

CITY COUNCIL AGENDA ITEM NO. H.1
04/08/2025

SUBJECT: Amendment to Brentwood Municipal Code Chapter 7.02 to address camping on City property

DEPARTMENT: City Attorney's Office

STAFF: Katherine Wisinski, City Attorney

TITLE/RECOMMENDATION

Introduce and waive the first reading of an Ordinance amending Brentwood Municipal Code Chapter 7.02 to address camping on City property.

The Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

FISCAL IMPACT

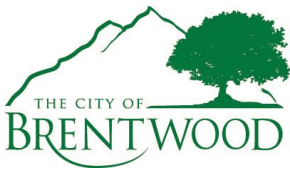
There is no fiscal impact associated with introducing the Ordinance, other than the staff time spent preparing it.

BACKGROUND

Managing the impacts of homelessness is a challenge facing cities across California and, indeed, the nation. Locally, the City of Brentwood is not immune from this phenomenon, though Brentwood has traditionally not seen the high numbers of unhoused individuals that many other Bay Area communities have. Each year, a "point-in-time" (or PIT) count is taken to tally the number of unhoused individuals residing within cities around the state. Recent PIT counts have yielded the following numbers for the following East Contra Costa County cities:

	Antioch	Bay Point	Brentwood	Oakley	Pittsburg
2023	334	50	37	9	58
2024	413	51	30	35	110

Note that 2025 counts have not yet been made available.



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For community members who are unhoused, experiencing homelessness can have dire effects on their health and wellbeing, which can manifest in a number of ways, including insufficient shelter, lack of access to necessary healthcare, increased rates of chronic illness, higher mortality risks, exposure to infectious disease, and danger of sexual or other assault, among other potential harms.

For those who share the community with the unhoused, the impacts of homelessness are felt in other ways. Encampments sheltering the unhoused can contain dangerous and/or illegal items, including drugs, weapons, and stolen goods. These makeshift living arrangements can become health hazards due to trash accumulation, the presence of untreated sewage, the existence of drugs and drug paraphernalia (including syringes), use of unsafe building practices (including excavation beneath bridge abutments), fire danger, rodent and insect infestation, and other conditions.

Brentwood's Municipal Code ("BMC") currently contains a very brief prohibition on camping on City-owned property. BMC Section 7.02.150 ('Camping') says:

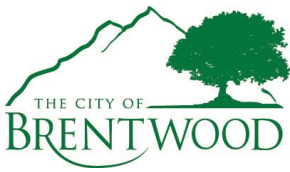
Camping on city-owned property is prohibited, except that the director may permit overnight camping by youth organizations and their chaperones in conjunction with an exclusive use permit.

This prohibition leaves many important details unaddressed. What constitutes 'camping'? Does this mean that individuals can store their personal goods on City property just as long as they are not also sleeping there? What will happen to these items if the City removes them? Will individuals be provided with any notice of their need to vacate City property before their goods are removed?

The proposed Ordinance clarifies these details, offering all community members information on what is and is not permissible on City-owned property, how items belonging to unhoused individuals will be treated, and what sort of notice individuals will receive prior to their goods being moved.

The Brentwood Police Department ("BPD") prides itself on its outreach efforts to the unhoused community. Officers are in regular contact with individuals in need of services to offer assistance and ensure public safety. In addition, the BPD maintains a website with a host of information on [Unsheltered Resources](#).

The legal landscape. While local laws, such as this Ordinance, partially govern the City's response to the impacts of homelessness, state laws also play a role. Once a Notice to Vacate is posted, individuals sheltering there have 48 hours to remove their items and leave. If they choose not to do so, BPD relies on state laws to make arrests. These laws include Penal Code Section 647(e), which says that every person who "lodges in a building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it" is guilty of disorderly conduct, which is a misdemeanor.



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Enforcement of such laws on public property was prohibited under a 2018 decision issued by the Ninth Circuit Court of Appeals in the case of *Martin v. City of Boise* ("Martin"). In that case, the Court found that local anti-camping ordinances violated the Eighth Amendment to the U.S. Constitution when enforced against any individual experiencing homelessness on public property on any night when no shelter had an available overnight space. However, last year, the U.S. Supreme Court overruled *Martin* in a decision issued in the matter of *City of Grants Pass v. Johnson* ("Grants Pass"). Such ordinances do not, in fact, violate the Eighth amendment, according to the nation's highest court. As a result, the BPD is one again able to enforce these laws.

Finally, while this Ordinance addresses camping on City-owned property, the City continues to look to private property owners to monitor and enforce their own property rights and play their part in keeping Brentwood a safe community for all to enjoy.

As the U.S. Supreme Court wrote in *Grants Pass*, "Homelessness is complex. Its causes are many. So may be the public policy responses required to address it." The City will continue to evaluate its responses to this challenge.

CITY COUNCIL STRATEGIC INITIATIVE

Focus Area 2: Police Services. Item 1: Enhance Community Engagement by strengthening connections with underrepresented community groups, youth, seniors, mentally ill, and the unsheltered.

PREVIOUS ACTION

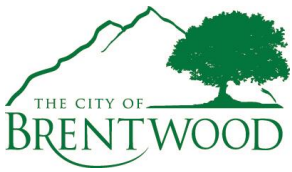
Not Applicable.

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

The Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.



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ALTERNATIVE OPTION(S)

1. Adopt the Ordinance with revisions.
2. Continue item with direction for staff to return with additional information.
3. Take no further action on this item at this time.

ATTACHMENT(S)

1. Ordinance
2. Brentwood Municipal Code Chapter 7.02 (redline)
3. Brentwood Municipal Code Chapter 7.02 (final)