



City and Borough of Juneau
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TO: Deputy Mayor Hale and Assembly Committee of the Whole

DATE: July 15, 2024

FROM: Robert Barr, Deputy City Manager

RE: *Grants Pass v. Johnson* update & camping in public places

At the June 3, 2024 Committee of the Whole we discussed a request from the Glory Hall (TGH) and Teal Street Center (TSC) to consider a "shelter safety zone," enabling increased enforcement against individuals camping on public property in the vicinity of those facilities. Decision making was postponed pending the conclusion of the then pending *Grants Pass v. Johnson* Supreme Court appeal. That appeal has concluded. A memo from Attorney Layne summarizing the outcome is attached. The brief version is that the Supreme Court vacated the 9th Circuit's ruling and until or unless the State acts, legislative control on this topic has returned to the Assembly.

In addition to concerns raised by TGH and TSC, we recently received a letter and have been in contact with the Central Council of Tlingit & Haida Indian Tribes of Alaska (T&H) describing the rapid growth of an encampment near the T&H Head Start facility, which is in the same neighborhood as TGH and TSC. They join TGH and TSC in requesting action, specifically clean-up efforts, prevention of future encampments, and stricter enforcement.

Existing CBJ Code¹² prohibits camping on public rights-of-way. Existing code permits camping on CBJ land other than a public right-of-way for periods of up to 48 hours. After 48 hours, campsites must be moved and may not be within 1/2 mile of the same location. Additionally, existing code³⁴ does not permit living in vehicles, except when those vehicles are lawfully parked in an area designated for camping/RV use. Violations of these code sections are infractions. Infractions are punishable by fine only. Under the 9th Circuit ruling, our ability to enforce these sections of code was limited.

Unless the Assembly wishes to change policy and direct staff to prepare new legislation for consideration, we will enforce these sections of code on a criteria-driven basis, focusing on addressing sites that present the most significant safety and public health concerns. More specifically, criteria would include the size of any given campsite, unmitigated human waste and garbage, evidence of increased criminal activity in the surrounding area related to the site, the presence of stolen property, the details of reports/calls for service from surrounding residents and businesses, and whether the site is adjacent to a residential area. In the absence of these criteria or when they are observed to be at manageable levels, we would focus our limited enforcement capacity elsewhere.

Recommendation:

Information only, unless the Assembly seeks an alternative policy direction.

¹ 53.09.340

² 36.20.035 additionally prohibits camping specifically in the Last Chance Basin and Salmon Creek Watershed.

³ 72.12.080

⁴ Law is working on an update to the impound code to ensure that vehicles are efficiently moving in and out of the impound lot and impound in place process. We anticipate the Assembly seeing a recommended ordinance on this topic in September.