes.com/opinion/story/2021-02-22/homelessness-encampments-shelter-los-angeles-history> (accessed December 10, 2023); Human Rights Watch interviews with Sally F. (pseudonym), September 15, 2021; Cathy G. (pseudonym), September 21, 2023; and Iris P. (pseudonym), February 4, 2022.

¹¹⁴⁷ LA CAN, @LACANetwork, “X Thread,” May 13, 2021; Rankin, “Hiding Homelessness,” p. 53; Eve Garrow and Julia Devanthery, *‘This Place Is Slowly Killing Me.:’ Abuse And Neglect In Orange County Emergency Shelters*, report, ACLU, Southern California, March 2019, https://www.aclusocal.org/sites/default/files/aclu_socal_oc_shelters_report.pdf

in congregate shelters, and many, especially women, avoid them due to safety concerns.¹¹⁴⁸ Fear of disease, especially since the Covid-19 pandemic, in congregate shelters keep people away.¹¹⁴⁹ Some people with mental health conditions simply cannot function in a congregate setting.¹¹⁵⁰

Despite the drawbacks of congregate shelters, enough people want to access them but there are not enough beds to meet the need.¹¹⁵¹



Photos taken by Human Rights Watch on September 17, 2021, on Aetna Street in Van Nuys, in front of the ABH shelter.
© 2021 Human Rights Watch

(accessed December 10, 2023); Human Rights Watch interviews with Wendy Seiden, Professor of Law, Chapman University Fowler School of Law, Family Protection Clinic, Orange, March 3, 2022; Kate W. (pseudonym), August 29, 2021; Susan G. (pseudonym), February 14, 2022; Cecilia R., (pseudonym), August 26, 2021; Cathy G. (pseudonym), September 21, 2023; Sonya V. (pseudonym), October 13, 2021; and Marcus C. (pseudonym), Los Angeles, May 17, 2022; LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 39.

¹¹⁴⁸ Garrow and Devanthery, *This Place is Slowly Killing Me.*; Human Rights Watch interview with Kate W. (pseudonym), August 29, 2021 (in a Ventura shelter); Human Rights Watch did not receive reports of such abuse in shelters in Los Angeles. A 2022 survey of unhoused women in Los Angeles County found that greater than 50 percent avoided using shelters due to concerns about feeling unsafe. Samantha Batko, et al., “Los Angeles County Women’s Needs Assessment: Findings from the 2022 Survey of Women Experiencing Homelessness,” *Urban Institute*, July 2023, <https://www.urban.org/sites/default/files/2023-07/Los%20Angeles%20County%20Women%E2%80%99s%20Needs%20Assessment.pdf> (accessed March 4, 2024), p. 35-36.

¹¹⁴⁹ Human Rights Watch interviews with Alice J. (pseudonym), August 18, 2021; Anthony S. (pseudonym), August 29, 2021; Raquel L. (pseudonym), September 23, 2021; Sonya V. (pseudonym), October 13, 2021; Sean O. (pseudonym), December 17, 2021; Felicia M. (pseudonym), July August 4, 2023; and Chris Herring, January 20, 2022.

¹¹⁵⁰ Human Rights Watch interview with Andrea S. (pseudonym), Los Angeles, June 23, 2023.

¹¹⁵¹ Human Rights Watch interviews with Paul Boden, January 10, 2022; and Heidi Marston, March 14, 2022.



Photo taken by Human Rights Watch on September 17, 2021, on Aetna Street in Van Nuys, in front of the ABH shelter. It depicts the sign giving notice of weekly comprehensive cleanings on Thursday within the zone on the map. © 2021 Human Rights Watch

There is growing recognition that large congregate shelters are not suitable for most unhoused people.¹¹⁵² This change of thinking has led to shelter options, like ABH, that do afford more privacy, but still fail to meet the standards of adequate housing.¹¹⁵³

2) A Bridge Home Shelters

In 2018, then-Mayor Eric Garcetti announced a plan to build a system of emergency shelters, opening at least 1 in each of the 15 city council districts, called A Bridge Home (ABH).¹¹⁵⁴ These shelters were designed to offer more privacy than the missions or other dorm-style congregate shelters, however, they still keep people in open settings in

¹¹⁵² Human Rights Watch interviews with Gary Blasi, January 17, 2022, and Heidi Marston, March 14, 2022; Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative.

¹¹⁵³ Human Rights Watch interview with Shayla Myers, January 13, 2022.

¹¹⁵⁴ Benjamin Oreskes and Doug Smith, "Garcetti's Signature Homeless Program Shelters Thousands, but Most Return to the Streets," *Los Angeles Times*, November 20, 2020, <https://www.latimes.com/homeless-housing/story/2020-11-20/garcetti-a-bridge-home-homeless-program-offers-mixed-results> (accessed December 10, 2023).

cubicles with a mattress and storage cubbies.¹¹⁵⁵ The stated intention was that they would be a “bridge” to permanent housing.

Temporary residence in ABH shelters can allow people in acute mental health distress to become calm and more able to transition to permanent housing.¹¹⁵⁶ Dr. Coley King, who practices street medicine in Venice, described several of his patients who benefited from entering the ABH shelter. One man with alcohol use disorder was able to get sober once inside the shelter. King described one woman found in a busy area in Venice, in obvious mental health distress and at risk of harm. Once inside the ABH shelter, a support team gained her trust, got her treatment for her mental health conditions, and helped her transition to permanent supportive housing with in-home services.¹¹⁵⁷ Despite these and other success stories, Dr. King said that ABH shelter is not the end goal—shelter is not a home.¹¹⁵⁸

Serena C. stayed for two weeks at one San Fernando Valley ABH shelter and then for six weeks at another one. She said: “I’d rather go to jail.” She described them as “filthy” and restrictive. They would not let her clean. She had to keep her chihuahua in a crate. There was nothing to do, except sit and wait. They did not disclose the rules to her before she entered the shelters, and sometimes they would change the rules. Serena went into the shelters with her husband, but they were not allowed to stay together. Instead, they had to stay in separate cubicles.¹¹⁵⁹

Susan G. stayed in two different ABH shelters and found them “unhygienic.”¹¹⁶⁰

¹¹⁵⁵ Hope the Mission, “NoHo Shelter,” 2023, accessed December 10, 2023, <https://hopethemission.org/our-programs/shelters/noho-shelter/>.

¹¹⁵⁶ Human Rights Watch interviews with Dr. Coley King, October 29, 2021; and Dennis Gleason, February 24, 2022.

¹¹⁵⁷ Ibid.

¹¹⁵⁸ Ibid.

¹¹⁵⁹ Human Rights Watch interview with Serena C. (pseudonym), September 17, 2021.

¹¹⁶⁰ Human Rights Watch interview with Susan G. (pseudonym), February 14, 2022.



Photo taken by Human Rights Watch on March 1, 2022, near Shrader Boulevard and Selma Avenue, depicting an ABH shelter by the site of the sweep that day. © 2022 Human Rights Watch

Many cite the lack of privacy in ABH shelters as a major problem.¹¹⁶¹ Carolyn S. left the ABH shelter in Venice after one week because she could not bear the lack of privacy.¹¹⁶² Residents also have criticized other ABH shelters for restrictive rules, including intrusive searches, curfews, and limitations on interactions with people living outside of the shelter.¹¹⁶³

Still, people often stay a long time in these shelters, hoping for a better situation.¹¹⁶⁴ Throughout the city, there are 1,570 total ABH beds, with an average stay of about 5 months. A slight majority of people go into some other form of interim housing or shelter from ABH, and 19 percent find permanent housing. Just under 30 percent returned directly

¹¹⁶¹ Human Rights Watch interviews with Dennis Gleason, February 24, 2022; Chris Herring, January 20, 2022; and Shayla Myers, January 13, 2022.

¹¹⁶² Human Rights Watch interview with Carolyn S. (pseudonym), December 17, 2021.

¹¹⁶³ Elizabeth Chou, “Van Nuys Homeless Shelter Residents Cite Prison-like Conditions, New Threats of LAPD Crackdown,” *Los Angeles Public Press*, May 15, 2023, <https://lapublicpress.org/2023/05/van-nuys-homeless-shelter-residents-cite-prison-like-conditions-new-threats-of-lapd-crackdown/> (accessed December 10, 2023).

¹¹⁶⁴ Ibid.; Human Rights Watch interviews with Sean O. (pseudonym), December 17, 2021; and Susan G. (pseudonym), February 14, 2022.

to the streets.¹¹⁶⁵ From November 2018 to April 2022, 872 people moved from ABH shelter to permanent housing.¹¹⁶⁶

There appear to be inconsistent levels of success moving people from ABH shelters into permanent housing. For example, there are two ABH shelters in Council District 14, which includes downtown Los Angeles and Skid Row, where over 6,500 people live on the streets unsheltered, according to the 2022 PIT Count.¹¹⁶⁷ The 45-bed El Puente ABH exits 35 percent of its residents to permanent housing and 63 percent to “temporary housing,” while the 99-bed Civic Center ABH exits only 10 percent to permanent housing and 23 percent to “temporary housing,” while 66 percent leave for “other destinations.”¹¹⁶⁸

The 74-bed ABH facility on Aetna Street in the Van Nuys section of Los Angeles, with an unsheltered population of almost 1,600, closed in October 2023.¹¹⁶⁹ The average length of a stay at the Aetna ABH shelter was 172 days. Only 14 percent of those leaving the shelter went to permanent housing; 35 percent of residents exited to some other “temporary housing.”¹¹⁷⁰ The rest left for “other destinations,” most likely back to the streets.

As the former LAHSA director put it, without a consistent pathway to permanent housing, the ABH shelters become “a bridge to nowhere.”¹¹⁷¹

¹¹⁶⁵ LAHSA, “ABH Public Dashboard, Adult,” dashboard data from November 7, 2023, <https://app.powerbi.com/view?r=eyJrJoiMWMxMDYzNDItOTliMyooM2UwLWE5ZTUtNGFhYjMoZTEzZDZjliwidCI6IjBiYWU1NDliLTUyZDgtNGEzYi1hYTE5LWQ1MDY2MmlzMDg5NyIsImMiOjZ9&pageName=ReportSectionf893b95985095e49b149> (accessed December 10, 2023). This dataset does not account for how long people remain in “temporary housing” or whether they eventually move into permanent housing or back to the streets.

¹¹⁶⁶ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

¹¹⁶⁷ LAHSA, 2022 Greater Los Angeles Homeless Count: Countywide Geography Summary, September 8, 2022, <https://www.lahsa.org/documents?id=6532-countywide-geography-summary> (accessed January 31, 2024).

¹¹⁶⁸ LAHSA, ABH Public Dashboard, Adult, Dashboard data from December 7, 2023.

¹¹⁶⁹ Ibid. This number of unsheltered people in the Council District 6, San Fernando Valley, is according to the 2022 PIT count; LAHSA, Homeless County by City of LA Council District 2015-2022, <https://www.lahsa.org/data?id=52-homeless-count-by-city-of-la-council-district-2015-2022> (accessed December 10, 2023). The 2023 PIT Count indicates an increase in unsheltered homelessness.

¹¹⁷⁰ LAHSA, ABH Public Dashboard, Adult, Dashboard data from December 7, 2023.

¹¹⁷¹ Human Rights Watch interview with Heidi Marston, March 14, 2022.

a. ABH and enhanced criminalization

To overcome opposition by housed residents in neighborhoods where they built ABH shelters, city officials promised enhanced enforcement of laws against living in public space and that the surrounding areas would be subject to regular and frequent CARE and CARE+ operations.¹¹⁷²

Shawn Pleasants, who lived on the streets in Hollywood for many years, said: “If the ABH is there, they made a deal. Because they have a 72-bed shelter, no one can be on the street nearby. So, 1,000 others are criminalized. It sends the wrong signal. You can’t come to the place where you might get services.”¹¹⁷³

LaDonna Harrell stayed in the unhoused community on Aetna Street, east of Van Nuys Boulevard, close to the ABH shelter and within the SECZ that accompanies it. She became unhoused after losing her maintenance job in a factory, which left her unable to pay rent.¹¹⁷⁴ Police came through the community frequently, writing tickets that could go to warrant and lead to arrests. LASAN staff frequently swept their block and disposed of the property of people living there. They tore down Harrell’s tent twice, trashing her ID, birth certificate, clothing, and bedding.¹¹⁷⁵ Police arrested Harrell in 2021 during one of the weekly sweeps when she tried to help another woman from her community retrieve her belongings before they were thrown away.¹¹⁷⁶

The September 16, 2021, sweep of the community on Hampton Street, between Sunset Avenue and Rose Avenue, discussed previously, is an example of an ABH SECZ enforcement action. While there were no arrests that day, numerous people had their valuable property, including clothing, medications, and tools, taken and destroyed.¹¹⁷⁷

¹¹⁷² Human Rights Watch interview with (Anonymous), LAHSA Outreach Worker, Los Angeles.

¹¹⁷³ Human Rights Watch interview with Shawn Pleasants, April 20, 2022.

¹¹⁷⁴ Human Rights Watch interview with LaDonna Harrell, September 2, 2021.

¹¹⁷⁵ Ibid.

¹¹⁷⁶ Ibid.

¹¹⁷⁷ See Section V of this report. Human Rights Watch interviews with Lester C. (pseudonym), September 21, 2021; Cathy G. (pseudonym), September 21, 2023; Juan R. (pseudonym), September 21, 2021; and Michael C. (pseudonym), September 21, 2021.

LASAN Cleanings in A Bridge Home/Operation Healthy Streets Zones

October 2019 – February 2023

Site	Pounds of property/waste disposed per cleaning (avg.)	Number of property bags taken per cleaning (avg.)	Number of cleanings
Skid Row	6,069	0.24	528
Schrader	746	0.29	444
Aetna	2,130	0.97	427
Sunset (Venice)	1,487	0.47	416
St. Andrews	2,549	0.09	389
Hope Street	3,618	0.07	344
El Puente / El Pueblo	901	0.11	331
The Willows	2,279	0.13	270
Civic Center	1,684	0.39	256
Wilmington (Eubank)	3,563	0.20	253
Lotus	2,914	0.09	251
Ohs Venice	1,805	0.90	215
Beacon	1,432	1.63	209

Note: Only zones with more than 200 cleanings were included.
Source: Human Rights Watch analysis of LA Sanitation data.

The unhoused community on Spring Street and Arcadia Street in downtown Los Angeles, close to City Hall, was within the SECZ surrounding the El Puente ABH. Its residents experienced frequent destructive sweeps.¹¹⁷⁸ Describing the trauma of moving ahead of the LASAN trucks, Sonja Verdugo, who lived in this encampment, said: “Imagine packing your whole house in a day and moving it back. Some people have a lot of junk, but for people the stuff is meaningful.”¹¹⁷⁹

About one out of five LASAN cleanings (19 percent) from April 2020 through October 2022 took place in an ABH or Operation Healthy Streets SECZ.¹¹⁸⁰ These cleanings occurred nearly every day. Cleanings in these zones were more likely to include property bags taken to storage—7.2 percent versus 3.2 percent—but also disposed of more material.¹¹⁸¹ The median SECZ cleaning threw away double the amount of property and waste than the non-SECZ cleanings—1000 versus 500 pounds.¹¹⁸²

The most targeted of these areas was Skid Row, followed by Schrader Boulevard in Hollywood, Aetna Street in Van Nuys, and the Venice encampments on 3rd Street and Hampton Drive, by Sunset Avenue.¹¹⁸³ On average, over 6,000 pounds of material, including both trash and property, were thrown away per Skid Row cleaning. The next highest volume was 3,600 pounds per cleaning around Hope Street, near the University of Southern California campus.¹¹⁸⁴

LAHSA staff were more likely to provide services at LASAN sweeps in SECZ zones, as they were at 25 percent of cleanings within zones, compared with 13 percent outside of these zones.¹¹⁸⁵ LAHSA staff offered shelter or housing referrals more often in ABH zones than outside of these areas—38 percent of encounters versus 27 percent. People who LAHSA

¹¹⁷⁸ Human Rights Watch interviews with Harvey Franco, August 26, 2021; and Sonja Verdugo, August 4, 2023.

¹¹⁷⁹ Ibid.

¹¹⁸⁰ Human Rights Watch analysis of LASAN data provided in response to a California Public Records Act request. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. Operation Healthy Streets cleanings were in Venice and Skid Row.

¹¹⁸¹ Ibid.

¹¹⁸² The mean measurements were 2400 pounds disposed of for ABH/OHS cleanings versus 1852 for non-ABH/OHS areas.

¹¹⁸³ Ibid.

¹¹⁸⁴ Ibid.

¹¹⁸⁵ Human Rights Watch analysis of LAHSA data provided in response to California Public Records Act requests. Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology.

encountered in ABH zones were more likely to have “attained” shelter or housing at least once compared with those approached outside of these areas—21 percent of those within ABH zones attained housing versus 13 percent of those outside of ABH zones.¹¹⁸⁶

About 15 percent of all LAPD arrests of unhoused people occurred within the SECZ zones.¹¹⁸⁷ Arrests inside these zones were less likely to result in a jail booking than those outside. Arrests of unhoused people inside these zones were more likely to be for unhoused-specific charges such as park regulations, drinking, or LAMC 41.18.¹¹⁸⁸

Even with the enhanced criminalization of the unhoused in the SECZ zones around the shelters, some housed neighbors continue to object to the shelters.¹¹⁸⁹ This vocal opposition, part of an overall objection by some housed people in neighborhoods where unhoused people live, puts pressure on officials to deepen the criminalization of the unhoused.

3) *Tiny Homes, Safe Camping and Safe Parking*

As an alternative to the congregate shelters, Los Angeles has developed a variety of “interim” options that provide temporary shelter and removal from the streets, while affording people more privacy. In addition to the ABH shelters, there are “Tiny Home Villages” and “safe camping” sites. Officials believe these facilities are more appealing

¹¹⁸⁶ Ibid.

¹¹⁸⁷ Human Rights Watch analysis of LAPD data provided in response to California Public Records Act requests and open data posted on the city’s open data catalog (<https://data.lacity.org/>, accessed March 7, 2024). Data on file with Human Rights Watch; See Human Rights Watch’s GitHub (<https://github.com/HumanRightsWatch>) for a repository with all data, analysis code, and detailed methodology. Includes arrests between 2018 and 2022.

¹¹⁸⁸ Ibid.

¹¹⁸⁹ Yo! Venice Staff, “VSA Files Petition Challenging Lease Extension Approved by Former Councilmember Mike Bonin for A Bridge Home Facility in Venice,” *Yo! Venice*, February 14, 2023, <https://yovenice.com/2023/02/14/vsa-files-petition-challenging-lease-extension-approved-by-former-councilmember-mike-bonin-for-a-bridge-home-facility-in-venice/> (accessed December 10, 2023); Jaime Paige, “A Bridge to Somewhere: San Pedro Bridge Home is a Vivid Contrast to the Venice Version,” *Westside Current*, February 24, 2022, https://www.westsidecurrent.com/news/a-bridge-to-somewhere-san-pedro-bridge-home-is-a-vivid-contrast-to-the-venice/article_39434210-9508-11ec-85ac-7f06a0dd289b.html (accessed December 10, 2023); Dakota Smith and Doug Smith, “Residents Erupt in Anger at Garcetti’s Town Hall for Planned Homeless Shelter in Venice,” *Los Angeles Times*, October 18, 2018, <https://www.latimes.com/local/lanow/la-me-ln-venice-shelter-town-hall-20181018-story.html> (accessed December 10, 2023); Kirk Siegler, “LA Homeless Shelters Face Opposition,” *NPR*, June 30, 2018, <https://www.npr.org/2018/06/30/624911798/la-homeless-shelters-face-opposition> (accessed December 10, 2023); Cameron Kiszla, “Lawsuit Filed Against Griffith Park Bridge Housing,” *Beverly Press/Park LaBrea News*, January 16, 2020, <https://beverlypress.com/2020/01/lawsuit-filed-against-griffith-park-bridge-housing/> (accessed December 10, 2023); Editorial Board, “Sure, We Can Revisit Where to Put The Koreatown Homeless Shelter—Just So Long As It Actually Gets Built,” *Los Angeles Times*, June 30, 2018, <https://www.latimes.com/opinion/editorials/la-ed-koreatown-shelter-revisited-20180630-story.html> (accessed December 10, 2023); Ryan Fonseca, “In Sherman Oaks, NIMBYs Loudly Draw a Line Against Homeless Housing—and Threaten Recall,” *Laist*, September 25, 2018, <https://laist.com/news/sherman-oaks-homeless-housing> (accessed December 10, 2023).

than the missions and other large congregate settings.¹¹⁹⁰ However, they fall far short of standards for adequate housing, impose rules and living conditions that share characteristics with jails or closed institutions, and rarely lead to a permanent housing solution. Like the other shelter options, they are used to facilitate sweeps and destruction of unhoused communities.¹¹⁹¹

a. Tiny Homes

The Tiny Homes provide 64-square-foot sheds with two beds each, windows, and a desk, along with on-site meals, bathrooms, and showers.¹¹⁹² While each shed is intended to shelter two people, many are only sheltering one due to the risk of Covid-19 transmission, according to the LAHSA dashboard tracking their use. The administrators of the facilities promise services, including housing navigation and mental health care, though it is unclear to what extent they deliver.¹¹⁹³

There were 13 active Tiny Home Villages throughout Los Angeles County, at time of writing, with a total bed capacity of 1,190.¹¹⁹⁴ The highest bed usage was 834 on October 16, 2023.¹¹⁹⁵ Since the inception of the program in February 2021, 3,209 people had been sheltered in tiny homes as of December 10, 2023. Only about 17 percent of the people sheltered have been Black, a disproportionately low number compared to the overall rate of Black houselessness.¹¹⁹⁶

People sometimes go from the Tiny Homes program to permanent housing, but more often, they do not. As of December 10, 2023, 444 people have exited the Tiny Homes to “permanent situations,” 1,295 to some other “temporary situation,” and 831 to “other

¹¹⁹⁰ Human Rights Watch interviews with Dennis Gleason, February 24, 2022; and Heidi Marston, March 14, 2022; Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative.

¹¹⁹¹ Matthew Tinoco, “The Sweep Before the Tiny Homes Opened,” *Substack: Home for Who*, April 23, 2021, <https://homeforwho.substack.com/p/the-sweep-before-the-tiny-homes-opened> (accessed December 10, 2023).

¹¹⁹² Hope the Mission, “Arroyo Seco,” 2023, <https://hopethemission.org/our-programs/tiny-homes/arroyo-seco/> (accessed December 10, 2023).

¹¹⁹³ Ibid.

¹¹⁹⁴ LAHSA, Tiny Homes Dashboard, December 7, 2023, <https://app.powerbi.com/view?r=eyJrljoiMzVmZDBjYTctNjQoOSooZDE3LTg2ODAtNGM2MjkwMDgzODY1IiwidCI6IjBiYWU1NDliLTUyZDgtNGEzYi1hYTE5LWQ1MDY2MmlzMDg5NyIsImMiOjZ9&pageName=ReportSection> (accessed December 10, 2023).

¹¹⁹⁵ Ibid. These numbers come from LAHSA’s dashboard on December 10, 2023. LAHSA may update these numbers periodically, changing the totals.

¹¹⁹⁶ Ibid. The dashboard indicates that about 42 percent of Tiny Home residents have been “multiracial.” So it is unclear how they are coding racial data.

situations,” presumably back to the streets.¹¹⁹⁷ The rest have gone to other forms of interim shelter and housing.

The Alexandria Park Tiny Home Village, run by Hope of the Valley Rescue Mission, sits directly next to the Hollywood Freeway, with a fence separating it from a large parking lot for several businesses.¹¹⁹⁸ The “village” was funded by the City and County of Los Angeles.¹¹⁹⁹ Construction costs, approved in February 2021, were \$14.6 million, with an additional \$4.77 million for operations through June 30, 2022.¹²⁰⁰ The nightly cost per bed was estimated at \$55.¹²⁰¹

The “village” opened in April 2021, following a sweep and clearance of the nearby unhoused community. It has never completely filled its beds; since August 2022, it has averaged well under 100 of its 195 beds used, reaching a peak of 157 on November 18, 2023.¹²⁰² Of the 591 people who had sheltered at this facility as of that latter date, 72 had left for “permanent situations,” 326 for “temporary situations,” and 110 presumably returned to the streets.¹²⁰³

The Tiny Home Village at Westlake, in Council District 13, not far from Echo Park Lake, opened in January 2022. It has a total capacity of 109 people. At its peak in March 2023, it sheltered 87 people, however, for most of its existence it has sheltered about half of its

¹¹⁹⁷ Ibid.

¹¹⁹⁸ Hope the Mission, “Alexandria Park Tiny Home Village,” 2023, <https://hopethemission.org/our-programs/tiny-homes/alexandria/> (accessed December 10, 2023).

¹¹⁹⁹ Funding for the Alexandria Park Tiny Home Village came through the Covid-19 Homeless Roadmap fund. Matthew W. Szabo, City Administrative Officer, COVID-19 Homelessness Roadmap: Nineteenth Report: Covid-19 Homelessness Roadmap Funding Recommendations, September 1, 2023, https://clkrep.lacity.org/online/docs/2020/20-0841-S36_misc_9-01-23.pdf (accessed December 10, 2023); The Roadmap fund was created by an agreement between Los Angeles City and County to provide beds for unhoused people. Primary among the target population was “people experiencing homelessness and living in the City within 500 feet of freeway overpasses, underpasses and ramps.” Office of the City Administrative Officer, Homelessness Group, Enhanced Comprehensive Homeless Strategy—Quarterly Performance Report Fiscal Year 2020-21 Second, Third, and Fourth Quarters (October 1, 2020—June 30, 2021), November 4, 2021, <https://cao.lacity.gov/homeless/hsc20211104d.pdf> (accessed December 10, 2023); This agreement was made in response to a federal court order to move people away from hazardous proximity to freeways. Nicholas Bogel-Burroughs, “Judge Orders Los Angeles to Move Homeless People Away from Freeways,” *New York Times*, May 16, 2020, <https://www.nytimes.com/2020/05/16/us/los-angeles-homeless-freeways.html> (accessed December 10, 2023). Alexandria Park’s location appears to contradict that goal.

¹²⁰⁰ Richard H. Llewellyn, Jr., City Administrative Officer, City of Los Angeles, Transmittal, Council File No. 20-0841, March 16, 2021, https://clkrep.lacity.org/online/docs/2020/20-0841-S8_rpt_CA0_03-17-21.pdf, (accessed December 10, 2023).

¹²⁰¹ Tinoco, “The Sweep Before the Tiny Homes Opened.”

¹²⁰² LAHSA, Tiny Homes Dashboard. This limitation of people sheltered may relate to Covid-19 restrictions.

¹²⁰³ Ibid. The remaining people are unaccounted for on the tracking dashboard or may still be staying at the site.

capacity.¹²⁰⁴ The average length of stay was over 5 months and, as of November 7, 2023, out of 199 “exits,” only 21 went to a “permanent situations.”¹²⁰⁵ The site cost an estimated approximately \$5 million to construct, with an operating budget of \$1.5 million for the first six months alone.¹²⁰⁶

b. “Safe Camping” and “Safe Parking” Sites

“Safe Camping” or “Safe Sleeping” sites are gated areas, like parking lots, with painted squares on which unhoused people are admitted and allowed to set up their tents.¹²⁰⁷ They have similar rules and security to the ABH sites.

Like the Tiny Homes, Safe Sleeping Villages are costly.¹²⁰⁸ A site next to the 101 Freeway in East Hollywood cost \$2,663 per person per month.¹²⁰⁹ This facility was a fenced parking lot with showers, portable toilets, meals, and 24 hour a day security, apparently the biggest driver of the cost.¹²¹⁰ It had space for 200 tents, set up on painted squares on the ground.¹²¹¹ In its eight months of operation, the site sheltered 200 people, with average stays between three and five months.¹²¹² Of those people, about 165 were either evicted or left on their own; the remaining 35 were moved to a Tiny Home Village when the site closed.¹²¹³ Apparently,

¹²⁰⁴ Ibid.

¹²⁰⁵ Ibid.

¹²⁰⁶ Tony Royster, General Manager, City of Los Angeles, Department of General Services, Request Authority to Negotiate and Execute a Sublease at 2301 W. Third Street Los Angeles, CA 90057 with Urban Alchemy to Operate Interim Housing Site, October 28, 2021, <https://cao.lacity.org/capital/mfc20211028e.pdf> (accessed December 10, 2023), p. 3. This document also says that the estimated cost for construction would be \$8.9 million.

¹²⁰⁷ Anna Scott, “New East Hollywood Government-Run Homeless Encampment to Offer Emergency Services, But It’s Not Cheap,” *KRCW*, April 26, 2021, <https://www.kcrw.com/news/shows/greater-la/homelessness-armenia-edu/east-hollywood-homeless-camp-urban-alchemy> (accessed December 10, 2023).

¹²⁰⁸ Interview with anonymous City of Los Angeles official, Los Angeles. ABH and Tiny Homes have very high infrastructure costs.

¹²⁰⁹ Scott, “New East Hollywood Government-Run Homeless Encampment.” Another source set the estimated costs at “around \$2,140 per person each month.” Lauren Lyster and Sareen Habeshian, “L.A.’s Temporary Safe Sleep Village, Which Provided Tent Housing for Homeless People, to Close This Week,” *KTLA 5*, December 15, 2021, <https://ktla.com/news/local-news/l-a-s-temporary-safe-sleep-village-which-provided-tent-housing-for-homeless-people-to-close/> (accessed December 10, 2023).

¹²¹⁰ Scott, “New East Hollywood Government-Run Homeless Encampment.”

¹²¹¹ Ibid.; See also, Department of Public Works, City of Los Angeles, Crisis and Bridge Housing Facility—CD 9 Lincoln Theatre Safe Sleep Site at 2300 S. Central Avenue (C.F. 20-0841) California Environmental Quality Act (CEQA) Notice of Exemption (NOE), June 17, 2021, https://clkrep.lacity.org/online/docs/2020/20-0841_rpt_boe_6-17-21.pdf (accessed December 10, 2023).

¹²¹² Lauren Lyster and Sareen Habeshian, “L.A.’s Temporary Safe Sleep Village, Which Provided Tent Housing for Homeless People, to Close This Week”.

¹²¹³ Ibid.

none went from the site to permanent housing. The Safe Camping sites are explicitly tied to enhanced enforcement of laws against existing in public space.¹²¹⁴

Throughout Los Angeles County, there are also 23 “safe parking” sites, with space for 544 vehicles.¹²¹⁵ Almost 19,000 people live in cars and vans according to the 2022 PIT count.¹²¹⁶ Residents of these sites are supposed to have access to case management for their housing needs and other services, though it is unclear what is provided in reality.¹²¹⁷ Residents are required to leave the sites every morning, so they must have a vehicle that runs reasonably well and sufficient fuel.¹²¹⁸

C. Shelters Enable Criminalization

Following the *Martin v. Boise* ruling, cities like Los Angeles must “offer” some form of “housing” or shelter to unhoused people before they can enforce laws that criminalize existing in public space, like LAMC section 41.18.¹²¹⁹ The presence of ABH, other shelters, and interim “housing” allows city officials to argue they are making such offers, even if the number of beds in shelters falls far short of the number of people subject to punishment for living on the streets, and even if shelter conditions may be unacceptable.

What constitutes “adequate shelter” under *Martin* is unclear.¹²²⁰ Regardless, the offers in practice do not actually mean unhoused people are given access to an acceptable bed, much less a housing situation that meets the standard defined by international human rights law.¹²²¹ Often the offer is just the words “Do you want housing?” and then the outreach worker might put a person on a list.¹²²²

¹²¹⁴ Scott, “New East Hollywood Government-Run Homeless Encampment.”

¹²¹⁵ County of Los Angeles, Los Angeles County Homelessness & Housing Map, January 10, 2023, <https://storymaps.arcgis.com/stories/400d7b75f18747c4ae1ad22d662781a3> (accessed December 10, 2023).

¹²¹⁶ LAHSA, LAHSA-Administered Safe Parking Sites in Los Angeles, July 3, 2023, <https://www.lahsa.org/news?article=592-safe-parking> (accessed December 10, 2023).

¹²¹⁷ Ibid.

¹²¹⁸ LAHSA, FY 2023-2024 Safe Parking Sites, November 9, 2021, <https://www.lahsa.org/documents?id=5742-2022-2023-safe-parking-sites.pdf> (accessed December 10, 2023).

¹²¹⁹ Herring, “Complaint-Oriented ‘Services,’” p. 7; The *Martin* case was decided by the 9th Circuit Court of Appeal and only applies to states within its jurisdiction.

¹²²⁰ Human Rights Watch interview with Dennis Gleason, February 24, 2022.

¹²²¹ Human Rights Watch interview with Pete White, August 15, 2023.

¹²²² Ibid.

Shelters and interim housing facilities allow policymakers and housed people, especially those seeking to remove unhoused people from their neighborhoods, to convince themselves that they are not acting cruelly.

In fact, relying on the fallacy that everyone is being offered “housing,” proponents of the sanitation sweeps and “encampment clearances” rhetorically argue that those who oppose criminalization and sweeps are allowing people to live in squalor on the streets.¹²²³ Some claim their approach is “compassionate.”¹²²⁴ Current Los Angeles Mayor Karen Bass responded to critics of her Inside Safe program, which clears encampments and moves some people to a limited number of hotel rooms, by claiming that those advocates were telling unhoused people they should stay on the streets.¹²²⁵ Council Member Kevin De Leon made similar accusations against activists with StreetWatch.¹²²⁶

Lawyers for the City of Boise, in a paper criticizing the *Martin v. Boise* decision, argued officials should be allowed to enforce laws against existing in public spaces, even when no shelter or housing is available, saying: “It is not compassionate to deprive cities of any authority to urge individuals to accept help from service providers, counselors, shelters, or family.”¹²²⁷ The “urging” they refer to is accomplished through the threat of arrest or citation.

These arguments mischaracterize the opposition to criminalization and encampment clearances. Advocates for the rights of unhoused people to occupy public space almost universally want more shelter and, more importantly, more housing, as well as more

¹²²³ Julia Wick and David Zahniser, “L.A. on the Record: Bass Starts a New Tussle of Inside Safe,” *Los Angeles Times*, May 27, 2023, <https://www.latimes.com/california/newsletter/2023-05-27/la-on-the-record-newsletter-bass-inside-safe-activists-l-a-on-the-record> (accessed December 10, 2023); Michael Shellenberger, @shellenberger, “X Thread,” January 10, 2023, <https://twitter.com/shellenberger/status/1612967944526647296?s=20> (accessed December 10, 2023).

¹²²⁴ Human Rights Watch interview with Eric Tars, January 14, 2022.

¹²²⁵ Wick and Zahniser, “L.A. on the Record.” Activists, advocates, and mutual aid organizations have consistently called for bringing people indoors, while demanding improved conditions in those interim shelter facilities and less carceral rules. They have advocated for an end to criminalization and right to exist on public space in the face of housing and shelter shortages. See Section IX below for a more detailed discussion of Mayor Bass’ Inside Safe program.

¹²²⁶ David Zahniser, “Kevin de Leon, Working to Clear Encampments, Wages an Escalating Fight With Activists,” *Los Angeles Times*, January 17, 2022, <https://www.latimes.com/california/story/2022-01-17/kevin-de-leon-homelessness-activists-el-pueblo-encampment> (accessed December 10, 2023); Margaret Shuttleworth, “Councilman de Leon: ‘I’ve Never Encountered Anything Like This in My Life,’” *Hey Socal*, March 17, 2022, <https://heysocal.com/2022/03/17/de-leon-ive-never-encountered-anything-like-this-in-my-life/> (accessed December 10, 2023).

¹²²⁷ Gibson Dunn, “*Martin v. City of Boise* Will Ensure the Spread of Encampments That Threaten Public Health and Safety,” August 2019, <https://www.gibsondunn.com/wp-content/uploads/2019/08/Martin-v.-Boise-White-Paper.pdf> (accessed December 10, 2023), p. 11.

sanitary conditions for those who remain on the streets.¹²²⁸ Unless there is enough acceptable shelter and housing for everyone in need, then sanitation sweeps and enforcement of criminalization laws punish people, forces them to move away from public view, and misallocates scarce resources that could be used for housing and shelter.¹²²⁹ Simply removing unhoused communities from sight does not actually solve the problem, as these arguments imply.

While many who support criminalization policies adhere to the fiction that they are acting with compassion, others simply want people removed, without concern for where they go, or express open hostility to unhoused people, calling for them to be jailed or shipped to internment camps.¹²³⁰

Former President Trump said:

The only way you are going to remove the hundreds of thousands of people... and help make our cities clean, safe and beautiful again is to open up large parcels of inexpensive land in the outer reaches of the city, bring medical professionals... rehab specialists, build permanent bathrooms and other facilities... build them fast... and create thousands and thousands of high quality tents which can be done in one day, one day, you have to move people out. Now some people say that is so horrible. No. What's horrible is what's happening now.¹²³¹

Los Angeles mayoral candidate, Rick Caruso, who ran as a Democrat, proposed a similar camp with “FEMA style tents,” modelled on the Fort Bliss detention facility for migrants in Texas.¹²³² In San Diego, a plan endorsed by some business and real estate leaders asks the

¹²²⁸ Human Rights Watch interview with Carla Orendorff, November 11, 2021.

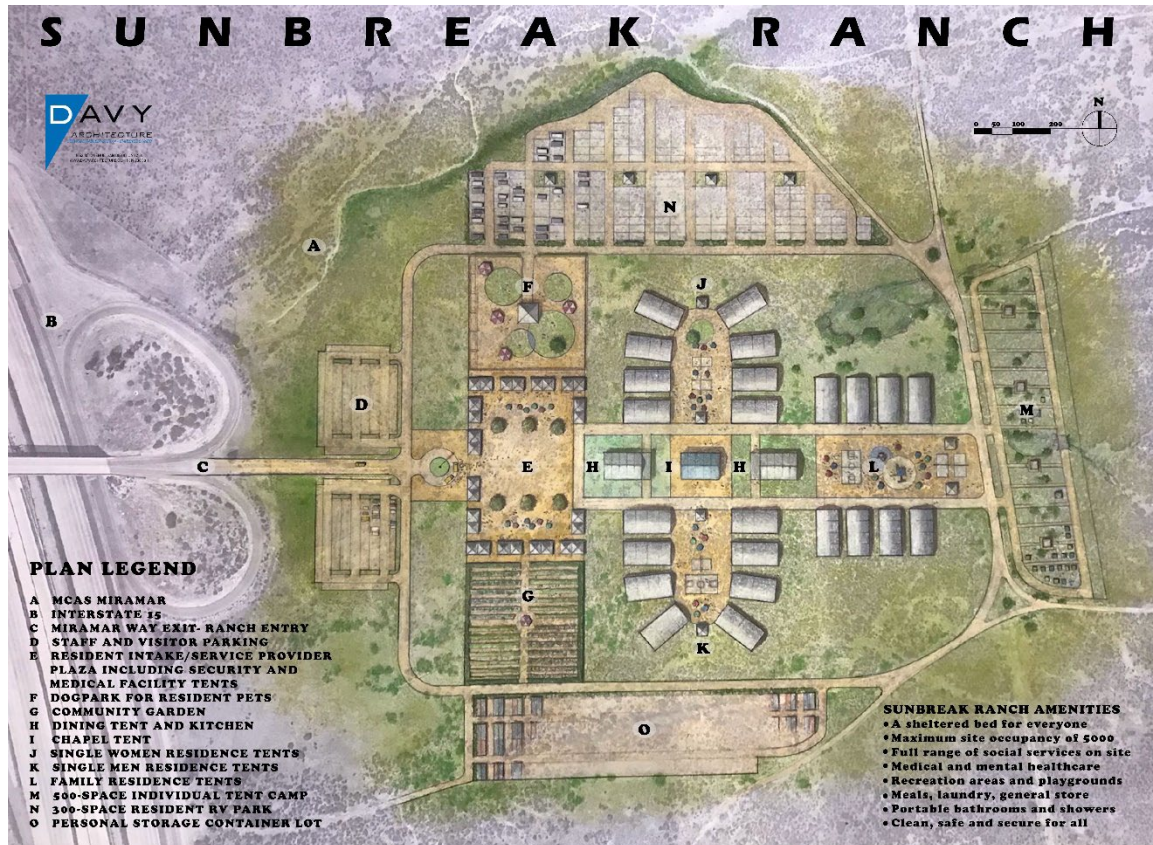
¹²²⁹ Gary Blasi, “A Grounded Approach to Our Homelessness Crisis,” *California Real Property Journal*, September 2021, <https://innercitylaw.org/wp-content/uploads/2021/09/A-Grounded-Approach-to-Our-Homelessness-Crisis-by-Gary-Blasi.pdf> (accessed December 10, 2023).

¹²³⁰ Ryan Fonseca, “In Sherman Oaks, NIMBYs Loudly Draw a Line Against Homeless Housing—And Threaten Recall”; Human Rights Watch interview with (anonymous), housed neighbor on Jasmine Street, Los Angeles, May 18, 2023.

¹²³¹ Acyn, @Acyn, “X Thread,” July 26, 2022, <https://twitter.com/Acyn/status/1552025520820338690> (accessed December 10, 2023).

¹²³² Camilo Montoya-Galvez, “Watchdog Report Details Distress Among Migrant Children Who Languished At Fort Bliss Facility,” *CBS News*, September 27, 2022, <https://www.cbsnews.com/news/immigration-fort-bliss-hhs-inspector-general->

federal government to provide land on the outskirts of the city to build a tent city, with services and a permanent police outpost, where unhoused people will live.¹²³³ This plan envisions strict enforcement of laws against loitering, sleeping in public, and other offenses related to houselessness in the cities, justified by the existence of shelter in a desert camp 12 miles outside San Diego.¹²³⁴ The plan is a direct response to the *Martin v. Boise* decision.¹²³⁵



Source: Sunbreak Ranch Homeless Triage Center, “Architectural layout.” <https://sunbreakranch.com/>.

report/ (accessed December 10, 2023); Rick Caruso, “Rick Caruso Discusses His Mayoral Platform With The L.A. Times Editorial Board,” *Los Angeles Times*, April 29, 2022, <https://www.latimes.com/opinion/story/2022-04-29/editorial-rick-caruso-mayor-los-angeles> (accessed December 10, 2023).

¹²³³ George Mullen and Brian Caster, “Short-Term ‘Band-Aids’ Won’t End Homelessness, But Our Plan Will,” *Times of San Diego*, July 22, 2020, <https://sunbreakranch.com/wp-content/uploads/Short-Term-Band-Aids.pdf> (accessed December 10, 2023).

¹²³⁴ George Mullen and Bill Walton, “Sunbreak Ranch is the Answer to San Diego—And America’s—Homeless Crisis,” *Times of San Diego*, January 14, 2023, <https://timesofsandiego.com/opinion/2023/01/14/sunbreak-ranch-is-the-answer-to-san-diego-and-americas-homeless-crisis/> (accessed December 10, 2023).

¹²³⁵ Mullen and Caster, “Short-Term ‘Band-Aids’ Won’t End Homelessness, But Our Plan Will.”

In 1987, Los Angeles did experiment with an “urban campground” on a 12-acre dirt field by the Los Angeles River, surrounded by a steel fence and razor wire.¹²³⁶ Unhoused people moved from Skid Row to the location, nicknamed “Camp Dirt,” through LAPD enforcement action.¹²³⁷ Over 600 people at any given time were required to live in tents or on cots under shades within the camp.¹²³⁸ City officials shut down the camp after a few months and offered its residents nowhere else to go.¹²³⁹

While Los Angeles has not adopted these types of camp plans in recent years, the use of the various forms of shelter and “interim housing,” including ABH, congregate shelters, “safe camping” sites, tiny home villages, and to some extent PRK, in the absence of a consistent pathway to permanent housing, serves much of the same purposes.¹²⁴⁰ Their living conditions share characteristics with jails or other closed institutions.¹²⁴¹ They create a temporary place to put a portion of the city’s unhoused people that does not meet the standard of adequate housing, but enables policies of criminalization.

D. Prioritizing Shelter Over Housing: A Misguided Policy

While “adequate shelter” may satisfy the requirements of the *Martin* case, few officials and policymakers dispute the need for more permanent housing to solve houselessness. Without permanent housing, those placed in interim shelters have nowhere to go, creating a bottleneck.

To the extent shelter can serve as a bridge from houselessness to housing, there needs to be a balance between interim shelter and permanent housing that allows “system flow.”¹²⁴² More permanent housing allows for more effective use of interim shelter—it

¹²³⁶ Hilary Malson and Gary Blasi, “For The Crisis Yet To Come: Temporary Settlements In The Era Of Evictions,” *UCLA Luskin Institute on Inequality and Democracy*, July 21, 2020, <https://escholarship.org/uc/item/3tk6p1rk> (accessed January 11, 2024), p. 16-19. “Camp Dirt” was compared to Black townships in apartheid era South Africa.

¹²³⁷ Ibid.

¹²³⁸ Ibid.

¹²³⁹ Ibid.

¹²⁴⁰ Alissa Walker, “Trump’s Grotesque Plan to ‘End Homelessness’ is Already Mainstream Policy,” *Curbed*, July 28, 2022, <https://www.curbed.com/2022/07/donald-trump-homelessness-rick-caruso.html> (accessed December 10, 2023); Rankin, “Hiding Homelessness,” p. 39-44.

¹²⁴¹ Human Rights Watch interview with Ananya Roy, September 24, 2021; After Echo Park Lake Research Collective, “Continuum of Carcerality.”

¹²⁴² LAHSA, Homeless Services System Analysis: Envisioning an Optimal System in Los Angeles, March 11, 2020, <https://www.lahsa.org/documents?id=4311-homeless-services-system-analysis-envisioning-an-optimal-system-in-los-angeles.pdf> (accessed December 10, 2023), p. 4.

shortens time spent in shelter, allowing for more placements from the streets, and more people leaving houselessness.¹²⁴³ In 2020, LAHSA conducted an analysis of Los Angeles' system for helping people back into housing and determined that to be effective it would require five permanent homes for every one temporary bed.¹²⁴⁴ Currently, they estimate the ratio to be about one to one.¹²⁴⁵

While inadequate to the overall problem, Proposition HHH, passed by voters in 2016, proposed to address the imbalance by partially funding new development of 10,000 units of permanent supportive housing. At the time of this writing, it was on target to help build 8,687 new units.¹²⁴⁶ However, implementation has been slow and expensive.¹²⁴⁷ Then-City Controller Ron Galperin issued an evaluation of Proposition HHH in 2022, finding the average per-unit cost had risen to nearly \$600,000, which has contributed to delays in construction.¹²⁴⁸ Galperin partly attributed the high costs to the general expensiveness of building in Los Angeles, but he also acknowledged that the need to obtain funding from multiple sources and the process of getting approvals and permits added to the cost.¹²⁴⁹

One of Galperin's primary recommendations was to re-allocate Proposition HHH money away from building permanent housing and use it for interim shelters, that presumably could be built more quickly and less expensively.¹²⁵⁰ In making this recommendation, he referred to the "mounting death toll of unsheltered residents."¹²⁵¹

In 2020, an organization claiming to be comprised of business owners and residents of downtown Los Angeles, including some formerly unhoused people, called the LA Alliance for Human Rights (LA Alliance), filed a lawsuit against the city and county to hold them liable for not moving unhoused people into shelter. In April 2021, Federal Judge David

¹²⁴³ Ibid., p. 23, 29.

¹²⁴⁴ Ibid., p. 23.

¹²⁴⁵ Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative; Human Rights Watch interview with Heidi Marston, March 14, 2022.

¹²⁴⁶ Los Angeles Housing Department, City of Los Angeles: Prop HHH Progress Report, November 30, 2023, <https://housing.lacity.org/housing/hhh-progress-dashboard> (accessed December 10, 2023).

¹²⁴⁷ Ron Galperin, LA Controller, The Problems and Progress of Prop. HHH, February 23, 2022, https://wpstaticarchive.lacontroller.io/wp-content/uploads/2022/02/2.22.23_The-Problems-and-Progress-of-Prop-HHH_Final.pdf (accessed December 10, 2023).

¹²⁴⁸ Ibid., p. 4.

¹²⁴⁹ Ibid., p. 5.

¹²⁵⁰ Ibid., p. 7.

¹²⁵¹ Ibid., p. 7.

Carter, citing to Controller Galperin, ruled in *LA Alliance for Human Rights v. City and County of Los Angeles* that the city’s failure to provide adequate shelter was a “state-created danger,” and issued an injunction ordering the city and county of Los Angeles to take steps to rapidly build more shelter beds, including re-allocating money away from permanent housing.¹²⁵²

In June 2022, Carter approved a settlement in the case in which the city agreed to achieve shelter and housing capacity for 60 percent of the unhoused population that do not have mental health conditions with high support requirements.¹²⁵³ Shelter could include tiny homes, shared housing, congregate shelter, permanent supportive housing, and others.¹²⁵⁴ The city committed to take steps to remove some permitting and code requirements to expedite the process.¹²⁵⁵ The city agreed to consider “clawing back Prop HHH funds,” presumably to re-allocate them to build shelter.¹²⁵⁶

As part of the settlement, city officials estimated that they would build 14,000 to 16,000 new shelter beds at an estimated cost of \$3 billion.¹²⁵⁷

Lawyers for the LA Alliance have said their goal in bringing the lawsuit was to increase the number of shelter beds.¹²⁵⁸ Carter made it clear that he was enforcing a requirement for shelter, not housing.¹²⁵⁹

¹²⁵² United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, Civil Minutes, p. 46-47, 73. Carter’s order included a lengthy discussion of how the city of Los Angeles came to have a crisis of homelessness, detailing how structural racism, market forces, and decades of failed government actions created the situation. Rather than applying an understanding of that history, he ordered prioritization of short-term shelter that will not actually solve homelessness. He called city policy a “deadly decision to prioritize long-term housing at the expense of committing funds to interim shelter.”

¹²⁵³ United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, “Settlement Proposal Term Sheet (City Only),” March 22, 2021, p.1, <https://ca-times.brightspotcdn.com/3f/5a/b9bf71be4c08be341bf60a72ded9/2021-03-22-la-alliance-settlement-demand-term-sheet-1-1.pdf> (accessed December 10, 2023). The ostensible reason for excluding people with high support needs mental health conditions was the claim that they are the responsibility of the county.

¹²⁵⁴ *Ibid.*, p. 1.

¹²⁵⁵ *Ibid.*, p. 2.

¹²⁵⁶ *Ibid.*, p. 3.

¹²⁵⁷ Meghann Cuniff, “Tentative ‘Settlement’ In Lawsuit Over Homelessness Leaves Many Questions,” *Los Angeles Magazine*, April 6, 2022, <https://lamag.com/news/tentative-settlement-in-lawsuit-over-homelessness-leaves-many-questions> (accessed December 10, 2023).

¹²⁵⁸ Meghann Cuniff, “LA’s Settlement Deal in Homelessness Lawsuit Being Appealed,” *Los Angeles Magazine*, July 17, 2022, <https://lamag.com/news/las-settlement-deal-in-homelessness-lawsuit-being-appealed> (accessed December 10, 2023).

¹²⁵⁹ *Ibid.*

However, with more shelter comes more enforcement of laws against existing in public spaces.¹²⁶⁰ Carter interpreted *Martin v. Boise* to require shelter only for a percentage of unhoused people before allowing enforcement against everyone. As part of the settlement, once a council district has “shelter opportunities” for 60 percent of unhoused people in a “Designated Area,” there can be a period of “intensive outreach,” after which unhoused people will have the choice of either entering a shelter, leaving the area, or facing arrest or citation.¹²⁶¹ Once the “Designated Area” is cleared, the city will take steps to “prevent [unhoused people] from returning to camp or reside in that Designated Area.”¹²⁶² Once the city has sufficient shelter “opportunities” for 60 percent of unhoused people in the entire council district, then similar enforcement will occur throughout that district.¹²⁶³ When all 15 council districts have reached the 60 percent threshold, then such enforcement will be allowed throughout the entire city.¹²⁶⁴ Given the likely underestimation of unhoused people in the PIT Count, this 60 percent threshold will fall far short of helping those in need than even its limited goal; this system may also incentivize moving people out of the district to keep apparent numbers of unhoused people down.¹²⁶⁵

Then-City Councilmember Mike Bonin said:

This settlement is structured to allow the City to do the minimum necessary to step up the failed and expensive enforcement strategies it always uses. [It] will push us in the direction of moving some people into shelters, where they will be locked into homelessness for years and not housed, and then using enforcement to push everyone else from block to block, neighborhood to neighborhood.¹²⁶⁶

¹²⁶⁰ United States District Court, Central District of California, *LA Alliance for Human Rights, et al., v. City of Los Angeles, et al.*, LA CV 20-02291, “Settlement Proposal Term Sheet (City Only),” p. 5-6.

¹²⁶¹ *Ibid.*, p. 5-6. The settlement agreement gives some examples of what a “Designated Area” may be but does not define or limit them in any way.

¹²⁶² *Ibid.*, p. 6.

¹²⁶³ *Ibid.*, p. 6.

¹²⁶⁴ *Ibid.*, p. 7.

¹²⁶⁵ Human Rights Watch interview with Pete White, May 25, 2021.

¹²⁶⁶ Mike Bonin, @mikebonin, “X Thread,” April 1, 2022, <https://twitter.com/mikebonin/status/1509979567724843020?s=20> (accessed December 10, 2023).

LA CAN issued a statement in response to the settlement, saying it “prioritizes criminalization and policies that promote structural racism and segregation, while ignoring solutions that will actually address this City’s housing and homelessness crisis.”¹²⁶⁷

In September 2023, Los Angeles County settled their portion of the lawsuit by agreeing to devote an estimated \$850 million to building 3,000 shelter beds and providing outreach and services.¹²⁶⁸

LA Alliance is clear about their goals: “Beds, Services, and the *Obligation to Use Them*. We are seeking a legally enforceable mandate whereby the community provides beds and services to those ready, willing, and able to accept shelter. At the same time, *living in public spaces is forbidden and laws are enforced*.”¹²⁶⁹ LA Alliance says they are a “broad coalition” of residents who live or work in Skid Row, however, their public materials do not disclose their membership or financing.¹²⁷⁰ They have support from the Los Angeles Police Protective League and the Midnight Mission.¹²⁷¹ The head of their board of directors, Don Steier, has been general counsel for an association of business and property owners on Skid Row that has historically supported criminalization, including the Safer Cities Initiative.¹²⁷²

The LA Alliance’s support for requirements that unhoused people enter shelters or leave the area, under threat of criminal sanctions, is not unique. Darrell Steinberg, mayor of Sacramento and co-chairman of California’s Commission of Homelessness and Supportive Housing, has proposed a “right to housing” ordinance, in which “housing” is defined to include temporary shelter, tiny homes, and even tents if they are in an approved

¹²⁶⁷ LA CAN, @LACANetwork, “X Thread,” April 1, 2022, <https://twitter.com/LACANetwork/status/1510001525375995908?s=20> (accessed December 10, 2023).

¹²⁶⁸ Doug Smith, “L.A. County Offers 3,000 New Mental Health and Substance Use Treatment Beds In Bid To End Lawsuit,” *Los Angeles Times*, September 26, 2023, <https://www.latimes.com/california/story/2023-09-26/la-county-3000-mental-health-substance-use-treatment-beds> (accessed December 10, 2023): Emphasis added.

¹²⁶⁹ LA Alliance for Human Rights, “Get the Facts,” 2023, accessed December 10, 2023, https://www.la-alliance.org/get_the_facts.

¹²⁷⁰ Nathan Solis, “Coalition Sues LA To Force Action on Homelessness Crisis,” *Courthouse News Service*, March 10, 2020, <https://www.courthousenews.com/coalition-sues-la-to-force-action-on-homeless-crisis/> (accessed December 10, 2023).

¹²⁷¹ Ibid.

¹²⁷² LA Alliance for Human Rights, “Who We Are,” 2023, accessed December 10, 2023, https://www.la-alliance.org/who_we_are; Doug Smith, “Federal Judge Orders Emergency Hearing Over Coronavirus Threat To L.A.’s Homeless People,” *Los Angeles Times*, March 17, 2020, <https://www.latimes.com/homeless-housing/story/2020-03-17/coronavirus-homeless-emergency-hearing-housing-shelter-federal-judge-los-angeles> (accessed March 1, 2024).

location.¹²⁷³ That right includes an enforceable “obligation to accept shelter and housing.”¹²⁷⁴ Advocating for this approach statewide, he said: “The right to shelter must be paired with the obligation to use it.”¹²⁷⁵

Reverend Andy Bales, former director of the Union Rescue Mission, similarly supports prioritizing shelter over permanent housing, and using enforcement once there is enough shelter.¹²⁷⁶ Former City Councilmember Joe Buscaino, a strong proponent of enforcement, called for prioritizing shelter over permanent housing and clearing encampments, arguing that people were “dying in the streets.”¹²⁷⁷ Mercedes Marquez, Mayor Karen Bass’s former chief of homeless initiatives, said the federal government had shifted too far in prioritizing permanent supportive housing over interim housing or shelter.¹²⁷⁸ She said there needed to be an emergency response to prevent people from dying on the streets.¹²⁷⁹

Other officials disagree with the emphasis on shelter. Director of LA County Homeless Initiatives, Cheri Todoroff, said the existing number of beds would be sufficient if there was enough permanent housing for people to move into after 90 days in shelter.¹²⁸⁰ She said: “We really need to double down on our investments in permanent housing.”¹²⁸¹

According to Todoroff, the lowest cost interim housing is about \$50 per bed each night for operations and services and can cost \$150 each night with more extensive services, while

¹²⁷³ Mayor Darrell Steinberg, Mayor’s Proposed Right to Housing Ordinance, City of Sacramento, City Council Report, File ID 2021-01353, November 16, 2021, https://sacramento.granicus.com/MetaViewer.php?event_id=4175&meta_id=653485&view_id=21 (accessed March 1, 2024), p. 7.

¹²⁷⁴ *Ibid.*, p. 8.

¹²⁷⁵ Darrell Steinberg, “Building More Permanent Housing Alone Won’t Solve Homelessness in California,” *Los Angeles Times*, July 17, 2019, <https://www.latimes.com/opinion/story/2019-07-16/op-ed-building-more-permanent-housing-alone-wont-solve-homelessness-in-california> (accessed March 1, 2024); Steinberg says that there must be a legal obligation for the government to provide shelter. Human Rights Watch interview with Darrell Steinberg, March 21, 2022.

¹²⁷⁶ Human Rights Watch interview with Andy Bales, March 2, 2022.

¹²⁷⁷ Anna Scott, “Should LA Fight Homelessness Via Long-Term Housing Developments or Short-Term Shelters?,” *KCRW*, December 2, 2021, <https://www.kcrw.com/news/shows/greater-la/homeless-veterinary-clinics-boyle-heights/housing-shelters-homelessness> (accessed December 11, 2023).

¹²⁷⁸ Human Rights Watch interview with Mercedes Marquez, Mayor’s Office, Chief of Housing and Homelessness Solutions, Los Angeles, July 7, 2023.

¹²⁷⁹ *Ibid.*

¹²⁸⁰ Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative, at 19:30.

¹²⁸¹ *Ibid.*, at 19:00.

operations attached to permanent supportive housing are much less expensive.¹²⁸² Prioritizing shelter is a costly non-solution to the larger problem.

Underlying all the calls to re-allocate funds towards shelter and away from permanent housing is the emphasis on law enforcement, through citations, arrests, and move-along orders, but also through property confiscation and destruction. People are either forced into quasi-carceral settings or required to move somewhere else under threat of arrest, citation, or destruction of property. Using shelter and criminalization to make unhoused people disappear from sight is a brutal distraction from the real and well-understood solution to houselessness—permanent housing for all.

E. Encampments as Interim Housing

Encampments, unauthorized communities built by unhoused people themselves on public land, are another form of interim shelter.

Though vilified by government officials, policymakers, and property and business owners, encampments serve an important purpose in providing community, protection, and stability for people living on the streets. Forming these communities is a survival strategy for many people who might be at risk living unhoused on their own.¹²⁸³ The encampments are a form of self-help in the absence of effective government policies and an adequate safety net. The destruction of these communities, without replacing them with permanent housing, can cause extreme harm to people, including increased likelihood of death.

From the perspective of many housed residents, unhoused communities or encampments are a blight on neighborhoods. Housed residents have legitimate complaints about noise, garbage accumulation, public urination and defecation, conflicts that sometimes erupt into fights, and the challenges of navigating tents or makeshift structures on the neighborhood sidewalks.¹²⁸⁴ They have concerns about safety, not knowing who is living in

¹²⁸² Ibid., at 20:00. These dollar figures do not include capital expenditures.

¹²⁸³ Ann Garrison, “Can Karen Bass Remedy Las Homeless Crisis?” *LA Progressive*, July 29, 2022, https://www.laprogressive.com/los-angeles-2/karen-bass-remedy-homeless-crisis?utm_source=LA+Progressive+NEW&utm_campaign=771bb48802-LAP+News+-+20+April+17+PC_COPY_01&utm_medium=email&utm_term=0_61288e16ef-771bb48802-286937225&mc_cid=771bb48802&mc_eid=643d505123 (accessed December 11, 2023).

¹²⁸⁴ Human Rights Watch interview with (anonymous), housed neighbor on Jasmine Street, Los Angeles, May 18, 2023.

the encampments, and fears related to seeing people in desperate circumstances. Encampments are commonly associated with disease, like hepatitis and typhus.¹²⁸⁵ Many are uncomfortable seeing public substance use and people with mental health conditions behaving in unorthodox ways. There have been assaults and other violent crimes committed by people living in encampments—though unhoused people are far more likely to be victims of violence than housed people and assaults and other violence occur among housed people as well.¹²⁸⁶

It is true that without adequate garbage removal and cleaning, trash accumulates and disease-causing infestations of rats and other vectors can occur.¹²⁸⁷ Without properly maintained toilet and sanitation facilities, people will urinate and defecate outdoors and be unable to keep themselves clean.¹²⁸⁸ Survival strategies and coping mechanisms, like theft, drug sales, panhandling, sex work, and substance use, all occurring outdoors, can create a sense of disorder around some encampments.¹²⁸⁹

There are the dangers of sexual assault and domestic violence for all unhoused people, especially for women, non-binary, and trans people. Though these dangers exist in society at large, they are heightened for unhoused people who are isolated outside of established community and encampment protections.¹²⁹⁰ Studies have revealed similar dangers for women in some shelters.¹²⁹¹

Generally, people living in encampments find enhanced safety and stability living among people they know and with whom they have built bonds of trust.¹²⁹² A 2022 Rand study found that 75 percent of unhoused people stayed in one place for six months or longer,

¹²⁸⁵ Dunn, “*Martin v. City of Boise* Will Ensure the Spread of Encampments That Threaten Public Health and Safety,” p. 4-7.

¹²⁸⁶ Chamard, “Homeless Encampments.”

¹²⁸⁷ Ibid.

¹²⁸⁸ Ibid.

¹²⁸⁹ Ibid.

¹²⁹⁰ Human Rights Watch interviews with Wendy Seiden, March 3, 2022; Gita O’Neill, March 11, 2022; and Sally F. (pseudonym), September 15, 2021.

¹²⁹¹ Garrow and Devanthery, *‘This Place is Slowly Killing Me.’*

¹²⁹² Human Rights Watch interviews with Arturo T. (pseudonym), August 18, 2021; Carlos A. (pseudonym), August 18, 2021; Harvey Franco, August 26, 2021; Kate W. (pseudonym), August 29, 2021; Sarah C. (pseudonym), August 29, 2021; Martin S. (pseudonym), September 1, 2021; Sandra C. (pseudonym), October 20, 2021; Roberto F. (pseudonym), October 20, 2021; Susan G. (pseudonym), February 14, 2022; Estrella M. (pseudonym), Los Angeles, June 23, 2023; Sonja Verdugo, August 4, 2023; and Chris Herring, January 20, 2022; Ward, Garvey, and Hunter, “Recent Trends Among the Unsheltered in Three Los Angeles Neighborhoods.”

indicating a need to maintain stability.¹²⁹³ Encampment residents describe looking out for each other and guarding each other's property. Some people feel unsafe or uncomfortable in one encampment, but they may find another that is more secure for them.¹²⁹⁴

Sandra C. and Roberto F. both described the people in the unhoused community on 31st Street, where they lived, as “a family.” Both had been forced to leave their homes and were embraced by the people living on that street.¹²⁹⁵ Susan G. serves as a “mother” to others on the block where she lives, helping them meet their needs and enforcing their informal rules.¹²⁹⁶ Estrella M. took pride in her Venice community and considered it a “small family.”¹²⁹⁷

The sense of family, community, and social support provided by encampments is essential to people surviving on the streets.¹²⁹⁸ Most people living in encampments have ties to their local community.¹²⁹⁹ Renato H., for example, set up his living structure in a small encampment within a couple of blocks of the apartment he had been evicted from in Van Nuys.¹³⁰⁰ He built a structure from scrap wood he found nearby. He kept the area clean and maintained good relations with the neighboring housed residents and business owners, taking odd jobs from them and watching over their properties on the weekends. After LASAN destroyed his home structure and those belonging to the rest of the encampment during a sweep on September 2, 2021, Renato refused to move. That night, he slept on a piece of cardboard on the sidewalk where he had been staying and vowed to rebuild.¹³⁰¹

People in stable encampments learn how to more safely navigate their environments—find food, find places to wash and go to the bathroom, avoid violence and police contacts, and

¹²⁹³ Ward, Garvey, and Hunter, “Recent Trends Among the Unsheltered in Three Los Angeles Neighborhoods.”

¹²⁹⁴ Human Rights Watch interviews with Chris Herring, January 20, 2022; Carter L. (pseudonym), September 5, 2021; Todd G. (pseudonym), August 29, 2021; Carla Orendorff, November 11, 2021; Sonja Verdugo, August 4, 2023; and Wendy Seiden, March 3, 2022. Describing a large encampment in an Orange County riverbed that authorities cleared, Seiden said that women felt safer there because there were women's enclaves and some protective men who gave them a sense of safety. They felt safer than in the congregate shelters.

¹²⁹⁵ Human Rights Watch interviews with Sandra C. (pseudonym), October 20, 2021; and Roberto F. (pseudonym), October 20, 2021.

¹²⁹⁶ Human Rights Watch interview with Susan G. (pseudonym), February 14, 2022.

¹²⁹⁷ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹²⁹⁸ Dunton, et al., “Exploring Homelessness Among People Living in Encampments and Associated Cost,” p. 6.

¹²⁹⁹ Ibid., p. ES2; Human Rights Watch interview with Lili Graham, March 18, 2022.

¹³⁰⁰ Human Rights Watch interview with Renato Hernandez (pseudonym), Van Nuys, September 2, 2021.

¹³⁰¹ Ibid.

share resources.¹³⁰² People living together in encampments can share meals, have conversations, give each other tips on jobs and housing, and find love and companionship—all things critical to human survival.

Encampments give people autonomy over their lives, some measure of privacy in their own space, and the ability to associate with whoever they choose, and even keep pets, unlike most shelters.¹³⁰³

Self-government is important in encampments.¹³⁰⁴ Residents of encampments often enforce rules around cleaning and other behaviors.¹³⁰⁵ In Susan G.’s community, they found that one resident was stealing from the others and voted to expel that person.¹³⁰⁶ When new people come to Harvey Franco’s encampment, he and other residents teach the newcomers their rules about cleaning and disposal of human waste.¹³⁰⁷

There is substance use at many encampments, as there is in every sector of society.¹³⁰⁸ Substance use is a common coping mechanism for unhoused people.¹³⁰⁹ However, the existence of a surrounding community often mitigates the harms of drug use.¹³¹⁰ A 2023 study found that involuntary displacement of unhoused people who use drugs from their encampments through “sweeps” “may yield substantial increases in morbidity and mortality.”¹³¹¹ It found that displacement worsened overdoses and hospitalizations, decreased the use of life-saving medications, and increased deaths anywhere from 974 to 2,175 per 10,000 unhoused people.¹³¹²

¹³⁰² Human Rights Watch interview with Chris Herring, January 20, 2022.

¹³⁰³ Ibid.; Dunton, et al., “Exploring Homelessness Among People Living in Encampments and Associated Cost,” p. 6.

¹³⁰⁴ Human Rights Watch interview with Paul Boden, January 10, 2022; After Echo Park Lake Research Collective, “(Dis)placement,” p. 20.

¹³⁰⁵ Human Rights Watch interviews with Josh F. (pseudonym), October 13, 2023; Dayton F. (pseudonym), October 13, 2021; Cassandra Y. (pseudonym), Los Angeles, November 2, 2021; Susan G. (pseudonym), February 14, 2022; Estrella M. (pseudonym), June 23, 2023; and Harvey Franco, August 26, 2021.

¹³⁰⁶ Human Rights Watch interview with Susan G. (pseudonym), February 14, 2022.

¹³⁰⁷ Human Rights Watch interview with Harvey Franco, August 26, 2021.

¹³⁰⁸ Human Rights Watch interview with Todd G. (pseudonym), August 29, 2021; Dunton, et al., “Exploring Homelessness Among People Living in Encampments and Associated Cost,” p. 21.

¹³⁰⁹ Human Rights Watch interview with David Busch, April 25, 2022.

¹³¹⁰ Human Rights Watch interview with Chris Herring, January 20, 2022.

¹³¹¹ Joshua Barocas, MD, et al., “Population-Level Health Effects of Involuntary Displacement on People Experiencing Unsheltered Homelessness Who Inject Drugs In US Cities,” *JAMA*, 329(17) (2023), pp. 1478-1486, doi:10.1001/jama.2023.4800 (accessed December 11, 2023).

¹³¹² Ibid.

While no one would argue that encampments are ideal, they provide security and stability for many of their residents, which is more beneficial to them than living completely on their own. Dispersing unhoused communities does not reduce the dangers of crime and may even increase it. Mitigation efforts, like regular “spot” cleanings and provision of sanitation facilities, would reduce some negative aspects of the encampments. Unfortunately, policy in Los Angeles is generally driven by a desire to remove unhoused people from sight, so sweeps continue.

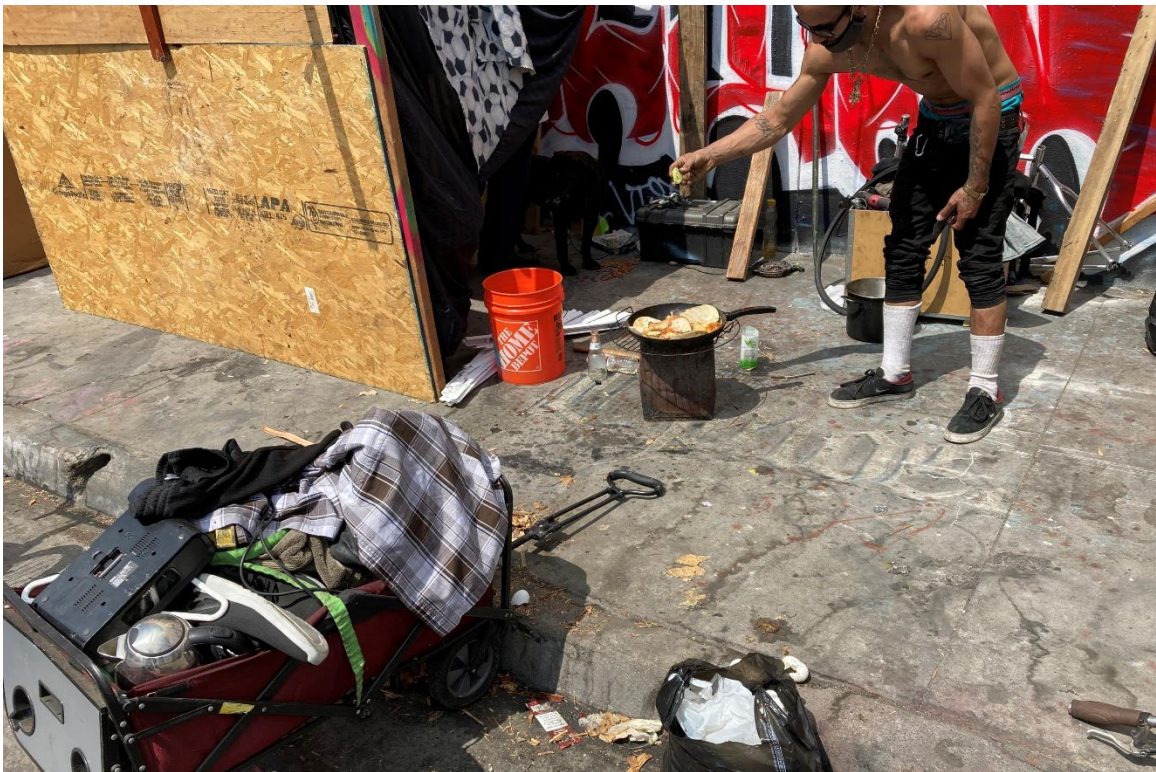


Photo taken by Human Rights Watch on August 20, 2021, on 16th Street, just east of Naomi Avenue in Los Angeles, depicting a resident of that encampment cooking on a makeshift stove for himself and other residents. © 2021 Human Rights Watch



Photo taken by Human Rights Watch on April 20, 2022, on Arcadia and Spring Street in downtown Los Angeles, showing encampment residents cooking a meal together. © 2022 Human Rights Watch

IX. Housing Solves Houselessness

- Housing First programs that voluntarily place people in permanent housing, with supportive services when necessary, and without sobriety requirements, have a proven success rate for reducing houselessness. Housing providers using this approach report over 90 percent one-year retention rates.
- Government subsidies, like Section 8 Vouchers, despite being inadequately funded to meet the need, help people afford permanent homes that provide security, stability, and greatly improved quality of life.
- Initiatives like land-banking, which removes land from for-profit development; “adaptive reuse,” which converts commercial and other under-used buildings to affordable residential, hotel conversions, and others have great potential to provide housing for unhoused people if governments take action to support them.

The seemingly obvious solution to houselessness is to keep people from losing their housing in the first place, and to help already unhoused people get into housing that is permanent, stable, affordable, and meets all the criteria of the right to housing. Unfortunately, Los Angeles has a shortage of affordable units estimated at about 500,000.¹³¹³ This shortage means massive numbers of people are housing insecure and can easily slip into houselessness with a missed paycheck, a medical bill, or other unexpected expense. It also means that those already unhoused face difficult odds getting housing.

The push by some policymakers to prioritize interim shelters over permanent housing, while at times motivated by a sincere desire to protect people from danger on the streets, will not help solve houselessness, unless accompanied by significantly greater investments in permanent housing, more effective regulation of market forces, and changes to laws and policies that cause the endless flow of people onto the streets.

When the push to prioritize interim housing over permanent housing is accompanied by punitive encampment clearances, denial of basic services like bathrooms and regular garbage pick-up, and forcing people into degrading shelters, policymaker claims that they are saving lives fall short. These policies serve to warehouse some unhoused people,

¹³¹³ California Housing Partnership, “Los Angeles County 2021 Affordable Housing Needs Report.”

remove the rest from public view, and appease people with a financial stake in having a city or neighborhood without visible signs of poverty.

Experts from across a spectrum of disciplines, and even political views, acknowledge that housing people solves houselessness.¹³¹⁴ People living on the streets and those who have obtained housing know this better than anyone.¹³¹⁵ They sign up for waiting lists for housing repeatedly, hoping, despite experience teaching that sustainable housing solutions are rarely attainable.¹³¹⁶

A. The “Housing First” Policy

The “Housing First” policy is based on the belief that housing is a human right, and that stable housing is a necessary first step to meeting other needs, like attaining sobriety and improving mental health. Though it is the official policy of the federal government, the state of California, and the city and county of Los Angeles, none have sufficiently followed this approach in practice.¹³¹⁷

¹³¹⁴ Human Rights Watch interviews with Becky Dennison, October 15, 2021; Dr. Coley King, October 29, 2021; Dennis Gleason, February 24, 2022; Nithya Raman, March 3, 2022; Eric Ares, February 28, 2022; Andy Bales, March 2, 2022; Darrell Steinberg, March 21, 2022; Miguel Santana, President and CEO, Weingart Foundation, Los Angeles, March 29, 2022; and Dora Leong Gallo, May 4, 2022; Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative; Editorial Board, “Six Ways for a New Mayor to Tackle Homelessness Without Kicking Someone Off the Street First,” *Los Angeles Times*, February 20, 2022, <https://www.latimes.com/opinion/story/2022-02-20/editorial-los-angeles-new-mayor-homelessness> (accessed December 11, 2023); Sarah B. Hunter, et al., “Evaluation of Housing for Health Permanent Supportive Housing Program,” Rand, 2017, https://www.rand.org/pubs/research_reports/RR1694.html (accessed December 11, 2023); National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*; League of Women Voters, “Yes in My LA! A Guide to Supportive Housing,” *League of Women Voters of Los Angeles*, 2018, <https://drive.google.com/file/d/1M1RkZESa-i3DiLBL5psHoTKwFYIVuNdj/view> (accessed December 11, 2023).

¹³¹⁵ Human Rights Watch interviews with Julia S. (pseudonym), August 20, 2021; Susan G. (pseudonym), February 14, 2022; Sage Johnson, April 22, 2022; Shawn Pleasants, April 20, 2022; and Sonja Verdugo, August 4, 2023; Eshman, “What do homeless people want most? Ask them.”

¹³¹⁶ Human Rights Watch interviews with Arthur M. (pseudonym), August 25, 2021; Mario V. (pseudonym), August 26, 2021; Bill S. (pseudonym), Los Angeles, August 27, 2021; Walt A. (pseudonym), September 1, 2021; Connie W. (pseudonym), September 8, 2021; Lester C. (pseudonym), September 21, 2021; Cathy G. (pseudonym), September 21, 2023; Juan R. (pseudonym), September 21, 2021; Berto E. (pseudonym), October 5, 2021; and Ronald J. (pseudonym), November 4, 2021.

¹³¹⁷ CSH, Housing First, <https://www.hcd.ca.gov/grants-funding/active-funding/docs/housing-first-fact-sheet.pdf>; California SB 1380, “Homeless Coordinating and Financing Council,” effective September 29, 2016, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1380 (accessed December 11, 2023); Holly Mitchell, Los Angeles County Supervisor, Board of Supervisors Declare LA County a Housing First County Prioritizing Permanent Housing for People Experiencing Homelessness, press release, May 3, 2022, <https://mitchell.lacounty.gov/board-declares-la-county-a-housing-first-county/> (accessed December 11, 2023); National Alliance to End Homelessness, “Preventing the Use of Housing First,” <https://endhomelessness.org/legislation/preventing-the-use-of-housing-first/> (accessed December 11, 2023).

Housing First is premised on choice, instead of coercion, and prioritizes permanent housing with services as needed and desired. It seeks to provide people with voluntary individualized mental health and substance use treatment, services, and support.¹³¹⁸ It emphasizes social and community integration.¹³¹⁹

Permanent Supportive Housing (PSH) is a key component of this model. Current PSH programs focus on people who have been unhoused for over one year and have some disability, thus meeting the HUD definition of “chronically homeless.”¹³²⁰ PSH includes deeply subsidized rent and voluntary supportive services.¹³²¹ Services range, depending on the needs of the individuals, from basic case management to highly intensive supports for people with more severe disabilities.¹³²²

Venice Community Housing and A Community of Friends are two non-profit developers and managers of affordable housing in Los Angeles that follow the Housing First model.¹³²³ They provide extensive services, including substance use recovery programs, voluntary mental health treatment, job training, and other skills development courses.¹³²⁴ A Community of Friends reports that 88 percent of people remain in their housing after three years.¹³²⁵ Venice Community Housing has a 95 percent retention rate after one year.¹³²⁶ Most experienced, capable PSH providers have one-year retention rates greater than 90 percent.¹³²⁷

¹³¹⁸ National Alliance to End Homelessness, “Housing First,” August 2022, <https://endhomelessness.org/resource/housing-first/> (accessed December 11, 2023); CSH, Housing First.

¹³¹⁹ Ananya Roy, et al., “Hotel California: Housing the Crisis,” *UCLA Luskin Institute on Inequality and Democracy*, July 9, 2020, <https://escholarship.org/uc/item/ok8932p6> (accessed December 11, 2023), p. 19.

¹³²⁰ Human Rights Watch interview with Becky Dennison, October 15, 2021; Venice Community Housing, “Affordable Housing and Permanent Supportive Housing,” 2023, <https://vchcorp.org/housing/affordable-and-permanent-supportive-housing/> (accessed December 11, 2023); HUD Exchange, “Definition of Chronic Homelessness,” *US Department of Housing and Urban Development*, 2023, <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-esg-homeless-eligibility/definition-of-chronic-homelessness/> (accessed December 11, 2023). Venice Community Housing is a non-profit developer and manager of affordable housing. They currently manage over 100 units of PSH, with more in the development stage.

¹³²¹ Human Rights Watch interview with Becky Dennison, October 15, 2021.

¹³²² Ibid.

¹³²³ Human Rights Watch interviews with Becky Dennison, October 15, 2021; and Dora Leong Gallo, May 4, 2022.

¹³²⁴ Human Rights Watch interview with Dora Leong Gallo, May 4, 2022.

¹³²⁵ Ibid.

¹³²⁶ Becky Dennison, Executive Director of Venice Community Housing, email to Human Rights Watch, August 29, 2023.

¹³²⁷ Ibid.



Photo provided by Becky Dennison of Venice Community Housing. It depicts Rose Apartments, a development with 35 units of permanent supportive housing on Rose Avenue in Venice.

Numerous studies have affirmed the effectiveness of Permanent Supportive Housing in Housing First policies, especially when compared to programs that rely on shelters and require people to achieve sobriety before entering permanent housing.¹³²⁸ A 2020 review of

¹³²⁸ Tim Aubry, et al., “Housing First for People with Severe Mental Illness Who are Homeless: A Review of the Research and Findings From the At Home—Chez Soi Demonstration Project,” *Canadian Journal of Psychiatry*, vol. 60(11) (2015), pp. 467–474, doi: 10.1177/070674371506001102 (accessed December 11, 2023); Yinan Peng, et al., “Permanent Supportive Housing With Housing First to Reduce Homelessness and Promote Health Among Homeless Populations With Disability: A Community Guide Systematic Review,” *JPHMP*, vol. 26(5) (2020), pp. 404–411, doi: 10.1097/PHH.0000000000001219 (accessed December 11, 2023); A. Tinland, “Effectiveness of a Housing Support Team Intervention With a Recovery-Oriented Approach on Hospital and Emergency Department Use by Homeless People With Severe Mental Illness: A Randomized Controlled Trial,” *Epidemiology and Psychiatric Sciences, Cambridge University Press*, vol. 29(169) (2020), doi: 10.1017/S2045796020000785 (accessed December 11, 2023); Paula Goering, et al., “National At Home/Chez Soi Final Report,” Mental Health Commission of Canada, 2014, https://www.mentalhealthcommission.ca/wp-content/uploads/drupal/mhcc_at_home_report_national_cross-site_eng_2_o.pdf, (accessed December 11, 2023); Tim Aubry, et al., “One-Year Outcomes of a Randomized Controlled Trial of Housing First With ACT in Five Canadian Cities,” *Psychiatric Services in Advance*, vol. 66(5) (2015), pp.463–469, doi: 10.1176/appi.ps.201400167 (accessed December 11, 2023); Sam Tsemberis, et al., “Housing First, Consumer Choice, and Harm Reduction for Homeless Individuals With a Dual Diagnosis,” *American Journal of Public Health*, vol. 94(4) (2004), doi: 10.2105/ajph.94.4.651 (accessed December 11, 2023).

26 studies of Housing First programs in the US and Canada found that, compared to housing approaches that required treatment and sobriety, Housing First reduced houselessness by 88 percent and improved housing stability by 41 percent.¹³²⁹

Communities that have committed to Housing First principles and have invested necessary resources have had success reducing houselessness. The County of Milwaukee, Wisconsin, claims a 92 percent reduction in unsheltered houselessness since it adopted Housing First in 2015.¹³³⁰ The state of Utah had great success reducing chronic houselessness through Housing First, until it stopped funding the program and saw a return of people to the streets.¹³³¹ The country of Finland implemented Housing First principles in 2008 and has achieved drastic reductions in houselessness.¹³³²

In the mid-2000s, Los Angeles County initiated a pilot program called Project 50, in which officials identified the 133 most chronically unhoused and vulnerable people and offered them immediate access to permanent housing with intensive supportive services tailored

¹³²⁹ Yinan Peng, et al., “Permanent Supportive Housing With Housing First.”

¹³³⁰ Milwaukee County, County Executive, Milwaukee Recognized With Nation’s Lowest Unsheltered Homeless Population, <https://county.milwaukee.gov/EN/County-Executive/News/Press-Releases/Milwaukee-Recognized-with-Nations-Lowest-Unsheltered-Homeless-Population> (accessed December 11, 2023); Sam Tsembiris, Executive Director Pathways to Housing, email to Human Rights Watch, February 16, 2022; Milwaukee County, Health & Human Services, Ending Chronic Homelessness in Milwaukee County by 2018, on file with Human Rights Watch; Nathan Denzin, “‘Housing First’ Cut Homelessness In Milwaukee—Can It Work Across Wisconsin?,” *The Badger Project*, June 8, 2022, <https://pbswisconsin.org/news-item/housing-first-cut-homelessness-in-milwaukee-can-it-work-across-wisconsin/> (accessed December 11, 2023).

¹³³¹ Kelly McEvers, “Utah Reduced Chronic Homelessness By 91 Percent; Here’s How,” *NPR*, December 10, 2015, <https://www.npr.org/2015/12/10/459100751/utah-reduced-chronic-homelessness-by-91-percent-heres-how> (accessed December 11, 2023); Gregory Scruggs, “Once A National Model, Utah Struggles With Homelessness,” *Reuters*, January 10, 2019, <https://www.reuters.com/article/us-usa-homelessness-housing/once-a-national-model-utah-struggles-with-homelessness-idUSKCN1P41EQ> (accessed December 10, 2023); John M. Glionna, “Utah Is Winning The War On Chronic Homelessness With ‘Housing First’ Program,” *Los Angeles Times*, May 24, 2015, <https://www.latimes.com/nation/la-na-utah-housing-first-20150524-story.html> (accessed December 11, 2023).

¹³³² Kathrin Glosel, “Finland Ends Homelessness and Provides Shelter For All In Need,” *The Mandarin*, November 15, 2022, <https://www.themandarin.com.au/205500-finland-ends-homelessness-and-provides-shelter-for-all-in-need/> (accessed December 11, 2023); Parker Lester, “Eradicating Homelessness in Finland,” *PD&R Edge*, July 11, 2023, <https://www.huduser.gov/portal/pdredge/pdr-edge-international-philanthropic-071123.html>; Jon Henley, “‘It’s a Miracle’: Helsinki’s Radical Solution To Homelessness,” *Guardian*, June 3, 2019, <https://www.theguardian.com/cities/2019/jun/03/its-a-miracle-helsinkis-radical-solution-to-homelessness> (accessed December 11, 2023). Finland’s success is also tied to the high prevalence of government owned social housing.

to their individual needs.¹³³³ Of those offered housing and services, all accepted; the program had an 80 percent retention rate after 4 years.¹³³⁴

Project 50 saved money, as the investment in housing and services improved outcomes for the 133 participants—reducing costs for emergency services, medical treatment, and incarceration enough to offset the costs of the program.¹³³⁵ LA County discontinued Project 50 in 2009.¹³³⁶

In fact, while proponents of shelter-first models and criminalization criticize the expense of providing housing for unhoused people, numerous studies show prioritizing permanent housing is more cost effective than other approaches.¹³³⁷ Cost benefits are gained through reduced hospitalizations, reduced emergency services, reduced police, court, and jail expenses, reduced sanitation expenses, as well as reduced shelter costs. A RAND evaluation of Los Angeles County’s Housing for Health program found that use of medical and mental health services declined substantially when people were housed, as did the number of them jailed.¹³³⁸ Overall, use of public services declined by 60 percent and mental health outcomes improved, though reported physical health remained the same.¹³³⁹

Milwaukee County reported spending \$2 million per year on its successful Housing First program, but savings from reduced Medicare, mental health, and legal system costs netted them \$1.4 million.¹³⁴⁰

¹³³³ Flora Gil Krisiloff and Elizabeth S. Boyce, Project 50: A Two Year Demonstration Project in Skid Row, slideshow, *County of Los Angeles*, <https://www.cwda.org/sites/main/files/file-attachments/homeless-project-50-la-county.pdf?1449619925> (accessed December 11, 2023), p. 16-17.

¹³³⁴ Ibid., p. 21; Blasi, “A Grounded Approach to Our Homelessness Crisis,” p. 49-50.

¹³³⁵ TC Burnett, “Project 50: Ending Chronic Homelessness With Permanent Supportive Housing And Integrated Data Systems,” *AISP Issue Brief*, August 2015, https://aisp.upenn.edu/wp-content/uploads/2020/01/IDS_ExamplesOfIDSBenefit_LaCounty_Project50.pdf (accessed December 11, 2023). “Through integrating records across service-providing agencies and comparing the housed group with a similar non-housed control group, the Project 50 evaluation showed that the program yielded total cost offsets of \$3.284 million or 108 percent of the money the program spent on housing and services. The cost-benefit analysis is derived from what the County would have likely spent on service delivery had it not invested in permanent supportive housing.”

¹³³⁶ Robert Greene, “Whatever Happened to Project 50?” *Los Angeles Times*, February 9, 2017, <https://www.latimes.com/opinion/opinion-la/la-ol-project-50-homelessness-20160209-story.html> (accessed December 11, 2023).

¹³³⁷ National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019*, p. 72-73.

¹³³⁸ Hunter, et al., “Evaluation of Housing for Health Permanent Supportive Housing Program.”

¹³³⁹ Ibid.

¹³⁴⁰ Milwaukee County, Health & Human Services, Ending Chronic Homelessness in Milwaukee County by 2018.

A report by the Economic Roundtable, an independent research agency originally created by the Los Angeles County government, found that typical monthly costs of public services for people in PSH, including health care, emergency services, housing vouchers, and safety net spending, was \$605, compared to \$2,897 for similarly situated people living on the streets.¹³⁴¹ “This remarkable finding shows that practical, tangible public benefits result from providing supportive housing for vulnerable homeless individuals. The stabilizing effect of housing plus supportive care is demonstrated by a 79 percent reduction in public costs for these residents.”¹³⁴² While the costs of PSH in this study are understated, because they do not include capital and administrative costs, the benefits of PSH also are understated, as the study only included costs incurred through county services.¹³⁴³

None of the studies evaluating costs appear to calculate the less tangible benefits of PSH, including improved overall quality of life for all people in neighborhoods where many are unhoused, improved environmental and sanitary conditions, and improved safety for all, especially those living vulnerably on the streets. Most importantly, unlike the shelter and criminalization approaches, Housing First has an excellent record of ending houselessness, making it an investment in an actual solution.

There are critics of Housing First. Reverend Andy Bales, former director of the Union Rescue Mission, compares it unfavorably to the “transitional housing and recovery” approach and calls it “a deadly policy.”¹³⁴⁴ His criticism is that Housing First allows dangerous drug use, and that it is too slow and expensive to meet the need, while shelter gets people off the streets immediately. However, studies have concluded that Housing First approaches are more likely to help people reduce substance use and maintain stable housing and

¹³⁴¹ Daniel Flaming, et al., “Where We Sleep: Costs When Homeless and Housed in Los Angeles,” report, *Economic Roundtable*, 2009, https://shnny.org/uploads/Where_We_Sleep.pdf (accessed December 11, 2023), p. 1.

¹³⁴² *Ibid.*, p. 1.

¹³⁴³ *Ibid.*, p. 12. The capital and administrative costs of facilities and housing are not included in the calculation, as the study is focused on the cost of providing services to individuals. The cost savings in this study’s estimate do not include LASAN cleanings, LAPD enforcement, or shelter provided by the city. This study also points to a further complicating issue with government policy. Many of the expenditures needed to provide housing come from Los Angeles city budgets and programs; many of the financial benefits of housing people, accomplished through reductions in need for emergency services and others, are gained by the county. This budgetary difference will require some negotiations between both governments.

¹³⁴⁴ Human Rights Watch interview with Andy Bales, March 2, 2022; Andy Bales, “Housing First Has Failed. The Homeless Crisis in California Demands a Swift, Effective Response,” *Orange County Register*, May 1, 2023, <https://www.ocregister.com.cdn.ampproject.org/c/s/www.ocregister.com/2023/05/01/housing-first-has-failed-the-homeless-crisis-in-california-demands-a-swift-effective-response/amp/> (accessed December 11, 2023).

programming than “treatment first” approaches.¹³⁴⁵ Despite his critique, Bales acknowledges that people need to get housing and receive services, even if the priority should be to triage shelter while developing that housing.¹³⁴⁶

A leading critic of Housing First nationally is venture capitalist and Palantir co-founder Joe Lonsdale, who, through his Cicero Foundation, is promoting legislation that would require state houselessness funding go only to shelters and highly restrictive camping facilities.¹³⁴⁷ His attack on Housing First has gained traction among some Republican legislators.¹³⁴⁸

The high cost of housing development in Los Angeles calls not for rejecting the Housing First model but for finding innovative ways to reduce construction costs, like modular homes or 3D printing construction; streamlining approvals and permitting; moving towards single source financing, especially by the federal government; and reducing opposition by housed neighbors who slow down projects with lawsuits and other resistance.¹³⁴⁹

Proposition HHH created a one-time fund primarily for PSH, but that money is running out. In 2022, Los Angeles voters approved Measure ULA (ULA) which levies an additional tax on

¹³⁴⁵ Deborah K. Padgett, et al., “Substance Use Outcomes Among Homeless Clients with Serious Mental Illness: Comparing Housing First with Treatment First Programs,” *Community Mental Health Journal*, 47(2) (2012), pp. 227–232, doi: 10.1007/s10597-009-9283-7 (accessed May 19, 2024); Evidence Matters, Housing First: A Review of the Evidence, *HUD User, Office of Policy Development and Research*, Spring/Summer 2023, <https://www.huduser.gov/portal/periodicals/em/spring-summer-23/highlight2.html> (accessed May 19, 2024); Some studies have found little or no difference in substance use outcomes between the two approaches to housing and treatment, but they note that people in Housing First have more stable living situations and more improved quality of life. J.M. Somers, A. Moniruzzaman, and A. Palepu, “Changes in Daily Substance Use Among People Experiencing Homelessness and Mental Illness: 24-Month Outcomes Following Randomization to Housing First or Usual Care,” *Addiction*, vol. 110(10) (2015), pp.1605-1614, doi: 10.1111/add.13011 (accessed May 19, 2024).

¹³⁴⁶ Human Rights Watch interview with Andy Bales, March 2, 2022.

¹³⁴⁷ Cicero Institute, “Model Bill: Reducing Street Homelessness Act,” December 22, 2022, <https://ciceroinstitute.org/wp-content/uploads/2023/02/Homelessness-Policy-Model-Language-.pdf> (accessed December 11, 2023); Joe Lonsdale, “Georgia Takes A Stand On Homeless Policy,” *City Journal*, May 5, 2023, <https://www.city-journal.org/article/georgia-takes-a-stand-on-homeless-policy> (accessed December 11, 2023); Kyle Swenson, “The Right’s War On ‘Housing First’ Lands In Middle America,” *Washington Post*, December 22, 2023, <https://www.washingtonpost.com/dc-md-va/2023/12/22/rights-war-housing-first-lands-middle-america/> (accessed December 22, 2023).

¹³⁴⁸ Jason DeParle, “Federal Policy on Homelessness Becomes New Target of The Right,” *New York Times*, June 20, 2023, <https://www.nytimes.com/2023/06/20/us/politics/federal-policy-on-homelessness-becomes-new-target-of-the-right.html> (accessed December 11, 2023).

¹³⁴⁹ Human Rights Watch interviews with Dora Leong Gallo, May 4, 2022; Becky Dennison, October 15, 2021; Steve Diaz, March 2, 2022; Eric Ares, February 28, 2022; Nithya Raman, March 3, 2022; Dennis Gleason, February 24, 2022; and Jan Breidenbach, February 3, 2022; Cheri Todoroff, Houser Hour with Cheri Todoroff, Director of LA County Homeless Initiative.

real estate transactions over \$5 million.¹³⁵⁰ Measure ULA revenues will be directed to housing development and houselessness prevention, and they are intended to provide the city with ongoing funding.¹³⁵¹ Sectors of the real estate industry are actively exploring ways to subvert the tax.¹³⁵²

UCLA law professor Gary Blasi said: “In a normal world, with functioning public policy that relied on evidence, Housing First is exactly what we should do. Permanent Supportive Housing for those who need it; housing for those who don’t.”¹³⁵³

B. Other Housing Measures that Address Houselessness

1) Section 8

The most prominent federal housing program, besides the Low-Income Housing Tax Credit, is the Section 8 subsidy. Under Section 8, the tenant pays 30 percent of their income for rent and the federal government pays the balance, up to a HUD-approved fair market rent. Section 8 comes in two basic types: 1) project-based subsidies, which are tied to the housing development and help pay ongoing operating expenses by covering large parts of the rent; and 2) Section 8 vouchers that an individual or family takes to a private landlord.¹³⁵⁴

Kevin Morgan was staying on the Boardwalk in Venice when Covid-19 struck. He was placed in a hotel temporarily when the Boardwalk was cleared of unhoused people in 2021. For many months, officials moved him from motel to motel. Eventually, he obtained a Section 8 voucher from HACLA and, after great personal effort, found an apartment. He

¹³⁵⁰ United to House LA, “Initiative Measure to be Submitted Directly to the Voters: Text of the Proposed Measure,” May 2022, https://unitedtohousela.com/app/uploads/2022/05/LA_City_Affordable_Housing_Petition_H.pdf (accessed December 11, 2023).

¹³⁵¹ United to House LA, “What is Measure ULA?,” 2023, <https://unitedtohousela.com/> (accessed December 11, 2023); Shane Phillips and Maya Ofek, “How will the Measure ULA Transfer Tax Initiative Impact Housing Production in Los Angeles?” *UCLA Lewis Center for Regional Policy Studies*, October 2022, <https://escholarship.org/uc/item/1jv1p99n> (accessed December 11, 2023).

¹³⁵² Geoffrey M. Gold, “Nine Ideas to Avoid the Effect of Measure ULA—The New Mansion Tax,” *ECJ Blogs*, April 13, 2023, <https://www.ecjlaw.com/ecj-blog/nine-ways-to-avoid-the-effect-of-measure-ula-the-new-mansion-tax> (accessed December 11, 2023); Samson Amore, “Protest Movement: Universe Holdings Sells Local Assets,” *Los Angeles Business Journal*, April 22, 2024, <https://labusinessjournal.com/featured/protest-movement-universe-holdings-sells-local-assets/> (accessed May 19, 2024).

¹³⁵³ Human Rights Watch interview with Gary Blasi, January 17, 2022.

¹³⁵⁴ Human Rights Watch interview with Doug Guthrie, January 11, 2022. Guthrie says that HACLA has 13,000 units of housing supported by Project-Based Section 8.

described the apartment as “a beautiful place,” and said: “With persistence and the things you sacrifice, God does bless you.”¹³⁵⁵

After living in his truck for years, Marcus C. got an apartment with a Section 8 Voucher. He said of the new apartment, “I can’t change the environment outside, but I can inside. It gives me a sense of security.”¹³⁵⁶ He now works helping other unhoused people find housing.

Tanya L. found an apartment in a building with project-based Section 8 subsidies, after living in her car and couch surfing for years. She was able to move her children in with her, including her son who has a disability with high support requirements. With the stable home, she was able to improve her credit score, go back to school, and cut back work hours so she could take better care of her children. She earned a BA in sociology and has been working as a case manager helping others get housing.¹³⁵⁷

Kevin, Marcus, and Tanya are among the fortunate few. Nationally, there are enough Section 8 vouchers available for only one-quarter of all people who qualify for them. In Los Angeles, that percentage is even lower.¹³⁵⁸ The director of HACLA estimates that 600,000 households in Los Angeles qualify for Section 8 vouchers.¹³⁵⁹ The regular waiting list for vouchers from the housing authority has been closed for years and those on it have long waits for available subsidies.¹³⁶⁰ HACLA opened its Section 8 waiting list for 10 days in October 2022 and 225,000 households applied. HACLA used a lottery system to narrow that number to 30,000 and estimates it will take five to six years to get through that waiting list.¹³⁶¹

¹³⁵⁵ Human Rights Watch interview with Kevin Morgan, Venice, December 17, 2021.

¹³⁵⁶ Human Rights Watch interview with Marcus C. (pseudonym), May 17, 2022.

¹³⁵⁷ Human Rights Watch interview with Tanya L. (pseudonym), April 26, 2022.

¹³⁵⁸ Human Rights Watch interview with (anonymous) Los Angeles County official, Los Angeles. One county official estimated that only 10 percent of eligible Los Angeles County residents had vouchers.

¹³⁵⁹ Human Rights Watch interview with Doug Guthrie, January 11, 2022; See also Hisserich, “Scaling Up,” p. 19: Section 8 waitlists are full and hundreds of thousands of eligible households have not made it onto them.

¹³⁶⁰ Housing Authority of the City of Los Angeles, Section 8 Waiting List, September 2022, <https://www.hacla.org/sites/default/files/Event%20Flyers/HACLA%20WL%20Public%20Fact%20Sheet%20COLOR%2009222022.pdf> (accessed December 11, 2023); Hisserich, “Scaling Up”; Human Rights Watch interview with Bill Stone (pseudonym), Los Angeles, August 27, 2021; LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 44.

¹³⁶¹ Doug Guthrie, email to Human Rights Watch, December 15, 2023.

Even those who get vouchers have trouble finding landlords willing to rent to them.¹³⁶² Racial discrimination and bias against poor people and those perceived as being unhoused contributes to the difficulty in finding willing landlords, even though the government guarantees rental payment.¹³⁶³ Government regulations, standards, and inspections, while valuable to insure the habitability of the homes, sometimes discourage landlords from accepting Section 8 tenants altogether, though the guaranteed rent payments incentivize many other property owners to participate in the program.¹³⁶⁴ Many landlords, in an expensive market like Los Angeles, can get a higher rent than HUD will allow, thus making them unwilling to rent to people with vouchers.¹³⁶⁵ Assistance in finding homes through various service providers has been inconsistent: some people report being helped, while others have had service providers fail to help or even hinder their efforts.¹³⁶⁶ If not used within a certain time, the vouchers expire.¹³⁶⁷

In July 2021, through the American Rescue Plan, the city of Los Angeles received 3,365 Emergency Housing Vouchers, on top of its existing allocation of Section 8 vouchers.¹³⁶⁸ A year later, the Housing Authority had distributed them, but very few people had been able to use them to lease places to live. By July 2022, only 196 of these vouchers had resulted in housing. Los Angeles County had done a bit better, converting 641 of their 1,964 vouchers to housing, and the state of California had seen 28.6 percent of their 17,174 voucher holders achieve success. Nationally, the success rate was 38 percent.¹³⁶⁹ The

¹³⁶² Human Rights Watch interviews with Doug Guthrie, January 11, 2022; Molly Rysman, January 25, 2022; Jan Breidenbach, February 3, 2022; Shawn Pleasants, April 20, 2022; Arthur M. (pseudonym), August 25, 2021; Frank A. (pseudonym), Venice, June 7, 2023; Michelle H. (pseudonym), Chatsworth, June 20, 2023; and Tanya L. (pseudonym), April 26, 2022; LAHSA, Homeless Services System Analysis: Envisioning an Optimal System in Los Angeles, p. 17.

¹³⁶³ After Echo Park Lake Research Collective, “(Dis)placement,” p. 12; LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 44. Human Rights Watch interview with Leilani Farha, March 7, 2022.

¹³⁶⁴ Human Rights Watch interview with Doug Guthrie, January 11, 2022. See also Doug Guthrie, email to Human Rights Watch, December 15, 2023.

¹³⁶⁵ LAHSA, Homeless Services System Analysis: Envisioning an Optimal System in Los Angeles, p. 17.

¹³⁶⁶ Human Rights Watch interviews with Sonja Verdugo, August 4, 2023; and Michelle H. (pseudonym), June 20, 2023.

¹³⁶⁷ Human Rights Watch interviews with Michelle H. (pseudonym), June 20, 2023; and Connie W. (pseudonym), September 8, 2021.

¹³⁶⁸ Connor Sheets, “Homeless People Wait As Los Angeles Lets Thousands of Federal Housing Vouchers Go Unused,” *Los Angeles Times*, July 25, 2022, https://www.latimes.com/california/story/2022-07-25/emergency-housing-vouchers-story?utm_id=62068&sfmc_id=902231 (accessed December 11, 2023).

¹³⁶⁹ Ibid.

futility of these Emergency Housing Vouchers was so profound that one lawyer who represents unhoused people referred to them as “uncashable lottery tickets.”¹³⁷⁰

By the end of August 2023, 2,555 of the City’s emergency vouchers had resulted in leases, as had nearly all the County’s.¹³⁷¹ The national rates similarly improved to above 80 percent.¹³⁷² Still, many people have applied for the emergency vouchers and are waiting.¹³⁷³

While Section 8 Vouchers help individuals find housing, the program does not add to the overall stock of affordable units, especially in tight, expensive housing markets like Los Angeles, and those who do obtain vouchers end up competing for available homes.¹³⁷⁴

2) Hotel Conversions

In an effort to increase the stock of available, affordable homes for unhoused and precariously housed people, advocates and policymakers have called for the government to convert hotels into permanent social housing.¹³⁷⁵ This idea gained traction with the Covid-19 pandemic, as tourism halted and hotel rooms remained empty. Unlike under PRK, hotels could be converted to permanent units in which people had all the rights of tenancy, along with community control of their living spaces and self-determination.¹³⁷⁶ Given the government subsidies many hotel owners have received, advocates have called for the government to use eminent domain or other emergency legal authorities to take possession of the properties.¹³⁷⁷

The City of Los Angeles has moved forward with purchasing hotels to convert to permanent housing, though on a modest scale relative to the need. Through Project Homekey, HACLA

¹³⁷⁰ Human Rights Watch interview with Lili Graham, March 18, 2022.

¹³⁷¹ Office of Public & Indian Housing, HCV—Emergency Housing Voucher Program, <https://app.powerbigov.us/view?r=eyJrjoiYjU4MzlkNzEtMzIxMzI0ZjhlLTkyNTYjZjA0YTlwiwidCI6IjYxNTUyNGM1LTIyZTktNGJjZC1hODkzLTExODBhNTNmYzdiMjIj9> (accessed September 4, 2023).

¹³⁷² Ibid.

¹³⁷³ Human Rights Watch interviews with Walt Avery (pseudonym), September 1, 2021; and Ida J. (pseudonym), August 18, 2021.

¹³⁷⁴ Human Rights Watch interview with Molly Rysman, January 25, 2022. Human Rights Watch has not found any evidence that Section 8 vouchers incentivize development of housing. In Los Angeles, new construction almost always has higher rents than voucher payment standards.

¹³⁷⁵ Roy, et al., “Hotel California: Housing the Crisis,” p. 5.

¹³⁷⁶ Ibid., p. 27.

¹³⁷⁷ Ibid., p. 40. Human Rights Watch interviews with Becky Dennison, October 15, 2021; and Ananya Roy, September 24, 2021.

has acquired over 2,000 hotel and other apartment building units to convert to permanent housing, PSH, and interim housing specifically for unhoused people.¹³⁷⁸ The Bass administration is working on acquiring additional hotels to convert to permanent housing as well, though they are spending \$83 million to purchase and renovate the Mayfair Hotel to use as interim housing through the Inside Safe program.¹³⁷⁹ The City will have to invest sufficiently in the hotels and remove restrictive rules to make them suitable for permanent living.¹³⁸⁰

In Vancouver, British Columbia, Canada, the provincial government has been purchasing hotels and successfully converting them into permanent supportive housing.¹³⁸¹ They use federal, provincial, and some municipal funds to buy and renovate the hotels, which are then run by non-profit operators.¹³⁸²

C. Other Approaches to Housing Development

The City of Los Angeles owns dozens of unused properties that may be suitable for development of affordable housing.¹³⁸³ It gave a parcel of land on a parking lot in Venice to Venice Community Housing to build 140 units of affordable housing and PSH, along with space for some small businesses.¹³⁸⁴ Forgoing the property acquisition costs helps make a project like this, in a higher cost area, more feasible. Unfortunately, the city did not award

¹³⁷⁸ Human Rights Watch interview with Doug Guthrie, January 11, 2022. See also Doug Guthrie, email to Human Rights Watch, December 15, 2023.

¹³⁷⁹ Human Rights Watch interview with Mercedes Marquez, July 7, 2023; Linh Tat, “LA City Council Green-Lights \$83 Million Deal to Turn Mayfair Hotel Into Housing For Homeless,” *Los Angeles Daily News*, August 18, 2023, <https://www.dailynews.com/2023/08/18/la-city-council-green-lights-83-million-purchase-of-mayfair-hotel-to-house-homeless/> (accessed December 11, 2023).

¹³⁸⁰ Roy, et al., “Hotel California: Housing the Crisis,” p. 5.

¹³⁸¹ CBC News, “Province Purchase Howard Johnson and Buchan Hotels In Bid To Create Affordable Housing,” *CBC*, January 24, 2020, <https://www.cbc.ca/news/canada/british-columbia/province-purchases-howard-johnson-and-buchan-hotels-in-bid-to-create-affordable-housing-1.5626171> (accessed December 11, 2023); Roy, et al., “Hotel California: Housing the Crisis,” p. 23.

¹³⁸² Megan Lalonde, “City Of Vancouver Purchases Former Best Western To Re-Purpose As Supportive Housing,” *Vancouver is Awesome*, April 16, 2021, <https://www.vancouverisawesome.com/local-news/city-of-vancouver-purchases-former-best-western-to-re-purpose-as-supportive-housing-3640199> (accessed December 11, 2023); Amy Smart, “3 More Vancouver Hotels Will Be Converted To Housing Stock For Homeless,” *CTV News*, April 2, 2021, <https://bc.ctvnews.ca/3-more-vancouver-hotels-will-be-converted-to-housing-stock-for-homeless-1.5372634> (accessed December 11, 2023).

¹³⁸³ Ron Galperin, City Properties Available for Homeless Housing and Services, City of Los Angeles Controller, January 12, 2022, https://wpstaticarchive.lacontroller.io/wp-content/uploads/2021/12/City-Properties-Available-for-Homeless-Housing-and-Services_1.12.22.pdf (accessed December 11, 2023).

¹³⁸⁴ Venice Community Housing, “New Developments: Creating Spaces Where People Flourish,” 2023 <https://vchcorp.org/housing/new-developments/> (accessed December 11, 2023); Human Rights Watch interview with Becky Dennison, October 15, 2021.

all the approvals necessary for construction to begin. Subsequent resistance from housed neighbors has further delayed the project and added costs.¹³⁸⁵ Newly elected District 11 City Councilmember Traci Park and City Attorney Hydee Feldstein Soto have opposed the project, while Mayor Bass has not used her power to move the project forward.¹³⁸⁶

Mayor Garcetti started his administration by giving away properties for affordable housing development, but discontinued the practice.¹³⁸⁷ Mayor Bass has issued an executive order calling on her administration to identify city-owned properties that can be used to build both affordable permanent housing and shelter.¹³⁸⁸ Her order waives some of the site plan reviews and approvals that ordinarily apply, in an effort to speed up construction and reduce costs.¹³⁸⁹

Some advocates are calling for the city to allocate or buy properties and hold them, known as “land banking,” to be used for affordable housing developments.¹³⁹⁰ Land banking and creating community land trusts removes property from the speculative market, making it easier to develop as a public good.¹³⁹¹ The city of Vienna, Austria, has successfully used community land trusts to create a pervasive system of public housing that the great majority of its residents use.¹³⁹² That housing is governed by the tenants themselves, while owned by a public agency.¹³⁹³ There are examples in the United States, as well.¹³⁹⁴ Mayor Bass’ director of homelessness and housing initiatives said that her administration is

¹³⁸⁵ Human Rights Watch interview with Becky Dennison, October 15, 2021.

¹³⁸⁶ Editorial board, “Are L.A. leaders Trying to Sabotage Homeless Housing in Venice?,” *Los Angeles Times*, July 30, 2023, <https://www.latimes.com/opinion/story/2023-07-30/editorial-slowing-down-a-homeless-housing-project-in-venice-only-hurts-the-city-of-los-angeles> (accessed December 11, 2023).

¹³⁸⁷ Human Rights Watch interview with Becky Dennison, October 15, 2021.

¹³⁸⁸ Eyewitness News, “Mayor Bass Issues Executive Directive Aimed at Using City Property for Housing,” *KABC*, February 11, 2023, <https://abc7.com/karen-bass-mayor-homeless-city-property/12801320/> (accessed December 11, 2023); Mayor Karen Bass, Mayor Bass Issues Executive Directive to Maximize Use of City Property for Temporary and Permanent Housing, press release, February 10, 2023, <https://mayor.lacity.gov/news/mayor-bass-issues-executive-directive-maximize-use-city-property-temporary-and-permanent> (accessed December 11, 2023).

¹³⁸⁹ Mayor Karen Bass, Mayor Bass Issues Executive Directive to Maximize Use of City Property for Temporary and Permanent Housing.

¹³⁹⁰ Human Rights Watch interviews with Becky Dennison, October 15, 2021; David Busch, April 25, 2022; Cynthia Strathmann, October 26, 2021.; and Jan Breidenbach, February 3, 2022; Roy, et al., “Hotel California: Housing the Crisis,” p. 55.

¹³⁹¹ Human Rights Watch interview with Cynthia Strathmann, October 26, 2021.

¹³⁹² Human Rights Watch interview with Helmi Hisserich, December 1, 2021.

¹³⁹³ Ibid.

¹³⁹⁴ Champlain Housing Trust, “Vision & Values,” <https://www.getahome.org/vision-and-values/> (accessed December 11, 2023).

exploring ways to land bank and to create community land trusts.¹³⁹⁵ Advocates are adamant that to be effective, community land trusts should be controlled autonomously by the residents themselves.¹³⁹⁶

Another initiative is called “adaptive reuse.” Similar to the call for converting hotels to affordable housing, many are advocating for repurposing under-used commercial buildings into affordable housing.¹³⁹⁷ One study found 2,300 under-utilized commercial buildings in Los Angeles county that could be converted to as many as 113,000 units of housing.¹³⁹⁸ The study authors suggested that a market-driven financial calculation would not likely result in conversions, so the government, recognizing the societal benefit of providing affordable housing, should subsidize.¹³⁹⁹

An example of a community-driven, innovative housing development is LA CAN’s EcoHood. Using non-public financing, LA CAN is developing fourteen solar powered, water efficient small one and two bedroom units, with a bathroom, kitchen, and shower.¹⁴⁰⁰ They use innovative, low-cost construction techniques; the average cost for each unit is just under \$70,000 to build.¹⁴⁰¹ The plan is to build a small community of permanent housing and to provide a template for inexpensive development of housing on a larger scale using city-owned land.

D. Preservation of Affordable Housing

Keeping people housed is critical to ending houselessness; preserving housing affordability is critical to keeping people housed. Los Angeles faces the loss of thousands of affordable units over the next several years through condominium conversions, major rehabilitation, evictions, and expiration of covenants restricting rent levels.

¹³⁹⁵ Human Rights Watch interview with Mercedes Marquez, July 7, 2023.

¹³⁹⁶ Roy, et al., “Hotel California: Housing the Crisis,” p. 55-56.

¹³⁹⁷ Jason M. Ward and Daniel Schwam, “Can Adaptive Reuse of Commercial Real Estate Address the Housing Crisis in Los Angeles?,” *Rand*, 2022, https://www.rand.org/pubs/research_reports/RRA1333-1.html (accessed December 11, 2023).

¹³⁹⁸ *Ibid.*

¹³⁹⁹ *Ibid.*

¹⁴⁰⁰ Los Angeles Community Action Network, “Ecohood Sustainable Housing,” <https://cangress.org/services/ecohood/> (accessed December 11, 2023).

¹⁴⁰¹ *Ibid.*; Email communication with Pete White, Executive Director of Los Angeles Community Action Network, January 24, 2024.

Single-room occupancy hotels (SROs), especially in downtown Los Angeles, have comprised a large stock of housing affordable to low-income tenants. In the 1990s and 2000s, as gentrification took hold, investors converted many buildings with thousands of SRO units to luxury housing.¹⁴⁰² In 2008, following years of advocacy by tenants' and unhoused people's rights organizations, the City Council passed an ordinance restricting conversion of SRO housing.¹⁴⁰³ That ordinance served to protect thousands of units and keep people from living on the streets.¹⁴⁰⁴ However, enforcement has been lax and many hotels have been converted despite the law.¹⁴⁰⁵

There are thousands of units of housing in Los Angeles, and hundreds of thousands across the US, developed with government subsidies conditioned on maintaining affordability restrictions for a set period.¹⁴⁰⁶ Many of those restrictions are expiring, allowing the owners to convert to market price, which will force many tenants out of their homes and onto the streets.¹⁴⁰⁷

Hillside Villa, in gentrifying Chinatown, is an example of one of these buildings in which tenants of the 124-unit development are fighting to preserve their homes after their landlord issued a massive rent increase.¹⁴⁰⁸ They have demanded that the city use eminent domain to purchase the building and maintain permanent affordability restrictions.¹⁴⁰⁹ The owner is resisting efforts to force a sale.¹⁴¹⁰ Preservation of Hillside Villa and other

¹⁴⁰² Wolch, et al, *Ending Homelessness in Los Angeles*, p. 4; Gudis, Containment and Community, Los Angeles Poverty Department, p. 13.

¹⁴⁰³ City of Los Angeles, Ordinance No. 179868, "Residential Hotel Unit Conversion and Demolition," May 15, 2008, https://clkrep.lacity.org/online/docs/2008/08-0644_ord_179868.pdf (accessed December 11, 2023).

¹⁴⁰⁴ Jessica Garrison and Cara Mia Dimassa, "Rules Limit Home Size, Hotel Conversion in L.A.," *Los Angeles Times*, May 7, 2008, <https://www.latimes.com/archives/la-xpm-2008-may-07-me-planning7-story.html> (accessed December 11, 2023).

¹⁴⁰⁵ Robin Urevich and Gabriel Sandoval, "Checked Out: How LA Failed to Stop Landlords from Turning Low-Cost Housing into Tourist Hotels," *ProPublica*, July 10, 2023, <https://www.propublica.org/article/how-la-failed-stop-landlords-turning-low-cost-housing-hotels> (accessed December 11, 2023).

¹⁴⁰⁶ Andrew Aurand, *Balancing Priorities: Preservation and Neighborhood Opportunity in the Low-Income Tax Credit Program Beyond Year 30*, report, NLIHC and PAHRC, October 2018, <https://nlihc.org/sites/default/files/Balancing-Priorities.pdf> (accessed December 11, 2023); Tracy Rosenthal, "The Enduring Fiction of Affordable Housing," *The New Republic*, April 2, 2021 <https://newrepublic.com/article/161806/affordable-housing-public-housing-rent-los-angeles> (accessed December 11, 2023).

¹⁴⁰⁷ Ibid.

¹⁴⁰⁸ Ibid.

¹⁴⁰⁹ Hillside Villa Tenants Association, <https://hillsidevillata.org/> (accessed December 11, 2023).

¹⁴¹⁰ Renee Eng, "After One Year, Little Progress On LA's Efforts To Acquire Affordable Housing Building Hillside Villa," *Spectrum News 1*, June 2, 2023, <https://spectrumnews1.com/ca/la-west/housing/2023/06/02/after-one-year--little-progress-on-la-s-efforts-to-acquire-affordable-housing-building-hillside-villa> (accessed December 11, 2023).

developments like it, through eminent domain or some other means, is essential to combatting houselessness.¹⁴¹¹ The city council eventually made a deal with the owner that pays him \$15 million to extend affordability for 10 more years.¹⁴¹²

Rent control is another policy that preserves affordability by stabilizing rent levels and limiting evictions.¹⁴¹³ Los Angeles has a “rent stabilization ordinance” that restricts rent increases on existing tenancies, but it allows unlimited raises when a new tenancy begins, called “vacancy decontrol.”¹⁴¹⁴ State law prohibits cities like Los Angeles from enacting true rent control, which ties rent limits to the unit itself instead of the tenancy.¹⁴¹⁵

Los Angeles County has initiated a variety of homelessness prevention programs to keep people in their existing housing.¹⁴¹⁶ These have been funded primarily by Measure H, which will soon expire.¹⁴¹⁷ These programs have been effective, but they are not sufficiently resourced to meet the needs.¹⁴¹⁸ Temporary cash payments have been effective in other cities in helping people avoid losing their homes.¹⁴¹⁹

Enhanced eviction protections and rent relief programs during the Covid-19 pandemic almost certainly helped prevent even larger increases in houselessness than the city

¹⁴¹¹ Human Rights Watch interview with Eric Ares, February 28, 2022.

¹⁴¹² Phoenix Tso, “Multi-Million Dollar ‘Bailout’ Deal for Chinatown Landlord Passes LA City Council,” *LA Public Press*, April 19, 2024, <https://lapublicpress.org/2024/04/multi-million-dollar-bailout-deal-for-chinatown-landlord-passes-la-city-council/> (accessed May 19, 2024).

¹⁴¹³ Patrick Range McDonald, “Academic Heavyweights to Naysayers: Rent Control Works,” *Housing is a Human Right*, September 14, 2022, <https://www.housingisahumanright.org/academic-heavyweights-to-naysayers-rent-control-works/> (accessed December 11, 2023).

¹⁴¹⁴ Los Angeles Housing Department, RSO Overview, City of Los Angeles, June 9, 2023, <https://housing.lacity.org/residents/rso-overview> (accessed December 11, 2023).

¹⁴¹⁵ Costa-Hawkins.com, “What is Costa-Hawkins,” <http://costa-hawkins.com/what-is-costa-hawkins/#:~:text=The%20Costa%2DHawkins%20Rental%20Housing,tenant%20no%20longer%20permanently%20resides> (accessed December 11, 2023).

¹⁴¹⁶ Till Von Wachter, et al., “Preventing Homelessness: Evidence-Based Methods to Screen Adults and Families at Risk of Homelessness in Los Angeles,” *California Policy Lab*, July 2021, <https://www.capolicylab.org/wp-content/uploads/2021/08/Preventing-Homelessness-Evidence-Based-Methods-to-Screen-Adults-and-Families-at-Risk-of-Homelessness-in-Los-Angeles.pdf> (accessed December 11, 2023).

¹⁴¹⁷ *Ibid.*, p. 10

¹⁴¹⁸ *Ibid.*, p. 43

¹⁴¹⁹ William N. Evans, et al., “The Impact of Homelessness Prevention Programs on Homelessness,” *Science*, vol. 353(6300) (2016), pp. 694-699, doi: 10.1126/science.aago83 (accessed December 11, 2023); Kelsey Ables, “Homeless People Were Given Lump Sums of Cash. Their Spending Defied Stereotypes,” *Washington Post*, September 1, 2023, <https://www.washingtonpost.com/dc-md-va/2023/08/31/homeless-spending-cash-study-canada/> (accessed December 11, 2023).

experienced.¹⁴²⁰ However, since those protections and programs ended, evictions have increased, leading to even more people becoming housing unstable and houseless.¹⁴²¹ Preventing evictions, through a right to counsel in housing court, rental assistance, good-cause restrictions, and other measures, would slow the flow of people into houselessness.¹⁴²²

Los Angeles government has not considered calls by advocates to cancel rent and to take over vacant properties in response to the Covid-19 and houselessness emergencies.¹⁴²³ City officials should study these and other options to see if they are feasible or if they have negative implications.

¹⁴²⁰ Ruben Vives and Doug Smith, “Growth in L.A. County Homeless Population Slowed During Pandemic, Count Finds,” *Los Angeles Times*, September 8, 2022, <https://www.latimes.com/california/story/2022-09-08/l-a-county-homeless-count-shows-homelessness-grew-slightly-a-possible-sign> (accessed December 11, 2023).

¹⁴²¹ LAHSA, LAHSA Releases Results of 2023 Greater Los Angeles Homeless Count, June 29, 2023, <https://www.lahsa.org/news?article=927-lahsa-releases-results-of-2023-greater-los-angeles-homeless-count>, (accessed December 11, 2023); David Wagner, “2023 LA Homeless Count: Did Ending COVID Protections Cause the Spike?” *LAist*, June 30, 2023, <https://laist.com/brief/news/housing-homelessness/los-angeles-homeless-count-2023-covid-eviction-protections-moratorium-lahsa-rent-relief> (accessed December 11, 2023); David Wagner, “Eviction Fears Swell in the Final Push to Get Californians to Apply For Rent Relief,” *LAist*, March 29, 2022, <https://laist.com/news/housing-homelessness/rent-relief-california-los-angeles-march-31-deadline-eviction-housing-is-key-tenant-protections-extension> (accessed December 11, 2023).

¹⁴²² Human Rights Watch interviews with Steve Diaz, March 2, 2022; Eric Tars, January 14, 2022; Mercedes Marquez, July 7, 2023; Cynthia Strathmann, October 26, 2021; and Becky Dennison, October 15, 2021.

¹⁴²³ Human Rights Watch interview with Ananya Roy, September 24, 2021.

X. Mayor Bass and Inside Safe

- From December 2022 through March 2024, new mayor Karen Bass' signature program, Inside Safe, had cleared 42 encampments throughout the city, placed 2,482 people into temporary hotel rooms, and moved 440 of those into more permanent housing situations, while 504 had returned to the streets, according to her office's data.
- The city spent just over \$300 million for the first year of this program, including paying over \$3,500 a month for each hotel room.
- Mayor Bass has allocated \$1.3 billion from the city budget to addressing houselessness, a 9.7 percent increase from the previous year, including \$150 million from a voter approved tax on high dollar real estate transactions to fund housing development and houselessness prevention.

A. Inside Safe Clears a Longstanding Venice Community

In early January 2023, as heavy rainfall blanketed all of Los Angeles, LASAN crews descended on the longstanding Venice unhoused communities on 3rd Avenue and Hampton Drive. Along with LASAN came LAHSA and St. Josephs Center outreach workers, LAPD officers, newly elected Council District 11 Councilmember Traci Park and her staff, and Mayor Bass, also newly elected. This operation was the second encampment clearance of Bass' signature initiative for addressing houselessness, called "Inside Safe."

Estrella M. had been living with her boyfriend at his parents' house until he became physically abusive and destroyed her property. His parents kicked her out of the house. Alone and scared, she found a protective community on 3rd Street. They had toilets on the block and tried, if not always successfully, to keep the place clean.¹⁴²⁴ They tried to govern themselves.¹⁴²⁵ A group of housed neighbors supported the encampment with food donations, assistance with the hygiene stations, and other basic supports.¹⁴²⁶ Estrella had been living amongst her "small family" on that block for about three months when Inside

¹⁴²⁴ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹⁴²⁵ Human Rights Watch interview with Peter L. (pseudonym), June 23, 2023.

¹⁴²⁶ Human Rights Watch interview with Laddie Williams, October 26, 2023.

Safe came. Others had been living there for years.¹⁴²⁷ Many of the residents of the 3rd Avenue and Hampton Drive communities had lived in Venice their entire lives; some had multi-generational family histories in this neighborhood; others had arrived more recently.¹⁴²⁸

City officials from the Inside Safe operation told residents of this community they had to give up their tents and, if they did, they would get permanent housing. They were permitted to keep two bags of property and had to surrender the rest to be trashed. LASAN officials insisted Estrella and the others appear on video giving them verbal consent to the destruction. Estrella watched her neighbors lose their things. Fortunately for her, a friend had loaded much of her property onto his truck and taken it away before LASAN got to her.¹⁴²⁹

It took a couple of days before the outreach workers brought her to a hotel room. They put her and the others onto a bus with only their two allowed bags each and drove them away. Estrella had no idea where they were being taken. She worried about leaving Venice because she was getting help at a methadone clinic a few blocks away and feared relapse if disconnected from her treatment.¹⁴³⁰

Despite the rain, some people did not want to go to some unknown location for an unknown time. Officials told them police would arrest them if they remained.¹⁴³¹

Peter L. had been living on 3rd Avenue off and on while unhoused in Venice for the past four years. He had been evicted by government officials from an encampment nearby and moved into a series of low-quality hotels rooms, for which he was never given a key and never felt any security of tenure or sense of a progression to permanent housing. He returned to the streets and set up on 3rd Avenue, where he too felt a sense of family.¹⁴³²

When the Inside Safe team first came, he told them he did not want to go to a hotel, having had bad experiences with the hotels. On one of the following days, however, while he was

¹⁴²⁷ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹⁴²⁸ Human Rights Watch interview with Laddie Williams, October 26, 2023.

¹⁴²⁹ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹⁴³⁰ Ibid.

¹⁴³¹ Ibid.; Human Rights Watch interview with Peter L. (pseudonym), June 23, 2023.

¹⁴³² Ibid.

at the store, LASAN took all his property and threw it into the trash compactor truck.¹⁴³³ He lost everything he owned.¹⁴³⁴

Feeling he had no choice after the destruction of his property, Peter agreed to go to the hotel. Officials promised him he could stay there for up to two years and they would help him find permanent housing. He felt that this option was better than being on the streets.¹⁴³⁵

Estrella, Peter, and others from 3rd Avenue and from Hampton Drive were taken to the Los Angeles Inn and Suites in an unincorporated section of Los Angeles County, about 15 miles away from their home in Venice. They were each given a room of their own.¹⁴³⁶

The “ABH Venice Inside Safe Operation” lasted from January 3 to January 13, 2023, targeting encampments near the Venice ABH site, primarily on Hampton Drive and 3rd Avenue.¹⁴³⁷ The operation moved 107 people into shelter, 104 to motels, and the other 3 to an ABH facility, according to the Bass administration.¹⁴³⁸ LASAN disposed of over 41,000 pounds of material and personal property; about 1,000 pounds of which they classified as biohazard or other hazardous waste.¹⁴³⁹ They took no property to storage.¹⁴⁴⁰ LAPD made no arrests.¹⁴⁴¹

Following the completion of the Venice Inside Safe operation, Mayor Bass spoke to a group of housed Venice residents, including Councilmember Traci Park, at a restaurant around the corner from the former encampment. Venice residents who had provided support for the encampment, many of whose families had lived in the neighborhood for generations, were excluded from the restaurant where Bass gave her speech.¹⁴⁴²

¹⁴³³ Human Rights Watch interview with Peter L. (pseudonym), June 23, 2023. Peter had a friend guarding his property, but the LASAN workers took it anyway.

¹⁴³⁴ Ibid.

¹⁴³⁵ Ibid.

¹⁴³⁶ Ibid.; Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023; Observations of Human Rights Watch researcher who interviewed Estrella M. in person at the Inside Safe site in Los Angeles on June 23, 2023.

¹⁴³⁷ City of Los Angeles, Mayor’s Office of City Homelessness Initiatives, Encampment Launch ‘Inside Safe’ Final Report: ABH Venice Housing and Cleanup Report, January 17, 2023, p. 5, on file with Human Rights Watch.

¹⁴³⁸ Ibid. According to the Bass administration documentation, everyone from the encampment was moved to a hotel room or shelter.

¹⁴³⁹ Ibid., p. 6.

¹⁴⁴⁰ Ibid.

¹⁴⁴¹ Ibid., p. 8-9.

¹⁴⁴² Human Rights Watch interview with Laddie Williams, October 26, 2023.

After saying people had been moved into “housing” the mayor said: “But what is most important is that the community of Venice can reclaim those streets!”¹⁴⁴³

B. Inside Safe Across the City

Mayor Bass has said that addressing houselessness is the top priority of her administration.¹⁴⁴⁴ She began her tenure as mayor by issuing a series of executive orders declaring a state of emergency regarding houselessness and calling for action.¹⁴⁴⁵ She described Inside Safe as “shifting the way the city approaches homelessness.”¹⁴⁴⁶

Inside Safe mobilizes outreach resources and LASAN to target specific unhoused communities throughout the city, remove the people living there and place them in hotels, clear all their property and any other materials on those streets and sidewalks, and attempt to prevent the return of unhoused people to those locations.¹⁴⁴⁷

Michelle H., an unhoused activist in the San Fernando Valley, told Human Rights Watch that people who had been moved to an Inside Safe hotel from an encampment in her area were generally happy with the accommodations and did not find the rules oppressive.¹⁴⁴⁸ Henry N., who was moved from an encampment on the westside to a hotel on the other side of the city, was comfortable with his room while waiting on a placement in a housing development in Venice.¹⁴⁴⁹ There is an obvious benefit to getting indoors for many of the individuals who were placed in the hotel rooms.

¹⁴⁴³ Chace Beech, @Chacebeech, “X Thread,” January 13, 2023, <https://twitter.com/Chacebeech/status/1613951261006757890> (accessed December 12, 2023); The housed supporters of the 3rd Street and Hampton Drive encampments, multi-generational residents of that neighborhood, were not allowed into the restaurant when Mayor Bass spoke. Human Rights Watch interview with Laddie Williams, October 26, 2023; This statement by Bass echoes Chief Charlie Beck’s claims about SCI on Skid Row. Chief Beck, Department’s Response to the Los Angeles Community Action Network’s Report on the Skid Row Safer Cities Initiative, p. 1.

¹⁴⁴⁴ Nick Watt, “Los Angeles is Offering the Homeless Motel Rooms... But With Some Tricky Conditions,” video, *CNN Anderson Cooper 360*, February 7, 2023, <https://www.cnn.com/videos/us/2023/02/07/los-angeles-homeless-motels-unhoused-watt-vpx.cnn>, (accessed December 12, 2023).

¹⁴⁴⁵ Mayor Karen Bass, State of the City 2023, April 17, 2023, <https://mayor.lacity.gov/SOTC2023> (accessed December 12, 2023).

¹⁴⁴⁶ City of Los Angeles, Mayor Karen Bass, Mayor Bass Signs Executive Directive Launching Inside Safe Changing The City’s Encampment Approach, press release, December 12, 2022, <https://mayor.lacity.gov/news/mayor-bass-signs-executive-directive-launching-inside-safe-changing-citys-encampment-approach> (accessed December 12, 2023).

¹⁴⁴⁷ Ibid.; Marisa Kendall, “L.A.’s New Homeless Solution Clears Camps But Struggles to House People,” *CalMatters*, July 13, 2023, <https://calmatters.org/housing/homelessness/2023/07/los-angeles-homeless-encampments/> (accessed December 12, 2023).

¹⁴⁴⁸ Human Rights Watch interview with Michelle H. (pseudonym), June 20, 2023.

¹⁴⁴⁹ Human Rights Watch interview with Henry N. (pseudonym), June 29, 2023.

From December 2022 through mid-March 2023, Inside Safe cleared 42 encampments throughout the city. These were spread across all 15 City Council Districts, including multiple operations in several council districts.¹⁴⁵⁰

Skid Row, which has by far the highest concentration of unhoused people in Los Angeles, has received disproportionately far less of Inside Safe’s resources than other parts of the city.¹⁴⁵¹ Council Member Park’s predominantly white and wealthy district, CD 11, has received 43 permanent housing placements, almost as many as Skid Row.¹⁴⁵²

According to LAHSA’s reporting, 2,482 people had been subject to Inside Safe operations through March 15, 2023: 1,456 of them staying in interim shelter—1,338 of those in hotels, 26 in ABH shelters, 22 in Tiny Homes—and 70 in some other form of shelter.¹⁴⁵³

Bass has said the program’s goal is to move people into permanent housing. As of mid-March 2024, 440 people were characterized as “currently permanently housed.”¹⁴⁵⁴ Of those, 251 had received a “time limited subsidy” for their housing, 56 had moved into permanent supportive housing, 110 into some form of “subsidized housing,” 15 had “reunified,” presumably with family.¹⁴⁵⁵ “Time limited subsidies” include a variety of programs to help pay for housing for a limited amount of time only and are intended to

¹⁴⁵⁰ Matthew W. Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report (C.F. 22-1545) as of Friday, March 15, 2024, March 28, 2024, <https://cao.lacity.gov/Homeless/alliance/isp2n.pdf> (accessed May 20, 2024), Attachment 3, p. 1-3. According to this report, Inside Safe had cleared 42 encampments, but had only input outcomes for 41 of them.

¹⁴⁵¹ *Ibid.*, Attachment 3, p. 2;

¹⁴⁵² *Ibid.*, Attachment 3, p. 2; Los Angeles Economic Development Corporation, “Industry and Labor Market Intelligence for the City of Los Angeles: Council District 11,” July 2013, <https://laedc.org/wp-content/uploads/2013/07/Council-District-11-Profile.pdf> (accessed December 12, 2023).

¹⁴⁵³ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 3, p. 1; As of July 27, 2023, 1,463 people had been subject to Inside Safe operations, 1,105 were in interim shelter, 979 in hotels, 31 in ABH, 28 in Tiny Homes, and 67 in some other form of shelter. Matthew W. Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Fifth Status Report (C.F. 22-1545) as of Friday, July 14, 2023, July 28, 2023, https://clkrep.lacity.org/online/docs/2022/22-1545-55_rpt_cao_07-28-23.pdf (accessed December 12, 2023), Attachment 4, p. 1.

¹⁴⁵⁴ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 3, p. 1; As of the July 27, 2023 report, 108 people were permanently housed, 79, with time-limited subsidies, 10 in permanent supportive housing, 10 in subsidized housing and 5 reunified with family. Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Fifth Status Report, Attachment 4, p. 1.

¹⁴⁵⁵ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 3, p. 1; See Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Fifth Status Report, Attachment 4, p. 1, for data from July 2023.

help people access permanent housing; in Fiscal Year 2023, 60 percent of people with time limited subsidies eventually moved on to “permanent housing destinations.”¹⁴⁵⁶

More people have left Inside Safe than have attained permanent housing, including 504 who returned to the streets, 36 who died, and 46 who were jailed or hospitalized.¹⁴⁵⁷

The Mayor’s Office of Housing and Homelessness Solutions, responsible for Inside Safe, noted two primary reasons for the low rate of moving people into permanent housing:

The lack of a coordinated interim to permanent housing infrastructure continues to impact Inside Safe. Inadequate staffing for housing navigation across the delivery system (LAHSA, HACLA, County and housing providers) as well as the lack of permanent housing continue to create a bottleneck transitioning people from interim to permanent housing.¹⁴⁵⁸

The head of the office at the time, Mercedes Marquez, said they are building up the housing navigation system and that the previous system had not been adequate.¹⁴⁵⁹ She said the Inside Safe program they are building will provide services unlike what has been provided through previous programs.¹⁴⁶⁰

The lack of permanent housing to which to move people is the more fundamental problem. Even a highly effective system of navigation and services will be unable to move people if the housing does not exist. The Mayor’s office acknowledges this fact: “The current lack of permanent housing resources is a barrier for residents in interim housing across the city.”¹⁴⁶¹

¹⁴⁵⁶ LAHSA, LAHSA Time-Limited Subsidy (TLS) Programs, February 21, 2024, <https://www.lahsa.org/news?article=896-lahsa-time-limited-subsidy-tls-programs#:~:text=LAHSA%20has%20begun%20the%20process,Program%20beginning%20October%201%2C%202022> (accessed May 20, 2024).

¹⁴⁵⁷ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 3, p. 1.

¹⁴⁵⁸ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Fifth Status Report, attachment 5, p. 4.

¹⁴⁵⁹ Human Rights Watch interview with Mercedes Marquez, July 7, 2023.

¹⁴⁶⁰ Ibid.

¹⁴⁶¹ Matthew W. Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Third Status Report, Attachment 3, p. 3 (on file with Human Rights Watch). See also Szabo, City Administrative Officer,

Mayor Bass herself has acknowledged the difficulty of moving people from Inside Safe to permanent housing, saying that initially she thought it would take three to six months, but now she realizes it could take one to two years.¹⁴⁶² Given the high cost of the program, this extended interim period may not be financially viable.

Without permanent housing, people remain stuck in interim shelters, including the hotels—creating a “bottleneck” that prevents others from getting off the streets—or they leave the shelters and hotels to return to the streets.¹⁴⁶³ When they leave, it opens up rooms for other people and increases the total number of people served, but does not solve the larger problem of homelessness, beyond giving a fraction of the unhoused population a temporary break from the streets.¹⁴⁶⁴

The lack of permanent housing to which to move people is the more fundamental problem. Even a highly effective system of navigation and services will be unable to move people if the housing does not exist. The Mayor’s office acknowledges this fact: “The current lack of permanent housing resources is a barrier for residents in interim housing across the city.

Still, the administration, along with Judge Carter, former City Controller Ron Galperin, and other policymakers, continue to emphasize “interim housing.”¹⁴⁶⁵ Bass has stressed the need for longer-term interim housing, where people can stay while they wait for permanent housing to be available.¹⁴⁶⁶ Her administration is devoting substantial funds to interim shelter through Inside Safe.

Homelessness Emergency Account—General City Purposes Fund Fifth Status Report, attachment 5, p. 4. Given the high cost of the program, this extended interim period may not be financially viable.

¹⁴⁶² Dakota Smith, “Mayor Bass’ Ambitious Housing Program Calls on L.A.’S Wealthy. Can She Pull It Off?” *Los Angeles Times*, April 21, 2024, <https://www.latimes.com/california/story/2024-04-21/bass-ambitious-housing-program> (accessed May 22, 2024).

¹⁴⁶³ Sisson, “LA’s City Hall Leads a New Fight Against an Old Foe: Homelessness.”

¹⁴⁶⁴ Linh Tat, “LA Mayor Bass’ Inside Safe Program Houses 1,300 People In Six Months,” *Los Angeles Daily News*, June 13, 2023, <https://www.dailynews.com/2023/06/13/la-mayor-bass-inside-safe-program-houses-1300-people-in-six-months/> (accessed December 12, 2023).

¹⁴⁶⁵ Mayor Karen Bass, @MayorOfLA, “X Thread,” June 18, 2023, <https://x.com/MayorOfLA/status/1670503690053234688?s=20> (accessed December 12, 2023).

¹⁴⁶⁶ Human Rights Watch interview with Karen Bass, Mayor of Los Angeles, Los Angeles, May 21, 2024.

Initially started with a \$50 million allocation, the City Council approved Bass’ proposed budget of \$250 million for the Inside Safe Program for Fiscal Year 2024.¹⁴⁶⁷ As of March 2024, the city allocated \$315 million for Inside Safe for the fiscal year, having added \$65 million to the original \$250 million, and anticipates spending \$303 million.¹⁴⁶⁸ This spending includes \$92.5 million for interim housing (cost of the hotel rooms); \$76.6 million for services; \$95.8 million for hotel acquisition, including purchasing and renovating the 294 unit Mayfair Hotel; \$7.5 million for additional costs, like LAPD overtime and destruction of RVs; and \$30.7 million for “permanent stay.”¹⁴⁶⁹ “Permanent stay” includes \$17.7 million for 400 two-year time limited subsidies at \$1,883 per month per person for “people transitioning from motels to PSH pipeline.”¹⁴⁷⁰

As of March 2024, Inside Safe had 1,479 rooms available, including 481 from the LA Grand Hotel.¹⁴⁷¹ The average nightly rate for these rooms was \$117, except for the Grand, which was \$125, plus \$29 for meals.¹⁴⁷² At this rate, monthly rent is over \$3,500 per person. Services cost an additional \$110 per person per day, which includes meals, case management, residential supervision, laundry, housing navigation, and other things.¹⁴⁷³ The LA Grand Hotel is expected to decommission and will no longer be used for Inside Safe after July 2024, requiring city officials to move people staying there to other locations.¹⁴⁷⁴

¹⁴⁶⁷ Councilmember Paul Krekorian, Los Angeles City Council, Motion, Homelessness and Poverty Committee, January 10, 2023, https://clkrep.lacity.org/online/docs/2023/23-0033_misc_01-10-23.pdf (accessed December 12, 2023); Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Fifth Status Report, p. 2.

¹⁴⁶⁸ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 2, p. 1.

¹⁴⁶⁹ Ibid, Attachment 2, p. 2-3. The amount allocated is not the full purchase price of the Mayfair. The city will use other funding sources. The Mayfair will be used as interim housing.

¹⁴⁷⁰ Ibid, Attachment 2, p. 2-3.

¹⁴⁷¹ Ibid, p. 4. The LA Grand contract is set to expire at the end of June 2024.

¹⁴⁷² Ibid, p. 4. When originally formed, the budget anticipated that rooms would cost an average of \$150 per night. Councilmember Paul Krekorian, Los Angeles City Council, Motion.

¹⁴⁷³ Sharon M. Tso, Chief Legislative Analyst, Report of the Chief Legislative Analyst: Inside Safe Operations, Council File No.: 23-1194, April 25, 2024, https://clkrep.lacity.org/online/docs/2023/23-1194_rpt_CLA_04-25-24.pdf (accessed May 20, 2024), p. 6.

¹⁴⁷⁴ City News Service, “City Officials Outline Plans to Move LA Grand Homeless Residents to Mayfair,” *Spectrum News 1*, February 21, 2024, <https://spectrumnews1.com/ca/la-west/housing/2024/02/22/city-officials-outline-plans-to-move-la-grand-unhoused-residents-to-mayfair> (accessed June 3, 2024); By October 2024, LAHSA will be demobilizing eight interim housing programs that shelter over 800 people. As of early May 2024, LAHSA had moved 116 people out of the LA Grand as part of decommissioning it. They placed 13 of those in “permanent housing” (primarily through time-limited subsidies) and 64 to other interim facilities, while 36 left, presumably to return to the streets. LAHSA, LA Grand Demobilization Update, May 8, 2024, https://clkrep.lacity.org/online/docs/2020/20-0841-S44_rpt_HSA_05-08-24.pdf (accessed June 7, 2024).

C. Who Gets the Inside Safe Hotel Rooms

The administration's rationale for emphasizing interim housing is that there must be an emergency response, permanent housing takes too long and is too expensive, and people must be moved indoors so they do not "die on the streets."¹⁴⁷⁵ Still, interim housing is expensive and people in interim housing or shelter are at high risk of returning to houselessness.¹⁴⁷⁶ This high rate of return occurred throughout the term of PRK, which was similar to Inside Safe. As with PRK, those who have not moved on to permanent housing or left the program remain in the hotels waiting.

Further, given that there are less than 1,500 hotel rooms available through Inside Safe and tens of thousands of people living, and many dying, on the streets, the question of how people are chosen for those scarce rooms is essential to understanding the impacts of the policy.

Estrella M. questioned why people on 3rd Avenue and Hampton Drive in Venice got "housing" when so many others needed it more.¹⁴⁷⁷ While she and others were moved indoors, thousands throughout the city were left out in the rain.

That encampment is a few blocks from the beach in a rapidly gentrifying area, near expensive restaurants and multi-million-dollar homes. A segment of the housed population in that neighborhood has been demanding removal of the unhoused people there for many years. With the election of Traci Park to City Council, they found a representative who was committed to clearing the encampment.¹⁴⁷⁸

¹⁴⁷⁵ Human Rights Watch interview with Mercedes Marquez, July 7, 2023; Watt, "Los Angeles is Offering the Homeless Motel Rooms"; Tat, "LA Mayor Bass' Inside Safe Program Houses 1,300 People in Six Months"; Mayor Karen Bass, @MayorOfLA, "X Thread," June 18, 2023.

¹⁴⁷⁶ Human Rights Watch interview with Becky Dennison, September 2023; LAHSA, County Priority & City of LA Roadmap Encampments, December 12, 2023, <https://app.powerbi.com/view?r=eyJrljoiYjcoZjVmMTctMzFmYiooMjY5LWloYjUtMzBIMTBjMzNkMDUyIiwidCI6IjBiYWU1NDliLTUyZDgtNGEzYi1hYTE5LWQ1MDY2MmlzMDg5NyIsImMiOiZ9&pageName=ReportSection> (accessed December 12, 2023).

¹⁴⁷⁷ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹⁴⁷⁸ David Zahniser and Genaro Molina, "Amid Heavy Rain, Bass Takes on a Huge, Long-Standing Homeless Encampment in Venice," *Los Angeles Times*, January 11, 2023, <https://www.latimes.com/california/story/2023-01-11/mayor-karen-bass-inside-safe-venice-homeless-encampment> (accessed December 12, 2023).

Park recommended this site to Bass for the Inside Safe operation. She said, “I was very pleased and encouraged that [Bass] understood the significance of this location.”¹⁴⁷⁹ Bass acknowledged that a significant factor in choosing the Venice site was the desire of some housed neighbors to have it removed.¹⁴⁸⁰

The selection process for which encampments are cleared and, by extension, for which people get the benefit of the limited number of hotel rooms, “begins by meeting with City Council office staff to discuss their priorities and current/historical efforts.”¹⁴⁸¹

Prioritization of rooms is not necessarily determined by which individuals have the greatest need to get indoors due to their individual risk conditions or who are most in danger of dying; instead, the decision is based in significant part on political expedience, generally driven by the concerns and feelings of housed neighbors expressed by their council representatives, as in Venice. City council members submit requests for Inside Safe operations to clear encampments in their districts that they have prioritized.¹⁴⁸²

Bass has indicated a sense of urgency in removing visible signs of homelessness. She said:

The most important thing to do is to get people out of tents, because that is how Angelenos experience homelessness. Whether you are in a tent or you’re impacted by the tent, the tent is the focal point. If I dedicated all of my time to building half a million units of housing but there were still tents, people would have no faith that we were getting anything done.¹⁴⁸³

¹⁴⁷⁹ Ibid.

¹⁴⁸⁰ Ibid.

¹⁴⁸¹ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Third Status Report, Attachment 3, p. 1. Other factors are considered “alongside Council office priorities.”

¹⁴⁸² Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, Attachment 4, p.2.

¹⁴⁸³ Emily Witt, “The New Mayor of Los Angeles,” *The New Yorker*, March 19, 2023, <https://www.newyorker.com/culture/the-new-yorker-interview/the-new-mayor-of-los-angeles> (accessed December 12, 2023); In another interview, Bass told reporters that clearing encampments has given housed residents a sense of hope that unsheltered homelessness in their neighborhoods can be solved. Claire Thornton, “LA’s Plan to Solve Homelessness Has Moved Thousands Off the Streets. But is It Working?” *USA Today*, August 7, 2023, <https://www.usatoday.com/story/news/nation/2023/08/04/is-los-angeles-homelessness-plan-working/70445500007/> (accessed December 12, 2023); Mayor Karen Bass, @MayorOfLA, “X Thread,” December 8, 2023, <https://x.com/MayorOfLA/status/1733173717822554259?s=20> (accessed December 12, 2023).

Bass told Human Rights Watch that living on the streets is dangerous and people are dying on the streets. She said a primary reason she ran for mayor was concern that people in Los Angeles were becoming angry about houselessness and would turn towards criminalization, after having agreed to taxes for housing and services.¹⁴⁸⁴

After the removal of unhoused people from 3rd Avenue and Hampton Drive, Bass said, “I know that the neighbors in Venice are very happy in that one area we were.... It is great that we have cleared it out and we have gotten people housed, but now we need to make sure that that area is not repopulated.”¹⁴⁸⁵

Many people removed from encampments by Inside Safe operations have left the hotels and live on their own, outside of any protective community, in hiding from police and housed residents.¹⁴⁸⁶

D. Coercion and the Conditions in Inside Safe Facilities

Andrea S. was living in her tent on the Culver Boulevard median strip along with several dozen other unhoused people when an Inside Safe operation cleared their community in February 2023.¹⁴⁸⁷ Many of the people living on the median strip had lived in apartments and houses in that neighborhood prior to losing their housing.¹⁴⁸⁸

Before the sweep occurred, officials told Andrea’s community there would be a voluntary clean-up, allowing them to “downsize” or get rid of unwanted property and garbage. Andrea received no official notice of the sweep, but people from a mutual aid organization that helped this unhoused community gave her some warning.¹⁴⁸⁹

¹⁴⁸⁴ Human Rights Watch interview with Karen Bass, May 30, 2024. She was referring to Measure H and Proposition HHH.

¹⁴⁸⁵ Josh Haskell, “LA Mayor Karen Bass Administration Clears Large Venice Encampment, Houses 92 Homeless,” *ABC 7*, January 14, 2023, <https://abc7.com/venice-homeless-mayor-karen-bass-unhoused-encampments/12694937/> (accessed December 12, 2023).

¹⁴⁸⁶ Human Rights Watch interview with Laddie Williams, October 26, 2023.

¹⁴⁸⁷ Human Rights Watch interview with Andrea S. (pseudonym), June 23, 2023.

¹⁴⁸⁸ *Ibid.*

¹⁴⁸⁹ *Ibid.*; Mar Vista Voice, @marvistavoice, “X Thread,” February 1, 2023, <https://twitter.com/marvistavoice/status/1620870283128377344> (accessed December 12, 2023).

On the day of the sweep, one man was away in the hospital and had all his belongings thrown in the garbage.¹⁴⁹⁰ He did get moved to a hotel room when he returned. That day, sanitation workers came around and knocked on tents, telling people: “You have to move.”¹⁴⁹¹ Andrea said she and the others were required to give consent to the destruction of their property on video as a condition of getting a room.¹⁴⁹² Because she has mental health conditions exacerbated by stress, Andrea had trouble organizing herself to pack her essential belongings and to put some things into storage. She said the outreach workers and representatives from the council district gave people little information.¹⁴⁹³ They moved her and others from the encampment into hotel rooms¹⁴⁹⁴

The original room Andrea was assigned had a defective shower and was unclean, including the sheets.¹⁴⁹⁵ They subsequently moved her to different hotels and to different rooms within those hotels. One week she moved five times. Constantly moving amplified her anxiety and stress, in addition to being physically exhausting. After a month of moving, she finally settled in a hotel in Venice. She is concerned about how long she will be able to stay, and that uncertainty increases her anxiety.¹⁴⁹⁶ Andrea has been assigned a housing navigator, but she has had limited contact with that person. Her situation is complicated by the need for mental health services along with housing.

A total of 51 people were moved from the Culver Boulevard median strip into hotels during the February 2023 Inside Safe operation. Police were present, including a police helicopter overhead, but there were no arrests or tickets issued.¹⁴⁹⁷ LASAN removed almost 42,000 pounds of material and personal property—including a bit over 700 pounds they

¹⁴⁹⁰ Human Rights Watch interview with Henry N. (pseudonym), Los Angeles County, June 29, 2023; Human Rights Watch interview with Andrea S. (pseudonym), June 23, 2023.

¹⁴⁹¹ Human Rights Watch interview with Andrea S. (pseudonym), June 23, 2023.

¹⁴⁹² Ibid. The Inside Safe contract explicitly says that “participants” may only bring two bags of personal belongings, “equivalent to one 60-gallon garbage bag.” See LAHSA, Inside Safe Interim Housing Program Participant Agreement, August 18, 2023, on file with Human Rights Watch.

¹⁴⁹³ Ibid.

¹⁴⁹⁴ Ibid.

¹⁴⁹⁵ People at encampments generally have figured out how to get food and other necessities in the area. Once moved, they often lack the resources to address these needs without help.

¹⁴⁹⁶ Human Rights Watch interview with Andrea S. (pseudonym), June 23, 2023.

¹⁴⁹⁷ Mar Vista Voice, “X Thread,” February 1, 2023; City of Los Angeles, Mayor’s Office of City Homelessness Initiatives, Encampment Launch ‘Inside Safe’ Final Report: Culver Median, February 6, 2023, p. 4-8.

identified as hazardous waste—while taking zero items to storage, according to Bass administration reports.¹⁴⁹⁸

While many people moved through Inside Safe are generally relieved to be indoors, some have reported the conditions of rooms to be sub-standard and unhealthy.¹⁴⁹⁹ Estrella M.’s room had a leaky bathroom ceiling that eventually collapsed.¹⁵⁰⁰ Even after it was repaired, mold grew on it.¹⁵⁰¹ Other rooms also had mold, and at least one even had mushrooms growing in it.¹⁵⁰² One woman had the bathroom fan fall on her; other rooms had black dust in the air; some rooms lacked power.¹⁵⁰³ People have complained about mildew, sewage smells, roaches, and other habitability conditions in the hotels.¹⁵⁰⁴ Access to food near the hotels and the quality of food served by the programs have been a problem.¹⁵⁰⁵

People have complained about safety in the hotels, including exposure to violence, theft and threats from people who come to the hotels from surrounding neighborhoods.¹⁵⁰⁶ They described security in one hotel as ineffective.¹⁵⁰⁷

Andrea’s experience of being moved around as part of the Inside Safe program is common—contributing to people’s sense of instability within the program.¹⁵⁰⁸ The

¹⁴⁹⁸ Ibid.

¹⁴⁹⁹ Kate Gallagher, “Who’s Steering the Ship for ‘Inside Safe?’” *KnockLA*, March 16, 2023, <https://knock-la.com/inside-safe-echo-park-karen-bass/> (accessed December 12, 2023); Thornton, “LA’s Plan to Solve Homelessness Has Moved Thousands Off the Streets.”

¹⁵⁰⁰ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023.

¹⁵⁰¹ Observations of Human Rights Watch researcher, who interviewed Estrella M. at her Inside Safe site in Los Angeles on June 23, 2023.

¹⁵⁰² Human Rights Watch interviews with Estrella M. (pseudonym), June 23, 2023; and Peter L. (pseudonym), June 23, 2023.

¹⁵⁰³ Human Rights Watch interview with Peter L. (pseudonym), June 23, 2023.

¹⁵⁰⁴ Inside Starving, “insidestarving.com,” <https://www.insidestarving.com/evidence>, (accessed December 12, 2023); Sisson, “LA’s City Hall Leads a New Fight Against an Old Foe: Homelessness”; Lexis-Olivier Ray, “Mayor Bass Moved About Two Dozen Homeless People Into a Motel Known for Criminal Activity and Prostitution,” *L.A. Taco*, June 15, 2023, <https://lataco.com/homeless-inside-safe-108-motel> (accessed December 12, 2023).

¹⁵⁰⁵ Human Rights Watch interview with Andrea S. (pseudonym), June 23, 2023.

¹⁵⁰⁶ Human Rights Watch interviews with Estrella M. (pseudonym), June 23, 2023; Peter L. (pseudonym), June 23, 2023; and Andrea S. (pseudonym), June 23, 2023.

¹⁵⁰⁷ Human Rights Watch interviews with Peter L. (pseudonym), June 23, 2023; and Estrella M. (pseudonym), June 23, 2023.

¹⁵⁰⁸ Roshan Abraham, “Houseless People Say LA’s ‘Home Run’ Encampment-Clearing Program is a Mess,” *Vice*, March 23, 2023, <https://www.vice.com/en/article/zakzyk/houseless-people-say-los-angeles-inside-safe-is-a-mess> (accessed December 12, 2023); Evan Symon, “The Failings of LA Mayor Bass’ Inside Safe Homeless Initiative,” *California Globe*, March 29, 2023, <https://californiaglobe.com/articles/the-failings-of-la-mayor-bass-inside-safe-homeless-initiative/> (accessed December 12, 2023); Gallagher, “Who’s Steering the Ship for ‘Inside Safe?’”; David Zahniser, “Bass Faces Pushback as

locations of the hotels are often far from people's communities, interrupting their jobs, their access to health care, their ability to obtain services, and the routines of life they have learned that help them survive and maintain stability.¹⁵⁰⁹

The process is often coercive, even as the rooms benefit some. People are given the choice of moving to an unknown hotel after giving up most of their property for destruction and leaving their community, regardless of whether it is suitable for the individual, or facing arrest.¹⁵¹⁰ Promises about pathways to housing and about services frequently change and are not put in writing.¹⁵¹¹ Services themselves are inconsistent—some people report little communication with or help from the service providers.¹⁵¹² The lack of housing to offer obviously diminishes the possibility of effective service provision.¹⁵¹³

All these flaws with the program and the facilities make it understandable that some people are hesitant to give up their tents and property to enter Inside Safe hotels. City officials could easily fill the limited supply of hotel rooms with people who do have greater need and desire to get indoors, without relying on threats of arrest and property destruction. The pressure tactics serve the goal of clearing highly visible encampments, more than the goal of providing shelter and services for those most in need.

Unhoused People are Abruptly Moved From One Hotel to the Next," *Los Angeles Times*, March 19, 2023, <https://www.latimes.com/california/story/2023-03-19/bass-homeless-strategy-sees-homeless-people-shifted-among-hotels#:~:text=Bass%20faces%20pushback%20as%20unhoused%20people%20are%20abruptly,Staff%20Writer%20March%2019%2C%202023%205%20AM%20PT> (accessed December 12, 2023); Inside Starving, "insidestarving.com"; Sisson, "LA's City Hall Leads a New Fight Against an Old Foe: Homelessness."

¹⁵⁰⁹ Human Rights Watch interviews with Estrella M. (pseudonym), June 23, 2023; and Andrea S. (pseudonym), June 23, 2023; Haskell, "LA Mayor Karen Bass Administration Clears Large Venice Encampment"; Inside Starving, "insidestarving.com"; Elizabeth Chou, "Bass Promises a New Day on Homelessness in LA but the People Moved Into Motels Have Questions," *Los Angeles Public Press*, July 13, 2023, <https://lapublicpress.org/2023/01/bass-homeless-mayor-inside-safe-promises-cleanup-sweep/> (accessed December 12, 2023); Mar Vista Voice, "X Thread," February 1, 2023; Symon, "The Failings of LA Mayor Bass' Inside Safe Homeless Initiative."

¹⁵¹⁰ Abraham, "Houseless People Say LA's 'Home Run' Encampment-Clearing Program is a Mess"; Mar Vista Voice, "X Thread," February 1, 2023; Watt, "Los Angeles is Offering the Homeless Motel Rooms"; Inside Starving, "insidestarving.com"; Human Rights Watch interviews with Peter L. (pseudonym), June 23, 2023; Estrella M. (pseudonym), June 23, 2023; and Andrea S. (pseudonym), June 23, 2023.

¹⁵¹¹ Human Rights Watch interview with Estrella M. (pseudonym), June 23, 2023; Inside Starving, "insidestarving.com"; Chou, "Bass Promises a New Day on Homelessness."

¹⁵¹² Human Rights Watch interviews with Andrea S. (pseudonym), June 23, 2023; and Estrella M. (pseudonym), June 23, 2023. Chou, "'A Good Start, Five Months Later:' Historic Filipinotown Residents Push for Inside Safe Promises to be Kept," *Los Angeles Public Press*, March 26, 2024, <https://lapublicpress.org/2024/03/historic-filipinotown-residents-push-for-inside-safe-promises-to-be-kept/> (accessed May 24, 2024).

¹⁵¹³ City officials, including Bass, have indicated that the program is still being developed and services will improve with time and experience. Without a stock of permanent housing, however, service providers will remain limited.

Bass told Human Rights Watch the program has had flaws, including inconsistent service provision, that they are trying to work out as they move forward. She said it was important to get the program going even if they had not worked out all the details because they needed to get people off the streets.¹⁵¹⁴

E. Aetna Street Inside Safe Operation

On September 12, 2023, the city implemented an Inside Safe operation to remove the Aetna Street community in Van Nuys.¹⁵¹⁵ About 15 people from this long-standing encampment of over 30 residents agreed to give up their tents and much of their property in exchange for rooms in a nearby motel. Others declined to go to the motel for various reasons, including knowledge that they were unlikely to transition to permanent housing and uncertainty about where they were going.¹⁵¹⁶

Alvin H., a Marine Corps veteran who had been living on Aetna Street for about nine years, felt that he was not given enough notice or information and was unwilling to give up his property for destruction. He did not take a room.¹⁵¹⁷

In March 2023, residents of Aetna Street, anticipating an Inside Safe sweep, had sent demands to the mayor about how they were to be treated.¹⁵¹⁸ The demands included that the move to hotel rooms be voluntary; offers be made in writing; shelter be nearby so they can access jobs, community, and appointments; and that they not be required to give up property, including tents.¹⁵¹⁹ They said: “We are real people that deserve to be treated fairly and humanely.”

City officials did not meet these demands. LAPD and LASAN, as well as representatives of Council District 6 and the Mayor’s office, arrived with no advance notice, according to one Aetna Street resident.¹⁵²⁰ They insisted anyone taking a room had to surrender their tent

¹⁵¹⁴ Human Rights Watch interview with Karen Bass, Los Angeles, May 21, 2024.

¹⁵¹⁵ Human Rights Watch interviews with Carla Orendorff, November 11, 2021; and Alvin H. (pseudonym), September 28, 2023.

¹⁵¹⁶ Human Rights Watch interview with Carla Orendorff, November 11, 2021.

¹⁵¹⁷ Human Rights Watch interview with Alvin H. (pseudonym), September 28, 2023.

¹⁵¹⁸ Aetna Street Residents, “Open Letter from Aetna Street residents to Mayor Bass’ Office,” *KnockLA*, April 5, 2023, <https://knock-la.com/open-letter-from-aetna-street-residents-to-mayor-bass-office/> (accessed December 12, 2023).

¹⁵¹⁹ Ibid.

¹⁵²⁰ Human Rights Watch interview with Alvin H. (pseudonym), September 28, 2023.

and other property for destruction.¹⁵²¹ Police were present telling people they had to move; representatives of the Mayor’s office were saying it was “voluntary.” Alvin H. was able to get the officials to agree that it was voluntary and people who were not going to the motel could simply close their tents and they would be left alone.¹⁵²² Even with that assurance, some LASAN workers destroyed tents belonging to people who had chosen not to accept the rooms.¹⁵²³

LaDonna Harrell gave up her property to accept a room on September 12.¹⁵²⁴ Officials kept saying to her: “Don’t you want to sleep in a clean bed?” After two hours in the room they provided, she realized her dog had been horribly bitten up by bed bugs. She slept on the floor to avoid being bitten herself. She requested a room change, but two weeks later, they had not switched her to a new room. She said that others have also complained about bed bugs and roaches in their rooms.¹⁵²⁵

In addition to infestations, Harrell said the program had degrading and dangerous rules. Residents were not allowed to have visitors, including people from other rooms in the same motel. This isolation was a stark change from the community they had on Aetna Street. One person overdosed in his room, she said, and was only saved because another resident walking by his window saw him.¹⁵²⁶

Two days after initiating the Inside Safe operation, without any notice beyond the permanent signs indicating clean-ups on Thursday in the SECZ zone, police and LASAN returned to Aetna Street for a CARE+ sweep.¹⁵²⁷ They gave what Alvin described as “the fastest 10 to 15 minutes” he had ever experienced for people to move, then began taking and throwing away the property of those who had declined the motel rooms.¹⁵²⁸ They took

¹⁵²¹ Human Rights Watch interviews with Carla Orendorff, September 28, 2023; and LaDonna Harrell, September 28, 2023.

¹⁵²² Human Rights Watch interviews with Alvin H. (pseudonym), September 28, 2023; and Carla Orendorff, September 28, 2023.

¹⁵²³ Human Rights Watch interviews with Alvin H. (pseudonym), September 28, 2023; and Carla Orendorff, September 28, 2023: Some people who did not live on Aetna Street came to the area hoping to get rooms. A couple of them claimed that tents on the street were theirs and offered them for destruction in exchange for a room. Street Watch advocates and residents were able to intervene to save those tents for their rightful owners.

¹⁵²⁴ Human Rights Watch interviews with LaDonna Harrell, September 28, 2023; and Carla Orendorff, September 28, 2023.

¹⁵²⁵ Human Rights Watch interview with LaDonna Harrell, September 28, 2023.

¹⁵²⁶ Ibid.

¹⁵²⁷ Human Rights Watch interviews with Carla Orendorff, September 28, 2023; and Alvin H. (pseudonym), September 28, 2023.

¹⁵²⁸ Ibid.

Alvin's tent, clothing, personal items, and a large metal cabinet on wheels that contained medicine for the community, notably including Narcan, an effective medication for reversing opioid overdoses.

After destroying the property of all the people remaining on Aetna Street, LASAN workers came back the next day and put up a fence that blocked the entire sidewalk on the north side of the street.¹⁵²⁹ People set up on the south side of the street, but police and LASAN returned on September 28, gave people a short time to move, and fenced off the south side.¹⁵³⁰ People moved into the adjoining parking lot. The next day, police and LASAN again came to Aetna Street and destroyed what remained, driving people away from the site of this community.¹⁵³¹



Photo provided by Carla Orendorff of StreetWatch. It was taken in September 2023 on Aetna Street in Van Nuys. It depicts Alvin H.'s medicine cart, which was later destroyed by LASAN during the sweep of this encampment a few days after the September 12, 2023, Inside Safe operation and sweep.

¹⁵²⁹ Ibid.

¹⁵³⁰ Ibid.

¹⁵³¹ Ibid.



Photos taken by Human Rights Watch on September 28, 2023, on Aetna Street in Van Nuys showing the fencing put up on each side of the street where the encampment had been before the Inside Safe and subsequent sweeps removed it. © 2023 Human Rights Watch

F. Inside Safe is Similar to Project Room Key

Like Project Room Key, Inside Safe relies on temporary stays in hotel rooms to move people off the streets. Like PRK, it offers a limited number of rooms—only a fraction of the total needed—forcing decisions about who gets placed in rooms and who remains on the streets. Like PRK, the shortage of permanent housing options makes it difficult to move people out of the hotel rooms.¹⁵³²

In fact, 481 of the nearly 1,500 Inside Safe rooms are in the LA Grand hotel, which was a PRK site until it was re-designated to Inside Safe.¹⁵³³ People who entered the LA Grand

¹⁵³² Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Third Status Report, Attachment 3, p. 3.

¹⁵³³ Szabo, City Administrative Officer, Homelessness Emergency Account—General City Purposes Fund Thirteenth Status Report, p. 4.

Hotel under PRK were shifted to Inside Safe while remaining at the Grand.¹⁵³⁴ The Inside Safe operation at Spring and Arcadia Street in Downtown Los Angeles in April 2023 moved 76 people to the Grand Hotel.¹⁵³⁵ Residents from an encampment on the westside were initially moved to the Hotel Silver Lake, then, three weeks later re-located to the Grand.¹⁵³⁶ One person described conditions there, as had many who had stayed there when it was a PRK site, as being like a “detention camp,” while others simply left the hotel.¹⁵³⁷ As soon as they were moved out of the Hotel Silver Lake, residents of an encampment in Echo Park that was cleared through Inside Safe moved into that hotel.¹⁵³⁸

These obvious similarities to PRK belie Bass’ claim to be changing the city’s approach to houselessness—particularly considering that LASAN sweeps continue to destroy encampments and displace people and that police enforcement of LAMC section 41.18 is increasing. The Bass administration has distinguished Inside Safe from the previous administration’s programs by saying they are bringing a different level of service provision and housing navigation.¹⁵³⁹ So far, moving people from Inside Safe to permanent housing remains a challenge.

G. Housing Efforts Under the Bass Administration

Bass publicly set a goal of housing 17,000 people in her first year in office.¹⁵⁴⁰ She did not distinguish between permanent housing and interim housing, but in subsequent statements she has emphasized the need for “a system of long-term interim housing.”¹⁵⁴¹

¹⁵³⁴ Ibid., p. 4.

¹⁵³⁵ City of Los Angeles, Mayor’s Office of City Homelessness Initiatives, ‘Inside Safe’ Encampment Launch Final Report: Arcadia/Spring, April 24, 2023, p. 7.

¹⁵³⁶ Gallagher, “Who’s Steering the Ship for ‘Inside Safe?’”

¹⁵³⁷ Ibid.

¹⁵³⁸ Ibid. Bass administration officials denied this claim, saying that they never intended people from the 6th and Fairfax group to stay in Hotel Silver Lake. Those residents told reporters that they had been told that they would be staying there indefinitely.

¹⁵³⁹ Human Rights Watch interview with Mercedes Marquez, July 7, 2023.

¹⁵⁴⁰ Brianna Lee and Nick Gerda, “Mayor Bass Promised to House 17,000 Angelenos. How Is She Doing?,” *LAist*, December 6, 2023, <https://laist.com/news/housing-homelessness/mayor-bass-promised-to-house-17-000-angelenos-how-is-she-doing#number-housed> (accessed December 12, 2023).

¹⁵⁴¹ Mayor Karen Bass, @MayorOfLA, “X Thread,” June 18, 2023, <https://twitter.com/MayorOfLA/status/1670503690053234688>.

In December, her administration announced they had moved over 21,000 unhoused people off the streets during her first year in office.¹⁵⁴² According to LAHSA, all of these people were placed in shelters or interim housing, including 2,923 in ABH shelters, 4,088 in Family Shelters, 970 in winter shelters, and 1,951 in Inside Safe hotel rooms, among others.¹⁵⁴³ The data released by the Bass administration does not indicate how long people stayed in the shelters or how many transitioned from shelter to permanent housing or returned to the streets, so it is difficult to evaluate the effectiveness of these efforts in reducing houselessness.

The Bass administration said 7,717 people in Los Angeles had used vouchers to obtain housing, including over 3,500 with Federal Emergency Housing Vouchers.¹⁵⁴⁴ The federal government had issued these vouchers in 2021, but the city had been slow to move voucher holders into homes. Under the Bass administration, they have moved more efficiently, possibly due to increased emphasis on housing navigation, though there has been improved usage of these vouchers across the country.¹⁵⁴⁵ Further, developers completed nearly 1,900 units of permanent housing, funded by Measure HHH, during Bass' first year in office, allowing more people to move into homes.¹⁵⁴⁶

LAHSA has reported placing over 20,000 people in housing each of the past 3 years.¹⁵⁴⁷ These numbers include areas outside of the city of Los Angeles and include placements by agencies not affiliated with LAHSA. It is unclear how much overlap there is in Bass' count

¹⁵⁴² Mayor Karen Bass, More Than 21,000 Angelenos Came Inside This Year—Thousands More Than Last Year as Mayor Bass Deployed New, Urgent Strategies, press release, December 6, 2023, <https://mayor.lacity.gov/news/more-21000-angelenos-came-inside-year-thousands-more-last-year-mayor-bass-deployed-new-urgent> (accessed May 21, 2024); See also, Ruben Vives and Doug Smith, “L.A. Mayor Reports That 14,000 Homeless People Have Moved Off The Streets,” *Los Angeles Times*, June 14, 2023, <https://www.latimes.com/california/story/2023-06-14/l-a-mayor-takes-credit-for-moving-14-000-homeless-people-off-the-streets> (accessed December 12, 2023); Committee for Greater L.A., @NogoingbackLA, “X Thread,” July 8, 2023, <https://x.com/NogoingbackLA/status/1677739806539804672?s=20> (accessed December 12, 2023); Tat, “LA Mayor Bass’ Inside Safe Program Houses 1,300 People in Six Months”; Margaret Brennan, “Transcript: Los Angeles Mayor Karen Bass on ‘Face the Nation,’” *CBS News*, August 20, 2023, <https://www.cbsnews.com/news/los-angeles-mayor-karen-bass-face-the-nation-transcript-08-20-2023/> (accessed December 12, 2023).

¹⁵⁴³ See email exchange between Human Rights Watch and Ahmad Chapman, LAHSA Director of Communications, et al., December 20, 2023 through May 17, 2024.

¹⁵⁴⁴ Mayor Bass, “More Than 21,000 Angelenos Came Inside This Year”

¹⁵⁴⁵ Lee and Gerda, “Mayor Bass Promised to House 17,000 Angelenos”; Office of Public & Indian Housing, HCV—Emergency Housing Voucher Program.

¹⁵⁴⁶ Lee and Gerda, “Mayor Bass Promised to House 17,000 Angelenos.”

¹⁵⁴⁷ LAHSA, Housing Placements Dashboard.

and that of LAHSA, or how accurate either count is.¹⁵⁴⁸ Bass announced that the over 21,000 placed in interim housing her first year in office exceeded the previous year by 5,000, and the 7,717 people housed with vouchers exceeded the previous year by 2,500.¹⁵⁴⁹ Assuming the accuracy of these numbers, they indicate solid progress and reflect the mayor's attention to this issue and the fruition of efforts from the previous administration, though they also appear to include outcomes from agencies outside the jurisdiction of the city.

Bass has made efforts to streamline the city's approval process for affordable housing developments and shelters, which appear to be effective.¹⁵⁵⁰ She issued Executive Directive 1, which ordered city agencies to expedite reviews and approvals of projects.¹⁵⁵¹ This change in process has cut the amount of time it takes many projects to win approval, thus reducing costs and moving development forward more quickly. However, the Bass administration amended the directive to exclude projects that sought zoning changes or other variances—meaning multi-family affordable housing developments would not be approved easily in the single-family zoned areas that comprise most of the city's land.¹⁵⁵² Critics have noted this change will concentrate affordable housing in already high-density and low-income areas.¹⁵⁵³ They also note many of the developments will displace existing housing kept affordable under the rent stabilization ordinance.¹⁵⁵⁴

¹⁵⁴⁸ Human Rights Watch inquired of both LAHSA and the Bass administration about overlap in their counts, but have received no response from the Bass administration and inadequate response from LAHSA as of this writing.

¹⁵⁴⁹ Mayor Bass, More Than 21,000 Angelenos Came Inside This Year. Nearly half of the vouchers were part of the "Emergency Housing Voucher" program, which is now closed.

¹⁵⁵⁰ Human Rights Watch interview with Becky Dennison, October 15, 2021; Mayor Karen Bass, Executive Directive No. 1, December 16, 2022, <https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-03/ED%201%20-%20Expedition%20of%20Permits%20and%20Clearances%20for%20Temporary%20Shelters%20and%20Affordable%20Housing%20Types.pdf> (accessed December 12, 2023).

¹⁵⁵¹ Mayor Bass, Executive Directive No. 1, December 16, 2022.

¹⁵⁵² David Wagner, "Affordable Housing Delays," *LAist*, December 6, 2023, <https://laist.com/brief/news/housing-homelessness/los-angeles-housing-affordable-executive-directive-one-ed1-mayor-karen-bass-raman-blumenfeld-yimby-lawsuit> (accessed December 13, 2023); Los Angeles City Planning Department, Executive Directive 1 (ED 1), accessed December 16, 2023, <https://planning.lacity.gov/project-review/executive-directive-1> (accessed December 12, 2023).

¹⁵⁵³ Wagner, "Affordable Housing Delays"; Maria Patino Gutierrez, "Who Gets to Live in L.A.? A Bold Plan to Create Affordable Housing Has a Serious Flaw," *Los Angeles Times*, November 27, 2023, <https://www.latimes.com/opinion/story/2023-11-27/los-angeles-housing-affordable-mayor-bass> (accessed December 13, 2023).

¹⁵⁵⁴ Ibid.; David Zahniser and Dorany Pineau, "Fast-Tracked Affordable Housing Is Pushing Some Angelenos Out," *Los Angeles Times*, December 14, 2023, <https://www.latimes.com/california/story/2023-12-14/mayor-karen-bass-affordable-housing-initiative-is-sparking-new-displacement-fears> (accessed December 14, 2023).

Bass has taken other steps to expedite moving people off the streets more efficiently. She secured an agreement from the federal government to waive certain requirements and bureaucratic hurdles that slow people's entry into housing.¹⁵⁵⁵

As more permanent supportive housing projects developed with Proposition HHH funds are completed, more people will be able to move from shelter or from the streets into those units. Most of those housing developments rely on project-based housing vouchers. There was a rule that required housing that used project-based vouchers to use the CES to prioritize the people with the highest assessed need for nearly all units. In April, Bass amended that rule to remove that requirement for 75 percent of the units.¹⁵⁵⁶ This change is intended to speed up moving people into housing. However, by skirting the prioritization process, there is a risk city officials will more easily move people from visible encampments, even if other people have a more desperate need to get indoors.¹⁵⁵⁷

Executive Directive 3, issued in February 2023, ordered city officials to inventory city-owned properties and assess their suitability as sites for shelter and housing.¹⁵⁵⁸ In May 2023, she announced some of the properties would be used for tiny homes supplied by the state government.¹⁵⁵⁹ Development of city owned land has moved slowly so far.

¹⁵⁵⁵ City of Los Angeles, Office of Mayor Bass, Mayor Bass Secures Historic Agreement with White House To Lock Arms In Tackling Unsheltered Homelessness, press release, May 18, 2023, <https://mayor.lacity.gov/news/mayor-bass-secures-historic-agreement-white-house-lock-arms-tackling-unsheltered-homelessness> (accessed December 12, 2023).

¹⁵⁵⁶ Los Angeles Housing Department, "Affirmative Marketing Plans and Tenant Selection Plans for City Funded Supportive Housing," May 6, 2023, unpublished document on file with Human Rights Watch.

¹⁵⁵⁷ Human Rights Watch interview with Heidi Marston, March 14, 2022. The former LAHSA director, Heidi Marston, said that although the city was prioritizing location and visibility in assigning people to interim shelter, they still were prioritizing need through the CES when moving people into permanent housing. This rule change under the Bass administration seems to be removing the prioritization of need. However, as noted in Chapter VII, CES prioritization itself is highly flawed.

¹⁵⁵⁸ City of Los Angeles, Office of Mayor Bass, Mayor Bass Issues Executive Directive to Maximize Use of City Property for Temporary and Permanent Housing, press release, February 10, 2023, <https://mayor.lacity.gov/news/mayor-bass-issues-executive-directive-maximize-use-city-property-temporary-and-permanent> (accessed December 12, 2023).

¹⁵⁵⁹ City News Service, "Mayor Karen Bass Releases Update on Plans to Use City-Owned Land for Housing," *Los Angeles Daily News*, May 16, 2023, <https://www.dailynews.com/2023/05/16/mayor-karen-bass-releases-update-on-plans-to-use-city-owned-land-for-housing/> (accessed December 13, 2023); Mayor Karen Bass, Letter from the Mayor, letter, May 2023, https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-05/ED_3_Letter_from_the_Mayor.pdf (accessed December 13, 2023).

In November, Bass issued Executive Directive 6, ordering rooms in residential hotels to be used as interim housing and shelter.¹⁵⁶⁰ Under the terms of the 2008 city ordinance, these units were to be preserved as affordable permanent housing.¹⁵⁶¹

Bass has accessed \$70 million from the state Encampment Resolution Fund to bring “interim housing resources” to Skid Row.¹⁵⁶² She has acquired other state and federal funds for interim and permanent housing, outreach, and renovation of hotels.¹⁵⁶³ This funding represents the hard work of acquiring resources to address houselessness, though the total amounts are not yet on the scale needed, and may be too focused on interim shelter rather than permanent housing.

In her city budget for FY24, Bass allocated \$1.3 billion to address houselessness.¹⁵⁶⁴ This budget represents a 9.7 percent, or \$126 million, increase from the previous year.¹⁵⁶⁵ The budget includes \$150 million in revenue anticipated to come from Measure ULA. The added ULA funding partially offsets the decrease in Proposition HHH funding from \$461 million the previous year down to \$262 million.

Bass’ budget includes the \$250 million set aside for Inside Safe. Funding through the state of California’s Homeless Housing, Assistance and Prevention Program, which primarily provides shelter and outreach, accounts for about \$230 million.¹⁵⁶⁶ The budget also

¹⁵⁶⁰ Mayor Karen Bass, City of Los Angeles, Executive Directive No. 6, Issued November 1, 2023, <https://www.documentcloud.org/documents/24117600-la-mayor-karen-bass-executive-order?responsive=1&title=1> (accessed December 13, 2023).

¹⁵⁶¹ Robin Urevich, “Los Angeles Mayor Orders Residential Hotels to Be Opened for Temporary Shelter,” *Capital & Main*, November 2, 2023, <https://capitalandmain.com/los-angeles-mayor-orders-residential-hotels-to-be-opened-for-temporary-shelter> (accessed December 13, 2023); City of Los Angeles, Ordinance No. 179868, “Residential Hotel Unit Conversion and Demolition.” See Section IX.D above.

¹⁵⁶² City of Los Angeles, Office of Mayor Bass, L.A. County and City Leaders Secure Major State Funding for Initiative to House Angelenos in Skid Row,” press release, June 15, 2023, <https://mayor.lacity.gov/news/la-county-and-city-leaders-secure-major-state-funding-initiative-house-angelenos-skid-row> (accessed December 13, 2023).

¹⁵⁶³ Ibid.; City of Los Angeles, Office of Mayor Bass, Los Angeles Leaders Lock Arms to Secure State Funding for Housing Sites Across the City, press release, July 21, 2023, <https://mayor.lacity.gov/news/los-angeles-leaders-lock-arms-secure-state-funding-housing-sites-across-city> (accessed December 13, 2023).

¹⁵⁶⁴ Mayor Bass, “State of the City 2023.”

¹⁵⁶⁵ Sandhya Kambhampati and Doug Smith, “Karen Bass Wants to Spend \$1.3 Billion To Address Homelessness. Here’s How,” *Los Angeles Times*, April 20, 2023, <https://www.latimes.com/california/story/2023-04-20/karen-bass-homelessness-los-angeles-budget-breakdown> (accessed December 13, 2023).

¹⁵⁶⁶ Ibid.

includes \$68 million from federal grants to acquire, repair, and manage hotels through Project Homekey.¹⁵⁶⁷

Over \$71 million of the budget goes to LASAN, nearly 85 percent of which is to be used for CARE and CARE+ sweeps.¹⁵⁶⁸ LAPD receives \$9.4 million of the “homelessness budget,” in addition to their \$1.86 billion operating budget and \$3.2 billion total budget.¹⁵⁶⁹ The Bass administration allocated \$317.4 million from the federal State & Local Coronavirus Fiscal Recovery Funding to pay for police salaries from 2021, while devoting none of the \$1.28 billion grant to housing or houselessness prevention.¹⁵⁷⁰

Bass’ state of emergency declaration and subsequent actions have focused attention on houselessness, and led to some progress in addressing the problem, though not enough to meet the unfolding tragedy. She has focused on interim shelter at the expense of permanent housing, despite the acknowledged “bottleneck” that limits the interim shelter program’s effectiveness. These programs prioritize high visibility encampments, while people with greater need remain unsheltered and often dying on the streets. Her policies have not moved city policy and practice away from criminalization—primarily through sanitation sweeps backed by police—even as she has publicly stated that criminalization is wrong.¹⁵⁷¹

¹⁵⁶⁷ Ibid. See Section IX.B above on hotel conversions for more details on Project Homekey.

¹⁵⁶⁸ LA City Controller, Kenneth Mejia, @lacontroller, “X Thread,” April 25, 2023, <https://twitter.com/lacontroller/status/1651070486296821762> (accessed December 13, 2023).

¹⁵⁶⁹ LA City Controller, City of LA Fiscal Year Budget, 2023, <https://budget.lacontroller.io> (accessed December 13, 2023).

¹⁵⁷⁰ City of Los Angeles, The City of Los Angeles Recover Plan: State and Local Fiscal Recovery Funds, 2023 Report, July 2023, [https://cao.lacity.org/The City of Los Angeles_Annual Recovery Plan_July2023_Final.pdf](https://cao.lacity.org/The%20City%20of%20Los%20Angeles_Annual%20Recovery%20Plan_July2023_Final.pdf) (accessed December 13, 2023), p. 85; U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 2023, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds> (accessed December 13, 2023). Local governments could use this fund to replace lost public sector revenue, pay “essential workers,” invest in infrastructure, and address public health and economic impacts of the pandemic, which would include helping prevent houselessness and funding affordable housing development

¹⁵⁷¹ Eric He, “Bass, Caruso Swap Barbs Over Homelessness, Other Issues in Debate for LA Mayor,” *Los Angeles Daily News*, September 21, 2022, <https://www.dailynews.com/2022/09/21/barr-caruso-spar-over-homelessness-other-issues-in-debate-for-la-mayor/> (accessed December 13, 2023); Amanpour & Company, “Los Angeles Mayor Karen Bass on Homelessness Crisis,” *PBS*, January 20, 2023, <https://www.pbs.org/wnet/chasing-the-dream/2023/01/los-angeles-mayor-karen-bass-on-homelessness-crisis/> (accessed December 13, 2023); Danielle Chiriguayo, “Karen Bass Wants Nonviolent Solutions To Crime, Homelessness,” *KCRW*, April 20, 2022, <https://www.kcrw.com/news/shows/press-play-with-madeleine-brand/mayor-race-streaming-tv-cannabis-la-riots-1992/karen-bass-homelessness-crime> (accessed December 13, 2023).

XI. International Human Rights Law and the Criminalization of Houselessness

A. Right to Housing

Article 25(1) of the Universal Declaration of Human Rights (UDHR) says: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services....”¹⁵⁷² The UDHR was ratified by the UN General Assembly in 1948 and is widely accepted as reflective of customary international law.¹⁵⁷³

Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) similarly enshrines the right to “an adequate standard of living” including a right to housing.¹⁵⁷⁴ It says states “will take appropriate steps to ensure realization of this right...”¹⁵⁷⁵ The US has signed, but not yet ratified, the ICESCR, and, as such, is obligated to refrain from acts that would defeat the treaty’s object and purpose.¹⁵⁷⁶

Fundamental to the object and purpose of the ICESCR is the commitment by states to dedicate available resources towards the progressive realization of the rights enumerated in the treaty. This commitment requires that states avoid, wherever possible, retrogressive policies and practices that will harm those rights.¹⁵⁷⁷

¹⁵⁷² Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

¹⁵⁷³ Human Rights Watch, *The Tenant Never Wins: Private Takeover of Public Housing Puts Rights at Risk in New York City*, (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/01/27/tenant-never-wins/private-takeover-public-housing-puts-rights-risk-new-york-city>, p. 90.

¹⁵⁷⁴ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, signed by the US in 1977, not ratified, art. 11.1.

¹⁵⁷⁵ Ibid.

¹⁵⁷⁶ Vienna Convention on the Law of Treaties adopted May 22, 1969, G.A. Res. 2166 (XXI), 2287 (XXII), 1155 U.N.T.S. 331, U.N. Doc. A/CONF.39/11/Add.2, entered into force January 27, 1980, art. 18. The Vienna Convention is widely viewed as being reflective of customary international law.

¹⁵⁷⁷ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3: The Nature of States Parties Obligations, U.N. Doc E/1991/23 (1990), para. 9

The Committee on Economic Social and Cultural Rights, which issues authoritative interpretations of the ICESCR, has identified aspects of the right to housing that “must be taken into account” regardless of context:

- a) Housing must have “legal security of tenure,” meaning all people should have legal protection against forced eviction, harassment, and other threats.
- b) Housing must have “facilities essential for health, security, comfort and nutrition,” including access to water, energy, heating and lighting, sanitation, refuse disposal, site drainage, and emergency services.
- c) Housing must be affordable such that other basic needs are not compromised. States should establish subsidies to meet this requirement, and should protect tenants from unreasonable rent levels or increases.
- d) Housing must be habitable, including protection from the elements, structural hazards, and disease.
- e) Housing should be accessible to all people, including people with disabilities, older people, and others at risk of exclusion, on an equal basis with all others, including through specific, individually tailored accommodations.
- f) Housing must be in a location accessible to employment, health care, education, childcare, and other social facilities. It should not be built on polluted sites or other locations that threaten health and safety.
- g) Housing must enable people to express their cultural identities.¹⁵⁷⁸

Further, because of the interdependence of human rights, the right to housing cannot be fully realized without the full enjoyment of other rights, including freedom of expression and association and the right to participate in public decision-making. An important dimension of the right to adequate housing is the right to privacy.¹⁵⁷⁹

Shelter in Los Angeles, even were there enough for everyone living on the streets, and even if its quality were substantially improved, still would not meet all the requirements of the right to housing.¹⁵⁸⁰

¹⁵⁷⁸ CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), U.N. Doc. E/1992/23 (1991), para. 8.

¹⁵⁷⁹ *Ibid.*, para. 9.

¹⁵⁸⁰ Tars, et al., “Challenging Domestic Injustice Through International Human Rights Advocacy,” p. 929. Efforts to pass a “right to shelter,” especially with an obligation to accept what shelter is offered backed by enforcement, undermine realization of a right to housing and further enable violations of rights to be free of discrimination, arbitrary arrest and cruel treatment, and the rights to freedom of movement and assembly.

The right to housing implicates limitations on evictions, which are often the first step to a person becoming unhoused. International human rights law prohibits evictions that place individuals at risk of houselessness or make them vulnerable to further violations of human rights. It further requires that, before an individual is evicted from their home, judicial authorities determine whether the “legitimate objective of the eviction” is proportionate to the “consequences for the rights of the evicted persons.”¹⁵⁸¹

Other treaties supplement the ICESCR’s generalized guarantee of the right to adequate housing as a means of protecting the rights of marginalized groups.

The Convention on the Rights of Persons with Disabilities (CRPD), which the US has signed but not ratified, establishes the right to an adequate standard of living and social protection for people with disabilities, which explicitly includes housing.¹⁵⁸² The right to housing is a cornerstone for the realization of the right of persons with disabilities to live independently and be included in the community. Without access to adequate, accessible, affordable, and adaptable housing, persons with disabilities face significant barriers to social inclusion, autonomy, and full and effective participation in society. Therefore, ensuring this right is fundamental to fulfilling the principles of equality, non-discrimination, and full and effective participation in society, as enshrined in the CRPD.¹⁵⁸³ Non-discrimination based on any status, including disability, is also a fundamental right protected under the ICCPR, which the United States has ratified.¹⁵⁸⁴ A large proportion of Los Angeles’ unhoused population have disabilities, and the lack of adequate housing combined with criminalization disproportionately affect them, amounting to discrimination.

¹⁵⁸¹ CESCR, Views adopted by the Committee Concerning Communication No. 85/2018 (El Goumari and Tidli v. Spain), March 16, 2021, E/C.12/69/D/85/2018, <https://undocs.org/pdf?symbol=en/E/C.12/69/D/85/2018> (accessed December 14, 2021), para 8.3; See also CESCR, Views Adopted by the Committee, Concerning Communication No. 37/2018 (López Albán v. Spain), November 29, 2019, E/C.12/66/D/37/2018, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW%2fixYqrebPl9nrLL63ZxgEYzaU8K93ZZ%2b31fCTRBEigYgtavjXQOPQQu%2fYVepYPeFNKZd5VyugdVrvOmXoM%2bfbqVLoSopt5gN%2buKaR5b7FTq27Jo9YEOicuBudZEprbyow%3d%3d> (accessed December 14, 2021), para. 11.5; See also, Human Rights Watch, *‘The Tenant Never Wins’*, p. 50, 92-95.

¹⁵⁸² United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, Annex I, UN GAOR, 61st Sess., Supp. (No. 49) at 65, UN Doc. A/61/49 (2006), entered into force May 3, 2008, signed by the US in 2009, not ratified, art. 28 (1), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> (accessed December 13, 2023).

¹⁵⁸³ CRPD article 19, CRPD General Comment 5, paragraphs 32, 34, and 46, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live> (accessed February 13, 2024).

¹⁵⁸⁴ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force March 23, 1976, ratified by the US in 1992, art. 26, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed December 13, 2023).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) both uphold the right to housing.¹⁵⁸⁵ The US has signed, but not ratified, each of these treaties.

The UN independent expert on the enjoyment of all human rights by older persons has stated that “the human rights to an adequate standard of living and to adequate housing apply regardless of age.”¹⁵⁸⁶ This right includes not being forced into a particular living arrangement and “having the necessary means and support enabling them to make decisions and live their lives in accordance with their wills and preferences.”¹⁵⁸⁷ The independent expert has also concluded that states should improve the affordability of housing for older people, including by eliminating discrimination on the basis of age and other grounds in all housing-related laws, policies, and practices; providing housing adapted to the needs and rights of older people; and providing a range of care and support services that promote their dignity, autonomy, and independence and enable them to remain in their home.¹⁵⁸⁸ While the independent expert’s statement does not carry the force of law, it is consistent with international human rights standards on non-discrimination and housing.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the US has signed and ratified, states the right to housing in the context of combating racism, colonialism, and discrimination.¹⁵⁸⁹ Government policies and practices have fueled structural discrimination in many areas—including housing—against Black and Brown people; resulting in Black and Brown people being disproportionately impacted

¹⁵⁸⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, signed by US in 1980, not ratified, art. 14, <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (accessed December 13, 2023); Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, signed by US in 1995, not ratified, art. 27, <https://www.unicef.org/child-rights-convention/convention-text> (accessed December 13, 2023).

¹⁵⁸⁶ UN General Assembly, “Older Persons and The Right to Adequate Housing. Report Of the Independent Expert on the Enjoyment of All Human Rights by Older Persons, Claudia Mahler,” A/77/239, July 19, 2022, <https://www.ohchr.org/en/documents/thematic-reports/a77239-older-persons-and-right-adequate-housing-note-secretary-general>, para. 9.

¹⁵⁸⁷ UNHRC, “Report on The Impact of Social Exclusion on Older Persons,” A/HRC/39/50, July 10, 2018, <https://www.ohchr.org/en/documents/thematic-reports/ahrc3950-report-impact-social-exclusion-older-persons>, para. 67.

¹⁵⁸⁸ UN General Assembly, “Older persons and the right to adequate housing. Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler,” paras. 93, 101, 105, 110-111.

¹⁵⁸⁹ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the US in 1994, art. 5, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> (accessed December 13, 2023).

by houselessness in the US and in Los Angeles, and in turn by policies that criminalize houselessness. This discrimination violates ICERD.

ICERD, and the anti-discrimination provisions within ICESCR and the ICCPR, provide further support for government intervention to guarantee the right to housing to combat racial and ethnic inequity.¹⁵⁹⁰ ICERD prohibits any policy that has the effect of restricting rights based on race, regardless of intent.¹⁵⁹¹ ICERD directs states to take “special and concrete measure to ensure the adequate development and protection of certain racial groups...” and to remove laws and regulations “which have the effect of creating or perpetuating racial discrimination.”¹⁵⁹² These provisions require ratifying states, like the US, to take affirmative steps to end discriminatory impacts, as seen in the Los Angeles’ housing market and the prevalence of unhoused Black and Brown people.¹⁵⁹³

B. Rights Denied by Criminalization

Criminalization violates the right to be free from cruel treatment and arbitrary arrest, and the rights to life, liberty, and security independent of the right to housing. Disproportionate and unwarranted application of criminal sanctions against Black and Brown populations and people with disabilities violate the right to be free from discrimination, also independent of the right to housing.

The UDHR affirms that all people have the “right to life, liberty and security of person” and to be free from “cruel, inhuman or degrading treatment or punishment.”¹⁵⁹⁴

The ICCPR also guarantees the right to life, liberty, and security of person.¹⁵⁹⁵ The ICCPR and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or

¹⁵⁹⁰ Human Rights Watch, *The Tenant Never Wins*

¹⁵⁹¹ ICERD, art. 1.1; Human Rights Watch, *The Tenant Never Wins*

¹⁵⁹² ICERD, art. 2

¹⁵⁹³ Human Rights Watch, *The Tenant Never Wins*

¹⁵⁹⁴ Tars, et al., “Challenging Domestic Injustice Through International Human Rights Advocacy,” p. 915-916; UDHR, art. 3, 5.

¹⁵⁹⁵ ICCPR, art. 6, 9.

Punishment, ratified by the US in 1994, both reinforce the prohibition against “torture or cruel, inhuman or degrading treatment or punishment.”¹⁵⁹⁶

The UN Human Rights Committee has stated that laws and policies that authorize or threaten punishment for life sustaining activities, like sleeping, building shelter, or simply existing in public space, may amount to cruel and degrading treatment or punishment. It may also compromise the life and personal security of unhoused people.¹⁵⁹⁷

Article 9 of the ICCPR protects all people from arbitrary arrests and detentions.¹⁵⁹⁸ According to the Human Rights Committee’s authoritative interpretation of Article 9, arbitrary does not mean “unlawful,” but includes elements of unpredictability, injustice, unreasonableness, and disproportionality—all factors existing in the implementation of criminalization policies in Los Angeles.¹⁵⁹⁹

Los Angeles’s approach to houselessness—through a combination of criminalization and a failure to provide sufficient adequate housing, and building on a history of structural discrimination—reinforces and imposes racial hierarchies and discrimination.¹⁶⁰⁰ LAHSA’s Ad Hoc Committee on Black People Experiencing Homelessness studied the racial dynamics of houselessness and concluded: “The impact of institutional and structural

¹⁵⁹⁶ ICCPR, art. 7 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”); Convention on the Elimination of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, 1465 U.N.T.S. 85, art. 16 (“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment”), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> (accessed December 13, 2023).

¹⁵⁹⁷ U.N. Human Rights Committee, “Concluding Observations on the Fourth Report of the United States of America,” CCPR/C/USA/CO/4, April 24, 2014, <https://www.refworld.org/policy/polrec/hrc/2014/en/99342> (accessed May 22, 2024), para. 19; David Berris, et al., “Challenging Racial Injustice in the Criminalization of Homelessness in the United States: A Human Rights Approach,” *University of Miami Law Review*, Vol. 75, May 2021, pp. 116-135, https://lawreview.law.miami.edu/wp-content/uploads/2021/05/Berris_Challenging-Racial-Injustice.pdf (accessed December 13, 2023), p. 129-130; Allard K. Lowenstein International Human Rights Clinic, Yale Law School, “*Forced into Breaking the Law*,” p. 20-22. The US Interagency Council on Homelessness has acknowledged that laws criminalizing unhoused people for existing in public spaces may violate both the Convention Against Torture and the ICCPR; United States Interagency Council on Homelessness, *Searching Out Solutions*, p. 6-7.

¹⁵⁹⁸ ICCPR, art. 9. See also UDHR, Art. 9.

¹⁵⁹⁹ Human Rights Committee, ICCPR General Comment No. 35: Art. 9 (Liberty and Security of Person), CCPR/C/GC/35, December 16, 2014, para. 12; Tars, et al., “Challenging Domestic Injustice Through International Human Rights Advocacy,” p. 926-7.

¹⁶⁰⁰ Berris, et al., “Challenging Racial Injustice in the Criminalization of Homelessness in the United States,” p. 126; LAHSA, *Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness*.

racism in education, criminal justice, housing employment, health care, and access to opportunities cannot be denied: homelessness is a by-product of racism in America.”¹⁶⁰¹ The ICERD mandates ending discriminatory laws and policies and mitigating their racial harms, regardless of any discriminatory intent. Thus, the US and other relevant jurisdictions need to overhaul their approach to homelessness, and instead focus on ensuring adequate housing for all.¹⁶⁰²

To comply with international human rights laws and norms, all levels of government in Los Angeles, California, and the US should discontinue policies of criminalization in the absence of sufficient adequate housing, and should take steps to mitigate the harms caused by those policies and by discriminatory policies that have created homelessness. They should take steps to guarantee the right to housing for all.

¹⁶⁰¹ LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness, p. 5

¹⁶⁰² Tars, et al., “Challenging Domestic Injustice Through International Human Rights Advocacy,” p. 949-950; Berris, et al., “Challenging Racial Injustice in the Criminalization of Homelessness in the United States,” p. 126-127.

Recommendations

Affirm the Right to Housing

Federal

The US Congress should pass, and the president should sign, a federal law affirming a right to adequate, accessible, affordable, and adaptable housing, as defined under international human rights law, and invest funding needed to progressively realize this right.

They should ratify the ICESCR and other relevant international human rights treaties that establish the right to housing and implement the right to an adequate standard of living and related rights, including the right to housing.

State

The California legislature should present a statewide constitutional amendment for the electorate to approve embedding the right to housing, as defined in the ICESCR and documents interpreting it. This right should not be confused with a right to shelter and should not come with a coercive obligation to accept what housing is offered. Invest appropriate amounts of public money to realize the right to housing.

Local (Los Angeles City and County)

The Los Angeles City Council and Los Angeles County Board of Supervisors should pass local ordinances creating a right to housing, as defined by the ICESCR and invest available resources to realize that right.

Mitigate Racial Discrimination

The US Congress should strengthen and ensure effective executive branch enforcement of laws against housing, employment, education discrimination, and discrimination in service provision.

All levels of government, including federal, state of California, and city and county of Los Angeles, should invest resources in low-income communities, especially where BIPOC people live, to improve housing, education, employment, and health outcomes.

The federal government and state of California should appoint a commission to study the historical racial impacts of redlining, urban renewal, restrictive covenants, abuse of eminent domain, zoning, government sanction discrimination, and other laws, practices and policies that have contributed to houselessness and housing precarity for people of color and take steps, including funding and reparations—which under international law could include a range of measures, from institutional and legal reform to provision of social services and compensation—to remediate these harms.

End Criminalization

Federal

The federal government should withhold funding for law enforcement from localities that enact and enforce laws that criminalize existing in public spaces.

State

The California legislature and governor should pass the Right to Rest Act, which forbids local jurisdictions from passing and enforcing laws that criminalize existing in public spaces.

The California legislature and governor should pass a state law forgiving all outstanding debt from fines and fees related to laws criminalizing existing in public spaces, require dismissal of all such pending charges, and quash all warrants related to these charges.

Local (Los Angeles City and County)

The Los Angeles city government, including the mayor, city attorney, and city council, should stop passing and enforcing laws that criminalize existence in public space and survival activities, like sitting and sleeping in public or keeping property in public.

The mayor of Los Angeles should order an end to sanitation sweeps that take and destroy property from unhoused people; create rules for clean-ups that allow for removal of garbage and hazardous materials without unduly burdening people living on the streets and without taking their property; and allocate LASAN funding away from sweeps and into non-destructive clean-ups and provision and maintenance of sanitation facilities, like toilets and dumpsters.

The Los Angeles City Council should repeal LAMC sections 41.18 and 56.11 and create equitable rules around access to public space that do not serve to criminalize or banish unhoused people. They should refrain from passing more stringent laws that criminalize unhoused people following the US Supreme Court decision in *Grants Pass v. Johnson*.

The mayor and LAHSA should adopt and follow rules that allow access to shelter beds and interim shelter to those who want to be indoors and prioritize by need, rather than saving space for people in high profile encampments. They should make entry into shelter entirely voluntary and remove the threat of enforcement and sanitation sweeps as coercion to enter shelter. They should ensure shelter conditions are safe, sanitary, and ensure privacy. They should remove overly restrictive shelter rules, including rules that needlessly separate family members and curfews that limit people's liberty.

The mayor and city council should reduce the role of the police department and other law enforcement in responding to houselessness and other social problems, and instead invest resources into ensuring adequate housing and services for unhoused people.

The mayor, LASAN and LAHSA should provide services for existing encampments, including regular and specifically noticed voluntary and non-abusive trash removal and cleaning, dumpsters and trash cans, toilet and handwashing facilities, showers, running water, and laundry, and maintain these facilities consistently.

The state legislator, governor, Los Angeles County Board of Supervisors, and Los Angeles City Council should ensure sufficient funding for health care that effectively reaches unhoused people, with particular attention to street medicine and access to voluntary community-based health care, including mental health care, and provide overdose reversal medication and other harm-reduction services to encampments.

The city council, county board of supervisors, and LAHSA should ensure service providers and government agencies cooperate with unhoused encampment residents to manage the services and sanitation needs of the encampments in a way that promotes the health and well-being of those residents and surrounding communities.

The mayor and city council should issue orders or legislate rules to prevent LASAN from taking and discarding items of comfort like chairs, couches, shades, and cooking equipment from unhoused people.

LAHSA should provide consistent, effective outreach and housing navigation that does not use threats of enforcement and provides realistic assessments of the availability of housing. The Los Angeles city and county government should issue rules or legislate that LAHSA disassociate from police and LASAN enforcement.

Housing First

All levels of government should effectively implement their stated commitment to Housing First policies. Specifically, they should adhere to key principles of Housing First, including voluntariness and removing preconditions for tenancy, that are essential to fulfilling the internationally protected right to housing. Invest sufficient resources to realize the Housing First model, including resources for permanent housing and services tailored to the needs of the individual.

Develop Affordable Housing

Federal

The US Congress should take steps necessary to maintain, preserve, and increase the stock of housing permanently affordable for people with very low incomes. These steps could include the following:

- 1) Restoring and dramatically increasing direct funding for developing new and renovating and maintaining existing public housing;
- 2) The US Congress and US Department of Housing and Urban Development reversing and ending initiatives that result in privatizing public housing;
- 3) The US Congress creating a single-source fund for community-based permanently affordable housing development, with no expiring covenants. This funding should be available to traditional non-profit housing developers as well as innovative community-based initiatives;
- 4) The federal government donating federally owned land to create permanently affordable housing and creating federal funding streams, including setting

aside a share of Community Development Block Grants, for creation of community land trusts;

- 5) The US Congress expanding the Section 8 voucher program to meet the needs of all who are eligible; and
- 6) The US Congress and HUD taking steps, including use of all available funding and legal authorities, to prevent the conversion of all units of low-income affordable housing with expiring affordability covenants to market-rate housing. These units include those funded through LIHTC, Section 236, and others.

State

The State of California should take steps necessary to maintain, preserve, and increase the stock of housing permanently affordable for people with very low incomes. These steps could include the following:

- 1) The California legislature investing in affordable housing development through adequately resourced permanently established yearly funds, rather than one-time only allocations. These funds should cover entire development costs to make financing more efficient and less costly;
- 2) The California legislature taking steps to facilitate and incentivize development of permanently affordable housing, including streamlining approval processes for qualifying projects, taxing residential vacancies, regulating corporate and short-term rentals, zoning exemptions, and others;
- 3) The California legislature providing legal authority and funding to convert hotels and vacant properties, commercial and residential, into affordable housing; and
- 4) The California legislature adopting tax laws or other regulations that limit and discourage speculative investment in the housing market and large-scale acquisition of foreclosed properties by corporate landowners, including taxes on “flipping” properties.

Local

The city council and the mayor of Los Angeles should take steps to facilitate and incentivize development of permanently affordable housing. Steps could include the following:

- 1) City Council streamlining approval processes for affordable housing projects, taxing vacancies, regulating corporate and short-term rentals, providing zoning exemptions, and other steps;
- 2) The city council and the mayor of Los Angeles using city funding to acquire land, including unused commercial properties, hotels, and other properties, that can be given to community-based housing developers to build 100 percent permanently affordable housing. This initiative includes identifying city-owned properties, as well as using various legal authorities to take control of privately owned properties;
- 3) The city council and the mayor of Los Angeles ensuring affordable housing developments are built throughout the city, including in wealthy and gentrifying neighborhoods; and
- 4) The city council and the mayor of Los Angeles creating land banks that buy substantial amounts of property to be removed from the speculative real estate market and held for the development of permanently affordable housing, acquiring distressed properties for the public good, and removing properties from the speculative market and directing them to conversion to social housing.

The city council and the mayor of Los Angeles should enforce collection of money from Measure ULA, the added tax on high-end real estate transactions designed to fund affordable housing development and houselessness prevention, including implementing effective penalties for those evading the tax.

The city council and the mayor of Los Angeles should encourage the exploration of innovative high-quality housing solutions, like container homes and 3-D printing, that may reduce construction costs without sacrificing habitability.

Provide a Social Safety Net

Federal

The US Congress should ensure an adequate standard of living for all, including by restoring and enhancing vital social protection programs that help ensure the human

rights to social security.¹⁶⁰³ In addition to measures directly addressing housing, these could include guaranteeing voluntary, culturally competent health care, including for mental health, for all people, and increasing social security payments to meet rising costs. The US Congress should commit to aid and implement a universal rights-aligned social security system, and ensure all workers are paid a living wage.

The US Congress should fund community-based voluntary mental health support and care sufficient to meet the needs of all people.

The US Congress should invest in and support the creation of harm reduction programs and remove criminal law barriers to the establishment of safe usage sites and overdose prevention centers.

State

The California state legislature should fund community-based voluntary mental health support and care sufficient to meet the needs of all people. It should reject involuntary treatment and invest in voluntary treatment, including early peer led interventions. It should repeal the CARE Act and SB 43, reject state funding increases for involuntary and locked mental health facilities, and redirect funding to voluntary treatment and housing.

The California state legislature should amend Welfare and Institutions Code section 17000.5 to remove allowable caps on General Relief payments and require counties to provide sufficient assistance to allow people to pay for essentials including food, clothing, and housing.

Local

The Los Angeles County Board of Supervisors and City Council should develop a system of financial supports for people with low incomes at risk of houselessness, including

¹⁶⁰³ In the United States, “social security” has been largely conflated with a specific social insurance program that is funded by contributions from workers and employers. While the terms “welfare” and “social safety net” are frequently used in the US, there is no uniformly accepted definition for what they entail. However, the term “social security” is firmly anchored in international human rights law and calls for adequate entitlements in at least nine areas: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans. ICESCR Art 9, CESCR General Comment 19, The Right to Social Security (Article 9), E/C.12/GC/19, February 4, 2008, <https://www.refworld.org/legal/general/cescr/2008/en/41968> (accessed July 29, 2024), para 2.

considering raising General Relief payments to an amount sufficient to pay for housing or providing direct cash transfers to precariously housed people.

Houselessness Prevention

Federal

The US Congress should provide funds for eviction prevention programs. This might include supporting right to counsel provisions or making bridge payments to help people meet rent.

State

The California state legislature should ensure a legal framework regulating eviction of people consistent with international human rights standards and effective at preventing houselessness. Steps might include the following:

- 1) Repealing the Costas-Hawkins Act to allow localities to establish unit-based, as opposed to tenancy-based, rent control (vacancy decontrol);
- 2) Amending the Ellis Act to remove loopholes that allow real estate speculators to convert affordable housing for low-income people into high priced housing;
- 3) Funding eviction prevention programs, including rental payments;
- 4) Declaring eviction moratoria;
- 5) Passing laws limiting landlords to “for cause” evictions;
- 6) Creating a right to legal representation in eviction proceedings;
- 7) Passing laws banning housing discrimination against people with criminal convictions and incarcerated family members; and
- 8) Passing a law requiring judicial authorities to consider the consequences to the person being evicted and the potential eviction’s impact on the right to housing, in making a decision for or against ordering an eviction.

Local

The Los Angeles City Council should review its laws and rules to ensure they protect the right to housing and prevent houselessness. Steps could include the following:

- 1) Strengthening rent control laws to increase eviction protections;
- 2) Limiting allowable rent increases to the lowest amount possible;

- 3) Expanding rent stabilization to all rentals in the city;
- 4) Mandating “for cause” eviction for all rentals, and mandating sufficient relocation assistance for all tenants evicted through no fault of their own; and
- 5) Implementing effective protections for tenants from harassment by landlords.

The Los Angeles City Council should fund support, including legal representation, for low-income tenants facing eviction.

The Los Angeles City Council should enact strong code enforcement to maintain habitability of rental homes, while ensuring protection of tenancies during repairs.

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“You Have to Move!”

The Cruel and Ineffective Criminalization of Unhoused People in Los Angeles

Los Angeles faces a housing crisis, with a shortage of nearly 500,000 affordable units, and nation-leading rates of overcrowding and rent burden. While expensive apartments remain vacant, tens of thousands of people are living on the streets. The lack of housing and homelessness, is most acute for Black residents and those with disabilities. Rather than taking measures to ensure preservation or production of affordable housing on the needed scale, city officials implement policies that effectively criminalize unhoused people for existing in public.

“You Have to Move”—based on interviews with over 150 experts, most of whom have experienced homelessness directly, analysis of data from multiple city agencies, and historical research —documents the harmful impacts of criminalization, which includes police ticketing and arresting people for crimes arising from their unhoused status, and sanitation workers systematically taking and destroying their essential property, including clothing, bedding and medications. The services sector can provide valuable help, but too often their presence facilitates these harms. Few people get shelter and even fewer obtain actual housing. The shelter options, while valuable for many, often have jail-like rules, unlivable conditions, and rarely lead to permanent housing.

Permanent housing, with services for those who need them, is the proven solution to homelessness. Criminalization chases people from place to place, causes immense human suffering, and does nothing to solve the problem. Human Rights Watch calls on city leaders to stop such punitive approaches and direct full attention and resources to ensuring the human right to quality, affordable housing for all residents.



Police remove an unhoused woman from her tent during a sanitation sweep in Los Angeles, October 2023.
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