



City Council Report

Date: November 18, 2024
To: City Council
Through: Scott Butler, Assistant City Manager
From: Kenneth Cost, Chief of Police, Mesa Police Department
Subject: Proposed Urban Camping Ordinance
Citywide

Purpose and Recommendation

The purpose of this report is to request City Council approval of a proposed amendment to the Mesa City Code related to camping on City property by the creation of new Title 6, Chapter 1, Section 23 entitled "Urban Camping".

Background

In 2018, the U.S. Ninth Circuit Court of Appeals ruled in *Martin v. Boise* that municipalities were limited on enforcing violations of camping in public spaces if shelter beds were not made available to the person. During the subsequent years, Mesa developed a multifaceted approach to addressing homelessness through the "Off the Streets" program, which offered temporary housing to individuals experiencing homelessness, along with accompanying services.

In June 2024, the U.S. Supreme Court ruled in the *Grants Pass v. Johnson* case that municipalities can prohibit actions such as occupying a campsite on public property to maintain a temporary place to live, regardless of whether there was a shelter bed available. That decision also found that a sentence, which would be equivalent to a Class 3 Misdemeanor under Arizona law, was not unconstitutional.

The City of Mesa currently has prohibitions in its Public Park Regulations (Title 6, Chapter 10 of the Mesa City Code) related to camping in City parks. The Mesa City Code also contains provisions that generally prohibit the blocking of City right-of-way by lying, sleeping, or remaining in a sitting position except in the case of an emergency (MCC 6-1-17); however, the City does not have an ordinance generally prohibiting camping on City property.

Discussion

Pursuant to the recent Supreme Court ruling in *Grants Pass*, a new Urban Camping ordinance is proposed which would allow City officials to enforce violations when people are camping on property that is owned and controlled by the City, including vacant land and parking lots. City officials have been enforcing the current Public Park Regulations and City Code provisions pertaining to blocking the right-of-way, but implementing an Urban Camping ordinance would allow the City to enforce camping more broadly on certain City property. Although this ordinance would allow for an expansion of enforcement efforts related to Urban Camping, City staff is still committed to a services first enforcement, such as offering a shelter bed and resources to individuals violating this code, when feasible and appropriate. A violation of the proposed ordinance would be a class 3 misdemeanor, making it consistent with the range of sentence deemed Constitutional in the *Grants Pass* decision.

Alternatives

City Council can recommend additional or different changes to the proposed amendment to Mesa City Code Title 6, Chapter 23: Urban Camping.

City Council also has the option to not pass the proposed ordinance amendment, which shall have the effect of not enacting an Urban Camping ordinance.

Fiscal Impact

These changes are not expected to have a significant fiscal impact.

Coordinated With

The report and proposed ordinance were completed in coordination with the City Attorney's Office and City Prosecutor's Office.