



AGENDA REPORT

TO: Honorable Council President Jenkins
and City Councilmembers

FROM: “Son of Oakland”
Ken Houston
Councilmember – District 7

SUBJECT: Repeal 2020 Encampment
Management Policy and Adopt 2025
Encampment Abatement Policy

DATE: August 28, 2025

RECOMMENDATION

ADOPT A RESOLUTION AMENDING RESOLUTION NO. 88341 TO REPEAL THE 2020 ENCAMPMENT MANAGEMENT POLICY AND REPLACE WITH A 2025 ENCAMPMENT ABATEMENT POLICY THAT (A) DEFINES “ENCAMPMENT” TO EXCLUDE VEHICLES AND AUTHORIZES CITATION AND TOWING OF INHABITED VEHICLES BY CITY DEPARTMENTS PURSUANT TO THE CALIFORNIA VEHICLE CODE AND OAKLAND VEHICLE CODE; (B) CONTINUES TO REQUIRE 7-DAY NOTICE PRIOR TO NON-URGENT ENCAMPMENT CLOSURES; AND (C) CLARIFIES EMERGENCY AND URGENT HEALTH AND SAFETY CONDITIONS THAT AUTHORIZE IMMEDIATE, 24-HOUR, OR 72-HOUR NOTICE FOR ENCAMPMENT CLOSURES, INCLUDING ENCAMPMENTS BLOCKING SIDEWALKS

EXECUTIVE SUMMARY

Recommendation for the City Council to adopt a resolution amending Resolution No. 88341 to Repeal The 2020 Encampment Management Policy to adopt the 2025 Encampment Abatement Policy.

REASON FOR URGENCY

Over the past decade, Oakland has become the epicenter of street encampments. As of January 25, 2024, the city is home to 5,484 unsheltered individuals, accounting for a staggering 58% of the unsheltered population in Alameda County. The rapid growth of the unsheltered population has led to escalating threats to public safety, sanitation, and environmental health. These conditions have reached a crisis point, underscoring the urgent need for comprehensive and effective policy solutions.

Following the U.S. Supreme Court’s (SCOTUS’s) June 28, 2024, decision in *Grants Pass v. Johnson* – which reversed the Ninth Circuit ruling and held that the enforcement of anti-camping

Special Public Safety Committee
September 10, 2025

ordinances does not violate the Eighth Amendment – the City of Oakland now has clear constitutional authority to prohibit encampments in public spaces.

BACKGROUND / LEGISLATIVE HISTORY

In September of 2018 the United States Court of Appeals for the Ninth Circuit in Boise, Oregon issued a ruling in the case of [Martin v. City of Boise](#), stipulating how local municipalities establish constitutionality for unhoused individuals specifically “...sitting, sleeping, or lying outside on public property...”¹ In 2019, the Oakland City Council Adopted the Permanent Access to Housing (PATH) Framework to address the growing homeless crisis in Oakland through prevention, emergency response, and housing development strategies. This led to the creation of the 2020 Encampment Management Policy (EMP), designed to address the growth of encampments and the adversities faced by unhoused populations.

At the Federal Judicial level, a SCOTUS ruling provided the legal foundation that catalyzed the City to take a more decisive action on encampments. U.S. Supreme Court case, [Grants Pass v. Johnson](#) challenged precedent set by *Martin v. City of Boise*. A majority ruling by SCOTUS issued on June 28, 2024, found that it is not a violation of the Eighth Amendment Cruel and Unusual Punishments clause of the U.S. Constitution for local municipalities to issue and enforce camping and sleeping bans on public property. *Grants Pass* gives Oakland an opportunity to:

- **Restore Local Control:** The City can now adopt clear, enforceable rules governing use of public property.
- **Take Balanced Action:** Combine enforcement with increased shelter when available and provide treatment options.
- **Mandate for Responsibility:** Failure for the City to act can no longer be based on-legal uncertainty.

Strengthened by recent federal authority, the 2025 Encampment Abatement Policy (EAP) has been developed to restore public health and safety in Oakland. The City remains firmly committed to protecting the well-being of all Oakland residents, and the EAP reflects a robust strategy to achieve that goal. This policy represents a decisive shift in approach – an assertion of the City’s responsibility to reclaim and restore public spaces. Prior to guidance from the U.S. Supreme Court, Oakland was largely constrained to managing encampments, which strained public resources and, in some cases, perpetuated the crisis. With a clearer legal framework now in place, Oakland has the ability to pursue more effective and lasting solutions.

ANALYSIS AND POLICY ALTERNATIVES

Oakland has a moral duty to **intervene compassionately** but **firmly**. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents (i.e., unhoused, housed, business community), focusing encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. This policy aims to:

¹ Section 2 – C (Pg 31)

- Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location.
- Designate low-sensitivity areas, where enforcement will not be prioritized.
- Determine findings that will prompt intervention and situations that authorize departments to take action.
- Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

The adoption of the 2025 Encampment Abatement Policy will also direct the City Administrator to establish an interdepartmental Encampment Abatement Team (EAT). The EAT will comprise of staff from the Oakland Public Works Department (OPW), Human Services Department (HSD), the Police Department (OPD), the Fire Department (OFD), the Department of Transportation (OakDOT), and other departments as deemed necessary.

Each Stakeholder Department shall:

- Provide regular input on issues governed by this policy, based in their departmental expertise.
- Participates in collective decision-making for any intervention proposed under this policy.
- Performs any aspect(s) of an intervention delegated to their department once the intervention is approved by the EAT under this policy; and
- Participates as needed in developing procedures to effectuate this policy.
- The full scope of work assigned to the EAT consists of **interventions, detailed cleaning, and closures** of specific types.
- **Health & Hygiene Intervention.** This intervention may include placing handwashing stations, portable toilets.
- **Detailed cleaning.** This intervention may require individuals encamped at a site to temporarily relocate to mitigate public safety and/or public health risks, allowing individuals to return to the site after the intervention is complete. This intervention may be used when one or more public safety/public health findings as identified by the EAT are present. In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss as outlined in OPW's Standard Operating Procedures (SOPS). However, city staff may determine that some property must be abated to protect the public. When possible, this intervention will be coordinated with relevant public agencies.
- **Partial closure.** This intervention may include partially moving and/or closing an encampment due to construction, work zone access, or ongoing public safety and/or

health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing.

- **Closure.** This intervention may include fully closing an encampment due to its location within a high-sensitivity zone, construction, work zone access, or ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing.
- **Re-encampment Closure.** If an encampment returns to the same site (defined as: within the same block on either side of the street) within 60 days of the original Closure or Partial Closure notice, such encampment is subject to re-encampment closure with a 72-hour notice. If the area is also posted with “No Encampment” and/or “No Parking” signs, the EAT is not required to make offers of shelter and/or alternative housing. Individuals who return to the same encampment location with posted “No Encampment” and/or “No Parking” signage may be subject to citation and/or arrest.
- **Vehicles.** All vehicles parked in violation of the California Vehicle Code (CVC) and/or Oakland Municipal Code (OMC) are subject to enforcement by OakDOT and OPD according to applicable laws. In addition, encampment vehicles are also subject to the EAT’s SOPs. The EAT may request OakDOT and/or OPD to tag and tow vehicles located within encampments during a cleaning or closure operation. OakDOT and OPD are encouraged, but not required, to coordinate with the EAT to address inhabited vehicles when tents or makeshift structures surround such vehicles. City staff will continue to explore best practices and programs as it relates to RVs and RV parking.
- **Emergency Actions Due To Catastrophic Events, Natural Disasters, or other Urgent Health and Safety Concerns.** For any emergency Deep Cleaning, Partial Closure, or Closure, the City will make reasonable efforts to provide those encamped with some form of notice, such as outreach workers visiting the site and sharing information verbally or in writing, if such noticing is feasible. For certain public health or public safety emergency interventions like fires, the City may be unable to provide prior notice due to the urgency of the emergency. The City will make reasonable efforts to provide prior notice for urgent health and safety concerns that are not emergencies.

Policy Alternatives

An alternate policy option is to maintain the status quo by not adopting a resolution to repeal the 2020 EMP and not adopting the 2025 EAP. This would result in:

- 1) **Ever increasing percentage of City funds used to manage encampments:** The Human Services Department and Public Works Department in Oakland spends millions in clean-up and encampment related services. With the substantial growth of unauthorized vehicle encampments in Oakland, the cost of “managing” encampments will surge year over year. Cost of encampment clean-ups, closures, relocations will continue to grow, further cutting into the City’s available budget to provide basic city services to Oaklanders. Critical services such as public safety (Police and Fire), public health (OPW, OakDOT, Human Services), and other vital public services (Parks & Recreation, Youth and Senior Services, Library, etc.) will be further reduced as more and more City dollars are allocated to an ever-growing unhoused population.
- 2) **Further Decline in Quality-of-Life Metrics for Oaklanders**
A failure to address homeless encampments more effectively will likely contribute to worsening outcomes across multiple quality-of-life indicators, including public safety, sanitation, mental health, and neighborhood livability. Oakland residents routinely report exposure to unsafe or unsanitary conditions, including open drug use, human waste, and environmental hazards in public areas. Public parks, sidewalks, and transit corridors are inaccessible or unsafe, disproportionately affecting seniors, children, and people with disabilities. This decline in the City’s livability directly contributes to a sense of civic distrust and erosion of confidence in City leadership, which fuels Oaklanders’ desire to move to communities outside Oakland.
- 3) **Further Increase in Number of Businesses Leaving Oakland**
Maintaining the status quo and not enhancing the City’s encampment policy can directly impact economic stability by accelerating the rate businesses leave Oakland – particularly small and mid-sized enterprises that lack the ability to absorb increasing costs for security, sanitation, and liability insurance. Business owners cite declining foot traffic, vandalism, and concerns over employee and customer safety as major deterrents to remaining in Oakland. As businesses relocate to neighboring municipalities with more stable public spaces, Oakland risks long-term reputation damage as a place to invest or grow.
- 4) **Continued Decline in City Revenues from Lower Business and Sales Taxes**
The compounding effects of business closures and relocations contribute to a shrinking tax base. This results in reduced revenue from sales taxes, business license taxes, and property taxes, which directly weakens the City’s ability to fund critical services like affordable housing, public safety, and infrastructure maintenance. If left unaddressed, this adverse fiscal impact could force Oakland to make ever more difficult budgetary trade-offs, leading to service reductions that further erode public trust and quality of life.

FISCAL IMPACT

The fiscal impact of this policy is yet to be determined as the City Council will need to collaborate with the City Administrator's Office to ascertain the resources required to operationalize and enforce the policy.

PUBLIC OUTREACH / INTEREST

This is a call to action. For years, Oakland residents have looked to their leaders to address the encampment crisis. They have called, emailed, written letters, and attended City Hall meetings to share the serious impacts encampments have had on their lives

Oakland needs decisive leadership to use every available tool to restore our neighborhoods. Residents are entrusting City leaders to clearly define what is and is not acceptable on our streets and to be held accountable for addressing misconduct in public spaces. The City must be empowered with the authority and resources necessary to return Oakland to a healthy, clean, and safe environment.

COORDINATION

This policy was prepared in collaboration with OPW, OakDOT, OPD, OFD, Office of the City Attorney, City Administrator's Office, and the Encampment Management Team (EMT).

SUSTAINABLE OPPORTUNITIES

Economic: The 2025 Encampment Abatement Plan (EAP) is designed to deliver long-term returns on investment. While encampment closures may involve significant upfront costs, the new elements of the EAP strives to make the abatement of encampments a one-time expense. In contrast, ongoing intervention and management of active encampments require continuous funding and resources. The 2025 EAP authorizes the deployment of resources for a set period until an encampment is fully closed, reducing the need for repeated interventions.

Environmental: Encampments contribute to substantial debris on Oakland's streets, which harms the environment. Human waste and vehicle discharge left exposed can enter storm drains and release harmful gases into the air. Waste material also prevents City storm drain systems from functioning at capacity to prevent flooding during heavy rains. Fires originating in encampments release toxic pollutants into the atmosphere and soil, further impacting public health and environmental quality.

Race & Equity: A formal race and equity analysis has yet to be completed at the time of the writing of this report. It is important to note that a comprehensive equity and impact analysis will extend well into the policy's implementation and evaluation stages. To this end, this policy will undergo a semi-annual equity review to determine its effectiveness in relation to the equity indicators and outcomes consistent with the guidance and best practices promoted by the City's Department of Race and Equity.

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

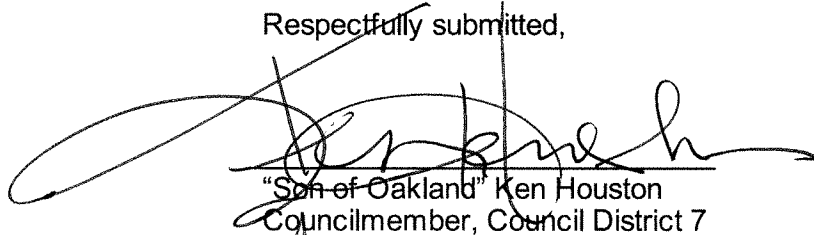
The action taken by this Resolution is not a “project” subject to the California Environmental Quality Act.

ACTION REQUESTED OF THE CITY COUNCIL

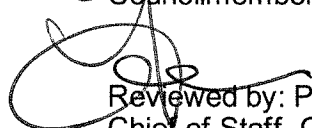
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For questions regarding this report, please contact Patricia Brooks at (510) 238-6672, or Trinity Hall at (510) 238-3649

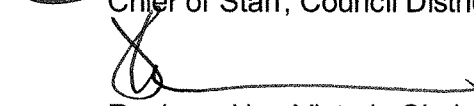
Respectfully submitted,



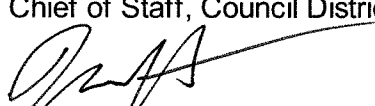
"Son of Oakland" Ken Houston
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