



October 31, 2023

The Honorable Robert Rivas
Speaker, California State Assembly
1021 O St., Suite 8330
Sacramento, CA 95814

The Honorable Toni Atkins
President Pro Tempore, California State Senate
1021 O St., Suite 8518
Sacramento, CA 95814

Dear Speaker Rivas and Pro Tem Atkins:

We write today to request you to direct the Office of Legislative Counsel to file an amicus brief on behalf of the California State Legislature in support of the petitioners in *City of Grants Pass v. Gloria Johnson, et al.* (9th Cir. 2023), urging the United States Supreme Court to grant certiorari in the case.

The ruling of the 3-judge panel of the Ninth U.S. Circuit Court in *Grants Pass* expanded upon the ruling in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018). In *Boise*, in 2018 a three-judge panel of the Ninth Circuit Court of Appeals upheld a district court's ruling that local governments cannot enforce anti-camping ordinances if there is not adequate shelter available. The ruling and subsequent court decisions interpreting that ruling, such as *Grants Pass*, place a virtually insurmountable roadblock to California cities' ability to reduce homelessness and provide needed services to those living on the streets. These rulings ignores the dangerous and unsanitary conditions in these encampments, including violence and rampant drug use, and the impact these encampments have on neighborhoods and businesses.

Despite billions of dollars spent, numerous legislative hearings, countless proclamations that addressing homelessness is a top priority of the Legislature and the Governor, and survey after survey, poll after poll naming homeless as a top issue of concern to Californians, the Legislature has failed in its attempts to rein in the crisis – and it *is* a crisis. A stroll down the streets of Los Angeles, Sacramento, San Francisco or San Diego would tell anybody that.

The rulings in *Boise* and in *Grants Pass* alone are not solely to blame for the horrific conditions on our streets. But as we have said previously, the effects of these rulings are exacerbated by California's "Housing First" policy that discourages emergency shelter construction and diverts limited resources to expensive supportive housing projects.

The public demands action NOW.

Were the U.S. Supreme Court to take up *Grants Pass* and overturn the Ninth Circuit panel's holdings in this case and narrow or overturn *Boise*, it will provide a huge leap in the ability for cities and for the state of California to address the current homelessness crisis. The least the Legislature can do is take the small step of writing an amicus brief encouraging the court's review and showing the public we are doing everything in our power to tackle this difficult problem.

The deadline for submission of amicus briefs for this case is approaching quickly. We urge your prompt attention to our request. The public and those suffering on our streets cannot wait.

Sincerely,



James Gallagher
Assemblymember, 3rd District



Megan Dahle
Assemblymember, 1st District



Joe Patterson
Assemblymember, 5th District



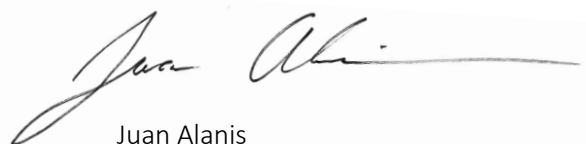
Josh Hoover
Assemblymember, 7th District



Jim Patterson
Assemblymember, 8th District



Heath Flora
Assemblymember, 9th District



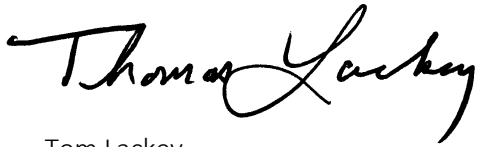
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Devon J. Mathis
Assemblymember, 33rd District



Tom Lackey
Assemblymember, 34th District



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Assemblymember, 47th District



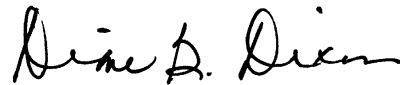
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CC: Gavin Newsom, Governor, State of California
Cara Jenkins, Legislative Counsel