

In the  
Supreme Court of the United States



CITY OF BOISE,

*Petitioner,*

v.

ROBERT MARTIN, LAWRENCE LEE SMITH,  
ROBERT ANDERSON, JANET F. BELL,  
PAMELA S. HAWKES, AND BASIL E. HUMPHREY,

*Respondents.*

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On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**BRIEF OF AMICUS CURIAE  
VENICE STAKEHOLDERS ASSOCIATION  
IN SUPPORT OF PETITIONER**

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SEPTEMBER 25, 2018

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## TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES .....	iii
INTERESTS OF AMICI CURIAE .....	1
ARGUMENT .....	3
I. THE COURT SHOULD REVIEW AND REVERSE <i>MARTIN</i> BECAUSE CITIES SUCH AS BOISE AND LOS ANGELES ARE HAMSTRUNG BY ITS REQUIREMENT OF PROVIDING BEDS FOR ALL HOMELESS BEFORE ENFORCING MUNICIPAL LAWS FOR THE PROTECTION OF HEALTH AND PUBLIC WELFARE.....	3
A. The <i>Martin</i> Court Erred in Requiring Beds for an Entire Homeless Popula- tion Rather than Beds for the Number of Homeless Cited on Any Given Night.....	8
B. The <i>Martin</i> Court Failed to Adequately Define “Voluntary” and “Involuntary” as It Relates to Homelessness .....	8
C. The <i>Martin</i> Court Failed to Consider the Impact of Homeless Encampments on the Use of Shelters .....	10
CONCLUSION.....	15
APPENDIX .....	16

**TABLE OF CONTENTS—Continued**

Page

**APPENDIX TABLE OF CONTENTS**

Affidavit of Mark Ryavec Regarding Interests of  
VSA (September 25, 2019) ..... 1a

Photos of the Impact of Homeless Problems in  
Venice Beach..... 7a

## TABLE OF AUTHORITIES

Page

### CASES

*Jones v. City of Los Angeles*,  
444 F.3d 1118 (9th Cir. 2006)..... 3, 4, 5

### STATUTES

L.A. Mun. Code. § 41.18(d) ..... 4, 5, 6

### CONSTITUTIONAL PROVISIONS

U.S. Const. amend. VIII ..... 3, 4

### OTHER AUTHORITIES

2019 Greater Los Angeles Homeless Survey,  
[https://www.lahsa.org/documents?id=3421-  
2019-greater-los-angeles-homeless-count-city-  
of-los-angeles](https://www.lahsa.org/documents?id=3421-2019-greater-los-angeles-homeless-count-city-of-los-angeles), August 25, 2019 ..... 7

*Another Shooting in  
Venice Police Hunting for Suspect*,  
[https://yovenice.com/2018/03/15/another-  
shooting-in-venice-police-hunting-for-suspect](https://yovenice.com/2018/03/15/another-shooting-in-venice-police-hunting-for-suspect),  
August 16, 2019..... 12

City of LA 2018-19 Budget  
Issued by L.A. Controller’s Office,  
[https://lacontroller.org/wp-content/uploads/  
2019/02/BUDGET-2018-19](https://lacontroller.org/wp-content/uploads/2019/02/BUDGET-2018-19), August 25, 2019..... 7

**TABLE OF AUTHORITIES—Continued**

	Page
Courthouse News Services, <i>‘Commercialized Grittiness’ Taking Hold in            Free-Spirited Venice, California,</i> <a href="https://www.courthousenews.com/commercialized-grittiness-taking-hold-in-free-spirited-venice-california">https://www.courthousenews.com/            commercialized-grittiness-taking-hold-in-free-            spirited-venice-california,</a> August 16, 2019.....	5
Dan Sim <i>He Was a Yale Graduate, Wall Street Banker            and Entrepreneur. Today He’s Homeless in            Los Angeles,</i> <a href="https://edition.cnn.com/2019/09/17/us/los-angeles-yale-graduate-homeless/index.html?no-st=1568949532">https://edition.cnn.com/2019/09/            17/us/los-angeles-yale-graduate-homeless/            index.html?no-st=1568949532,</a> last accessed on September 19, 2019.....	10
Fox News, <i>Venice Beach Residents Rally to Combat            Homeless Encampments in Their            Neighborhood,</i> Aug. 29, 2019 <a href="https://video.foxnews.com/v/6080063740001/#sp=show-clips">https://video.foxnews.com/v/6080063740001/            #sp=show-clips</a> .....	13
<i>Jones v. City of Los Angeles:            In Search of a Judicial Test of Anti-Homeless            Ordinances,</i> 25 LAW & INEQ. 515 (2007).....	4
Los Angeles Downtown News, <i>High Security Costs Tied to Bridge Housing            Patrols</i> <a href="http://www.ladowntownnews.com/news/high-security-costs-tied-to-bridge-housing-patrols/article_31d2f7cc-6870-11e9-8289-c7b22d8543a1.html">http://www.ladowntownnews.com/            news/high-security-costs-tied-to-bridge-            housing-patrols/article_31d2f7cc-6870-11e9-            8289-c7b22d8543a1.html,</a> August 25, 2019 .....	7

**TABLE OF AUTHORITIES—Continued**

	Page
Los Angeles Homeless Services Authority, Memo, <a href="https://www.documentcloud.org/documents/4550980-LAHSA-Sheltering-Report.html#document/p14/a431609">https://www.documentcloud.org/documents/            4550980-LAHSA-Sheltering-Report.            html#document/p14/a431609,</a> August 24, 2019.....	7
Los Angeles Times, <i>Garcetti Says L.A. Can Resume Disputed Ban            on Overnight Sidewalk Sleeping</i> , <a href="https://www.latimes.com/local/lanow/la-me-ln-sidewalk-sleeping-20180622-story.html">https://www.            latimes.com/local/lanow/la-me-ln-sidewalk-            sleeping-20180622-story.html</a> , August 25, 2019 .....	4
Motion by City of Los Angeles Committee of Homelessness and Poverty, <a href="http://clkrep.lacity.org/onlinedocs/2019/19-0602-s1_mot_07-30-2019.pdf">http://clkrep.lacity.            org/onlinedocs/2019/19-0602-s1_mot_07-30-            2019.pdf</a> , August 25, 2019.....	6, 8, 14



## INTERESTS OF AMICI CURIAE<sup>1</sup>

The VSA, founded in 2009, is a nonprofit organization dedicated to civic improvement. The VSA supports slow growth, the limits of the Venice Local Coastal Specific Plan, neighborhood safety, better traffic circulation, increased parking for residents, neighborhood beautification projects, historic preservation, habitat restoration and protection of coastal waters.

Representing residents in the Venice district of the City of Los Angeles, California, the VSA has grappled with the horrendous impact of the increase of the homeless population in Venice from approximately 400 persons in 2014 to 1,100 persons now, as documented by the Los Angeles Homeless Services Authority's annual homeless count.

The VSA provides research, education, advocacy and litigation support for Venice Beach residents to ensure that their voices are heard. VSA is presently in litigation against the City of Los Angeles, the California Coastal Commission and the Los Angeles County Metropolitan Transportation Authority over the erection of a 154-bed homeless shelter complex in violation of the California Environmental Quality Act,

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<sup>1</sup> No party or counsel for a party authored this brief in whole or in part. No one other than VSA made any monetary contribution to fund the preparation or submission of this brief. Notice of intent to file this brief was given to all parties on August 30, 2019. Blanket consents by both the City of Boise and Martin et al. for the filing of amicus briefs were filed with the Clerk on September 6, 2019.

*VSA v. City of Los Angeles*, Case No. 19STCP00044 and *VSA v. Los Angeles County Metropolitan Transportation Authority*, Case No. 19STCP00629.

Mark Ryavec is the president and founder of VSA. He has an extensive career in public policy. He holds a B.A. in Psychology from UCLA and an M.A. in Urban Studies from a joint degree program of the CORO Foundation and Occidental College. He served as a Legislative Analyst in the Office of the Chief Legislative Analyst of the Los Angeles City Council and in that capacity served as the principal staff for Los Angeles Mayor Tom Bradley's Commission on the Redevelopment of Los Angeles' Central Business District. Later he served as Chief Deputy for Los Angeles County Assessor Alexander Pope. He also served as a founding Director of the non-profit American Oceans Campaign, its State Legislative Director in 1996, and as a member of the Board of Governors of Oceana, a global ocean protection NGO. For five years in the early 2000s he was Executive Director of Neighborhood Partners, a non-profit affordable housing provider in the San Fernando Valley. As a public affairs consultant he has represented clients as varied as No Oil, Inc., Browning-Ferris Industries, Marquart Corporation (a rocket propulsion firm), Writers Guild of America, West, and the Consulate General of Sweden and the Los Angeles Consular Corps.

The outcome of the decision in *Martin* will directly and profoundly impact VSA's ability to influence local policy makers to make sound decisions regarding homelessness and its impacts on the community. If *Martin* stands, the power of municipalities to enforce anti-loitering and anti-camping ordinances and to

take other steps to protect the public welfare will be diminished to the detriment of those who suffer the adverse impacts of homelessness in their communities. The balance between the rights of the homeless and those that also suffer from the impacts of the homeless will be irrevocably altered.



## ARGUMENT

### **I. THE COURT SHOULD REVIEW AND REVERSE *MARTIN* BECAUSE CITIES SUCH AS BOISE AND LOS ANGELES ARE HAMSTRUNG BY ITS REQUIREMENT OF PROVIDING BEDS FOR ALL HOMELESS BEFORE ENFORCING MUNICIPAL LAWS FOR THE PROTECTION OF HEALTH AND PUBLIC WELFARE.**

The increase in homeless on Venice's sidewalks, alleys and along its beach is in significant measure due to the laissez-faire conditions following the 2007 settlement reached in *Jones v. City of Los Angeles*, 444 F.3d 1118, 1138 (9th Cir. 2006), vacated, 505 F.3d 1006 (9th Cir. 2007). *Jones* was brought by six homeless individuals challenging enforcement of criminal penalties for lying, sitting or sleeping on a sidewalk. The *Jones* plaintiffs challenged the criminal penalties on the grounds that Los Angeles had insufficient shelters and, therefore, the punishment was cruel and unusual within the meaning of the Eighth Amendment.

In 2006, the Ninth Circuit found in favor of the *Jones* plaintiffs and found a violation of the Eighth Amendment. Legal scholars condemned the *Jones* decision as an unwarranted impairment of the power of

cities to protect the public health. *See* Emily N. McMorris, *Jones v. City of Los Angeles: A Dangerous Expansion of Eighth Amendment Protections Stifles Efforts to Clean up Skid Row*, 40 LOY. L.A. L. REV. 1149, 1150 (2007) [referring to the *Jones* opinion as a “misinterpretation and exceedingly broad reading” of Eighth Amendment precedent]; and Mary Boatright, *Jones v. City of Los Angeles: In Search of a Judicial Test of Anti-Homeless Ordinances*, 25 LAW & INEQ. 515, 527 (2007) [referring to the *Jones* analysis as “oblique and confusing”.]

Following the 2006 ruling in *Jones*, a settlement was reached in 2007. The City of Los Angeles agreed to forego enforcement of its “No lying, sitting or sleeping on a sidewalk” ordinance (L.A. Mun. Code § 41.18(d))<sup>2</sup> between the hours of 9 p.m. and 6 a.m. until 1,250 units of permanent, supportive housing for the homeless were constructed.

Los Angeles Mayor Eric Garcetti announced<sup>3</sup> in January 2018 that the necessary permanent additional 1,250 units had been constructed and the City would begin returning to nighttime enforcement of Section 41.18(d) in instances when the city had offered a shelter bed and it had been declined. After the Ninth Circuit decided *Martin*, this return to enforcement was abandoned and the homeless population expanded in

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<sup>2</sup> Further statutory references are to the Los Angeles City Municipal Code.

<sup>3</sup> Los Angeles Times, *Garcetti Says L.A. Can Resume Disputed Ban on Overnight Sidewalk Sleeping*, <https://www.latimes.com/local/lanow/la-me-ln-sidewalk-sleeping-20180622-story.html>, last accessed August 25, 2019.

Los Angeles by 12% in 2018 and by 16% in Venice in the same period.<sup>4</sup>

The increase in Venice results from a convergence of Venice's historic luster as a tourist destination, its delightful weather, the easy availability of drugs, and the well-publicized roll back of any municipal enforcement of ordinances meant to promote civil society, public health and safety, and quality of life for residents and visitors alike.

Homeless individuals in Venice routinely camp within feet of residents' homes and businesses' front doors. Under both *Jones* and then *Martin*, many homeless have developed a sense of entitlement to any public property and frequently extend this to occupation of private property abutting public property, such as front yards, side-yard setbacks, driveway aprons and carports. In the last few years this has extended to occupation of buildings unoccupied due to recent sale or under construction.

Under the *Jones* settlement, while the City of Los Angeles could enforce Section 41.18(d) during the day from 6 a.m. to 9 p.m. to push homeless encampments—at least during the day—away from burdened residents, it rarely did. To prosecute individuals who failed to abide by Section 41.18(d)'s prohibition on lying, sitting or sleeping on a sidewalk after 6 am required four (4) hours of work by two officers: to arrest that person, confiscate and inventory his/her belongings,

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<sup>4</sup> Courthouse News Services, *'Commercialized Grittiness' Taking Hold in Free-Spirited Venice, California*, <https://www.courthousenews.com/commercialized-grittiness-taking-hold-in-free-spirited-venice-california/>, last accessed August 16, 2019.

and then transport and book that individual at the Pacific Division station. With an already understaffed police force, the LAPD would only rarely enforce Section 41.18(d).

The broad and contradictory language of *Martin* has gone further in this direction, leaving the Los Angeles City Attorney to advise the LAPD to not enforce Section 41.18(d) and aspects of the related parks ordinance, Section 63.44.<sup>5</sup> The result is large encampments on world famous Venice Beach, with certain sections taken over permanently by the homeless.

On one hand, the *Martin* court disingenuously held that it is not dictating “to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place,”<sup>6</sup> while at the same time holding “that so long as there is a greater number of homeless individuals in a jurisdiction than the number of available beds in shelters, the jurisdiction cannot prosecute homeless individuals for involuntarily sitting, lying and sleeping in public.”<sup>7</sup>

In the second quoted clause above, the *Martin* court overturns the permission it affords jurisdictions in the first clause to enforce restrictions on where individuals sit, lie or sleep on the streets . . . and at what time or place they may do this.

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<sup>5</sup> See July 30, 2019 Motion by City of LA Committee of Homelessness and Poverty recommending deletion of Section 41.18(d) based on *Martin*, [http://clkrep.lacity.org/onlinedocs/2019/19-0602-s1\\_mot\\_07-30-2019.pdf](http://clkrep.lacity.org/onlinedocs/2019/19-0602-s1_mot_07-30-2019.pdf), accessed on August 25, 2019.

<sup>6</sup> *Martin*, at 1048.

<sup>7</sup> *Martin*, at 1048.

Based on the recent \$60,000 construction cost per bed<sup>8</sup> of Los Angeles Mayor Eric Garcetti's first Bridge Housing project (El Pueblo), Los Angeles would have to spend \$2.1 billion<sup>9</sup> to provide temporary shelter beds for the entire 36,000 homeless population.<sup>10</sup> That is more than one-fifth of the city's 2018-19 \$9.8 billion budget.<sup>11</sup> Permanent, brick-and-mortar housing units, at the current average \$525,000 cost per unit, would cost the city \$19 billion.<sup>12</sup>

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<sup>8</sup> Los Angeles Downtown News, *High Security Costs Tied to Bridge Housing Patrols*, [http://www.ladowntownnews.com/news/high-security-costs-tied-to-bridge-housing-patrols/article\\_31d2f7cc-6870-11e9-8289-c7b22d8543a1.html](http://www.ladowntownnews.com/news/high-security-costs-tied-to-bridge-housing-patrols/article_31d2f7cc-6870-11e9-8289-c7b22d8543a1.html), last accessed on August 25, 2019.

<sup>9</sup> Admittedly, \$2.1 billion is VSA's estimate. The City of LA estimates that it would cost \$500,057,347 to provide interim housing for all of the City of LA's homeless. June 18, 2018 memo by Los Angeles Homeless Services Authority, <https://www.documentcloud.org/documents/4550980-LAHSA-Sheltering-Report.html#document/p14/a431609>, last accessed on August 24, 2019. Half a billion dollars still represents an unrealistically high share of the City's total annual expenditures.

<sup>10</sup> 2019 Greater Los Angeles Homeless Survey, <https://www.lahsa.org/documents?id=3421-2019-greater-los-angeles-homeless-count-city-of-los-angeles.pdf>, last accessed on August 25, 2019.

<sup>11</sup> City of LA 2018-19 Budget issued by L.A. Controller's Office, <https://lacontroller.org/wp-content/uploads/2019/02/BUDGET-2018-19.pdf>, last accessed on August 25, 2019.

<sup>12</sup> USA Today, *\$700K for an Apartment? the Cost to Solve the Homeless Crisis Is Soaring in Los Angeles*, [https://amp-usatoday.com.cdn.ampproject.org/v/s/amp.usatoday.com/amp/1984064001?usqp=mq331AQEKAFwAQ%3D%3D&amp\\_js\\_v=0.1](https://amp-usatoday.com.cdn.ampproject.org/v/s/amp.usatoday.com/amp/1984064001?usqp=mq331AQEKAFwAQ%3D%3D&amp_js_v=0.1), last accessed on September 19, 2019.

**A. The *Martin* Court Erred in Requiring Beds for an Entire Homeless Population Rather than Beds for the Number of Homeless Cited on Any Given Night**

The *Martin* court failed to entertain the possibility that a city would rarely if ever attempt to cite every homeless person in its jurisdiction for camping on public property at the same time (no police department has the officers nor the jails to do this), but rather would use the bar on camping judiciously, one camper or one encampment at a time, to address a particular person or group of campers that are especially destructive to the environment, or disruptive of a neighborhood through noise, accumulation of trash, human sewage and food waste, used needles, and threats to nearby residents and/or business owners. The *Martin* court thus should have only required that a shelter bed be available for those few campers the jurisdiction's officers might in the course of a typical day be called upon to ask to move on due to the harm they are causing. A requirement that in each instance an offer for a shelter bed be documented would accomplish the same result—no one would be cited if a bed was not truly available—without hamstringing the jurisdiction from addressing problematic homeless campers who have no interest in housing.

**B. The *Martin* Court Failed to Adequately Define “Voluntary” and “Involuntary” as It Relates to Homelessness**

Similarly, the *Martin* court made no effort to examine and define the terms “voluntary” and “involuntary” in relation to the condition of being homeless. Despite the *Martin* plaintiffs' contention that their

homeless state was involuntary, VSA's experience in Venice is that just cursory questioning leads to a different conclusion.

Some years ago, the VSA was approached by Captain Dominic Choi, the commander of the LAPD Pacific Division, and asked to raise funds for the LAPD's Venice Beach Homeless Task Force, which was comprised of several LAPD officers and two local chaplains, Regina and Steve Weller. The Task Force would cruise Venice three afternoons a week getting acquainted with the homeless campers. In addition to placing any willing homeless individuals into rehab or shelters, the Wellers focused on "family reunification;" *i.e.*, re-connecting homeless individuals with family members "back home" who the individual described to the Wellers as "safe." Captain Choi asked the VSA to provide bus tickets and meal vouchers to those individuals the Wellers had coaxed to accept a family member's invitation to return home. Hundreds were sent home to welcoming families over the course of several years.

With such a low bar to returning to being housed, were these individuals really involuntarily homeless? For example, it cost about \$100 to bus to Tucson and have a few meals along the way.

In discussions over the last ten years with social service workers who counsel those who live on Venice's streets, VSA has learned that in the 16 to 24 age range over 70% are from out of state, and many are self-described "travelers" who have no interest in a shelter bed or housing. Under *Martin*, Los Angeles (and all other jurisdictions) would have to build or lease housing beds for these "travelers" who forego

shelter in all instances before it could enforce anti-loitering and anti-camping laws.

### **C. The *Martin* Court Failed to Consider the Impact of Homeless Encampments on the Use of Shelters**

The *Martin* court also did not understand that the development of semi-permanent encampments, such as the one on Third Street between Rose and Sunset Avenues in Venice, are themselves barriers to rescuing homeless individuals from the street. Outreach and placement efforts were frequently in conflict with the familial bonds that developed between those living in Venice's encampments. Often times, a counselee may agree to a placement—in rehab, a shelter, a shared apartment, permanent/supportive housing, or family reunification—but would not show up at the appointed time for transport. They did not want to give up the street “family” of which they had become a part. These individuals were voluntarily remaining homeless as much as the young “travelers,” who have no interest in shelter.<sup>13</sup>

The failure of the court to limit its decision to those who by some criteria are truly without some resources or options to change their status from

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<sup>13</sup> CNN recently profiled a Yale graduate. Dan Simon, CNN, *He Was a Yale Graduate, Wall Street Banker and Entrepreneur. Today He Is Homeless in Los Angeles*. <https://edition.cnn.com/2019/09/17/us/los-angeles-yale-graduate-homeless/index.html?no-st=1568949532>, last accessed on September 19, 2019. The story highlights the frequency of voluntary homelessness. The subject has a standing offer from his family for housing but prefers to work through the issue himself.

unhoused to housed alone demands that the *Martin* decision be overturned.

The results of the wide-open nature of the *Martin* decision in a dense urban setting such as Venice, California have been catastrophic.

In just one example, it allowed a 20-person encampment to set up on the 200 block of Grand Boulevard (formerly a canal in the era of Venice's founder Abbot Kinney), alongside the Venice Post Office's large parking lot filled with 40 delivery trucks and across the street from single family homes and duplexes with an assortment of retirees, families and young couples.

In one case documented on the Neighbors of Grand email list-serve, a couple on drugs engaged in a fierce argument on July 9, 2016 at 7:30 a.m., shouting obscenities at each other. Quoting from resident John Vester's message to his neighbors:

“The loudest, most obnoxious of the homeless across the street loudly THREATENED TO KILL one of the other homeless, then when one of our neighbors [Underwood] asked them to please be quiet, he started loudly mimicking her while jumping up & down then he loudly THREATENED TO BURN HER HOUSE DOWN.”

The LAPD responded an hour and a half later, after the couple had stopped fighting; the officers would not give credence to the threat reported by Mr. Vester. Such nighttime intrusions into the lives of residents are frequent occurrences all over Venice, and indeed, all over Los Angeles.

This encampment was the generator of crime of all types: car break-ins, vandalism, thefts from residents' yards of children's toys and lawn furniture, trespass, and defecation and urination on private and public property. In one instance a camper threw a heavy object over the Post Office's fence and shattered the front windscreen of an employee's personal vehicle. In another, one of the campers living in the encampment shot and killed a man with whom he had a verbal clash at the nearby Surfside restaurant on March 7, 2018.<sup>14</sup>

The sidewalk and parkway, about 12 feet wide, were constantly blocked by the campers' accumulation of "stuff," including furniture such as chairs and tables, tents, dogs, mattresses, sleeping bags, duffel bags, luggage, food, backpacks, and bicycles-and piles of trash and food waste. Despite ADA requirements, there was no passage available for the disabled. The disabled, those pushing baby carriages, and other pedestrians had to walk the length of the block in the street-exposed to traffic-to get from one end of the block to the other.

This encampment resulted in the filing of an OSHA complaint against the U.S. Postal Service by letter carriers. Due to the necessary arrival throughout the

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<sup>14</sup> "The following day, LAPD arrested 46-year-old Robert Mewhorter in connection with the shooting. Identified from video footage and witness descriptions, Mewhorter "was spotted the next day near an encampment where he lived on Grand" Avenue in Venice. According to Stevens, Mewhorter was living in the encampment." *Another Shooting in Venice Police Hunting for Suspect, Yo Venice!*, <https://yovenice.com/2018/03/15/another-shooting-in-venice-police-hunting-for-suspect/> (last visited August 16, 2019).

night of large trucks delivering the next day's mail, the Post Office staff had to leave its driveway gate on Grand open. At night members of the encampment would trespass into the parking lot and relieve themselves between the parked delivery trucks. The next day, carriers, who spend the morning at their trucks sorting mail, would have to stand in human sewage and breathe the fumes from the accumulated urine and feces for several hours as part of their job. The U.S. Postal Service had to pay a fine as a result of the OSHA complaint.

This unacceptable situation was only remedied when neighborhood residents, working with the VSA and the Post Office management, raised \$35,000 and built and installed 55-4' x 8' planter boxes filled with succulents on the parkway on Grand and on two other streets, Windward and Riviera, that also border the Post Office.<sup>15</sup> The planter boxes, placed on the parkway between the sidewalk and curb, blocked erection of tents, or accumulation of large piles of personal possessions, and thus blocked the return of the encampment. Though such planter boxes can be permitted under the Los Angeles Municipal Code, the City's Bureau of Engineering has until recently denied any applications for such projects in Venice. Several projects that were installed at the urging of the Los Angeles Police Department and the 11th City Council District have recently been cited by the City's Street Services Bureau

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<sup>15</sup> The installation of these planter boxes was documented by a National television news report, *Venice Beach Residents Rally to Combat Homeless Encampments in Their Neighborhood*, Fox News, Aug. 29, 2019, available at <https://video.foxnews.com/v/6080063740001/#sp=show-clips>

and threatened with removal. Only on August 26, 2019, after public outcry against the threat of removal, did the City Bureau of Street Services agree to let un-permitted planters remain in place while property owners applied for city permits.

The *Martin* decision has paralyzed the city of Los Angeles (and it appears other cities in the Ninth Circuit's jurisdiction), blocking any commonsense regulation of homeless encampments and leading to a severe breakdown in the norms of civil society. The decision so broadly defined "involuntarily homeless" that it includes many who have resources or options to be housed but, for a variety of discoverable reasons, choose not to pursue them. It has made living in encampments preferable to accepting available options to leave the streets; food, water, blankets and tents are delivered by well-meaning service agencies, showers and restrooms are open 24 hours a few blocks away, and there is no rent. This has placed a heavy burden on residents and business owners while preventing police from protecting them.

The VSA urges the Court to review and reject *Martin* for its evisceration of municipalities' ability to control local health and safety, and its erosion of residents' right to the quiet enjoyment of their homes.



## CONCLUSION

For the foregoing reasons, the VSA respectfully urges this Court to grant the City of Boise's Petition for a Writ of Certiorari.

Respectfully submitted,

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SEPTEMBER 25, 2019

**APPENDIX TABLE OF CONTENTS**

Affidavit of Mark Ryavec Regarding Interests of  
VSA (September 25, 2019) ..... 1a

Photos of the Impact of Homeless Problems in  
Venice Beach..... 7a

**AFFIDAVIT OF MARK RYAVEC  
REGARDING INTERESTS OF VSA  
(SEPTEMBER 25, 2019)**

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**Mark Ryavec, First Duly Sworn Upon Oath, States as Follows:**

1. The Venice Stakeholders Association (“VSA”) was founded in 2009 and is a nonprofit organization dedicated to civic improvement. The VSA supports slow growth, the limits of the Venice Local Coastal Specific Plan, neighborhood safety, better traffic circulation, increased parking for residents, neighborhood beautification projects, historic preservation, habitat restoration and protection of coastal waters.

2. Representing residents in the Venice district of the City of Los Angeles, California, the VSA has grappled with the horrendous impact of the increase of the homeless population in Venice from approximately 400 persons in 2014 to 1,100 persons now, as documented by the Los Angeles Homeless Services Authority’s annual homeless count.

3. The VSA provides research, education, advocacy, and litigation support to Venice Beach residents to ensure that their voices are heard. VSA is presently in litigation against the City of Los Angeles, the California Coastal Commission and the Los Angeles County Metropolitan Transportation Authority over the erection of a 154-bed homeless shelter complex in violation of the California Environmental Quality Act, *VSA v. City of Los Angeles*, Case No. 19STCP-00044 and *VSA v. Los Angeles County Metropolitan Transportation Authority*, Case No. 19STCP00629.

4. I am the president and founder of VSA. I have had an extensive career in public policy. I hold a BA in Psychology from UCLA and an MA in Urban Studies from a joint degree program of the CORO Foundation and Occidental College. After graduate school I served as a Legislative Analyst in the Office of the Chief Legislative Analyst of the Los Angeles City Council and in that capacity served as the principal staff for Los Angeles Mayor Tom Bradley's Commission on the Redevelopment of Los Angeles' Central Business District. Later I served as Chief Deputy for Los Angeles County Assessor Alexander Pope. I also served as a founding Director of the non-profit American Oceans Campaign, its State Legislative Director in 1996, and as a member of the Board of Governors of Oceana, a global ocean protection NGO. For five years in the early 2000s he was Executive Director of Neighborhood Partners, a non-profit affordable housing provider in the San Fernando Valley. As a public affairs consultant I have represented clients as varied as No Oil, Inc., Browning-Ferris Industries, Marquart Corporation (a rocket propulsion firm), Writers Guild of America, West, and the Consulate General of Sweden and the Los Angeles Consular Corps.

5. I believe that the outcome of the decision in *Martin* will directly and profoundly impact VSA's ability to influence local policy makers and law enforcement officials to make sound decisions regarding homelessness and its impacts on the community. If *Martin* stands, the power of municipalities to enforce anti-loitering and anti-camping ordinances and to take other steps to protect the public welfare will be diminished to the detriment of those who suffer the adverse impacts of homelessness in their communities. The

balance between the rights of the homeless and those that also suffer from the impacts of the homeless, including residents and business owners, will be irrevocably altered.

6. Some years ago, the VSA was approached by Captain Dominic Choi, the commander of the LAPD Pacific Division, and asked to raise funds for the LAPD's Venice Beach Homeless Task Force, which was comprised of several LAPD officers and two local chaplains, Regina and Steve Weller. The Task Force would cruise Venice three afternoons a week getting acquainted with the homeless campers. In addition to placing any willing homeless individuals into rehab or shelters, the Wellers focused on "family reunification;" *i.e.*, reconnecting homeless individuals with family members "back home" who the individual described to the Wellers as safe. Captain Choi asked the VSA to provide bus tickets and meal vouchers to those individuals the Wellers had coaxed to accept a family member's invitation to return home. Hundreds were sent home to welcoming families over the course of several years. With such a low bar to returning to being housed were these individuals really involuntarily homeless? For example, it cost about \$100 to bus to Tucson and have a few meals along the way.

7. In another instance, while serving on a committee attempting to address the homeless issue in Venice, I met a homeless fellow who was a member of a Hollywood craft guild. The work required physical labor and he had injured his shoulder, so temporarily he could not work. I asked if he had family he could stay with and he replied that he had parents in San Francisco, but he liked the weather here better and

would rather be homeless here on Venice Beach until his shoulder healed than return to live with his parents.

8. In discussions over the last ten years with social service workers who counsel those who live on Venice's streets, VSA has learned that in the 16 to 24 age range over 70% are from out of state, and many are self-described "travelers" who have no interest in a shelter bed or housing. Having backpacked around Europe as a young man, I understand their journey. However, I never camped out on a sidewalk or defecated in an alley, and none of the countries I visited would have allowed this. The majority of adult homeless here above the age of 24 also eschew a shelter bed, as shown by the large number of beds which remain unused even in the fiercest storms in the county's Winter Shelter in nearby West Los Angeles. This is the door that *Martin* has opened.

9. The *Martin* court did not understand that the development of semi-permanent encampments, such as the one on Third Street between Rose and Sunset Avenues in Venice, are themselves barriers to rescuing homeless individuals from the street. Both Steve Weller and Tim Pardue, the former director of the Venice Teen Project, related to me that their outreach and placement efforts were frequently in conflict with the familial bonds that developed between those living in Venice's encampments. Mr. Weller and Mr. Pardue told me of numerous instances when a counselee would agree to a placement—in rehab, a shelter, a shared apartment, permanent/supportive housing, or family reunification—but would not show up at the appointed time for transport. In a later meeting they would sheepishly explain that they did not want to give up the street "family" of which they had become a part.

These individuals were voluntarily remaining homeless as much as the young “travelers,” who have no interest in shelter.

10. In support of this motion for leave to file an amicus brief and to demonstrate the VSA’s interest in the outcome of this matter, I offer the following text of a July 9, 2016 email by Venice resident and VSA supporter John Vester to then LAPD Senior Lead Officer Peggy Thusing:

Hi Again Officer Peggy (& LA City/LAPD Chain of Command & VNC)

Again, our problem with the LOUD obnoxious homeless camping (& urinating & defecating & fighting with LOUD dogs barking. . . .) right across the street from our homes is an ongoing, escalating

EVERY MORNING 6 am problem & now THEY ARE THREATENING RESIDENTS

Location: Directly across from 228 Grand Blvd. in front of Venice PO

We are currently getting NO RESPONSE from LAPD regardless what # we call

I haven’t seen an LAPD car even pass by the homeless encampment. . . . NO RESPONSE

This morning at 7:30 (90 minutes after they are legally supposed to be gone) the loudest, most obnoxious of the homeless across the street loudly THREATENED TO KILL one of the other homeless, then when one of our neighbors asked them to please be quiet, he started loudly mimicking her while jumping

up & down then he loudly THREATENED TO  
BURN HER HOUSE DOWN

Again:

These LOUD homeless are clearly abusing  
what they call their right to camp on our  
sidewalk, & they are breaking the law:  
DISTURBING THE PEACE every morning  
staying hours after the legal mandate &  
now they are THREATENING RESIDENTS

Your help with this matter asap will be  
greatly appreciated by all our neighbors & I  
here in the westernmost block of Grand, I'll  
try calling your # this morning Officer Peggy

Thanks Again, JOHN VESTER

11. In support of this motion for leave to file an  
amicus brief and to demonstrate the VSA's interest  
in the outcome of this matter, I offer three photographs  
attached to this affidavit that demonstrate the impact  
facing VSA members from the homeless problems in  
Venice.

Mark Ryavec

Dated: September 25, 2019

**PHOTOS OF THE IMPACT OF HOMELESS PROBLEMS IN VENICE BEACH**



IMAGE 1



IMAGE 2



IMAGE 3