

Lloyd Pendleton, the Director of The State of Utah's Homeless Task Force, in the courtyard of the Palmer Court Apartments, Jan. 16, 2015, in Salt Lake City. The complex provides housing for people who are chronically homeless.

Kim Raff for NationSwell

## Meet the Courageous Man Who Has Housed 1,393 Chronically Homeless Individuals in Utah

**In part three of NationSwell's series examining Utah's campaign to end homelessness, read about the man behind the pivotal program.**

by [Chris Peak](#) on January 29, 2015

Lloyd Pendleton is the most efficient man in Utah. By the hour, he ticks off small achievements in a pocket planner, marking progress toward long-term goals. His mind routinely calculates volumes and outputs; he thinks in returns on investments. When Pendleton speaks, you begin to suspect he's just sifted through a file cabinet's worth of data. But then, he tosses in one of his signature colorful aphorisms, and you realize, nope, that's just Lloyd.

After retiring from high-ranking positions at Ford Motors and the Church of Jesus Christ of Latter-day Saints, Pendleton began a second career in Utah's Department of Workforce Services, a seemingly unglamorous government job in Salt Lake City. "I retired on a Friday and went to work with the state on Monday," he says. As a pet project of sorts, Pendleton set an ambitious goal: To functionally eliminate chronic homelessness across Utah within 10 years. Nine years later, as Utah's homelessness czar, he's on track to reach that milestone by year's end.

“He gets things done” is how his colleague Liz Buehler, Salt Lake City’s homelessness coordinator, describes her state counterpart.

Raised on a ranch at the far western edge of Utah, Pendleton’s early experience working the land gave him a dogged work ethic and a quiet-the-bells directness. He admits he once thought street people panhandled because they were lazy. “I used to tell the homeless to get a job, because that’s all I thought they needed,” he recalls.

But later, through the Mormon Church, he was tasked with restructuring struggling food pantries, emergency shelters and other charities across the country. After working directly with the homeless, including a year on-site at Utah’s largest shelter The Road Home (then known as the Travelers Aid Society), Pendleton had a “major paradigm shift.” Viewing the homeless as his brothers and sisters, he realized that when they suffered, so did the entire community. “We’re all connected,” he now says.

## **I used to tell the homeless to get a job, because that’s all I thought they needed.”**

Lloyd Pendleton

Pendleton’s years of bolstering charities earned him credibility from many nonprofit executive directors. When they knew he was considering retirement, several service providers and then-Gov. Jon Huntsman began lobbying the L.D.S. Church to “loan” Pendleton out to head up the state’s nascent homelessness task force. The church agreed, and Pendleton did the job part-time for two years before committing to being its full-time director in 2006. “We got Lloyd involved before he realized,” one executive director says.

Described by one Salt Lake City social worker as a “voracious reader and researcher,” Pendleton started by signing up for conferences on the latest strategies. While at one in Chicago in 2003, he learned about the 10-year plans to end homelessness taking shape around the country, and he heard the buzz about an innovative idea called “Housing First.” Two years later, after a conference in Las Vegas, Pendleton started chatting up a fellow passenger on the airport shuttle: Sam Tsemberis, considered the originator of the “Housing First” model.

Tsemberis explained how Pathways to Housing (the organization he founded in New York City in 1992) threw out drug tests and waiting lists — the old trappings of getting someone “housing ready.” Instead, the homeless were moved into apartments in Manhattan and Westchester County, N.Y., within two weeks. “You’re curing the housing problem first. You cure the person later,” Tsemberis explained. After its first five years, 88 percent of tenants had stayed in the program’s housing — double the rate for the city’s step-by-step rehab programs. “Recovery starts when you have something you care about, a place where you can go,” he added. Pendleton took an instant liking to Tsemberis and together, they convinced Utah lawmakers and foundations to take a chance on “Housing First.”

Just because it worked in New York City, however, didn’t mean the program would be a fit for Utah. During one tense early meeting, a contractor worried about his reputation almost backed out of building 100 units. As Pendleton listened, a thought came to him: why not test a small pilot program consisting of 25 of the toughest, most distressed people? The idea partially came from a truism he learned on the ranch while chopping kindling for their wood-burning stove: “Chop the big end of the log first.” In other words, if you can house the most chronically homeless, you can house anybody.

The task force gathered the best case managers, convinced landlords across the city to participate and handed over keys to 17 people. “I felt the sweat on my forehead, and I know others did too,” recalls Matt Minkevitch, the executive director of The Road Home, a Salt Lake City shelter. “You’d give each other a casual smile and say, ‘We’ll work through it, okay?’ But they couldn’t hear your stomach growling, hear you praying under your breath,... and just hoping, hoping that you don’t hurt people and damage all these important programs.”

## **He gets things done.”**

Liz Buehler, Salt Lake City’s homelessness coordinator

The first night, Pendleton recounts, one man placed all his belongings on the bed and curled up on the floor to sleep. The following few nights, he dozed outside, near a dumpster. Finally, after several days, he moved in and slept on the bed. Housing isn’t “rehabilitation,” Pendleton noted, “because so many of them were never habilitated to begin with. You are

creating new lives for them.” With the exception of one person who died, all the tenants remained in housing 21 months later.

Pendleton isn’t striving for prestige or fame in solving an ill that blights much of urban America. He just likes ideas that work, and he wants to see them take root, regardless of who sows the first seed. “Housing First” isn’t unique to the Beehive State, but Pendleton’s precise methods are a primary reason why Utah’s rates of chronic homelessness are so low. The fingerprints of his orderly approach can be spotted all over the 10-year plan: its clear articulation of vision, its far-reaching collaboration and its experimental pilot projects.

According to Pendleton, every action must answer this question: Does this help the homeless into housing or not? “If you don’t have a crystal-clear vision about the homeless situation, then you just muddle along. You get poor results. You’re not getting people housed,” he says.

For Utah to solve such an intractable social problem, it also had to find support beyond the traditional partnerships. Pendleton’s résumé helped win the involvement of the business community and the L.D.S. Church, one of the most influential forces in the region. Their monetary contributions and participation in programs like job placement meant even “more and more people carrying the load with the county, city and state,” Pendleton tells the Deseret News. And once the strategy had been distilled, all those agencies focused their individual expertise on a specific aspect of the problem.

Despite playing different instruments, “We have been pretty much on the same sheet of music in the symphony,” Pendleton says of the collaboration.

To meet the goal Pendleton first dreamed of a decade ago, Utah still needs to house approximately 539 chronically homeless and 200 homeless veterans, according to the latest comprehensive report — far fewer than the 1,932 chronically homeless on the streets when he first started.

Pretty good for an “encore career,” don’t you think?

#### **READ MORE:**

Part 1: Utah Set the Ambitious Goal to End Homelessness in 2015. It’s Closer Than Ever

Part 2: 13 Images of Resilient Utah Residents Who Survived Being Homeless

Part 4: Far From Finished: Utah’s 5-Step Plan to Continue Helping the Homeless

### **Making House Calls, To People Without Homes**



Julie Sokolow, Bryan Heller, Jacob Templin



# Utah's Homeless Approach

Orange County Forum  
Orange County, California  
September 17-18, 2015

Lloyd S. Pendleton  
President/CEO  
Pendleton Enterprise



# Homeless Homed -- The Daily Show

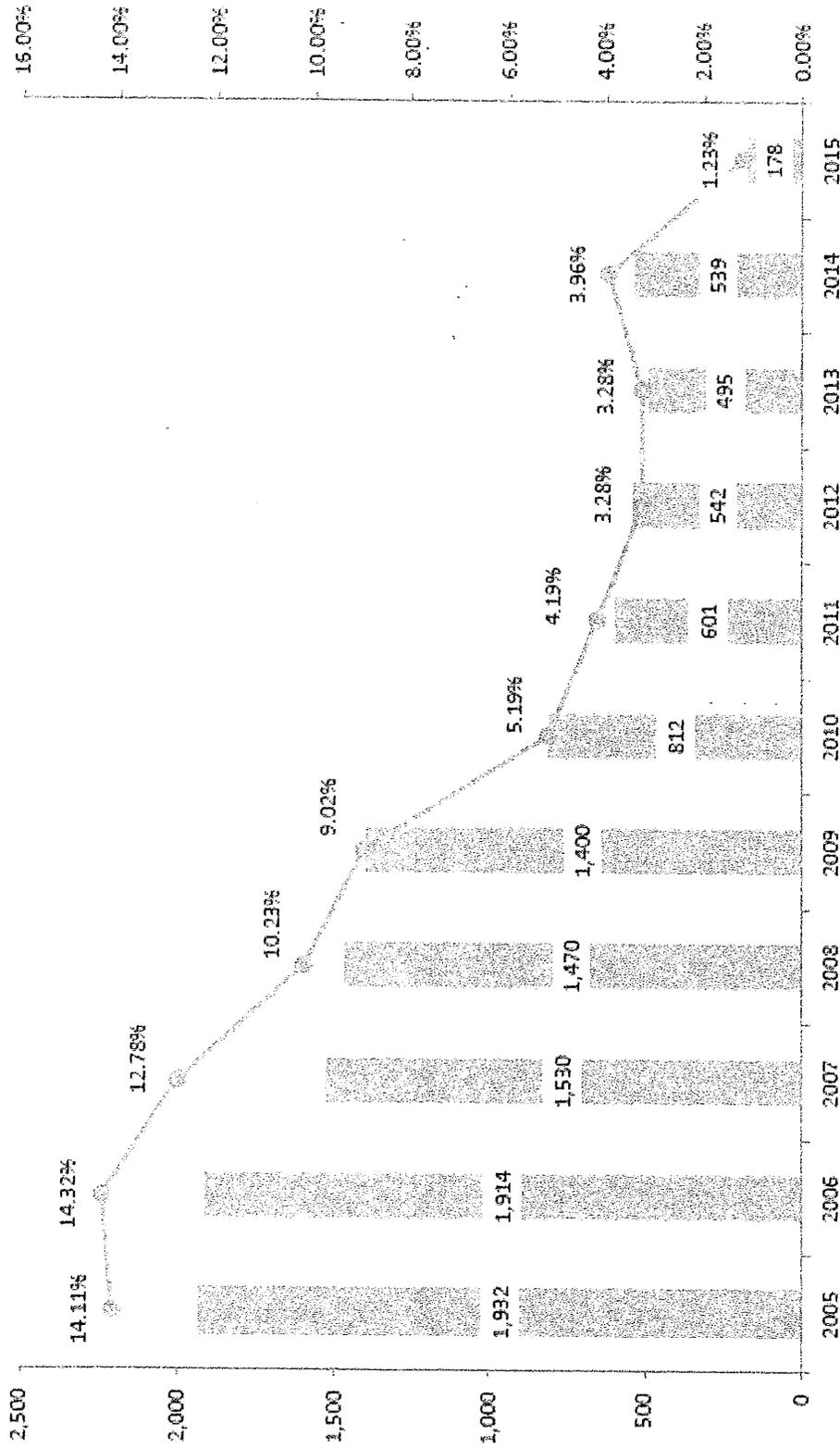
## With Jon Stewart

<http://thedailyshow.cc.com/videos/Intv3q/the-homeless-homed>

## Daily Show Clip

- What is your take away from this clip?
- How was the resident (Russell) portrayed?
- How do you view/feel about homeless families and individuals?
- How does your feelings about homeless citizens:
  - Affect what actions you take?
  - How those actions are undertaken?

# Utah Chronic Homeless Count



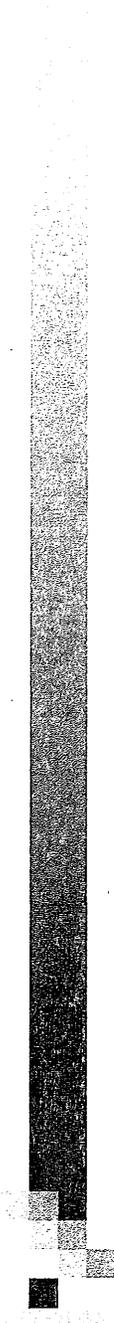
Number of Chronically Homeless Persons (2013 & 2014 Not Including Safe Haven, 2005 to 2014 Chronic Count is Annualized, the 2015 Chronic Count was not Annualized)  
 % Chronic of Total Homeless Persons

Source: 2015 Annualized Utah Homeless Point-In-Time Count and 2015 Point-in-Time Count

# Why the Success in Utah?

- **Champions** for homeless citizens
- **Collaboration** among homeless service providers, funders, political leaders in cities, counties, and state
- **Compassion** for providing viable housing opportunities and services for our homeless citizens

# Champions



# Characteristics of a Champion

- **Energy** – Begins and finishes projects
  - Stamina & staying power
  - Enthusiasm & optimism
  - Sense of humor
- **Bias to Act** – Solve problems not decry them
  - Focus on solutions
  - Sense of urgency
  - Opportunity driven

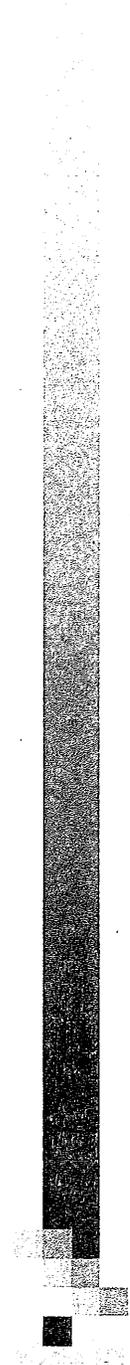
# Champions -- Continued

- **Results Oriented** – Outcome, not process matters most. Networking & capacity building are the means, not the end
  - Need for achievement
  - Clear & compelling vision for success
  - Chart & use milestones



# Champions -- Continued

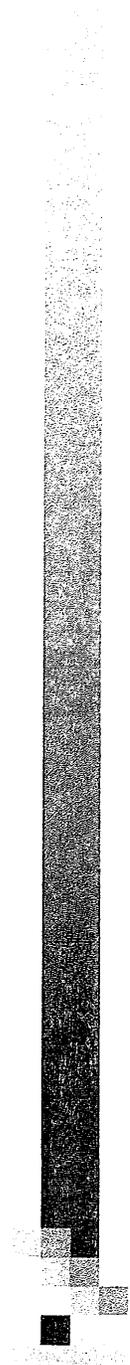
- **Personal Responsibility** -- Take responsibility for their own their behavior
- **Belief in Common Good** -- Look beyond what is good for their families & friends
  - See & feel impacts on others
  - Builds on diversity
  - Activate shared values



## Champions -- Continued

- **Inclined to Teams** – Provide the juice, but know they need an engine
  - Form teams from different, not like-minded
  - Share credit as well as information
  - Seek creation, not agreement

# Collaboration



## **State of Utah Vision**

**Everyone has access to safe, decent, affordable housing with the needed resources and supports for self-sufficiency and well being.**



**“Men build too many  
walls and not enough  
bridges.”**

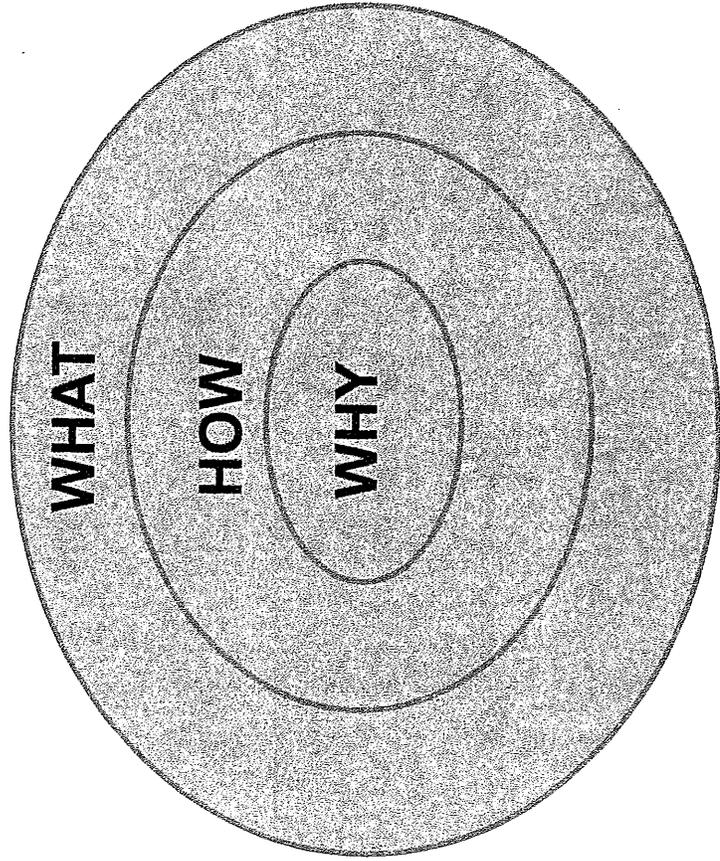
**Sir Isaac Newton**

# Stakeholders

- **Who needs to be at the table?**
  - Champions,
  - Political leaders,
  - Funders,
  - Housing Authorities,
  - Business leaders,
  - Faith based leaders
  - Homeless service providers
  - others

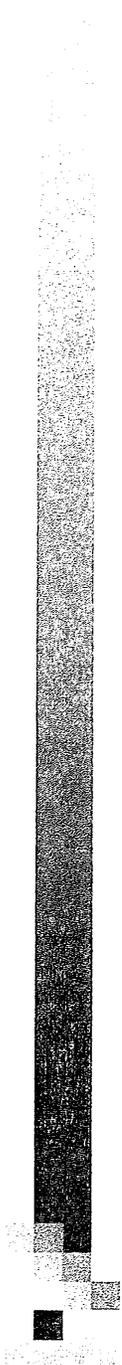
# Compassion

# The Golden Circle



# Questions to Consider

- **What needs to be done?**
- **How will it be done?**
- **Why will it be done?**
  - King's Dream Speech
- **Vision – Homeless Citizens achieve maximum integration into society**
  - Housing a major step
  - Keeping housing key



## Who Are the Homeless?

- Citizens of our communities
- People suffering and in need of hope
- Bigger picture – brothers & sisters

# How We Serve

- Most desire to “help” others
- Helping, fixing, serving
  - Three different ways of seeing life. When you help, you see life as weak. When you fix, you see life as broken. When you serve, you see life as whole. Fixing and helping may be the work of the ego and service the work of the soul. Rachel Remen, Kitchen Table Wisdom
- Mrs. Henry



I chose the road less  
traveled and now I  
don't know where the  
hell I am.

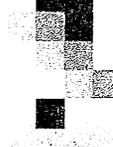
# National Effort

# National Effort on Chronic and Veteran Homelessness

- 10% homeless population chronic
- **Chronic Definition** -- Unaccompanied adult with a disabling condition homeless a year or more or four times in three years
- 10-14% homeless population veterans
- End veterans homelessness by 2015
- End chronic homelessness by 2015 (Initial date)

# Cost of Homelessness

- Chronic homeless individuals have emergency services costs such as:
  - Emergency rooms visits to hospitals
  - Transportation to hospitals
  - Jail time
- \$48,792 per person (JAMA 4/1/09)
- \$40,449 per person (Culhane NY, NY study)
- \$35,949 per person (San Diego Serial Inebriate study)



## Utah – Chronic Homelessness Housing Opportunities End of 2015

- One Salt Lake person's 2010 ER costs were **\$563,000**
- One over 3 years was **\$937,744**

# Continuum of Care

- HUD organization, local service providers
  - Apply for HUD funding
  - California has 39, Utah three
  - Plan/coordinate homeless housing & services
  - California receives \$307.6, Orange County \$19.5, & Utah \$8.0 million annually
    - California Per Capita \$7.93
    - Orange County \$6.27
    - Utah Per Capita \$2.88

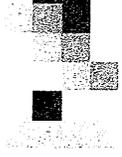
# California Overview

# 2014 Homeless Population

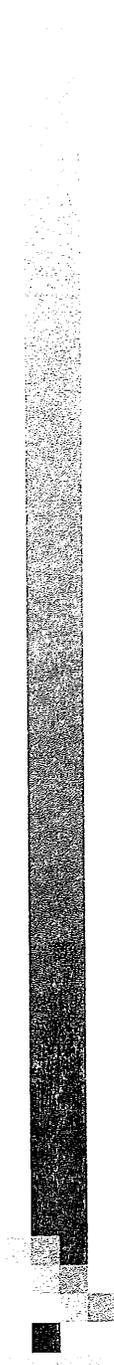
Category	California	Utah	National
Homeless Population	113,952 (19.7%)	3,081	578,424
Unsheltered	71,437 (62.7%)	313 (10.2%)	177,373 (30.7%)
Chronic Homeless Individuals	28,200 (35.5%) (84.3% Unshelt.)	386 (10.4% Unshelt.)	84,291 (63.0% Unshelt.)
Veterans	12,096 (10.6%)	317 (10.3%)	49,933 (8.6%)
Persons in Families	23,187 (20.4%)	1,342 (43.6%)	216,261 (37.4%)
Annualized % of Pop. (Chronic X 2, Non Chronic X 5)	485,160 (1.3%)	14,454 (0.5%)	2.6 M (0.8%)
Population	38,800,000 (12.3%)	2,901,000	316,100,000

# 2014 Homeless Population

Category	Orange Co.	Utah	National
Homeless Population	3,833 (0.7%)	3,081	578,424
Unsheltered	1,678 (43.8%)	313 (10.2%)	177,373 (30.7%)
Chronic Homeless Individuals	798 (0.9%) (83.7% Unshelt.)	386 (10.4% Unshelt.)	84,291 (63.0% Unshelt.)
Veterans	398 (10.3%)	317 (10.3%)	49,933 (8.6%)
Persons in Families	1,272 (33.2%)	1,342 (43.6%)	216,261 (37.4%)
Annualized % of Pop. (Chronic X 2, Non- Chronic X 5)	16,771 (0.5%)	14,454 (0.5%)	2.6 M (0.8%)
Population	3,114,000	2,901,000	316,100,000

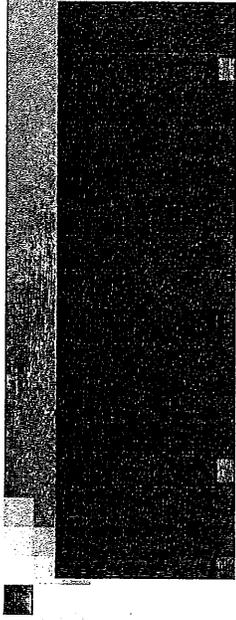


# Utah's Approach



## **State of Utah Vision**

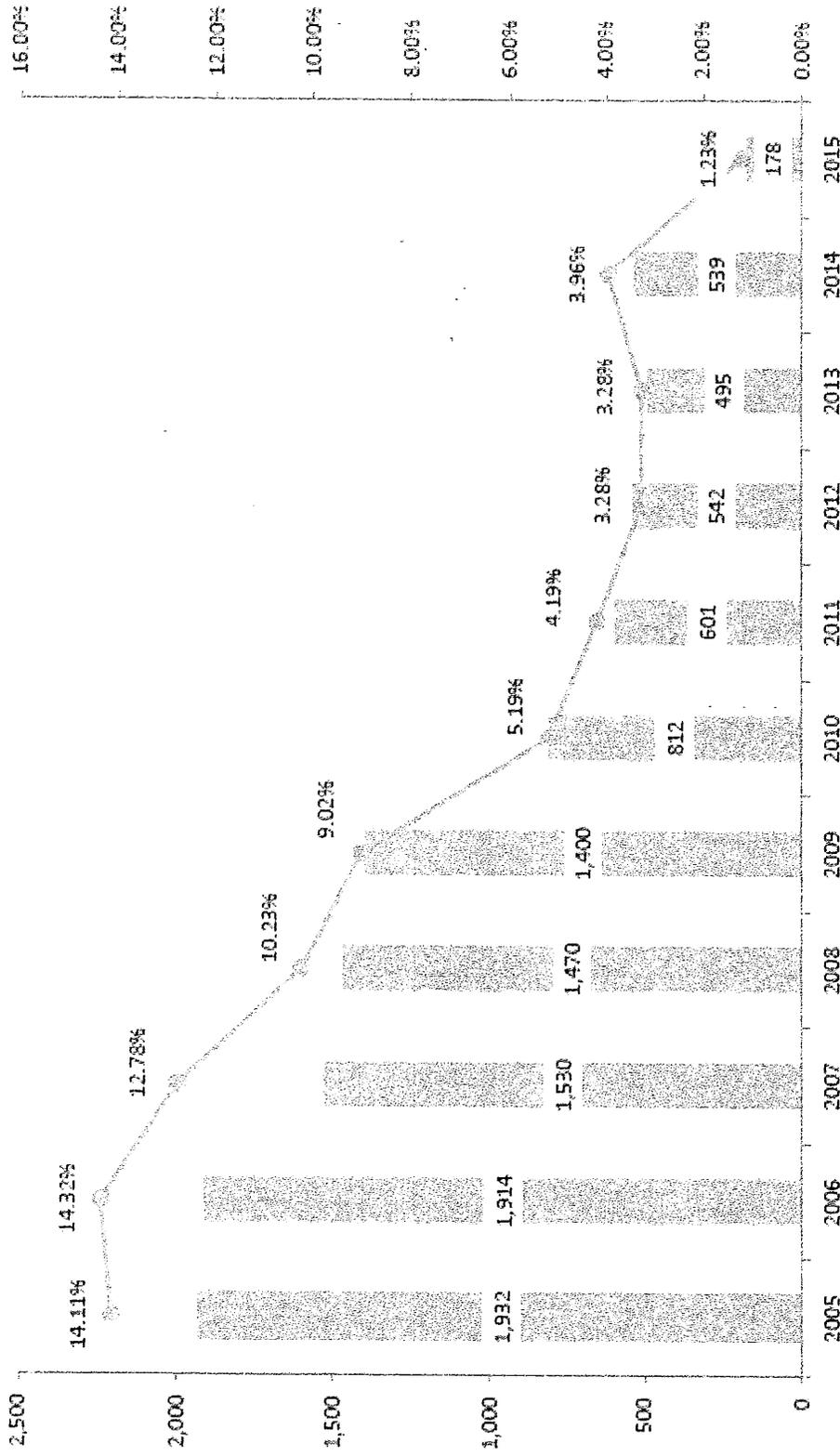
**Everyone has access to safe, decent, affordable housing with the needed resources and supports for self-sufficiency and well being.**



**When your vision is  
crystal clear, taking action  
happens naturally.**

**Thomas F. Crum, "The Magic of Conflict"**

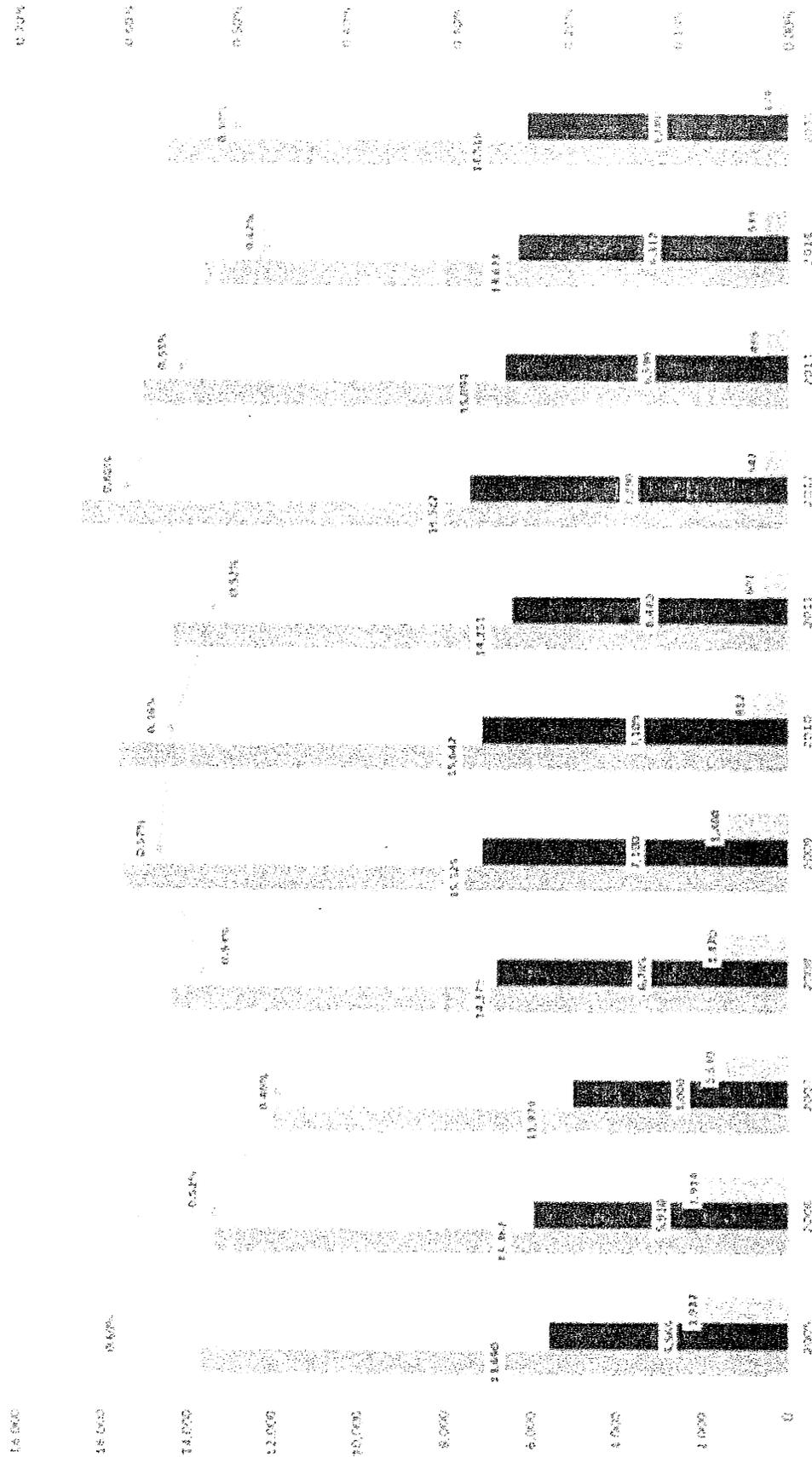
# Utah Chronic Homeless Count



Number of Chronically Homeless Persons (2013 & 2014 Not Including Safe Haven, 2005 to 2014 Chronic Count is Annualized, the 2015 Chronic Count was not Annualized)  
 % Chronic of Total Homeless Persons

Source: 2015 Annualized Utah Homeless Point-In-Time Count and 2015 Point-in-Time Count

# Utah Homeless Point-In-Time Count: 2005-2015



Utah Homeless Point-In-Time Count

■ Homeless

■ Homeless with a job

■ Homeless with a job and a car

○ % Homeless with a job

Source: 2015 Annualized Utah Homeless Point-In-Time Count and 2013 Point-In-Time Count

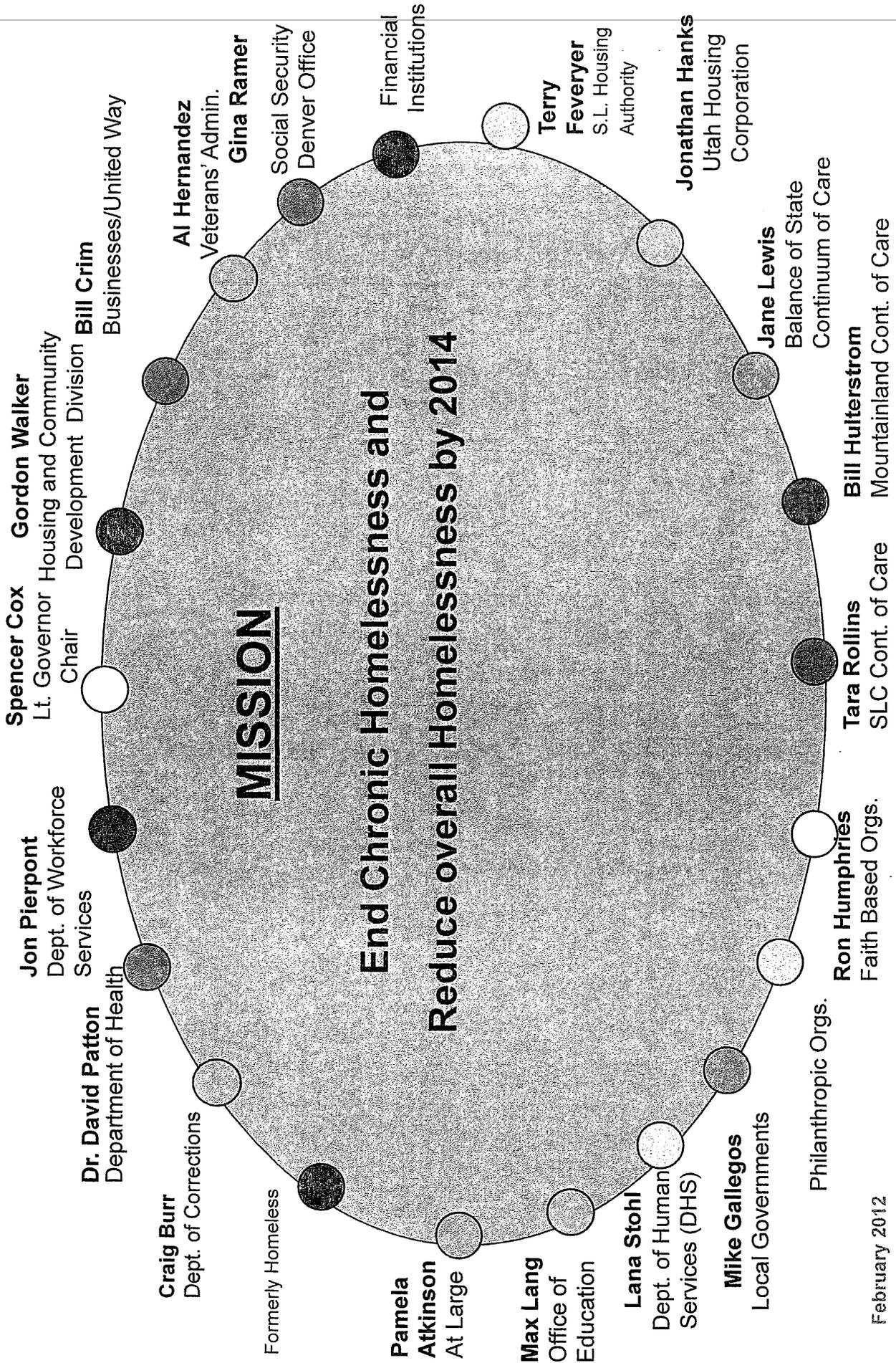
# Chronically Homeless Persons

- Each chronically homeless person placed in housing freed up a shelter bed for 10.7 homeless persons at Utah's largest shelter
- As a result, 200 plus shelter beds have been converted to family beds
- 1,970 persons per year in those beds

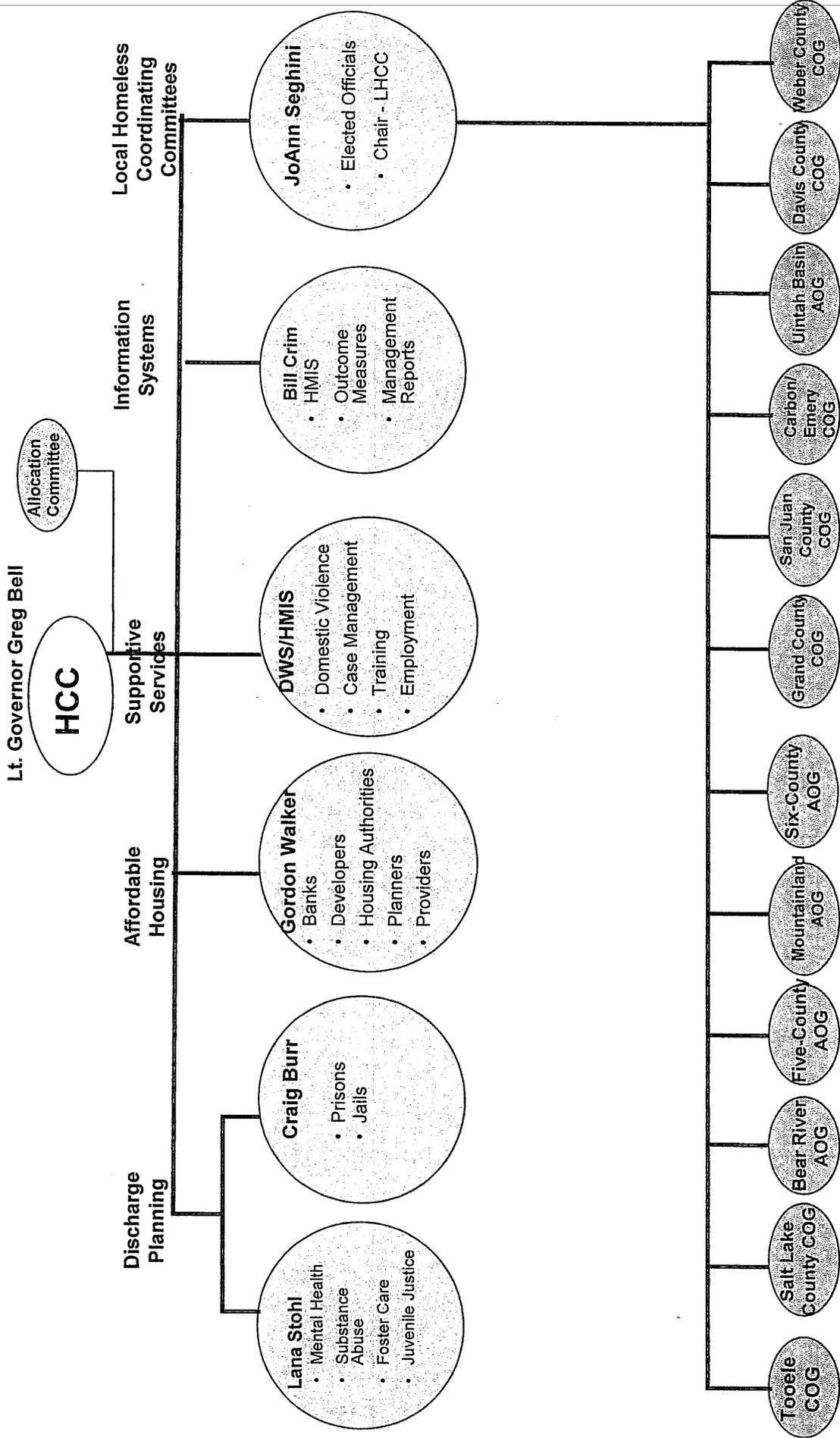
# Utah's Homeless Population

<u>Categories</u>	2005 <u>Count</u>	2015 <u>Count</u>
Sheltered	11,275	13,556
Unsheltered	<u>2,415</u>	<u>1,091</u>
Total	13,690	14,646
% state pop.	0.55%	0.50%
Chronic	1,932	178 (91%)

# Homeless Coordinating Committee

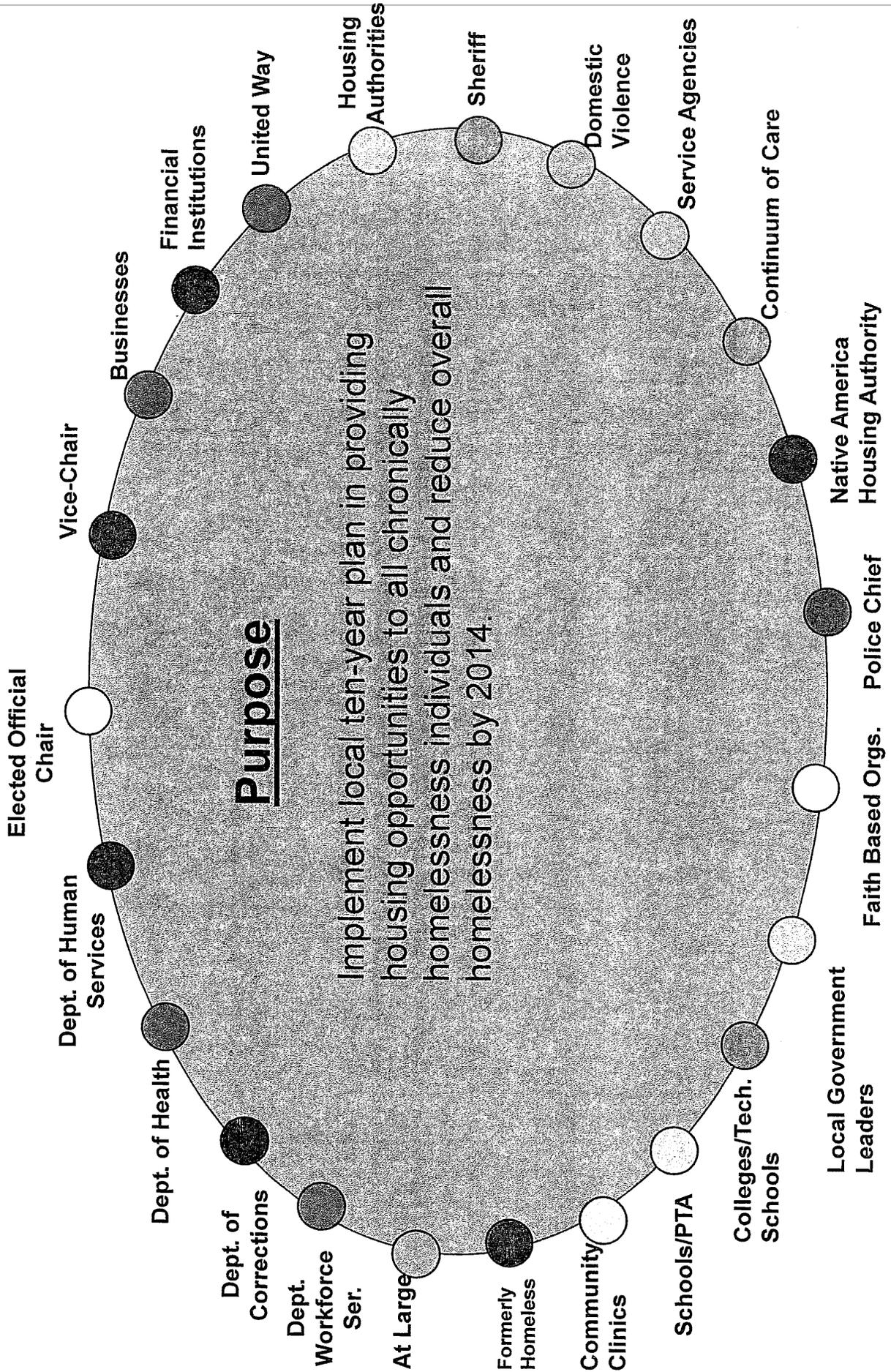


# Homeless Coordinating Committee Organization

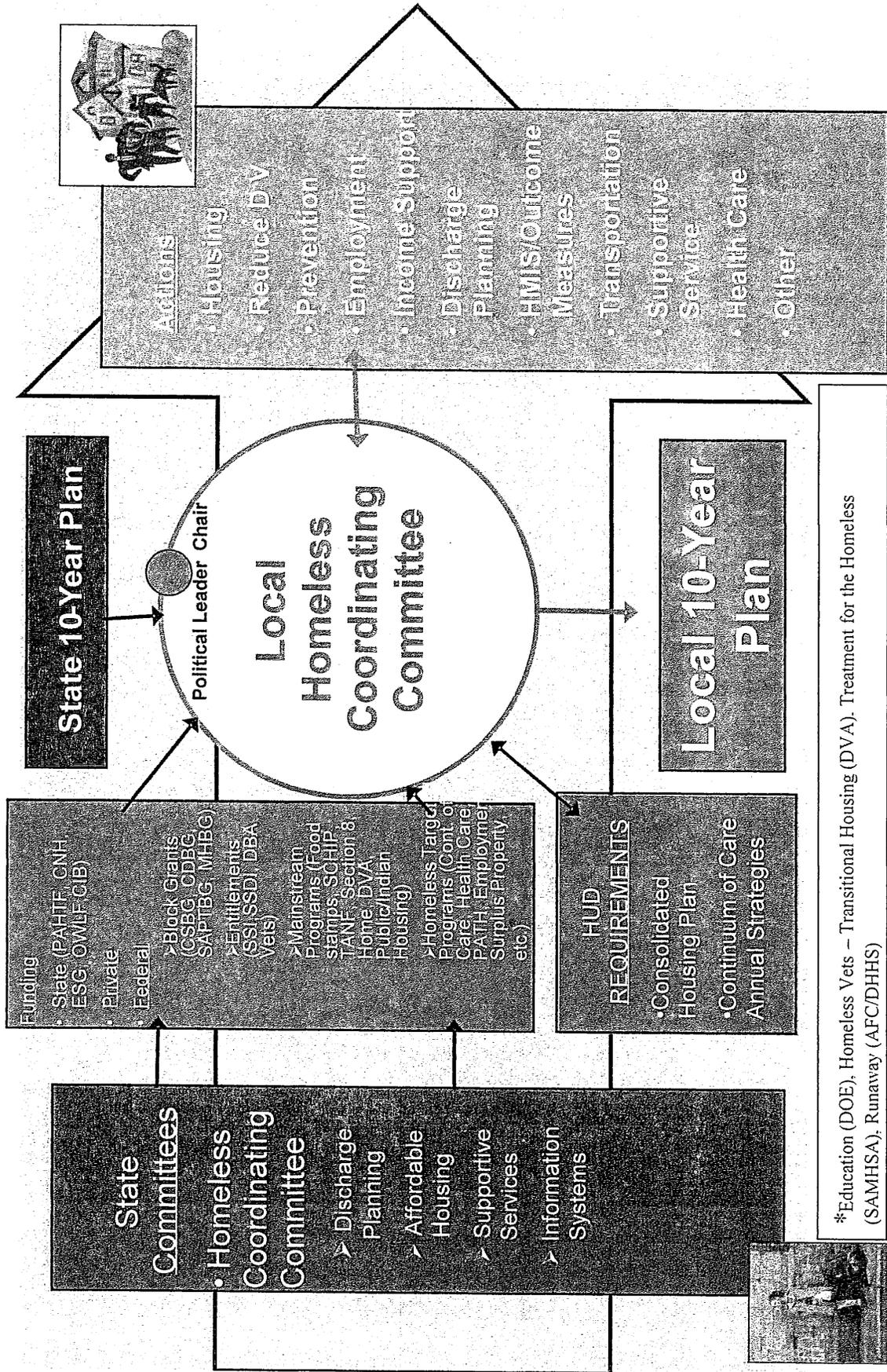


COG – Council of Governments  
 AOG – Association of Governments

# AOG/COG Homeless Coordinating Committee (Model)

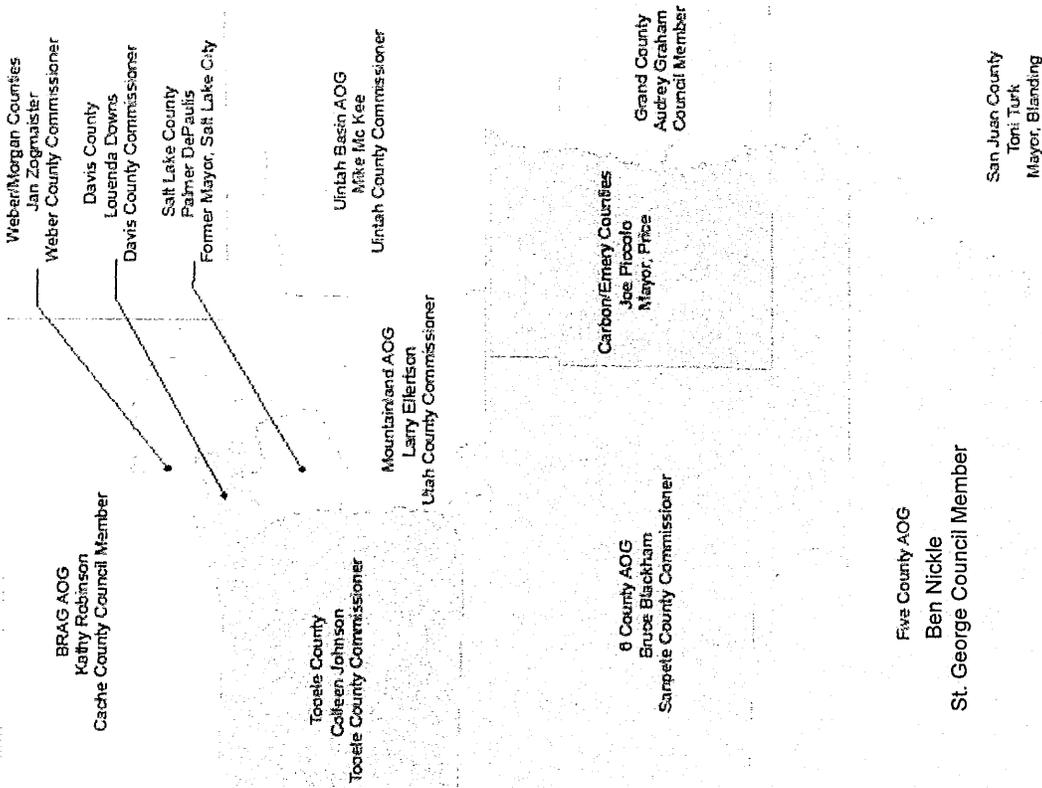


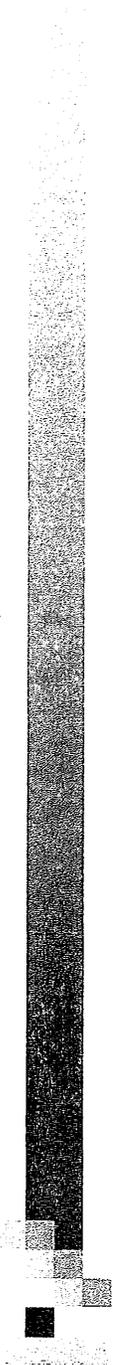
# Local Homeless Implementation Plan



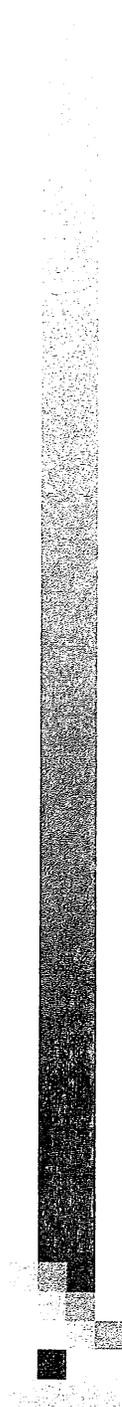
\*Education (DOE), Homeless Vets – Transitional Housing (DVA), Treatment for the Homeless (SAMHSA), Runaway (AFC/DHHS)

# TEN-YEAR HOMELESS PLAN ORGANIZATION LOCAL HOMELESS COORDINATING COMMITTEES





**How is  
homelessness  
ended?**



**“No problem can be  
solved from the same  
consciousness that  
created it”**

Albert Einstein

# Housing First

# Housing First -- Permanent Supportive Housing -- Chronic Homeless

- Two core convictions:
  - Once the chaos of homelessness is eliminated from a person's life, clinical and social stabilization occur faster and are more enduring
  - Housing is basic and not a reward for clinical success

## Housing First Principles – Cont.

- Embraces a harm reduction approach to addictions rather than mandating abstinence. The provider must also be prepared to support resident commitments to recovery
- Residents have leases and tenant protections under the law
- Can be implemented in either a project-based or scattered site model
- Residents pay 30% or \$50 which is greater

# Housing First Principles

- Move people into housing directly from streets and shelters without preconditions of treatment acceptance or compliance
- Provider is obligated to bring robust non-coercive support services to the housing
- Continued tenancy is **not** dependent on participation in services
- Units are targeted to the most vulnerable homeless members of the community

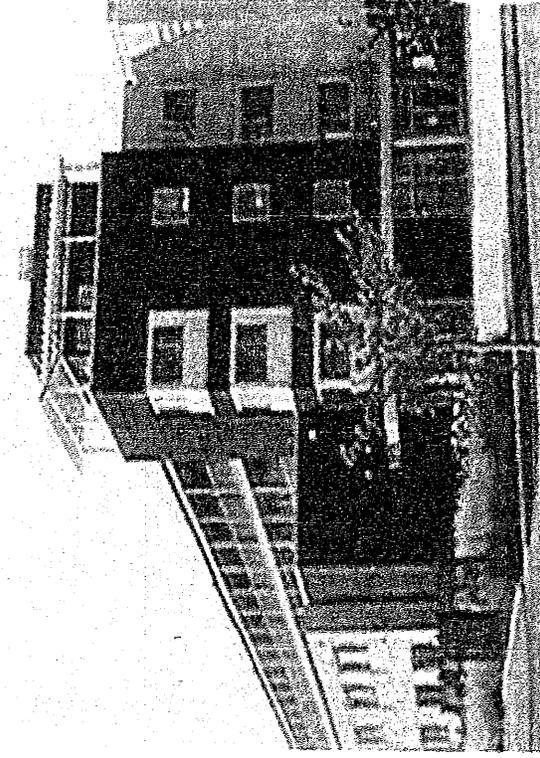
# Housing First – Utah Pilot

- We had heard about the Housing First concept developed in New York City
- Would it work in Utah?
- 2005 pilot of the most difficult (17) to test it while a 100 unit facility was constructed
- We became believers, especially case managers
- Now operate with belief “all can be housed”

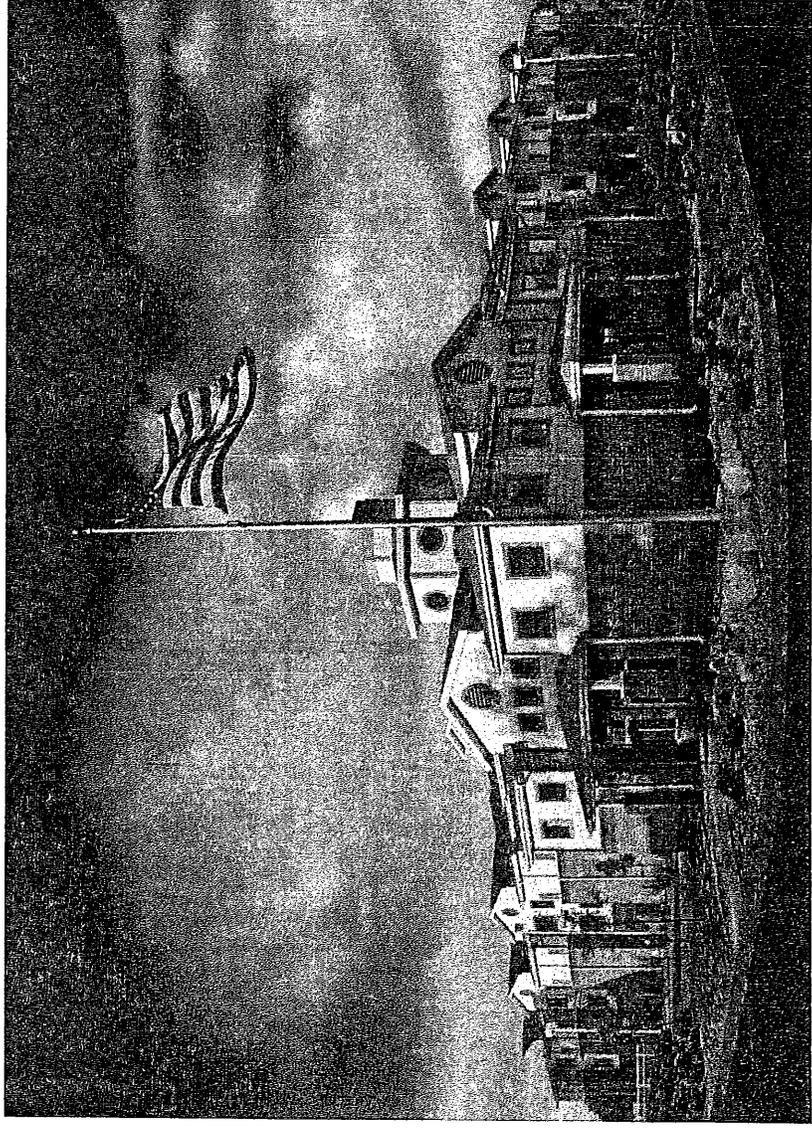
# Sunrise Metro (100 units) – April 2007

## Project Partners

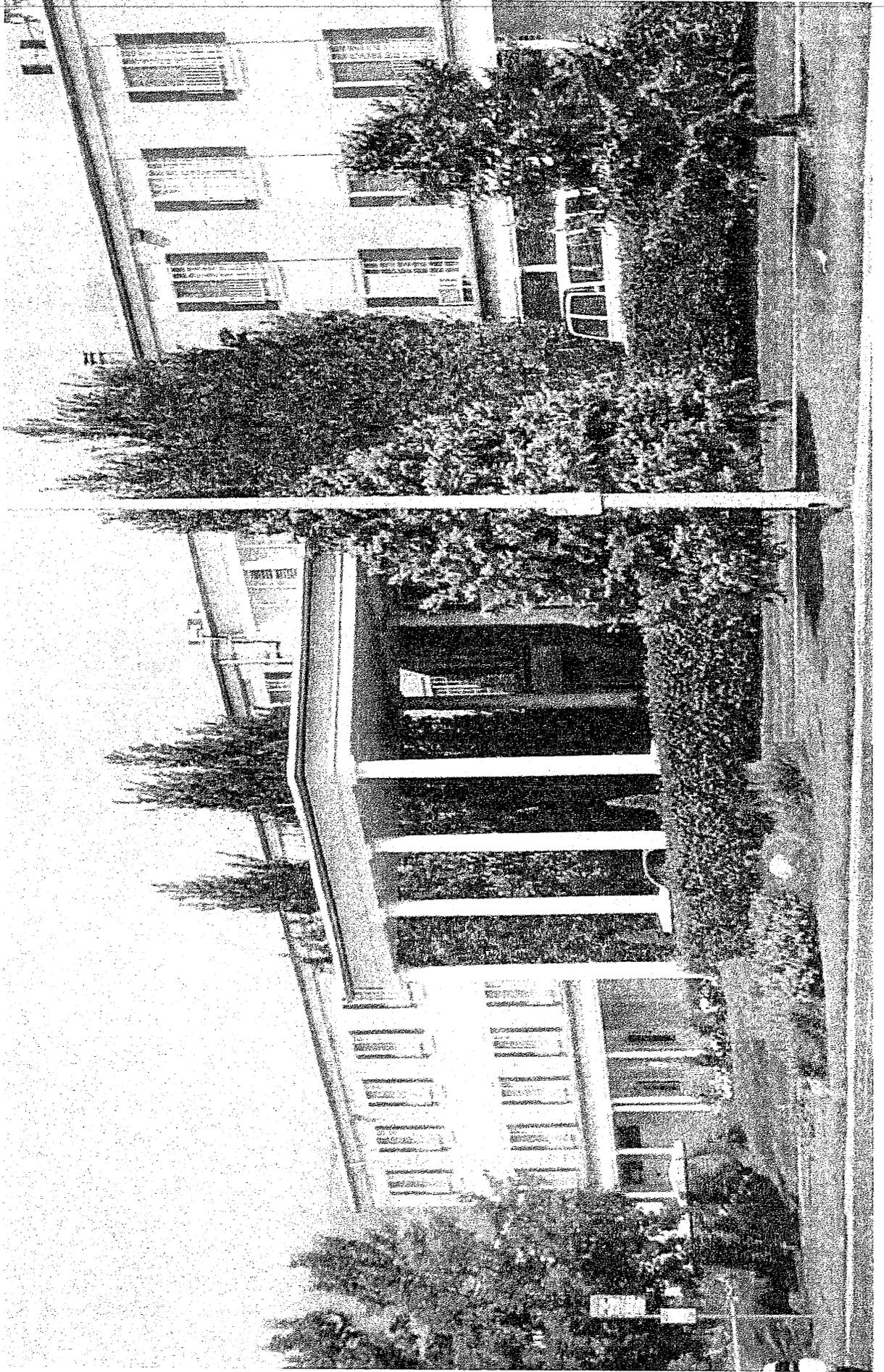
- Utah Division of Housing and Community Development
- Salt Lake City
- Salt Lake County
- Crusade for the Homeless (Private Foundation)
- George S. and Dolores Dore Eccles Foundation
- Church of Jesus Christ of Latter Day Saints
- Utah Housing Corporation
- American Express



# Grace Mary Manor (84 units) – April 2008

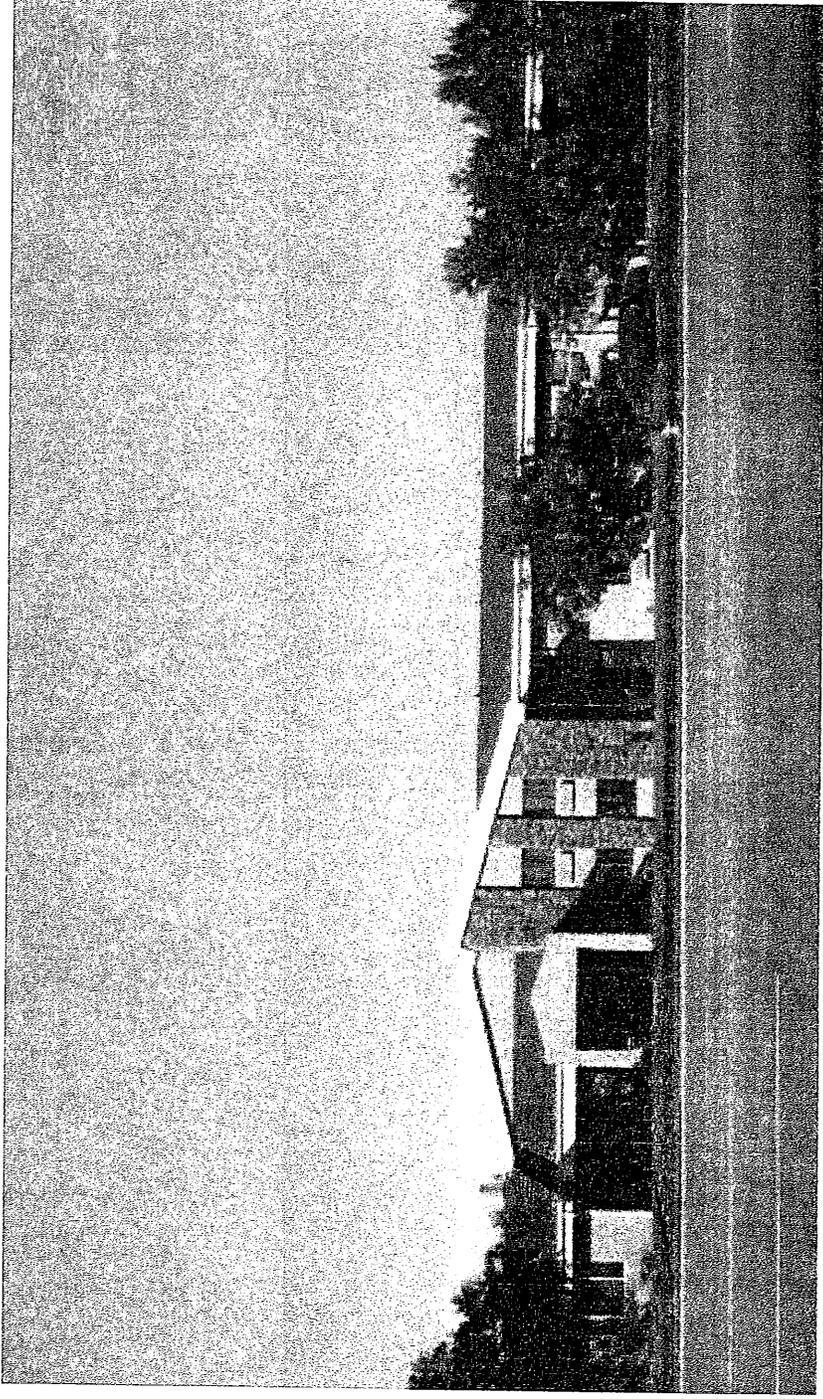


# Palmer Court (201 Units) – May 2009

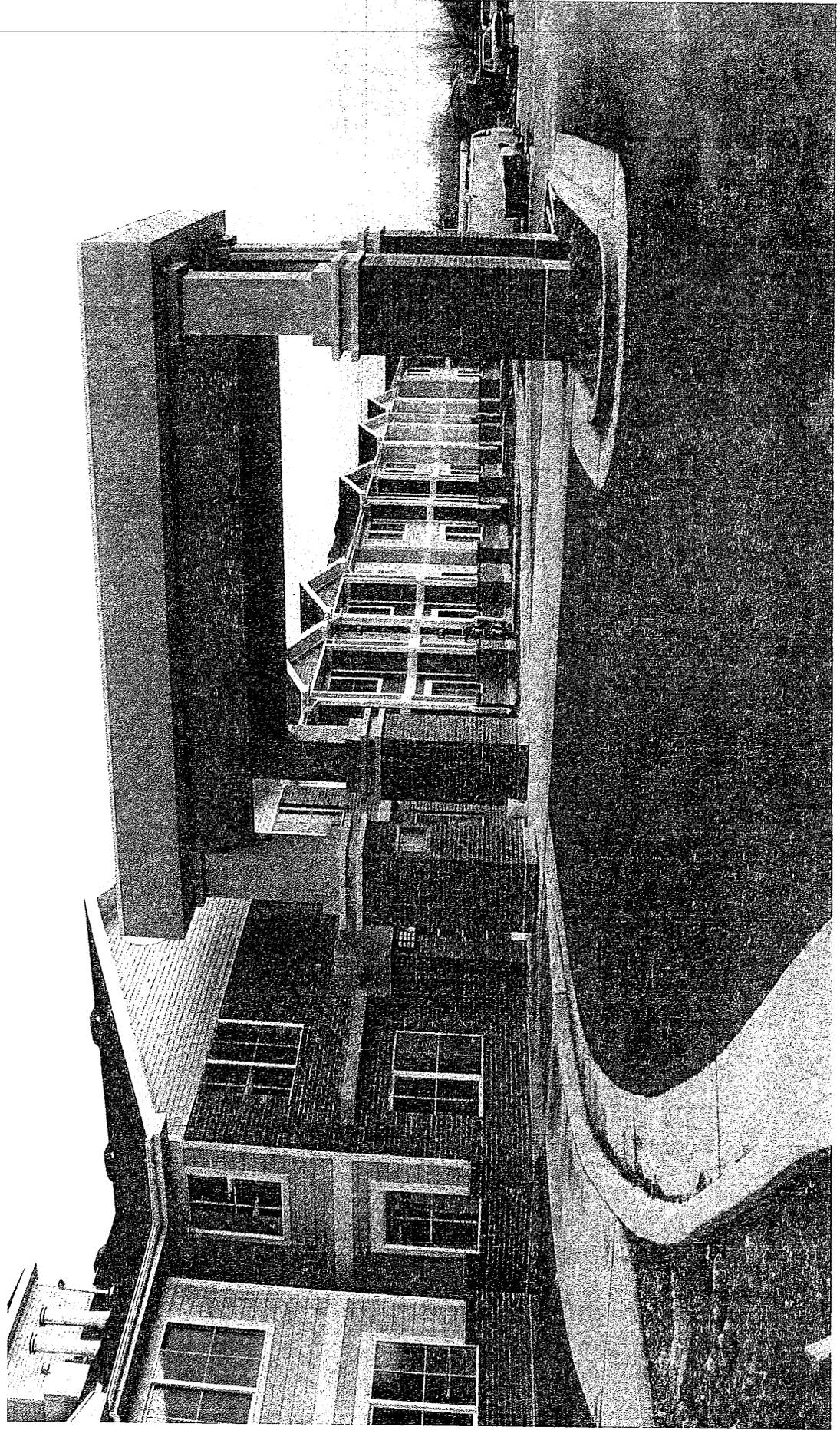


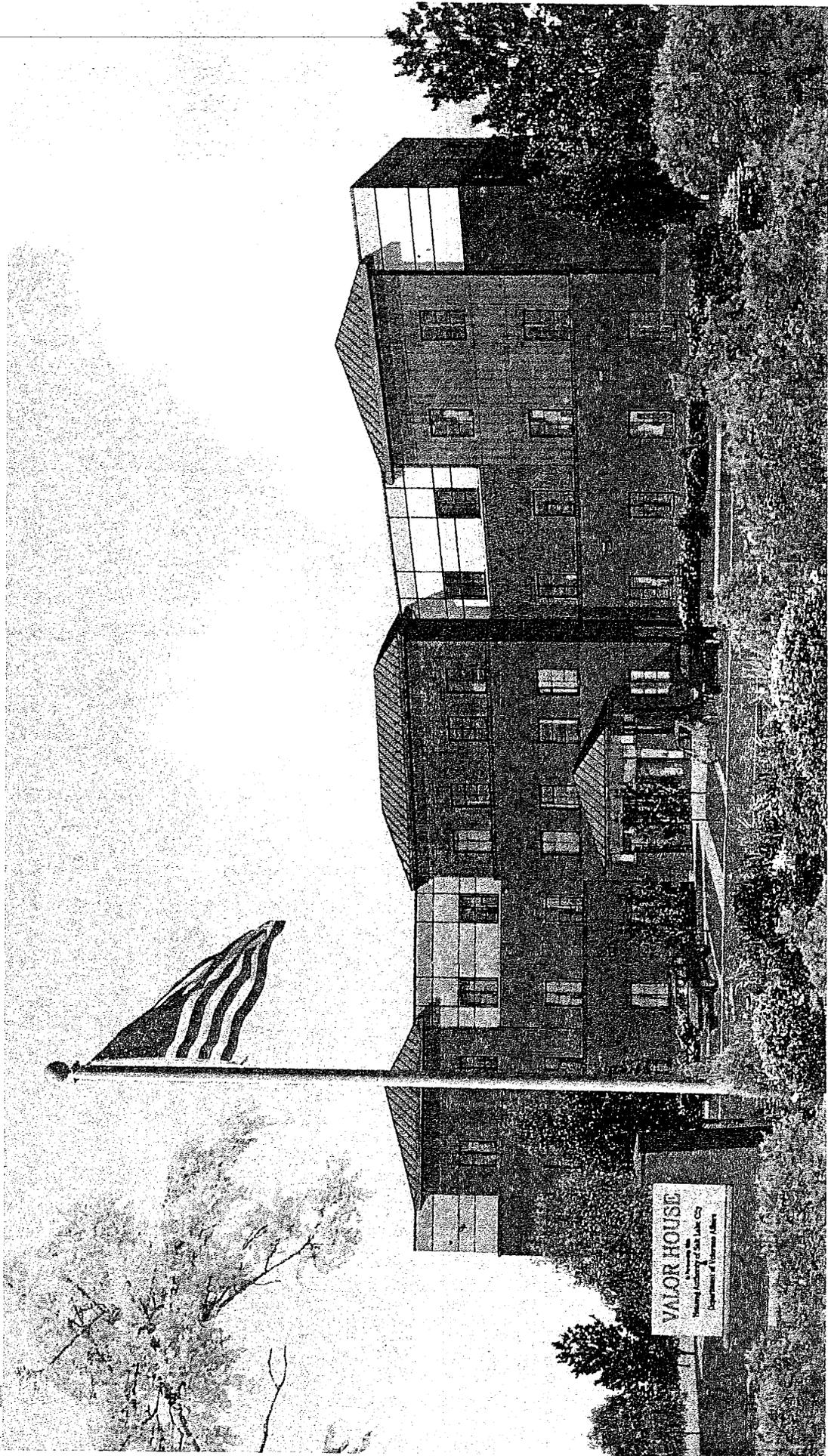
# Freedom Landing

Homeless Veterans (110 Units) -- Jan. 2010



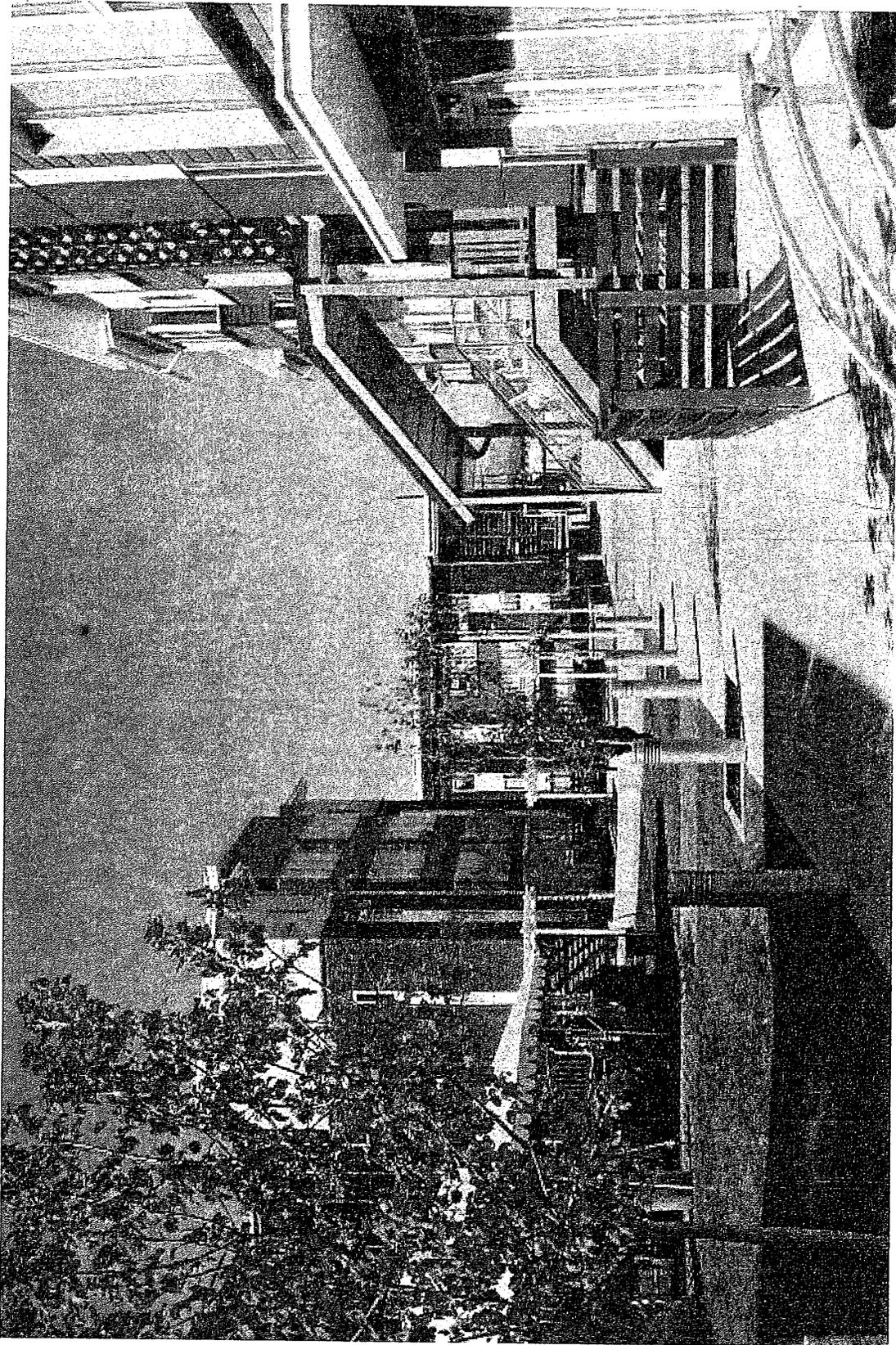
Kelly Benson 55 and Older Homeless - June 2010  
(59 Units, 70 Beds)





**VALOR HOUSE**  
Training Academy of Salt Lake City  
Department of Defense Affairs

# Bud Bailey Apartments – 134 Units



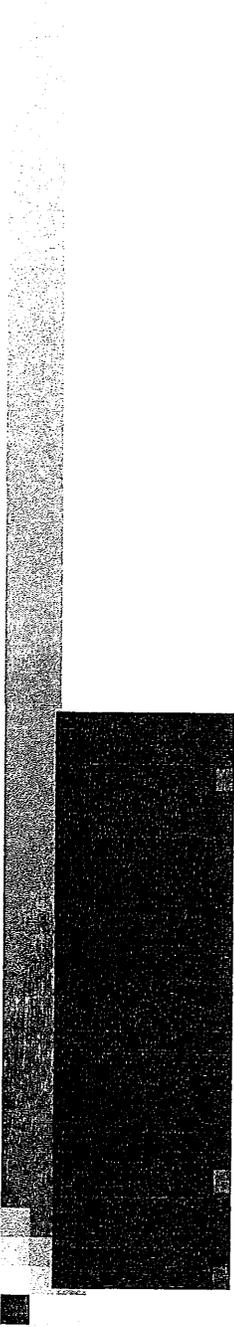
# Homeless Housing

■ PSH Single Site	751
■ Scattered Site	<u>150</u>
□ Total	901
■ Retention Rate	80%
■ On to other stable settings	10%
■ Eviction Rate	6%
■ Died	2%
■ Unknown	2%



# Summary

- Champions are key in accomplishing a desired outcome
- Collaboration of stakeholders very important
- Look long and deep at the **why** of what you undertake – Start with the **WHY**



**When your vision is  
crystal clear, taking action  
happens naturally.**

**Thomas F. Crum, "The Magic of Conflict"**



# ACLU again accuses Laguna Beach of targeting the homeless

By JOSEPH SERNA

AUGUST 20, 2015, 5:31 PM

**A** lawsuit by the American Civil Liberties Union of Southern California accuses Laguna Beach of trying to push homeless people, particularly those with disabilities, out of the city.

The suit, filed Thursday on behalf of five disabled homeless people, claims that city officials took the earliest opportunity available under a previous legal settlement to enact laws targeting the homeless and ramped up enforcement to force them out of the city.

Though Laguna Beach has a homeless shelter, it doesn't offer a full range of programs to assist the population and it has limited housing. Five to 15 people are turned away every night and have to find somewhere else to sleep, the ACLU says.

This isn't the first time the city has been sued over its treatment of the homeless -- a fact the ACLU says bolsters its argument in the current suit.

In 2008, the organization sued Laguna Beach, alleging that the city conducted "sweeps" targeting transients and criminalized homelessness. The city settled that lawsuit within three months and repealed laws that criminalized camping and sleeping in public places, according to the lawsuit filed Thursday.

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But once the life of that settlement expired, the ACLU suit says, Laguna Beach officials added a new law that had the same effect as the old one: criminalizing homelessness.

The city added a temporary homeless shelter, but it is loud and crowded -- making it difficult for people to sleep -- and it doesn't offer programs for the myriad mental and physical issues that the people who stay there have, the ACLU contends.

City Manager John Pietig defended Laguna Beach's track record on homelessness in a statement issued Thursday afternoon.

The city's temporary housing shelter is the only year-round shelter and it has air conditioning, laundry, showers, meals, storage and transportation to a bus depot downtown, Pietig said. The city just added a case worker to help homeless individuals find resources.

"It is well known that no single public entity can solve the issues associated with homelessness, especially at the local level," the statement said. "It is very disappointing to be a target of the ACLU given the city's proven track record of being a leader in providing services to the homeless community."

The ACLU is seeking to elevate the case to a class-action lawsuit and lists five initial plaintiffs: Kenneth Glover, 46, an unemployed fisherman diagnosed with alcoholism and depression; David Sestini, 53, who has bipolar disorder, depression, anxiety, alcoholism and chronic obstructive pulmonary disease; Douglas Frederes Jr., 35, an unemployed handyman with bipolar disorder; Jeffrey Aiken, 54, an Air Force veteran with a physical disability, depression and schizophrenia; and Katrina Aune, 35, a mother diagnosed with post-traumatic stress disorder, depression and obsessive compulsive disorder.

Aune's two children have permanent housing, the ACLU said.

The organization is asking for Laguna Beach to rescind the laws pertaining to homelessness and create a permanent homeless shelter with programs to help its residents.

**For breaking California news, follow @JosephSerna.**

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**SanLuisObispo.com**

## **Judge orders police to stop citing homeless for sleeping in cars**

### **Preliminary injunction prohibits San Luis Obispo from enforcing ordinance**

By AnnMarie Comejo

acornejo@thetribunenews.com July 3, 2012

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San Luis Obispo police must stop issuing citations to homeless people sleeping in their vehicles on city streets, a Superior Court judge ruled Tuesday.

The preliminary injunction issued by Superior Court Judge Charles Crandall is the result of a lawsuit filed by attorneys Stewart Jenkins and Saro Rizzo alleging that the law prohibiting people from sleeping in their vehicles is unconstitutional, vague and results in arbitrary enforcement.

The ruling also questioned the enforcement methods used by police who issued the citations, saying the homeless appear to have been unfairly targeted.

"The city's overall enforcement choices and methods cause this court grave disquietude," Crandall wrote in the ruling. He added that police appeared to be singling out the poor and homeless for "harsher treatment."

Jenkins said he was "ecstatic" at the ruling. "This is perfect for Independence Day, and it is the Constitution at its best," Jenkins said. "All of these people are going to be freed from being hunted."

In a separate court case, Jenkins is trying to retroactively rescind fines imposed based on dozens of tickets already issued to homeless people sleeping in their cars.

San Luis Obispo police Chief Steve Gesell backed his officers' enforcement strategies. "The judge used some very strong words that aren't indicative of the professionalism and patience our officers have demonstrated throughout the last six months," Gesell said. "I don't see it as fair, and it is certainly not accurate."

City Attorney Christine Dietrick said she finds the ruling to be unfounded. In a written statement, she called the ruling "extraordinary and unprecedented" by inferring that the City Council "did not mean what it said," when adopting the ordinance that prohibits people from sleeping in vehicles. The city, she said, disagrees with the legal conclusions and factual assertions used in the ruling. The City Council will be asked in closed session Tuesday how to legally proceed, which may mean asking the court to reconsider or vacate the ruling.

Crandall's preliminary injunction states that the law being used by the city does not apply to public streets, and it orders police to stop issuing citations until a full court hearing can be held.

"The city does not believe it should be legally compelled to allow unsafe and unsanitary residential occupancies anywhere in the city, including on the public streets," said Dietrick in a statement. "So, while the city is currently prohibited from enforcing its illegal occupancy provision on the streets, all laws governing related illegal behaviors often associated with that activity will continue to be enforced in the best interests of community health and safety."

The ordinance overturned Tuesday was the only method police had for dealing with a rising number of people sleeping in vehicles on public streets — particularly on Prado Road.

Police stepped up enforcement of that ordinance in February after business owners complained about nuisances such as trash, assaults, trespassing and the stench of urine and feces.

Officers began knocking on vehicle doors and windows during the night, rousing people from slumber and issuing tickets when they answered the door.

Crandall, in the ruling, was critical of those enforcement methods.

"These methods include, but are not limited to, the use of late-night police forays needlessly utilizing flashing lights, blaring horns, intimidation, threats and other scare tactics," Crandall wrote. "These methods are apparently designed not only to force legal compliance, but also to intimidate plaintiffs into leaving the city altogether."

Gesell said he found the judge's commentary to be a one-sided reflection of the plaintiffs' perspective.

He said that since 2002, citations issued for violating the ordinance have ranged from eight to 25 per year. So far this year, more than 50 have been issued.

Those numbers spiked, Gesell said, because of the growing number of people sleeping in their vehicles on public streets. "It got to a point of critical mass on Prado Road," he said.

Robert Watts, who had his trailer impounded while parked on Prado Road, said the ruling was "finally justice for the people out there on the streets."

A case management conference is set for July 24 to discuss the case.

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# Los Angeles court strikes down ban on sleeping in cars

Judges rule 1983 law is 'unconstitutionally vague' after homeless plaintiffs sue Venice police over inconsistent enforcement

Jessica Glenza

Thursday 19 June 2014 17.07 EDT

A Los Angeles law that sought to bar people from living in vehicles on the street has been struck down by a federal appeals court after four homeless people sued the city.

The three-judge panel of the ninth circuit court on Thursday ruled unanimously that the ordinance was vague and opened the door to discriminatory enforcement.

In 2010, the the city council received a spate of complaints about human waste and trash on Venice streets, a three-sq-mile, affluent and colorful beachside neighborhood of about 40,000 in Los Angeles.

In response, the city formed a 21-officer task force and enforced a 1983 law that barred residents from living in their vehicles. Police officers held varying interpretations of what the ordinance outlawed, resulting in selective enforcement against the homeless.

"Despite plaintiffs' repeated attempts to comply with [the law], there appears to be nothing they can do to avoid violating the statute short of discarding all of their possessions or their vehicles, or leaving Los Angeles entirely," Judge Harry Pregerson wrote in the opinion.

The four plaintiffs appealed a decision from a lower district court that ruled in favor of the city. Los Angeles' law is unique compared to other local laws that bar sleeping in vehicles or overnight parking, according to the Los Angeles Times.

Officers cited and arrested homeless residents after finding personal belongings in their vehicles, while driving and parked, on public streets and despite sleeping in private parking lots.

All four plaintiffs were arrested or cited for different behavior which violated the law against using a vehicle, "as living quarters either overnight, day-by-day, or otherwise".

In one instance, a homeless artist was driving her RV through Venice, bringing her art to a festival. Police pulled her over after she neglected to turn off her left turn signal, but she wasn't cited for that.

Instead, she was cited for living in her vehicle. The artist legally parked in a church parking lot each night to sleep.

How police supervisors told officers to enforce the law also varied. One internal memo said officers should look for people who had slept or were sleeping in their vehicles. But supervisors also instructed officers "to look for vehicles containing possessions normally found in a home, such as food, bedding, clothing, medicine and basic necessities", according to the decision.

Judges said the ordinance, "paved the way for law enforcement to target the homeless and is therefore unconstitutionally vague".

"As noted, [the ordinance] is broad enough to cover any driver in Los Angeles who eats food or transports personal belongings in his or her vehicle. Yet it appears to be applied only to the homeless," Pregerson wrote.

## Topics

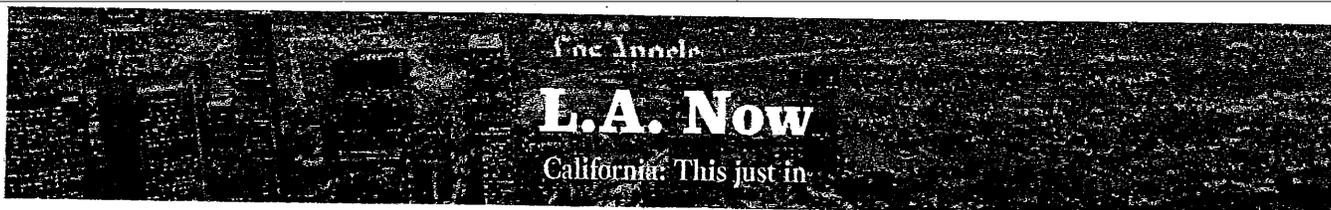
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## L.A.'s voided law against sleeping in cars costs it \$1.1 million in legal fees

By GALE HOLLAND

AUGUST 19, 2015, 4:15 PM

**T**he city of Los Angeles agreed Wednesday to pay \$1.1 million to lawyers who successfully challenged a municipal ordinance prohibiting homeless people from sleeping in their vehicles.

The payout comes as the city continues to press new enforcement laws against homeless encampments that have spread into residential neighborhoods over the last two years.

Lawyers have warned that the new laws, which make it easier to dismantle camps and dispose of homeless people's property, are unconstitutional.

Attorney Carol Sobel said the fee payout is one of a half-dozen agreements the city has reached with lawyers who brought civil rights challenges to police crackdowns on homeless people.

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"They never learn," said Sobel, who will share the newly awarded fees with the Legal Aid Foundation of Los Angeles and two other lawyers. "Instead of having money to spend on addressing the real problem of homelessness they are constantly feeding money into the bottomless pit of police suppression."

A spokesman for City Atty. Mike Feuer said he declined comment.

The vehicle-dwelling case was filed on behalf of a group of homeless people, including several disabled individuals, over a 2010 police crackdown on 250 people who began sleeping in their cars and motor homes on Venice streets at the height of the recession, Sobel said.

A federal appeals court last year struck down the ban, ruling it was unconstitutionally vague and an invitation to discriminate against the poor. The court said the ordinance could have

been enforced against people for napping or keeping food in their car, including road trippers or tourists.

"The city of Los Angeles has many options at its disposal to alleviate the plight and suffering of its homeless citizens," 9th U.S. Circuit Court of Appeals Judge Harry Pregerson wrote in the decision. "Selectively preventing the homeless and the poor from using their vehicles for activities many other citizens also conduct in their cars should not be one of those options."

In March, Feuer proposed a new vehicle-dwelling ordinance with a tighter focus that he said could pass court muster. Feuer also suggested that the city institute a limited permit process to allow car camping on nonresidential streets.

The city still faces an attorney fee claim in the case of an activist arrested during a noisy skid row protest, Sobel said. The federal appeals court ruled that the arrest by the LAPD was improper.

A fee claim also is outstanding in an appellate case concerning homeless people's belongings. The court ruled in that case that police violated homeless people's constitutional rights by seizing and destroying their property, also on skid row.

**Twitter:** @geholland

#### **MORE ON HOMELESS:**

L.A. city, county will expand homeless outreach on skid row

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As L.A. moves toward more homeless sweeps, long-term solution elusive

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# Fort Collins looks into letting homeless sleep in public

**Sarah Jane Kyle, The Coloradoan** 7:05 a.m. MDT June 12, 2015

City of Fort Collins staff are considering policy changes that would give homeless individuals the right to rest in Fort Collins.

Deputy City Manager Jeff Mihelich said the city is looking at drafting proposals that would allow sleeping in a car on private property, such as a church parking lot...

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## It's unconstitutional to ban the homeless from sleeping outside, the federal government says

By Emily Badger August 13

We all need sleep, which is a fact of life but also a legally important point. Last week, the Department of Justice argued as much in a statement of interest it filed in a relatively obscure case in Boise, Idaho, that could impact how cities regulate and punish homelessness.

Boise, like many cities — the number of which has swelled since the recession — has an ordinance banning sleeping or camping in public places. But such laws, the DOJ says, effectively criminalize homelessness *itself* in situations where people simply have nowhere else to sleep. From the DOJ's filing:

When adequate shelter space exists, individuals have a choice about whether or not to sleep in public. However, when adequate shelter space does not exist, there is no meaningful distinction between the status of being homeless and the conduct of sleeping in public. Sleeping is a life-sustaining activity — i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.

Such laws, the DOJ argues, violate the Eighth Amendment protections against cruel and unusual punishment, making them unconstitutional. By weighing in on this case, the DOJ's first foray in two decades into this still-unsettled area of law, the federal government is warning cities far beyond Boise and backing up federal goals to treat homelessness more humanely.

"It's huge," says Eric Tars, a senior attorney for the National Law Center on Homelessness & Poverty, which originally filed the lawsuit against Boise, alongside Idaho Legal Aid Services.

*[Lifting bans on sleeping outside won't stop criminalization of homelessness]*

According to a NLCHP report last year that surveyed 187 cities between 2011 and 2014, 34 percent had citywide laws banning camping in public. Another 43 percent prohibited sleeping in vehicles, and 53 percent banned sitting or lying down in certain public places. All of these laws criminalize the kind of activities — sitting, resting, sleeping — that are arguably fundamental to human existence.

And they've criminalized that behavior in an environment where most cities have far more homeless than shelter beds. In 2014, the federal government estimates, there were about 153,000 unsheltered homeless on the street in the U.S. on any given night.

Laws like these have grown more common as that math has actually grown worse since the recession.

"Homelessness is just becoming more visible in communities, and when homelessness becomes more visible, there's more pressure on community leaders to do something about it," Tars says. "And rather than actually examining what's the best thing to do about homelessness, the knee-jerk response — as with so many other things in society — is 'we'll address this social issue with the criminal justice system.'"

It's also easier, he adds, for elected officials to argue for criminal penalties when the public costs of that policy are much harder to see than the costs of investing in shelters or services for the poor. Ultimately, though, advocates and the federal government have argued, it's much more expensive to ticket the homeless — with the court, prison and health costs associated with it — than to invest in "housing first" solutions that have worked in many parts of the country.

Criminal citations also compound the problem of homelessness, making it harder for people to qualify for jobs or housing in the future.

"You have to check those [criminal] boxes on the application forms," Tars says. "And they don't say 'were you arrested because you were trying to simply survive on the streets?' They say 'if you have an arrest record, we're not going to rent to you.'"

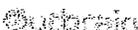
NLCHP's goal, Tars says, isn't to protect the rights of people to live on the street, but to prevent and end homelessness. That means adding a lot more shelter beds and housing options in places like Boise — which has three shelters run by two nonprofits — so people have options other than the street.

The DOJ's argument is based on the logic in an earlier Ninth Circuit decision, striking down a vagrancy law in Los Angeles, that was ultimately vacated in a settlement. That logic specifically says it's unconstitutional to punish people for sleeping outside if there aren't enough beds for them to sleep indoors. If there are, the constitutional question would be different, although the moral and policy implications may remain the same.

"Homelessness never left town because somebody gave it a ticket," Tars says. "The only way to end homelessness is to make sure everybody has access to affordable, decent housing."

Emily Badger is a reporter for Wonkblog covering urban policy. She was previously a staff writer at The Atlantic Cities.

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**It's unconstitutional to ban the homeless from sleeping outside, the federal government says** By Emily Badger August 13

<http://www.washingtonpost.com/news/wonkblog/wp/2015/08/13/its-unconstitutional-to-ban-the-homeless-from-sleeping-outside-the-federal-government-says/>

A homeless man takes a nap on a bench at the snow-covered Lafayette Park near the White House in Washington in February 2014. (Jewel Samad/Agence France-Presse)

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## The Hidden Cost of Homelessness

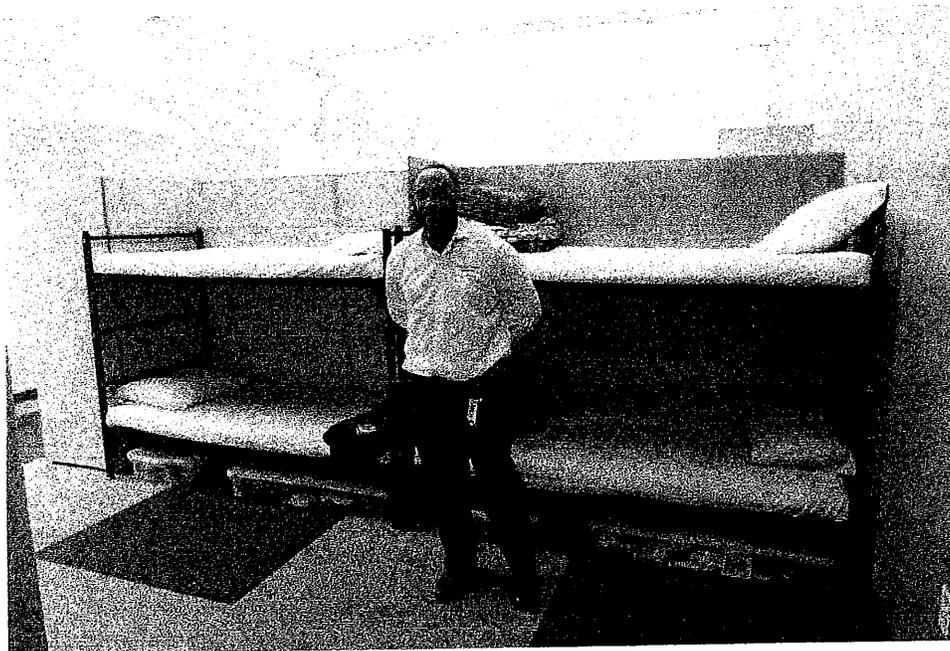
- Annual cost of homelessness in the USA is **\$35,000 - \$150,000** annually per homeless person
  - includes programs, law enforcement, medical, food, psych holds, ambulances, etc.
- The cost to **HOUSE** someone is **\$12,000 - \$25,000** annually per homeless person

**Vox**

# Giving housing to the homeless is three times cheaper than leaving them on the streets

*Updated by Matthew Yglesias on February 4, 2015, 10:50 a.m. ET*

 @mattyglesias  matt@vox.com



The new Central Union Mission shelter in Washington, DC

Jewel Samad/AFP

The final week of January saw an annual ritual in government statistical gathering that few people know about — the Department of Housing and Urban Development's Point-in-

Time survey of the homeless population, in which HUD recruits volunteers around the country to go out and try to count up all the homeless people living in America. This year, White House Chief of Staff Dennis McDonough even joined up, volunteering as part of the San Francisco PIT crew (<http://www.sfgate.com/bayarea/article/Obama-s-right-hand-man-joins-S-F-homeless-count-6050710.php>).

Counting the homeless is, of course, a critical element to making appropriate homelessness policy. But good policy also requires greater awareness of a discovery that research continuously confirms — it's cheaper to fix homelessness by giving homeless people homes to live in than to let the homeless live on the streets and try to deal with the subsequent problems.

The most recent report along these lines was a May Central Florida Commission on Homelessness study indicating that the region spends \$31,000 a year per homeless person ([http://articles.orlandosentinel.com/2014-05-21/news/os-cost-of-homelessness-orlando-20140521\\_1\\_homeless-individuals-central-florida-commission-tulsa](http://articles.orlandosentinel.com/2014-05-21/news/os-cost-of-homelessness-orlando-20140521_1_homeless-individuals-central-florida-commission-tulsa)) on "the salaries of law-enforcement officers to arrest and transport homeless individuals — largely for nonviolent offenses such as trespassing, public intoxication or sleeping in parks — as well as the cost of jail stays, emergency-room visits and hospitalization for medical and psychiatric issues."

*BETWEEN 2005 AND 2012 THE RATE OF  
HOMELESSNESS IN AMERICA  
DECLINED 17 PERCENT*

By contrast, getting each homeless person a house and a caseworker to supervise their needs would cost about \$10,000 per person.

This particular study looked at the situations in Orange, Seminole, and Osceola Counties in Florida and of course conditions vary from place to place. But as Scott Keyes points out

( <http://thinkprogress.org/economy/2014/05/27/3441772/floric-homeless-financial-study/>), there are similar studies showing large financial savings in Charlotte ( <http://thinkprogress.org/economy/2014/03/24/3418140/char-homeless-study/>) and Southeastern Colorado ( <http://thinkprogress.org/economy/2013/09/05/2579451/colo-homeless-shelter/>) from focusing on simply housing the homeless.

The general line of thinking behind these programs is one of the happier legacies of the George W Bush administration.

His homelessness czar Philip Mangano was a major proponent of a "housing first" approach

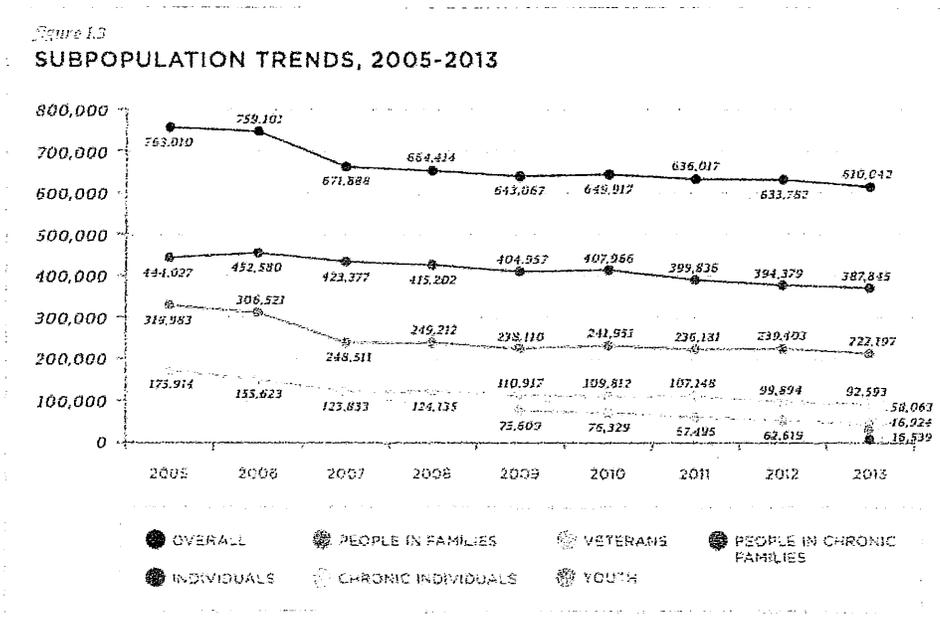
( [http://www.newyorker.com/archive/2006/02/13/060213fa\\_fi](http://www.newyorker.com/archive/2006/02/13/060213fa_fi) to homelessness. And by and large it's worked. Between 2005 and 2012, the rate of homelessness in America declined 17 percent

(<http://www.theatlantic.com/business/archive/2013/08/the-astonishing-decline-of-homelessness-in-america/279050/>).

Figures released this month from the National Alliance to End Homeless showed another 3.7 percent decline

([http://b.3cdn.net/naeh/d1b106237807ab260f\\_qam6ydz02.pdf](http://b.3cdn.net/naeh/d1b106237807ab260f_qam6ydz02.pdf))

That's a remarkable amount of progress to make during a period when the overall economic situation has been generally dire.



Source: National Alliance to End Homelessness

But the statistical success of anti-homelessness efforts even in the face of a bad economy underscores the point of the Florida study.

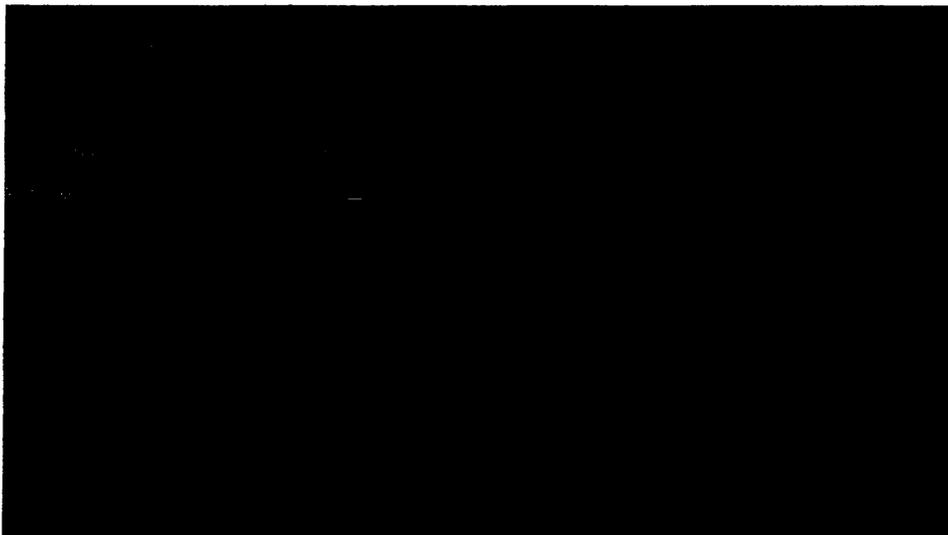
When it comes to the chronically homeless, you don't need to fix everything to improve their lives. You don't even really need new public money. What you need to do is target those resources at the core of the problem — a lack of housing — and deliver the housing, rather than spending twice as much

on sporadic legal and medical interventions. And the striking thing is that despite the success of housing first initiatives, there are still lots of jurisdictions that haven't yet switched to this approach. If Central Florida and other lagging regions get on board, we could take a big bite out of the remaining homelessness problem and free up lots of resources for other public services.

**Further reading:**

- [11 myths about homelessness in America](http://www.vox.com/2015/1/15/7552441/homeless-facts-myths)  
( <http://www.vox.com/2015/1/15/7552441/homeless-facts-myths>)

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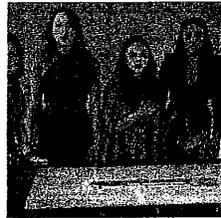


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# L.A. leaders to declare homeless emergency

The plan would devote up to \$100 million to the issue

By Peter Jamison,  
David Zahniser  
and Matt Hamilton

Acknowledging their failure to stem a surge in homelessness, Los Angeles' elected leaders on Tuesday said they would declare a "state of emergency" and devote up to \$100 million to the problem. But they offered few details about where the money would come from or how it would be spent, leaving some to question the effort's chances of success.

The announcement by seven City Council members and Mayor Eric Garcetti was a powerful signal of growing alarm at City Hall over L.A.'s homeless population, which has risen 12% since 2013, the year Garcetti took office. It coincided with a directive from the mayor Monday evening that the city free up an additional \$13 million in the coming months to help house people living on the streets.

Some lawmakers assert that their proposed declaration — which the council must still vote to approve — would allow the city to ease restrictions on churches and nonprofit groups sheltering the home-

## Life on the streets of L.A.

**Growing:** In both the city and county of Los Angeles, the homeless population has jumped 12% in the last two years.

**Shelters:** The number of tents, makeshift encampments and vehicles occupied by homeless people soared 85% to 9,535, according to biennial figures from the Los Angeles Homeless Services Authority.

**Countywide:** More than 44,000 homeless people were tallied in January, up from more than 39,000 in 2013, the report said. Well over half — nearly 26,000 — were in the city of Los Angeles.

less and speed up the permitting process for builders of affordable housing. They pointed to a state law that allows the city to declare a "shelter crisis" and use public facilities such as parks or schools as emergency housing.

"It's time to get real, because this is literally a matter of life and death," said Councilman Mike Bonin, whose Westside district is home to many of the makeshift sidewalk encampments that are an increasingly glaring symbol of the problem across the city. He spoke of a "collective failure of every level of government to deal with what has been a homeless crisis for generations and is exploding and exacerbating now."

Despite such tough talk, however, Tuesday's announcement was marked by signs of the confused tactics critics say have hindered an effective city response to a growing challenge. Council members haven't identified the sources for all of the money or how it would be used. Meanwhile, the mayor has yet to release a sweeping plan — now weeks overdue — he says he is crafting to end homelessness.

[See Homeless, A12]

# Few details on homeless directive

[Homeless, from A1]  
 "This is all simply words," said Mark Ryavec, president of the Venice Stakeholders Assn., which has argued for a more aggressive approach to clearing encampments and housing the homeless. "Again, it shows an ongoing lack of leadership on behalf of the city."

Gary Blasi a professor emeritus at the UCLA School of Law, said the promise to fund new housing and services for the 26,000 homeless people in L.A. was a positive step for a city government that has recently been preoccupied with empowering the police to crack down on encampments. "If it is purely symbolic,

that will be bad," Blasi said. "But at least people are engaging in a conversation about how to solve the problem instead of just moving it around the city."

Tuesday's announcement was the second high-profile declaration about homelessness from L.A. city officials in as many months. Late in July, Garcetti said in a speech that his office was preparing a three-part "battle plan" for what he dubbed a "war on homelessness here in Los Angeles." He said the plan would be released in "about a month."

Two months later, the mayor's office has not issued the plan, although Garcetti has spoken in broad strokes

about what it would involve. On Tuesday he said its "main pillars" were the expansion of a system for tracking homeless people used by county and city officials; new centers for street dwellers to store their belongings and use social services; and anti-poverty measures (such as L.A.'s recent move to raise the minimum wage) that could prevent people from losing their homes in the first place.

The directive issued Monday night is intended to fund stopgap measures until Garcetti's larger plan is finalized. The mayor asked City Administrative Officer Miguel Santana to find funding for initiatives such

as housing subsidies for the newly homeless and to keep the city's winter shelters open an extra two months through what is expected to be a season of heavy rain and floods.

"These are our fellow Angelenos," Garcetti said Tuesday, referring to the people who regularly sleep on the lawns and benches around City Hall. He said they "have no other place to go, and they're literally here where we work, a symbol of our city's intense crisis."

In an interview, Santana, the city's top financial official, declined to say where the money sought by the mayor and council could be found in a budget that only

recently began to recover from revenue shortfalls caused by years of recession. The council is "asking us to look at all revenues the city has access to, so we will do that," he said. Bonin, a member of the city's budget committee, said much of the \$100 million could come from the city's reserve fund, which is set aside for financial emergencies.

Councilman Gil Cedillo, chairman of the city's housing committee, said some of the money could be used to install lights and hire guards for city and church parking lots, which could host people living in their cars or RVs. He also suggested designating city-run pools as places for

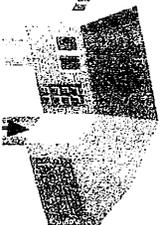
the homeless to shower and eating planning and environmental regulations to speed construction of low-income housing projects. "We need to act like it's an emergency," Cedillo said. "We can't do business as usual."

The homelessness problem's reach can be seen in the clusters of tents, tarps and shopping carts that have spread far beyond downtown's skid row, taking root in neighborhoods from Studio City to Highland Park. The number of encampments and vehicles occupied by the homeless has increased 85% over the last two years, according to the Los Angeles Homeless Services Authority.

**Sewage to beverage**  
 The MWD plans to build a vast water recycling network that would purify sewage from the Sanitation Districts of Los Angeles County and store it in underground aquifers for later use as drinking water. Roughly 150 million gallons per day of treated sewage water would be converted to potable use instead of being flushed into the Pacific Ocean, officials estimate.

## Agency plans plant to make waste drinkable

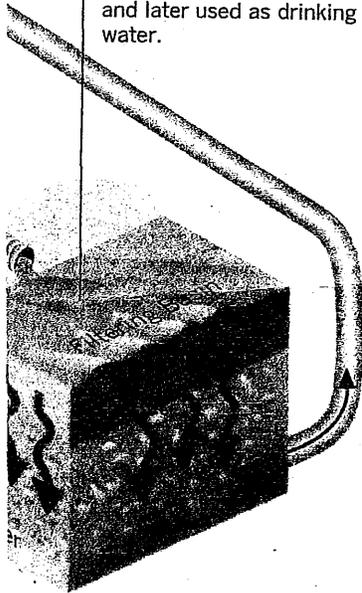
1 Waste leaves home through sewer system.



2 Purified water is pumped through a network of...

For merchants and homeowners, the encampments can be an unpleasant and sometimes dangerous disruption of daily life. Councilman Paul Krekorian, who represents part of the San Fernando Valley, said he receives calls "on a daily basis" from constituents concerned about the issue. An aide to Councilman Joe Buscaino said about 1,200 people attended a recent meeting in San Davien.

4 Purified water is pumped through a network of pipelines to area filtering basins. From there, the water percolates into aquifers. Water is stored and later used as drinking water.



Graphics reporting by MONTE MORIN  
Los Angeles Times

Joe Buscaino said about 1,200 people attended a recent meeting in San Pedro on the problem.

Though other big U.S. cities have seen rising homelessness numbers, L.A.'s problem has gained special notoriety. In August, New York City Police Commissioner Bill Bratton — a former chief of the Los Angeles Police Department — said in a much-publicized radio interview that "L.A. has probably the worst situation in the country of homeless."

Council President Herb Wesson said one goal of the emergency declaration was to give Garcetti leverage as he seeks additional funding for homelessness programs from the county, state and federal government — demonstrating L.A.'s seriousness by pledging a chunk of its own budget.

The declaration is also intended to show that the council, which in May approved an ordinance enabling police to sweep encampments from sidewalks, is willing to devote resources to housing and services as well as enforcement.

"The key for us is to try to come up with money to be spent taking people off the street, and that we really haven't invested in," Wesson said. "We've got to begin that conversation."

Jay Handal, chairman of the West L.A.-Sawtelle Neighborhood Council, said the council is moving in the right direction but has its work cut out.

"It's going to take a whole lot more than \$100 million, spent wisely, to fix the problem we've created for 40 years," Handal said. "But this is a good start."

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ling, water caused arsenic to escape from clay sediments in a way that water filtered in naturally did not.

ould The solution, according to Stanford University researchers, was to add calcium to the purified water before adding it to the aquifer.

ent Gold said there will be "enormous obstacles" ahead, such as figuring out where to store all the groundwater, determining who has rights to which aquifers and garnering political support for the project across the MWD board.

con- "But this is so sorely needed," he said, "we have to figure out how to make it work."

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