

# **Spatial Politics of Homelessness:**

## *Sleeping in Public, Sleeping in Parks*

**ARCH\_698a: Advanced Design Research - Spatial Politics of Homelessness**

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**Sept 24, 2020**

# *What is the current situation?*

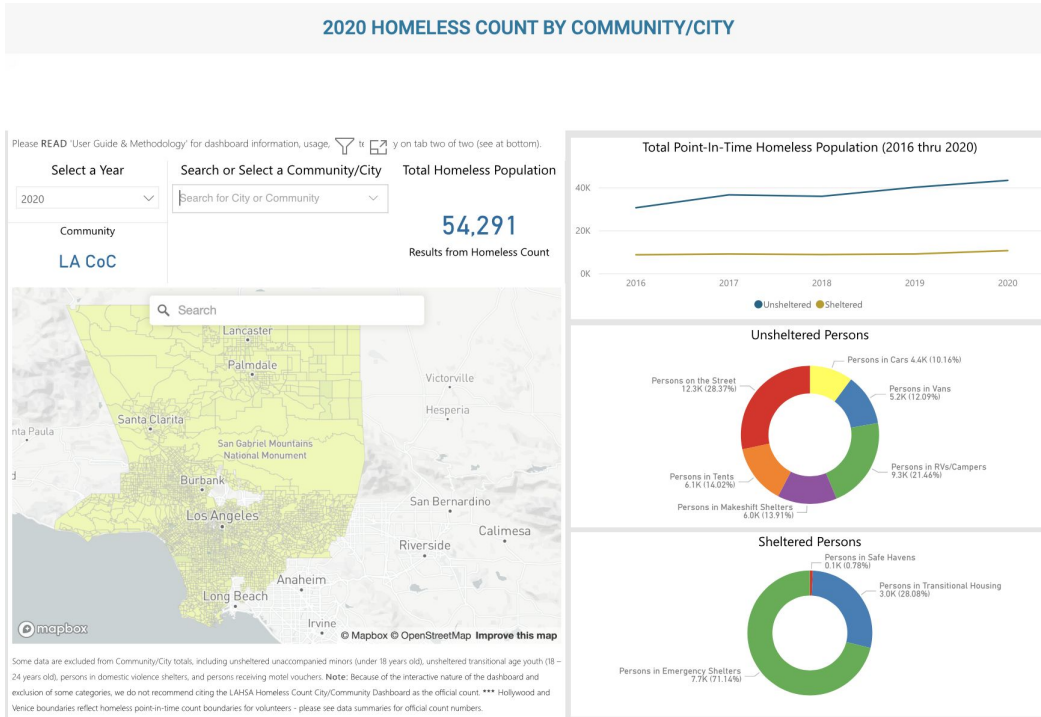
It is technically illegal to do so in LA parks overnight, with “bulky items,” or with tents or other shelters.

The current laws talk about the importance of maintaining health and cleanliness, and not interfering with other people’s enjoyment of the park.

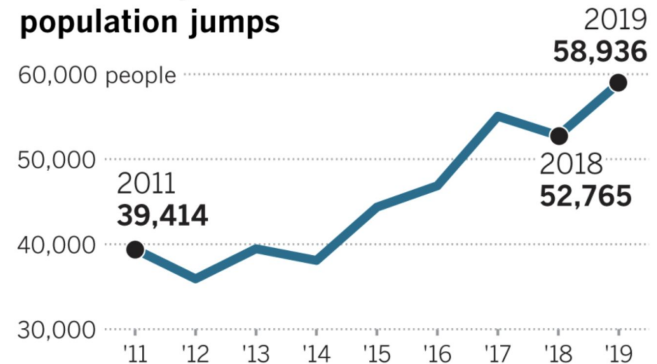
# Why are these laws established?

Homeless in Los Angeles sleeping in public space.

Total 54291; In street 12300; Intents 6100; In campers 9300; In cars 4400; In vans 5200.



## L.A. County homeless population jumps



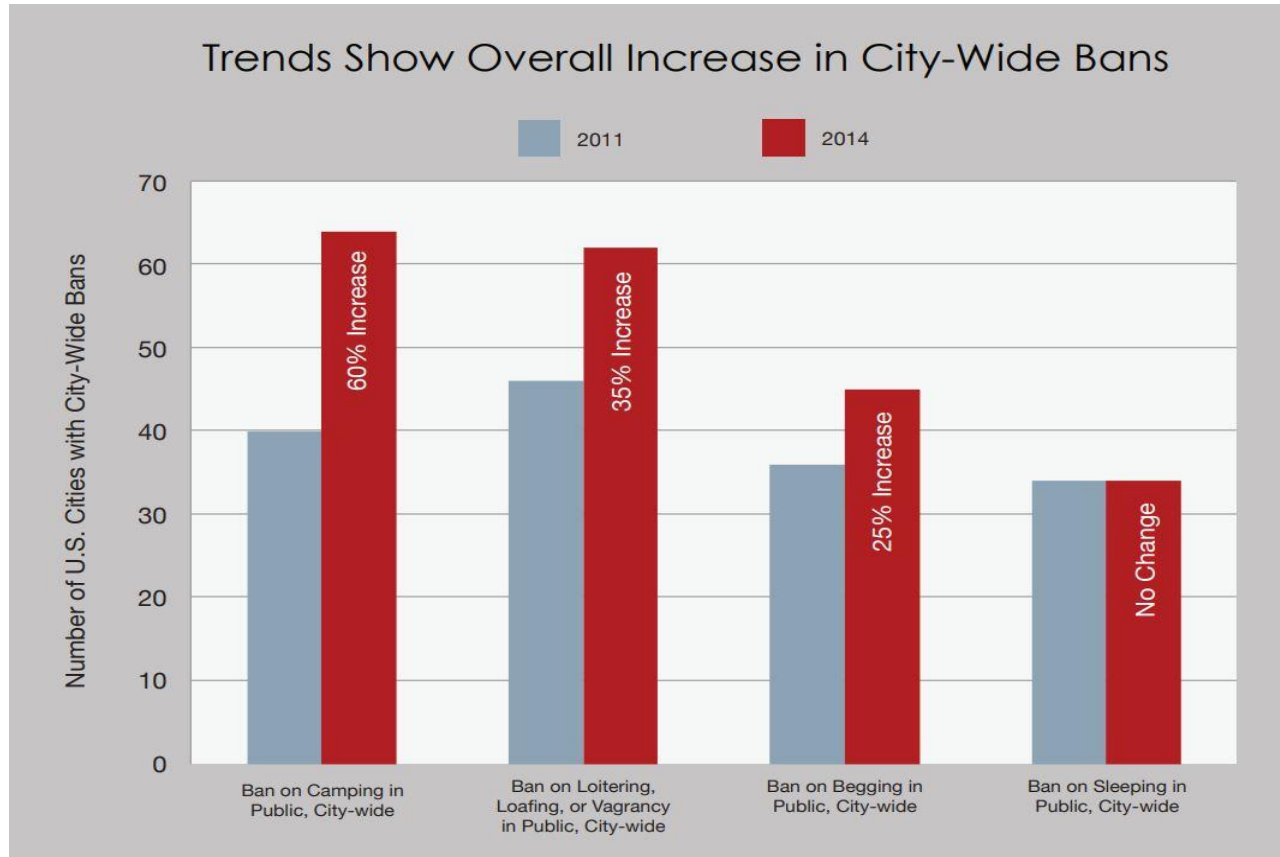
Source: Los Angeles Homeless Services Authority

Los Angeles Times

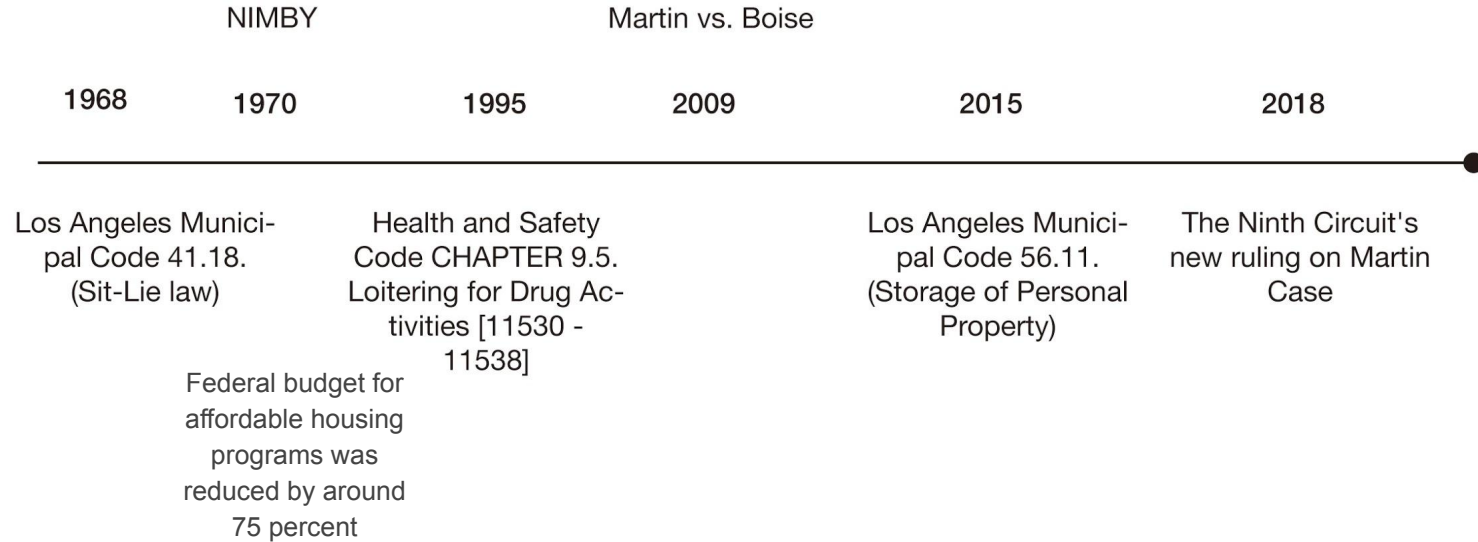
<https://www.lahsa.org/data?id=45-2020-homeless-count-by-community-city>

<https://www.lahsa.org/news?article=726-2020-greater-los-angeles-homeless-count-results>

# What are the national tendencies?



# Timeline



# LAWS?

- **LOITERING AND VAGRANCY** - Los Angeles Municipal Code, CHAPTER IV PUBLIC WELFARE, ARTICLE 1 DISORDERLY CONDUCT PLACES AND PUBLICATIONS , SEC. **41.18**. SIDEWALKS, PEDESTRIAN SUBWAYS
- **SIT - LAY-** Los Angeles Municipal Code, CHAPTER IV PUBLIC WELFARE, ARTICLE 1 DISORDERLY CONDUCT PLACES AND PUBLICATIONS, SEC. **41.22**.
- **BEGGING** - Los Angeles Municipal Code, CHAPTER IV PUBLIC WELFARE, TITLE 2 SOLICITING – SALES, SEC. **42.20**. FOOD AND DRINK ESTABLISHMENTS – ANNOYANCE OF CUSTOMERS FORBIDDEN.
- **STORAGE OF PERSONAL PROPERTY. 56.11** Los Angeles Municipal Code, . STORAGE OF PERSONAL PROPERTY.
- **Loitering for Drug Activities 11530 - 11538**

[http://clkrep.lacity.org/onlinedocs/2014/14-1656\\_misc\\_05-21-2015.pdf](http://clkrep.lacity.org/onlinedocs/2014/14-1656_misc_05-21-2015.pdf)

[https://nlchp.org/wp-content/uploads/2019/02/No\\_Safe\\_Place.pdf](https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf)

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=11532](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=11532)

# Storage of Personal Property (56.11)



**"Personal Property"** means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items.



**"No Person"** shall Store Personal Property in any **Park**."

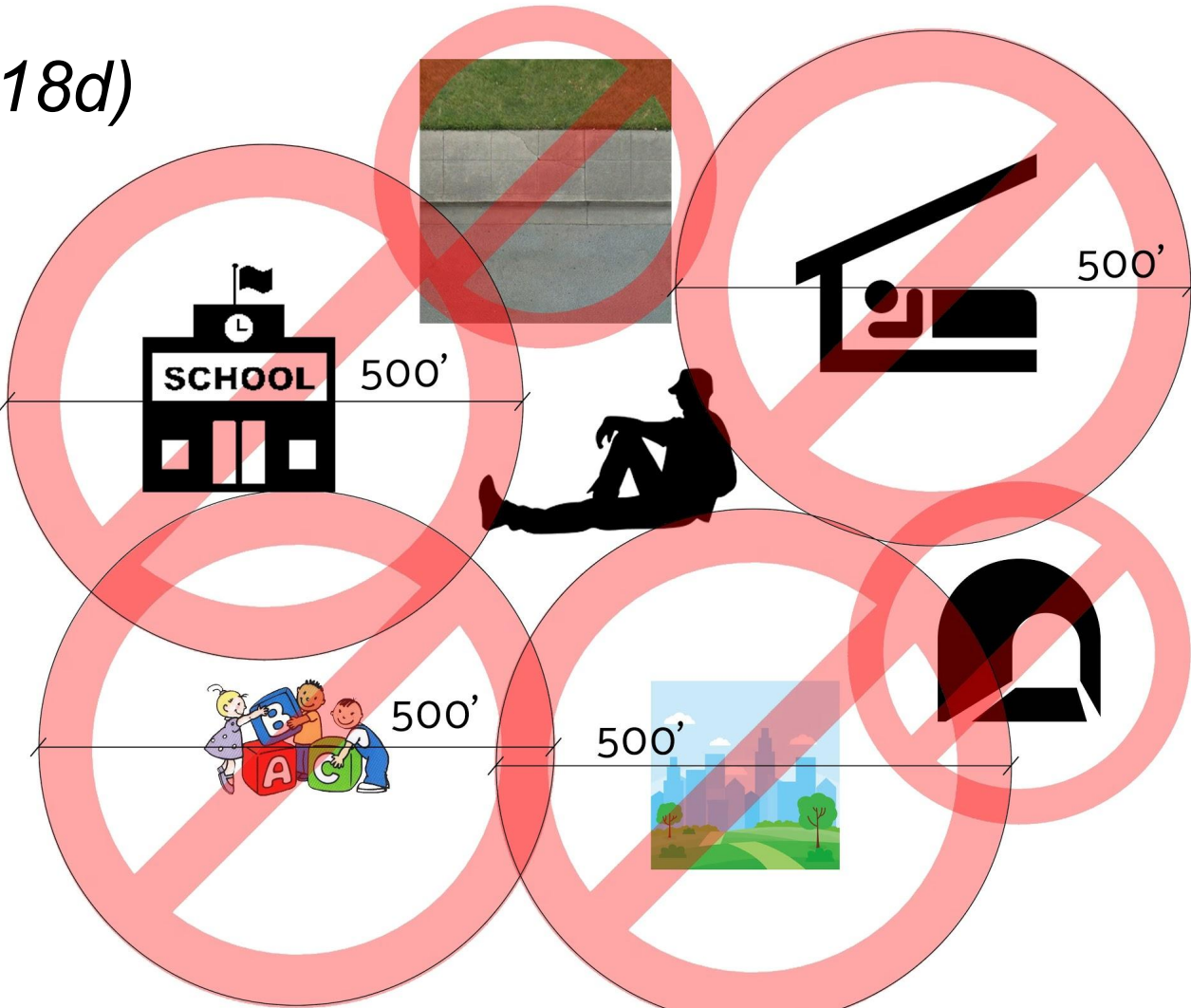
All Stored Personal Property remaining in any Park after closing may be removed by the City.



The City may remove and discard any non-permitted Bulky Item from a Park **without prior notice**.

In the event Personal Property placed in a Park poses an immediate threat to the health or safety of the public, the City may remove and discard it without prior notice.

# SIT / LAY (41.18d)





# *DANGEROUS, MENTALLY ILL AND ON DRUGS?* **NIMBY**

*How did we get to this collection of laws and this specific language?*

*Why are these laws established?*

-NIMBY (Local)

An acronym for "Not In My Backyard," describes the phenomenon in which residents of a neighbourhood designate a new development (e.g. shelter, affordable housing, group home) or change in occupancy of an existing development as inappropriate or unwanted for their local area.

-Federal Government pressure

"The State of Homelessness" Report - The White House

# MARTIN VS. BOISE

## Timeline

*“As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”*

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**2009**    **In Boise, Idaho, it was illegal to sleep in public.** Robert Martin, who has difficulty walking, received a citation for resting near a shelter. He was found guilty at trial and charged \$150.

**On October 22, 2009, Bell, Martin, and nine other homeless people sued the City.**

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**2011**    On July 6, 2011, the district court granted summary judgment to the City.

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**2013**    In 2013, the Ninth Circuit reversed and remanded. Contra the district court decision, it held that retrospective relief was possible because the plaintiffs were challenging the City’s enforcement, not their state court judgments.

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**2014**    Magistrate Judge Bush barred retrospective relief because the plaintiffs had not contested their convictions before filing the case.

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**2018**    The Ninth Circuit **ruled that enforcement of ordinances that prohibit sleeping or camping on public property against homeless individuals is unconstitutional when those individuals do not have a meaningful alternative,** such as shelter space or a legal place to camp.

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**2019**    The Ninth Circuit subsequently amended its opinion slightly in April 2019

# *MARTIN VS. BOISE*

## Reactions of other local government

### City of Burien — Addressing Camping in Parks

In May 2019, the City of Burien adopted a four-month pilot program to address camping in city parks.

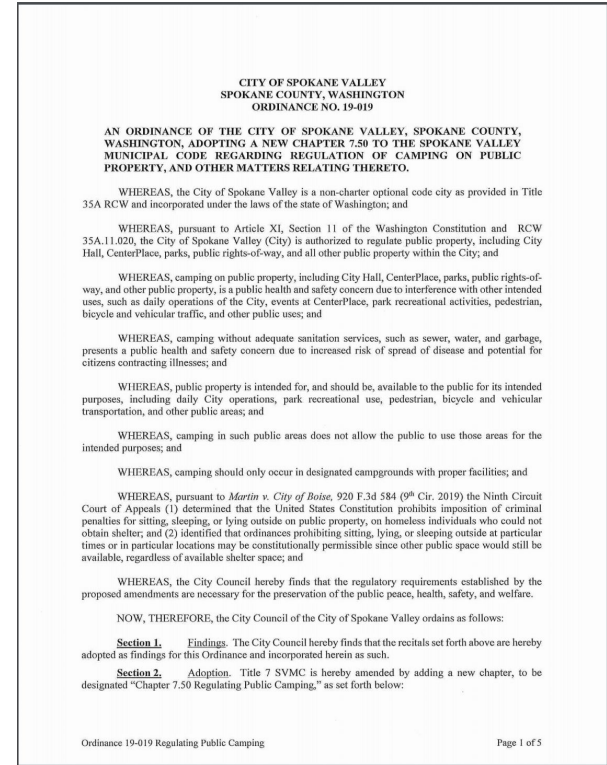


# MARTIN VS. BOISE

## Reactions of other local government

City of Spokane Valley — Post-Martin  
Camping Ordinance

The City of Spokane Valley adopted  
an ordinance regulating camping on  
public property in November 2019.



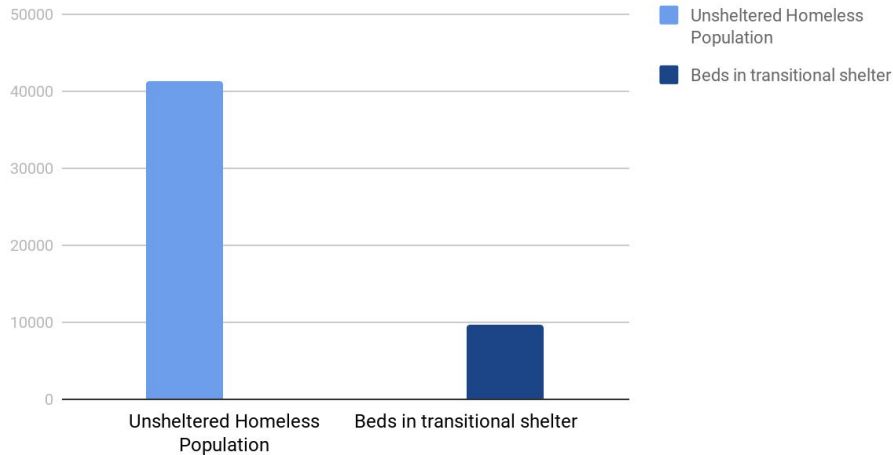
Ordinance 19-019 camping Public Property

# MARTIN VS. BOISE

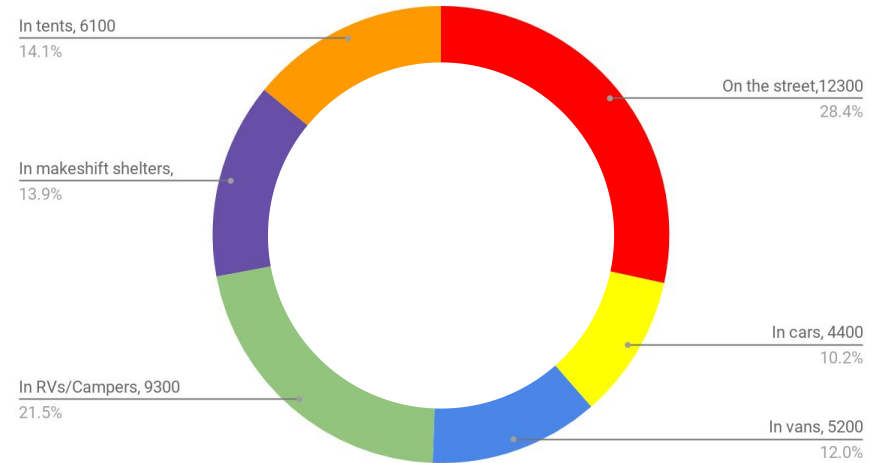
# beds shelters vs the number of beds needed. LA

# affordable housing units available. LA

Beds Shelters vs The Number of Beds Needed



Unsheltered Homeless Population



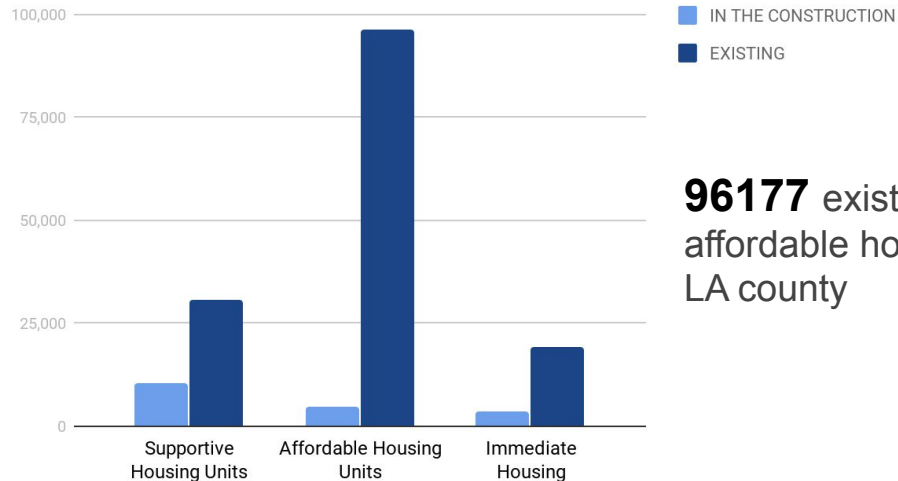
# MARTIN VS. BOISE

# beds shelters vs the number of beds needed. LA

# affordable housing units available. LA vs housing unit deficit. LA

## Starting point for initiatives such as *Housing First*.

affordable housing units available in LA County



**96177** existing affordable housing in LA county

**516946** affordable units should be provided to meet existing demand from low-income renters

**2205** affordable units had turned to market rate from 2012 to 2016.

Los Angeles County lost **5057** affordable units between 1997 and 2019.

# Housing First vs. The State of Homelessness

## Typical "Housing Readiness"



## Housing First



## The State of Homelessness: 2020 Edition

 National Alliance to  
END HOMELESSNESS

[endhomelessness.org/data](https://endhomelessness.org/data)

# Ways that landscape architectural standards are implicitly or explicitly discouraging sleeping in public?

## **PHYSICAL:**

Tall retaining walls, planter edges other elements. Temporary barriers.

Skate, sitting deterrent elements. Planting that discourages seating.

No shade. Complete openness within / physical disconnection from surroundings.

Fast surrounding traffic. Streets not considered part of the site.

## **Enforced:**

Laws such as 41.18, 41.22, 42.20, 56.11, 11530 - 11538 Municipal code.

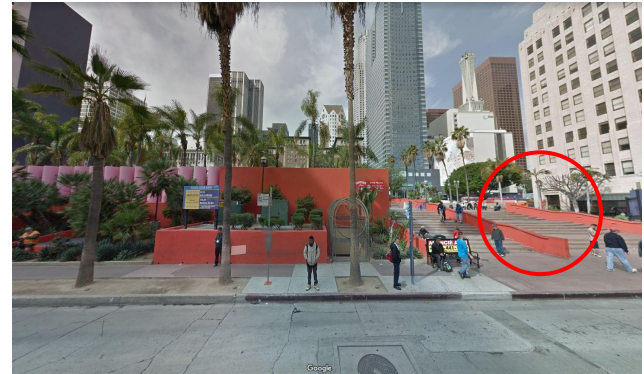
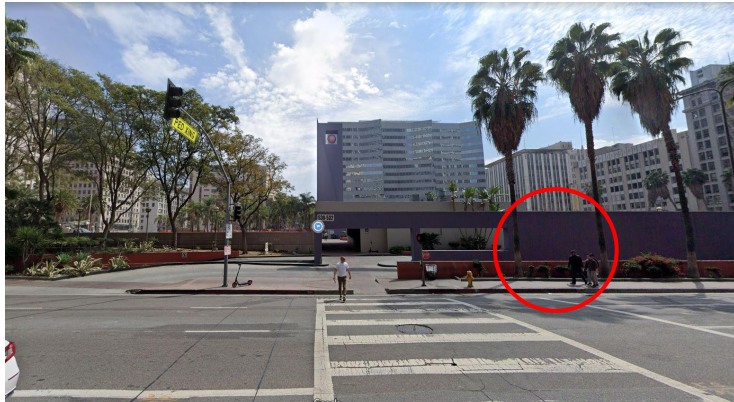
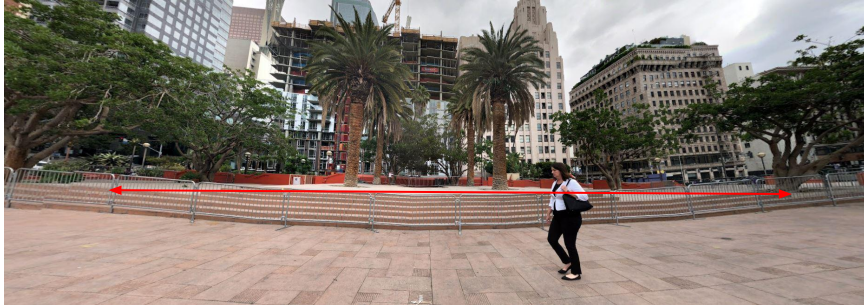
Police and agents empowered by measures such as BID.

Found together.



SIT LAY

# PHYSICAL & ENFORCED CONDITIONINGS



# *Detering Deterrents*



[Archisuits - Sarah Ross](#)

# Deterring Deterrents



**Counterweight Shelter: Urban Prosthetics** Hector Covarrubias 2010

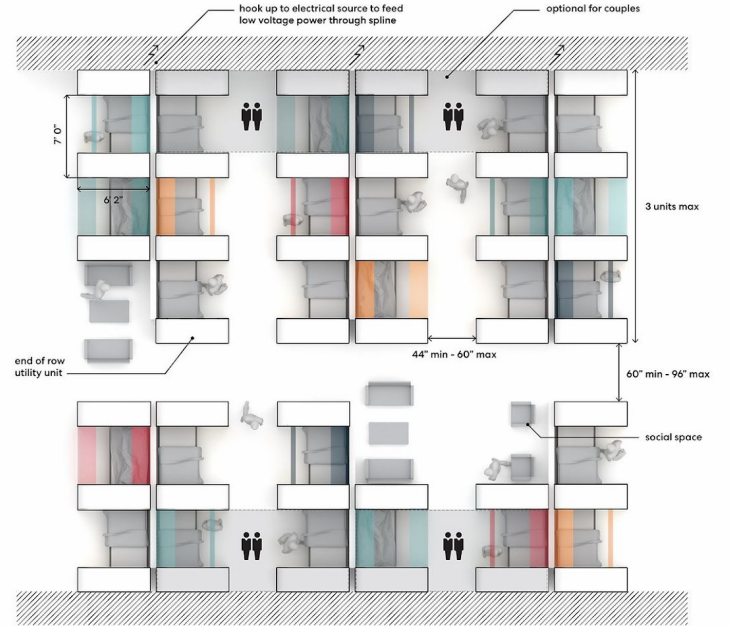
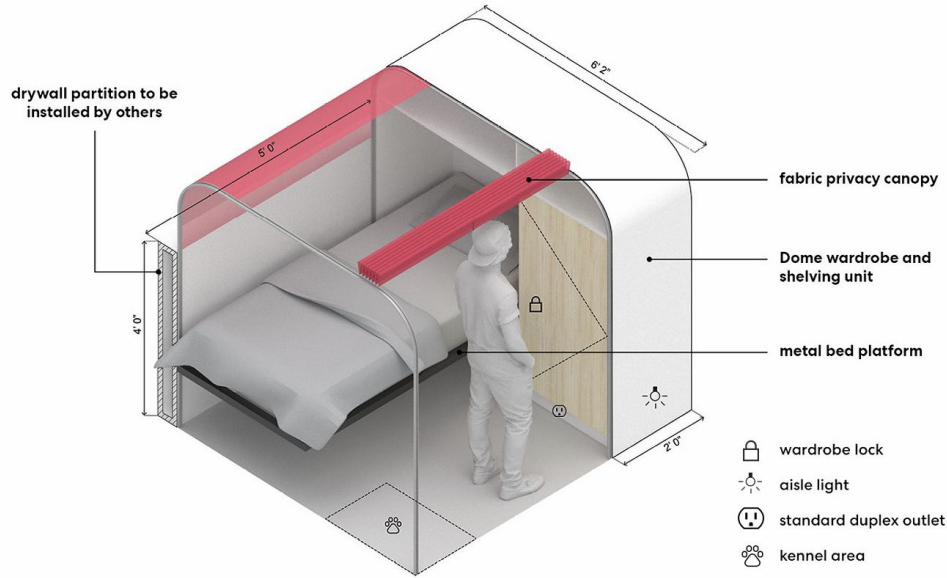
*How about the  
future trends?*

# SAFE LANDING (KFA) + DOME UNIT (Perkins and Will)

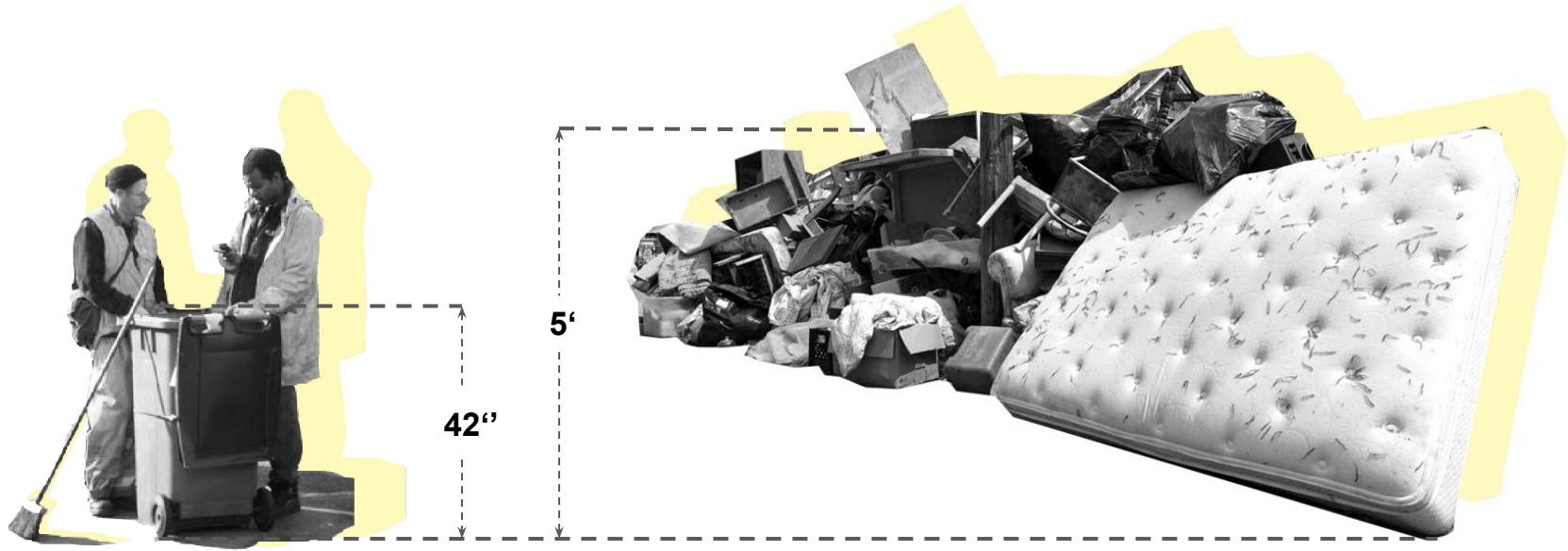




Sleep Pod for Interim Housing



# BULKY ITEMS?





# *Where can unhoused people store their things? AUTHOR?*

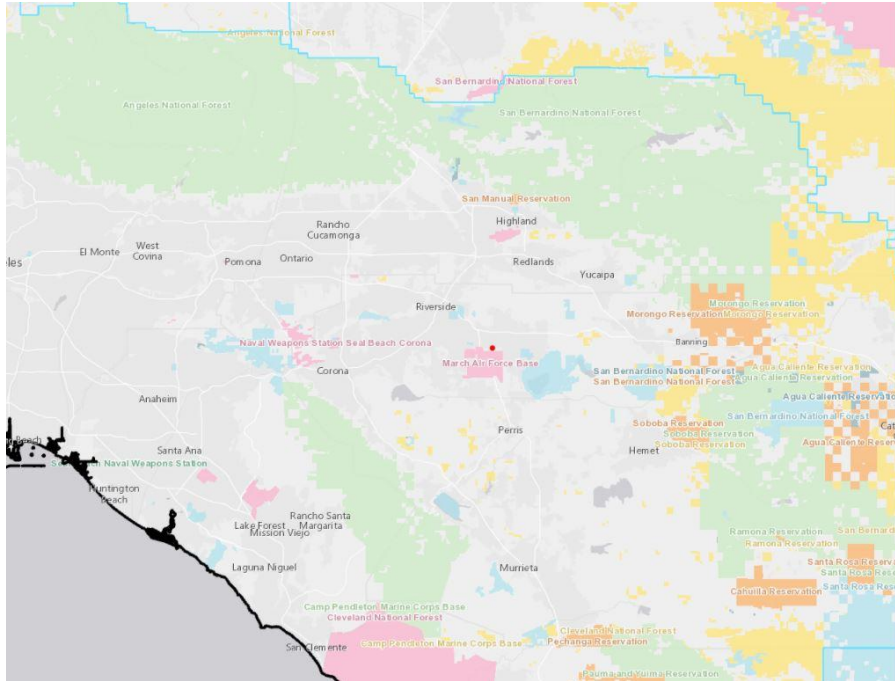
-On a sparsely developed corner, on Skid Row in **Los Angeles**, where tent cities sometimes stretch the length of entire blocks, a line is forming outside a storage facility known as The Bin.

-Another example, San Diego's Transitional Storage Center provides more than 350 bins for homeless residents to stash their things, each bin holds up to 96 gallons.



An interior view of The Bin,

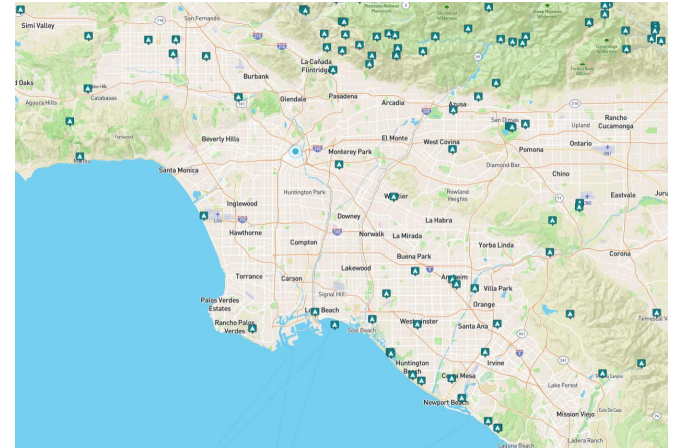
# WHERE IS CAMPING ALLOWED?



- Administrative Units**
- BLM Administrative Unit Office Points
  - Other
  - Field
  - District
  - State
  - BLM Administrative Unit State Boundary
  - BLM Administrative Unit District Boundary
  - BLM Administrative Unit Field Boundary
  - BLM Administrative Unit Other Boundary

#### Surface Management Agency (Cached)

- FEATURES**
- Surface Management Agency
  - Alaska Native Allotment
  - Alaska Native Lands (Patented or Interim Conveyed)
  - Department Of Defense (DOD)
  - Bureau of Land Management (BLM)
  - National Park Service (NPS)
  - US Forest Service (USFS)
  - US Fish and Wildlife (USFW)
  - Bureau of Reclamation (USBR)
  - Bureau of Indian Affairs (BIA)
  - Other Federal
  - State
  - Local



**The Dyr.com**

# Walla Walla Sleep Center (Washington)

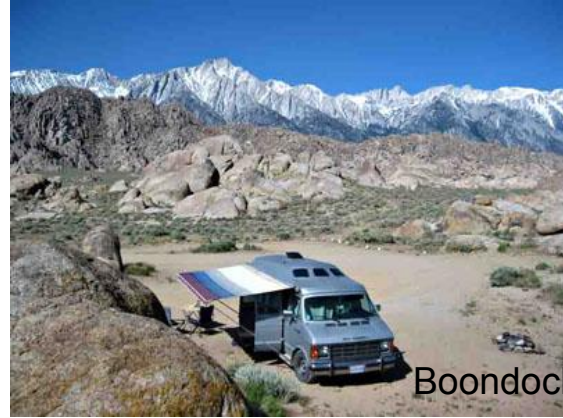
Managed by the Walla Walla Alliance for the Homeless. Provides a safe place to sleep for about half of the valley's unsheltered homeless population.

Mission is to provide homeless people in Walla Walla with access to **safe shelter, basic necessities, and the resources** needed to **transition to stable housing** and self-reliance.



*Conestoga Hut Micro Shelter  
design by Erik de Buhr*

# IS SLEEPING IN CARS ALLOWED?

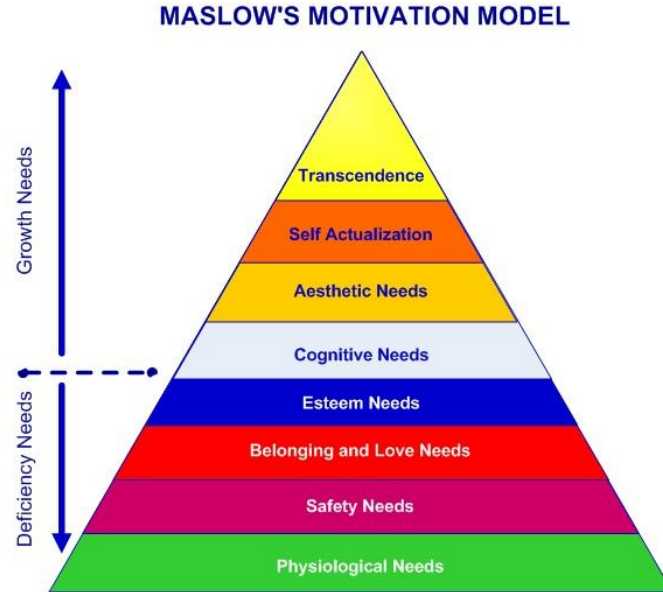


<https://www.thewaywardhome.com/is-it-illegal-to-sleep-in-your-car/>

# BASIC NECESSITIES



Safety Needs



Physiological Needs



Belonging and Love Needs

# *BASIC NECESSITIES*

## Physiological Needs:

- Water is a necessary part of life not an entitlement. People need water to stay hydrated. Bathing and cleaning can help keep people from getting sick.
  
- At Echo Park, for example, unhousing people would go to a public toilet and bump water into a bottle in the picture.



Source: [https://www.instagram.com/p/CD9\\_xo4g9GI/](https://www.instagram.com/p/CD9_xo4g9GI/)

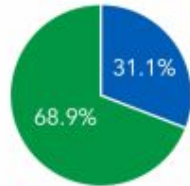
# What has been done? What can be done?

## CALIFORNIA



Total Homeless, 2018  
**129,972**

**33** in every **10,000**  
people were experiencing  
homelessness



■ Unsheltered (89,543)  
■ Sheltered (40,429)

### Estimates of Homelessness

**109,008** individuals

**20,964** people in families  
with children

**12,396** unaccompanied  
homeless youth

**10,836** veterans

**32,668** chronically homeless  
individuals

The L.A. city and county had **15 %** of people who are experiencing chronic homelessness . Between 2017 and 2018, the number of people experiencing chronic homelessness dropped by about **4%**.

# What has been done? What can be done?

“Utah has reduced chronic homelessness by 74% since Utah’s State Homeless Coordinating Committee adopted its **10 Year Plan to End Chronic Homelessness in 2005.**”

“Central Florida found that **providing chronically homeless people with permanent housing** and case managers would save taxpayers \$149 million in reduced law enforcement and medical care costs over the next decade.”

Housing First in Utah





## *Key Findings*

**-Criminalization measures, rather than solving the underlying causes of homelessness, create additional barriers to accessing employment, housing, and public benefits needed to escape life on the streets. TIE BACK TO LAWS?**

**-Beyond the law, invisible hands are encroaching on unhousing people's living space. A lack of safe water, a place to store personal belongings, or even a safe place to stay overnight, can lead to even worse consequences.**

**-Average National 400,000 individuals experiencing homelessness, but the homeless response system only had capacity to shelter half of them**

1. What are the existing conditions for your topic? For instance:

- What are current local or state laws about sleeping in public? **ALL**
  - How do the unhoused currently seek shelter? precedents of urban parks around the country (and maybe even in Southern California?) where camping is allowed and encouraged. H
  - Who or what do people often say make them feel unsafe in parks, and what are strategies that make people feel safer? Yiyi
2. What are your **key findings** about your assigned theme that relate to homelessness and public space, and supporting the unhoused / creating more inclusive parks / improving park experiences? 3. Why are these key findings important?
4. Do these findings suggest opportunities to change or create policies, programs and services, or physical spaces and objects?

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Bonus for this group: our Planning Intern Andres Gonzales already compiled a list of local laws on park use and sleeping in public

- How do laws on sleeping fit within the larger universe of laws regulating loitering, lingering, delaying, etc.
- What are the local implications for Martin v. Boise?
- How did we get to this collection of laws and this specific language?

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Can you think through **ways that landscape architectural standards are implicitly or explicitly discouraging sleeping in public?** One example of this would be skate stops on benches, or additional armrests that bisect benches making them too short to lie on. How does design further the implicit use of public spaces for certain activities deemed 'acceptable'? PERSHING SQUARE H

This article has some interesting precedents: <https://landscapearchitecturemagazine.org/2020/02/04/public-space-no-exceptions/>

**RainCity** Housing also has some interesting functional bench precedents for unhoused folks

I'm not sure if these data exist - but it would be interesting to see **how many people are estimated to be sleeping in a given park** - in LA or elsewhere - compared to the number of users overall, and the total area of the park. One question this leads to is: **would it be OK to make some part of a large park available to people to shelter overnight? PAN PACIFIC / SHELTER EXAMPLES**

Before the pandemic, we had hoped that students could interview the unhoused. If possible it would still be good to find information about **how people sleep outdoors - what are the materials they need?** What are the other basic things people need or have a hard time getting, or transporting?

# COMPATIBILITY OF USES

-42 Los Angeles Department of Recreation and Parks Recreation Center turned into temporary shelters for Angelenos who have neither homes nor shelter.

-Shelter selections were based on ADA accessibility and geographic area with input from the Mayor's Office and Council Offices.

-Recreation centers will operate as shelters for people experiencing homelessness during the coronavirus outbreak. Announced by LA's City Department of Recreation and Parks Emergency Management.



[https://laist.com/latest/post/20200319/rec\\_centers\\_homeless\\_shelters\\_coronavirus](https://laist.com/latest/post/20200319/rec_centers_homeless_shelters_coronavirus)

<https://www.laparks.org/covid-19/shelter>

<https://www.larchmontbuzz.com/featured-stories-larchmont-village/pan-pacific-recreation-center-to-become-temporary-homeless-shelter/>

# ***NO SAFE PLACE***

*A Report by the National Law Center on Homelessness & Poverty*

## **187 CITIES SURVEYED (2011):**

### **Camping**

- 34% of cities impose city-wide bans on camping in public.
- 57% of cities prohibit camping in particular public places.

### **Sleeping in public**

- 18% of cities impose city-wide bans on sleeping in public.
- 27% of cities prohibit sleeping in particular public places, such as in public parks.

### **Begging**

- 24% of cities impose city-wide bans on begging in public.
- 76% of cities prohibit begging in particular public places.

### **Loitering, loafing, and vagrancy**

- 33% of cities make it illegal to loiter in public throughout an entire city.
- 65% of cities prohibit the activity in particular public places.

### **Sitting or lying down in public**

- 53% of cities prohibit sitting or lying down in particular public places.

### **Sleeping in vehicles**

- 43% of cities prohibit sleeping in vehicles.

### **Food sharing**

- 9% of cities prohibit sharing food with homeless people.

# *RAIN CITY BENCH* Vancouver B.C.

