



## COMMUNITY DEVELOPMENT DEPARTMENT

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### HOUSING COMMISSION STAFF REPORT

September 25, 2025

#### Subject

Informational presentation on recently enacted Executive Orders on Public Camping Bans and Encampment Clearance.

#### Recommended Action

Receive presentation and hold study session on recently enacted Executive Orders on Public Camping Bans and Encampment Clearance; compare with neighboring jurisdictions that have recently enacted local policies.

#### Discussion

The City of Cupertino utilizes a procedural memorandum created on September 16, 2022, as the basis for protocol for addressing encampments and assisting unhoused individuals, titled "City of Cupertino Process for Assisting Unhoused Residents". The document creates a six-step process including:

1. Collect reports through the City 311 system.
2. Contact the County Office of Supportive Housing (OSH) to engage the individual and offer assistive services and shelter placement.
3. Contact the County Sheriff's Office to perform wellness checks and offer emergency medical services when necessary.
4. Continue coordinating with the aforementioned two organizations as well as local non-profits for additional outreach.
5. Document whether the individual is receptive to accepting assistance.
6. Initiate encampment resolution process to maintain public health and safety of the area.

In 2025, the City of Cupertino has completed three abatement resolutions thus far:

Figure 1: 2025 Encampment Abatements

Encampment	Accepted Assistance (Y/N)	Date Completed	Cost
McClellan/DeAnza	No	3/18/2025	\$1,344.00
Lawrence Mitty Park	No	6/16/2025	\$6,886.93
Alves/Bandlely	No	8/14/2025	~1,300
TOTAL			\$9,530.93

Under the current protocol, staff is still effectively able to continue conducting and completing routine clearance abatement. However, recent executive orders from both the President and the Governor of California have urged cities and counties to adopt local ordinances to ban public camping and to codify procedures for encampment clearance. The presidential executive order outlines policy priorities and directs the Attorney General to study the legality of enacting incentives for cities which comply and disincentives for those which do not. The state executive order also provides a sample ordinance to adopt as a model but is more flexible in directive.

### ***Presidential Executive Order***

On July 24, 2025, President Donald Trump issued an Executive Order to direct the Department of Health and Human Services and Department of Housing and Urban Development (HUD) to assess the legality of prioritizing federal discretionary grant funding towards jurisdictions which enforce prohibition on urban camping and loitering, enforce prohibition of urban squatting, and enforce civil commitment of individuals sheltering on the streets with mental illness amongst other actions related to public health and safety. These actions include enforcement on prohibitions of illicit drug use, banning safe consumption sites, and mapping of individuals that are registered sex offenders with no fixed address. Additionally, the executive order aims to prioritize funding towards jurisdictions that reduce implementation of housing-first policy: an intake methodology for Continuum of Care programs which reduces potential barriers of being placed into available housing, which in the past were made inaccessible by sobriety and employment requirements prior to being able to be housed.

The City of Cupertino is currently a recipient of the Community Development Block Grant (CDBG) and HOME Investment Partnership programs, which are formula-award grants based on population size and proportional share of low-income households, and are not discretionary. However, some housing projects within the City of Cupertino either receive discretionary HUD funding or may hope to apply for discretionary funding in the future, such as Section 202, Section 811, and Section 8 Project Based Vouchers. Furthermore, while HUD may not be able to prioritize formula grant funding based on this executive order, proposed upcoming budgets show drastic cuts to the CDBG and HOME programs in the 2026 fiscal year, leading to lower allocations and would increase the City of Cupertino's dependence on discretionary grants for funding.

### ***Governor's Executive Order***

Similarly, Governor Gavin Newsom signed Executive Order N-1-24, directing State agencies to develop policies to prioritize addressing encampments on state property and to encourage local jurisdictions to develop similar policies, but maintains that adopting policies which effectively ban homelessness without providing adequate space for shelter is inhumane and should be avoided. In May 2025, the Governor's Office released a model ordinance for which they encouraged cities to use, which bans urban camping on public property, erecting permanent and semi-permanent structures for shelter, and prohibits sleeping, lying, or sitting in the public right of way. It provides recommendations for encampment clearance procedures, which include: providing encampments one written notice then initiating clean-up in 48 hours and storing personal belongings for up to 60 days. The proposed ordinance would also make it unlawful to

camp within 200 feet of any posted notice to vacate. The executive order does not touch upon enforcement of the sample ordinance and lets each City decide whether they wish to issue citations, infractions, or misdemeanors for violations.

### ***Public Camping Bans and Encampment Clearance Ordinances***

The Supreme Court’s decision in *Grants Pass v. Johnson*, ruled that enforcing public camping bans when shelter is not immediately available did not constitute cruel and unusual punishment under the 8<sup>th</sup> Amendment. As a response, several cities in California have passed new ordinances banning camping on public property and adopting standards for clearing encampments. However, for many neighboring cities, these policies are either only recently enacted or are still being proposed. As a result, data is not yet readily available as to whether adopting these ordinances have been effective in aiding cities to conduct clearance abatement significantly more quickly than under previous protocols. A summary of some policies enacted by other neighboring jurisdictions has been included below:

Figure 2: Bay Area Municipalities Encampment Ordinances

City	Date Enacted	Encampment Ban	Clearance Management	Enforcement
Antioch	Proposed, not enacted	Amend city park ban to include trails, sidewalks, public areas	72-hr written notice	Abatement
Fremont	February 2025	All public spaces	Noticing not required - encampment may be cleared immediately where property is left for more than 24 hrs.	Misdemeanor; \$1000 fine and/or 6 months jail
Millbrae	June 2025	All public spaces	One written notice, then clean-up can take place 24 hrs later.	Misdemeanor; \$1000 fine and/or 6 months jail
Berkeley	Protocol	Fire, health, or safety hazard	72-hr written notice	Infraction; \$100 fine
Redwood City	July 2025	All public spaces, if available shelter is offered	Two written notices with 24 hrs in between, clean-up at 72 hrs.	Misdemeanor; \$100 fine and/or 6 months jail
San Mateo (County)	January 2024	All public spaces, if available shelter is offered	Two written notices with 24 hrs in between, clean-up at 72 hrs.	Misdemeanor; \$500 fine and/or 6 months jail
San Jose	Proposed	All public spaces, if available shelter is offered	Three offers for housing within 18 months, and then removal.	Misdemeanor; \$1000 fine and/or 6 months jail

#### Reasons for Recommendation

Staff does not have a recommended course of action at this time. The recommended action is for the Housing Commission to receive a presentation on recent executive orders which encourage cities and counties to adopt local ordinances for encampment clearance, on recent policies adopted by neighboring jurisdictions, and to continue to study and consider programs and policies to address homelessness.

#### Sustainability Impact

No sustainability impact.

#### Fiscal Impact

No fiscal impact.

#### California Environmental Quality Act

No California Environmental Quality Act impact.

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#### Attachments:

A – City of Cupertino Process For Assisting Unhoused Residents

B - Ending Crime and Disorder on America's Streets – The White House

C - Encampment Ordinance - Governor's Executive Order