

Unauthorized Camping on Public Land Ordinance to be introduced by District 3 Councilmember Stephen Whitburn

“I will introduce an ordinance to protect public health and safety by prohibiting encampments on public property,” Councilmember Stephen Whitburn said. “Encampments pose hazards to those living in them and to our neighborhoods.”

The ordinance will make amendments and additions to the San Diego Municipal Code to protect the life, health, and safety of people in the City of San Diego, recognizing that camping overnight on certain public lands within the geographical boundaries of the City can pose significant health and safety hazards. Some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. In addition, there are areas where the risks are elevated including K-12 schools, shelters, and along trolley tracks and transportation hubs.

The City has been using every tool and resource currently at its disposal to address and prevent homelessness through the creation of permanent housing opportunities, expanding street outreach and shelter capacity, safe parking, and implementing homelessness prevention programs and resources. There is broad commitment to advancing solutions on this complex topic; and it is clear this is our collective top priority.

Public Health and Safety Risks:

Despite the City of San Diego’s intensive effort to reduce homelessness several converging crises exacerbated the issue including the COVID-19 pandemic, growing Fentanyl crisis, extremely limited mental health treatment resources, the cost of (rent) housing, and a lack of available low-income housing.

And San Diego City leaders remain concerned about health and safety risks for unsheltered people which can include disease, bacterial infection, and virus exposure, burn injury, fire danger, potential drowning, water pollution, pedestrian danger, risk of injury from a vehicle crash, risk of drug exposure or overdose, possible impediment of emergency response crews, and electrocution.

In March of 2021 a driver (found under the influence of drugs) drove up onto a sidewalk on B Street and plowed into a group of unsheltered people in tents. Three unsheltered individuals were killed and six injured in the crash.

On January 8, 2023 an unsheltered man was fatally stabbed by another unsheltered man during a fight at an encampment at 17th Street north of Imperial Avenue.

Over the last 12 years San Diego County has experienced three deadly public health crises. In February 2017, an outbreak of Hepatitis A in San Diego turned into the largest Hepatitis A epidemic in the U.S. in more than 20 years. Twenty people died in the outbreak, which began in the unsheltered community, and 500 people were sickened.

An August 2022 report from the San Diego County Medical Examiner regarding unsheltered deaths in San Diego showed accidental deaths related to drugs or medication more than doubled since 2018. According to the San Diego County Medical Examiner report 299 out of 377 accidental deaths of unsheltered individuals were related to drugs or medication in the first eight months of 2022 alone. Compared to 86 out of 146 accidental deaths in all of 2018.

Data from San Diego Fire-Rescue's Computer Aided Dispatch (CAD) system shows San Diego fire crews responded to 425 suspected vegetation fires in open space in 2022. A 219% increase over 2018 when data shows fire crews responded to 133 reported vegetation fires.

The San Diego River Park Foundation mapped and collected 104,685 pounds of trash during a 10-day collection period alone in October of 2022. Of the trash collected nearly 70% was related to unsafe or unauthorized camping.

According to City of San Diego Performance and Analytics over a six-month period from late 2022 to early 2023 there have been 1,397 reports of encampments within 0.1 mile of schools.

Ordinance:

This ordinance would make it unlawful for any person to camp in or upon any public property if shelter beds are available, unless specifically authorized by the City Manager.

The ordinance would also set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal of personal property found in encampments on public property.

In addition, it would make it unlawful at any time regardless of the availability of shelter beds, for any person to camp or store personal property or to have unauthorized encampments in the following locations:

1. Within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. School for purposes of this section 63.0404(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university,
2. within two blocks of any *shelter* provided signs are posted prohibiting camping that are clearly visible to pedestrians. The ordinance will reduce adverse impacts of camping around homeless shelters where residents who are most vulnerable are receiving services to solve their homeless crisis. Some of those impacts include exposure to predatory behavior of drug dealing which can undermine the community effort to provide long-term solutions to the homeless issue,
3. in any open space, waterway, or natural area abutting a waterway,
4. within any transit hub, on any trolley platform, or along any trolley tracks provided signs are posted prohibiting camping that are clearly visible to

pedestrians, and

5. in Balboa Park, Mission Bay Park, Presidio Park, and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla. The ordinance will restrict unregulated human activity in these areas which will reduce wildfire risk, pollution, and unsanitary conditions.