

California

California's unhoused people protest US supreme court order: 'Not going to push us out of view'

In Berkeley, advocates, activists and unsheltered people are staging a last-ditch effort to claim safe public space



📷 A protest encampment has been set up at Ohlone Park, where organizers have set up a free store. Photograph: Erin Sheridan

Erin Sheridan in Berkeley

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Revolution starts small, attorney Andrea Henson told the crowd around her. It was mid-October, and press had gathered on a quiet intersection in Berkeley, [California](#). Behind Henson was a row of tents, some painted red and black with words posing the same question: “Where do we go?”

What started in [September](#) as a group of tents pitched on the lawn of Berkeley's Old City Hall has since swelled to more than half a dozen protest encampments scattered across the city's public spaces. They are set up by a coalition of housed and unhoused residents demanding an end to policies that criminalize unsheltered homelessness.

This occupation is a last-ditch effort to claim safe public space, following the US supreme court's overturning of [Johnson v Grants Pass](#), which re-legalized criminal penalties against residents who violate cities' anti-camping ordinances, even when no alternative shelter is available.

Following the ruling, dozens of cities around the US issued new, harsher anti-camping policies. Jesse Rabinowitz, campaign and communications director at the National [Homelessness](#) Law Center, said his organization had

seen at least 60 cities pass “anti-homeless, anti-camping laws”, and at least 40 additional cities have pending legislation.

In California, which is home to the **largest** unsheltered homeless population in the US, Governor Gavin Newsom cited Grants Pass when he signed an **executive order** requiring cities to make reasonable efforts to clear encampments and threatening **reduced funding** for cities that fail to do so.



📷 In July, a homeless encampment is seen in Oakland, California, as Governor Gavin Newsom issued an order on removing such encampments. California has the largest unsheltered homeless population in the US. Photograph: Godofredo A Vásquez/AP

In the wake of Newsom’s order, Berkeley, and neighboring Oakland, both made it easier for authorities to remove encampments. The changes, the activists say, unfairly target people of color, people with disabilities and senior citizens who are **disproportionately** represented in the unhoused population, and they are not planning to end their occupation until they are rolled back.

“When you see these tents, it’s unhoused individuals fighting back and having a voice ... And wherever you see these tents, you will see us protecting them,” Henson said.

Organizers say the encampments are meant to be a safe place for residents displaced from existing encampments across the East Bay. There’s 24/7 access to community, food, water and restrooms. At Ohlone Park, organizers have created a free store. Protesters say they will also be demanding legal protections for unhoused people living in encampments, similar to the due process rights afforded to **tenants** during evictions.

The demonstrators are “trying to find what public spaces we can, for people to be in a place where they feel stable and safe, and be publicly visible”, said Gordon Gilmore, of the Berkeley Outreach Coalition and Berkeley Homeless Union, who lives in his van and helped organize the protest. “To be staying with the community means that you’re in a safer situation.”



📍 Gordon Gilmore of the Berkeley Outreach Coalition and Berkeley Homeless Union, who lives in his van and helped organize the protest. Photograph: Erin Sheridan

Homelessness has been an enduring problem in California, a consequence of the state's decades long housing supply shortage and affordability **crisis**. Despite **\$24bn** allocated by state leadership to address the crisis in the last five fiscal years, encampments persist and elected officials are **under pressure** to make them disappear.

In Berkeley, the city council voted in September to amend its **encampment management policy**. Maitée Rossoukhi, a spokesperson for the city, said the update made Berkeley “the first jurisdiction we are aware of in the nation to voluntarily codify the Martin v Boise standard”, referring to the ruling the supreme court overruled with its Grants Pass decision. That means Berkeley will make sure to have “shelter available before closing the vast majority of encampments”, Rossoukhi said.

But the new policy also created six emergency exceptions in which authorities can remove unhoused people from public spaces regardless of whether shelter is available. Those exceptions include when encampments block walkways or pose what the city deems to be a fire or public health risk. In those cases, officials can also arrest and fine anyone who doesn't comply. An October **memo** detailing the policy's implementation states that “staff will resort to enforcement only if all other service offers and attempts to achieve voluntary compliance have failed”.

Berkeley city council member Cecilia Lunaparra, who cast the lone dissenting vote to the amended regulations, argues that the creation of the exceptions in effect “makes it nearly impossible to be unhoused in Berkeley without violating the Berkeley Municipal Code”, since nearly all homeless encampments fall under one of the exceptions.

In neighboring Oakland, the former mayor Sheng Thao in September issued an **executive order** that expanded her city's ability to sweep its estimated **1,500** encampments, creating similar exceptions that expedite the removal process if an encampment is deemed harmful to critical infrastructure, or poses a public safety risk. The changes also reduced the required notification time before certain sweeps to as little as 12 hours. The order, announced amid a campaign to **recall** Thao and a series of planned sweeps across the city, states that “in no case, will emergency or urgent closures be delayed for shelter unavailability”.

Berkeley has not conducted any major sweeps since the policy changes passed, though organizers said residents of smaller encampments have

received verbal notice to relocate. Oakland has undertaken weekly [cleanup operations](#). The city of Oakland did not respond to requests for comment about the policy change.

Neither Berkeley nor Oakland have enough shelter capacity to cover its unhoused residents. Berkeley's availability fluctuates daily, the city said, with approximately [350](#) beds available in both congregate and non-congregate to serve an unhoused population that was estimated in January to be 844, nearly 400 of whom were unsheltered. Oakland's 1,627 beds, including group facilities, cabins and RV parking sites, serve an estimated 5,500 people, over 3,600 of them unsheltered.

The number of unhoused people in both cities, collected through the US Department of Housing and Urban Development's annual Point in Time Count, is widely thought to [underestimate](#) the scale of homelessness.

And even when beds are available, [barriers](#) to entry are manifold, advocates, attorneys and outreach workers said.

"This is a huge civil rights issue," said Brigitte Nicoletti of the East Bay Community Law Center.



📍 Oakland police at the scene of a homeless encampment sweep along East 12th Street near 16th Avenue in Oakland on 15 May 2024. Photograph: Jane Tyska/East Bay Times/Getty Images

Nicoletti described clients in encampments whose physical and mental health disabilities prevent them from accessing available options. Sometimes shelter buildings can't accommodate wheelchair users, she said. For those with mental health conditions, living in congregate settings can be challenging, while others struggle with strict and varying rules and requirements at different facilities. Shelters often don't provide parking or enough storage for belongings, she and others said.

Even more lacking are long-term housing solutions that could set unhoused people on a permanent track out of homelessness. The Berkeley Housing Authority said that wait lists for entry into subsidized housing can take up to 12 years. The Oakland Housing Authority said that it can take from two years to nearly a [decade](#) to access public housing through its various voucher programs.

Stepped-up encampment sweeps risk stalling efforts to get people into stable housing, argued Ian Cordova Morales, the board president of Where Do We Go Berkeley? and a housing navigator for Oakland's Homeless Action Center.

The application for supportive housing in Alameda county, where Oakland is located, can take up to two years, Cordova Morales said, and requires that his clients obtain all necessary identification and documents, as well as proof

of a source of income, before they can qualify. “And then a sweep happens, and we can’t find them, and they miss these housing matches,” he said.

Nicoletti said that during sweeps, people with disabilities, common among her unhoused clients, “are especially prone to having their belongings thrown away - everything from their tents, their vehicles, IDs, paperwork”.

Olivia deBree, associate medical director of the street medicine program at [Lifelong Medical Care](#) warned that residents forced out of encampments can no longer get vital services such as addiction treatment, psychiatric injections, prenatal care, cancer treatment, HIV prevention and wound care.

Since they launched, Berkeley’s protest encampments have become a haven of community and support, said Erin Spencer, a military veteran and resident of Berkeley’s Eighth and Harrison Street encampment.

“I know that there’s a bunch of people that I can go to ... and we have to have social contact. We’re social creatures. Without it, we go crazy and die like Tom Hanks in Castaway, right?”

Spencer relocated to Eighth and Harrison in 2021 after city officials [swept](#) him from University Avenue and Frontage Road. Later, another sweep forced him from his tent at Emeryville’s [Ashby/Shellmound](#) encampment. Like others in support of the protest, he explained that contrary to the perception that they are dangerous, encampments are like any other neighborhood. Residents provide each other with vital community support. “There’s a trust factor there,” Spencer said.



📍 Erin Spencer, a military veteran and resident of Berkeley's Eighth and Harrison Street encampment. Photograph: Erin Sheridan

According to Cordova Morales, this is ultimately what the group is protesting - the breakdown of American communities.

Berkeley says it has made progress in tackling the homelessness crisis. In July, the city claimed it saw a [45% reduction](#) in unsheltered homelessness since 2023, through the use of state funds to create non-congregate shelter options and a series of policy changes in 2022 meant to improve city communication with unhoused residents, reduce police involvement in encampment removals and install fire safety regulations and regular trash collection services at encampment sites.

The city is also planning to use funds made available by Newsom to lease a 27-bed motel and expand the city’s non-congregate shelter bed count to 120. Lunaparra, the city council member, expressed support for the proposal but

emphasized that she wished the “governor was distributing it not only to cities ... that are willing to clear encampments without first offering shelter”.

Newsom said his statewide strategy was aimed at “[getting] people off the streets and sidewalks. We got to get them out of these tents and encampments. However, we can do that in a compassionate and thoughtful way to stabilize folks, to create, as we say in psychology, a pattern interrupt, to give people service connections ...”

But until sweeps are no longer a part of that strategy, the occupiers and their encampments will remain in full sight.

Gilmore put it simply: that it’s time for the housed public to stop viewing encampments as a “traffic obstruction” and face the humanity of the people who live there.

“You’re not going to push us out of view any more,” he said.

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