



The Oakland Observer [@Oak_Observer](#)

Sep 10 · [224 tweets](#)

OO is at Special Public Safety Mtg today....despite there being a line out the door, standing room only in chambers, Chair Wang has started mtg promptly. Chair Wang also announced Fife had a scheduling conflict and is not present

In late breaking events, the Cal HCD sent a redlined revision to Houston's amendments, the sense is that Oakland will lose homeless funding for being out of compliance with grant guidelines if they pass oakland-observer.ghost.io/oakland-observ...

A lot of people appear to be here to oppose the legislation, speakers are getting up to speak on scheduling item too.

The make up of committee today is if Brown doesn't support the amendments, it won't get out of committee through longer process...Jenkins however has said he will use his powers as President to directly schedule to council

They are on to the EMP to Abatement policy revisions. I have been saying this is a joint between Houston and Jenkins because the latter's chief of staff co-wrote, and he has turned scheduling upside down to get it on agendas early

Patricia Brooks, Jenkins chief of staff is co-presenting. Worth noting, there are over 80 speakers here today. A majority seem to be here to oppose, but we will see.

Houston says the governor "supports me with this", but that appears contrary to reality. Houston also thanks Patricia Brooks, he says that he leads through experience. He is thanking a lot of people despite having an 8 minute presentation on deck.

Houston says there is no audio on presentation. He says he grew up in the areas in the video, and it did not look like this and "we did not have to deal with this"

Jenkins showing video, also getting some push back from crowd.



Houston shows a video of an RV he claims to have lived in, experienced homeless, says he's had homeless experience...there's a lot of heckling , tho, and Wang had to admonish. He also says his brother was homeless for 39 years and asks him to stand in crowd.



So far the presentation is heavy on feelings, but not facts. Houston says "this is a difficult situation, someone has to take a bold stance, we cannot continue to live....let individuals live in this condition.

Patricia Brooks, Jenkins' Chief of Staff will present the power point. He calls her 'the mastermind'

Brooks going to provide....there is no sign off by city attorney on legislation, but Brooks just thanked Jordan Flanders of the OCA. Worth noting Houston also thanked the governor, despite the clear opposition of his HCD office to the language changes

Brooks says the legislative changes would only enforce existing laws, enforce Ca vehicle code, and reduce health and safety environmental negative outcomes

2025 EAP Goals

Protect all Oaklanders—sheltered & unsheltered

- Give back authority to OakDOT and OPD to enforce established Ordinances, Codes regardless of housing status of individuals
 - Remove criminal activities in encampments, RVs/campers through standard investigation
 - Enforce CA Vehicle Code (CVC) to remove/impound vehicles when health, safety, or traffic impeding conditions are present
 - Reducing health, safety, environmental negative outcomes from encampments

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Brooks: "city will continue to use housing first policies...we want to reclaim and preserve public spaces" runs through list of parks, playgrounds, etc..." we want to define high and low sensitivity areas

2025 EAP Goals (cont.)

- Balance compassion with public safety, health, and equity
 - The City will model 'housing first' priorities
 - When housing is available, the City will make every effort to house individuals

Reclaim and preserve public spaces – parks, tot lots/ play structures, sidewalks – for all Oaklanders regardless of housing status

- Define “High” and “Low” sensitivity areas
 - High Sensitivity areas
 - Formally designated by City Council

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The definition of high and low sensitivity areas is specifically an area where the state's HCD has said the legislation would not be in compliance in Houston's changes...where the city could lose homelessness funding

2025 EAP Goals (cont.)

- Defined as locations where encampments create serious health and/or safety risks such as:
 - Damage to important infrastructure
 - Blocking public spaces or services
 - Blocking homes or businesses
 - Blocking emergency access or streets
- City to prioritize maintaining high-sensitivity areas free of encampments
 - Parks with playgrounds or tot lots
 - Protected waterways (within 50 ft)
 - Schools & childcare centers (within 150 ft)
 - Residences & businesses (within 50 ft)
 - High Fire Severity Zones & critical infrastructure

2025 EAP Goals (cont.)

- Low Sensitivity areas
 - All other areas not designated as high-sensitivity areas
 - Encampments in low sensitivity areas must meet new EAP standards. Examples include:
 - No obstructing emergency ingress/egress routes
 - No obstructing on Bike and ADA routes; pedestrian traffic
 - No gray or black water dumping
 - Encampment boundaries do not exceed 12 x 12 sq. ft per person
 - Structures and tents shall maintain minimum six (6) feet distance between one another
 - Areas directly adjacent to an inhabited vehicle must always remain clear

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Brooks says this is an important slide..."there's enough blame to go around" and blames Boise ...when she mentioned Boise, some people shouted out Amen, and clapped...Brooks acknowledged that. This is a largely unfriendly crowd, but there are supporters for the legislation.

From EMP to EAP

2018 – **Martin v. City of Boise (Ninth Circuit Court ruling)**

- Cities cannot punish people for sleeping, sitting, or lying in public if they have no access to shelter
- Established constitutional protections for unhoused individuals

2020 – Encampment Management Policy (EMP)

- Oakland's first structured response to encampments
- Focused on health, safety, and compassion
- Over time, unauthorized vehicle encampments grew, increasing hazards and straining resources

2019 – **PATH Framework (Oakland City Council)**

- Strategy to address homelessness through:
 - Prevention
 - Emergency response
 - Housing development
 - Set foundation for future encampment policy

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Brooks: "things changed in 2024" with Grants Pass...says that Cities can now enforce without option of housing shelter violating cruel and unusual punishment...but HCD again, does not, and won't give Oakland 22 MM in homeless funding unless they change this

From EMP to EAP

2024 – Grants Pass v. Johnson (U.S. Supreme Court, June 28, 2024)

- Overturned *Martin v. Boise* precedent
- SCOTUS ruled: Cities may enforce camping/sleeping bans on public property
- Holds that enforcement of such bans without option of housing/shelter is *not* a violation of the "cruel and unusual punishment" clause in the 8th Amendment
- Restored local authority to set clear rules with enforcement + shelter options
- Removed legal uncertainty holding cities back

2025 – Encampment Abatement Policy (EAP)

Builds on SCOTUS ruling + subject matter expertise

- Relies heavily on Measure W funding to support housing for unsheltered individuals
- Aims to restore public health and safety in Oakland.
- Marks a shift: from managing encampments → to actively reclaiming and restoring public spaces
- Balances enforcement with shelter and treatment pathways

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Brooks says that the EAP relies heavily on Measure W to rehouse... but Brooks says the EAP is a "shift from managing encampments to reclaiming and restoring public spaces"

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Brooks puts up the homeless survey: and notes 58% of Oakland's unsheltered reside in Oakland



CITY OF OAKLAND

HOMELESS CENSUS & SURVEY 2024 EXECUTIVE SUMMARY

Every 2 years, communities conduct counts of people experiencing both sheltered and unsheltered homelessness. The 2024 Alameda County Point-in-Time (PIT) Count was a community-wide effort conducted on January 25, 2024. The infographic below includes people enrolled in shelter projects in Oakland on the night of January 24th and those interviewed or observed as experiencing unsheltered homelessness in the early morning hours of 1/25/24.

CITY OF OAKLAND

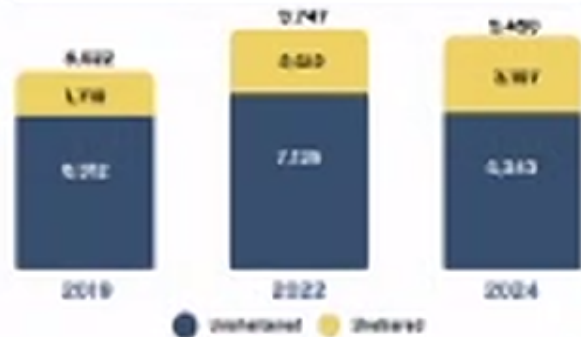
58% of Alameda County's homeless population lives in Oakland



OAKLAND



ALAMEDA COUNTY



ALAMEDA COUNTY



TYPE OF SHELTER

OAKLAND

Emergency Shelter	Transitional Housing	Safe Haven
81.6%	27.8%	6.9%

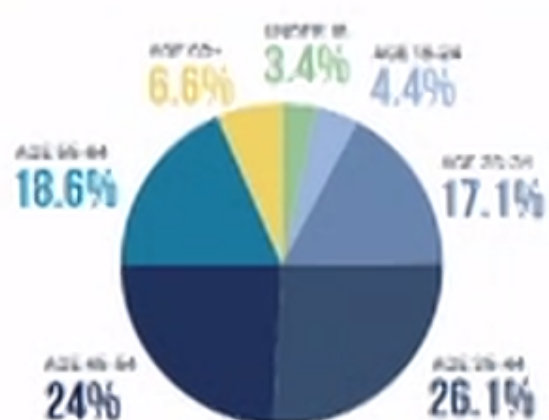
ALAMEDA COUNTY

Emergency Shelter	Transitional Housing	Safe Haven
73.7%	26.8%	0.4%

OAKLAND UN-SHELTERED SLEEPING LOCATIONS



AGE RANGES



Wang gave Brooks a time warning and asked her to wrap up expeditiously

Brooks notes that 51% of homeless are Black. There's a lot of clap back here. There;s a diverse crowd, some ACCE shirts here too tho, I think there are many homeless people here to comment

The EAP's definition of encampment, removes vehicles from the definition...

Encampment Abatement Team (EAT)

For purposes of the EAT, *Encampments* are:

Any tents/ makeshift structures on public property or in the right of way where two or more households live, for more than 48 hours; excludes vehicles even if occupied by person(s).

Non-EAP compliant vehicles

All parked vehicles in violation of CVC/OMC are subject to enforcement by DOT/OPD

- EAT may request DOT/OPD to tag/tow vehicles in connection with encampment cleaning and closure operation
- DOT/OPD encouraged but not required to coordinate with EAT to address inhabited vehicles when tents or makeshift structures surround such vehicles

On noticing, Brooks got a loud round of heckling. Wang has given first warning to remove disruptive people...worth noting, that speakers only get one minute per Wang, but Brooks and Houston are way over time

Noticing – Non-Emergency (Cont.)

Noticing will include:

- Intervention start date
- Date of posting of the notice
- Duration of intervention (If over multiple days)
- 4-hour window for intervention start time
- Contact information for homelessness services outreach

Noticing for non-emergency to be reposted if intervention does not occur on the day (or time) as posted

Brooks: "there is nothing in this policy that criminalizes homelessness...cruel and unusual punishment" but several officials disagree as OO reported, Bonta, Arreguin, and the ALCO HCD and CA HCD

Brooks frames in wrap up...."too many of our brothers and sisters are living in [non permanent shelter] this is not the Oakland that we want to leave to our children...EAT may feel harsh, even heartless, but we may ask ourselves what is truly heartless"

Brooks" This policy is borne from recognition that compassion cannot exist without responsibility, we must protect our [public spaces] and most vulnerable

Haven't seen this level of clap back and heckle for years. Wang has had to address it several times, and Brooks has been struggling with the heckle.

CM Brown directly addresses crowd, says she's going to have specific questions, and is going to need point by point focus on proposed changes, but Brooks needs to finish the presentation.

Brown also asked speakers who are here together with shared opinion to come up as a group

Brooks: "facing hard truths and still choosing love as a form of action..." she says that the EMT was only the starting point and finished presentation. Brooks only got a smattering of applause, less than ten people visibly. Most people are here against the changes.

Brooks is going to go through about 7 slides with specific changes

I think Brown meant the crossouts and underlines in the legislation, but that's not this. Brown asked for public to be able to see the actual changes from current EMP to EAT, but they don't seem prepared with a slide deck for that.

Types of EAT Interventions (Cont.)

Closure Intervention

- Partial Closure: relocation for construction or hazards
 - Intervention may include partially moving and/or closing encampment due to construction and/or the presence of one or more public safety/health findings
 - City will make reasonable efforts to mitigate property loss
 - Some property subject to removal to protect the public
 - When shelter is available, the City, with other public agencies/service providers, will make offers of shelter and/or alternative housing to all affected encamped individuals

Again, another summary, but not specific changes from EMP, i.e. what's changing.

Types of EAT Interventions (Cont.)

Closure Intervention

- Full Closure: full removal from high-sensitivity areas
 - Intervention for full closure of encampment due to location within a high-sensitivity zone, construction space, work zone
 - City will make reasonable efforts to mitigate property loss
 - Some property subject to removal to protect the public
 - When shelter is available, the City, with other public agencies/service providers, will make offers of shelter and/or alternative housing to all affected encamped individuals

The legislation does in fact criminalize homelessness, for returning or setting up on areas of previous eviction

Types of EAT Interventions (Cont.)

Closure Intervention

- Re-encampment Closure: expedited closure
 - Intervention when encampment arises on same site (within the same block on either side of the street) within 60 days of prior notice of a Partial or Full Closure; Re-encampment subject to closure within 72-hours
 - Individuals returning to the same or similar encampment location with "No Encampment" and/or "No Parking" signs **may** be subject to citation and/or arrest

Tagging and towing vehicle encampments has actually been SOP for some time now, but this would memorialize

Non-EAP compliant Vehicles

All parked vehicles in violation of CVC/OMC are subject to enforcement by DOT/OPD

- EAT may request DOT/OPD to tag/tow vehicles in connection with encampment cleaning and closure operation
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4/9

On "emergency" evictions can lead to same day closures. Not clear what is meant by active fires

Noticing - Emergencies

Emergencies

- Catastrophic events, natural disasters, or urgent health/safety concerns
 - Same-day closure:
 - Active fires within 24 hours
 - Criminal investigations
 - Encampments attached to business/residential structures deemed imminent fire hazards
 - Imminent/active destruction to critical infrastructure – examples:
 - Light/Power poles
 - Dumping of hazardous waste into drainage system
 - Obstruction of traffic lanes including bike lanes, on/off ramps

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On non emergency intervention, allows 72 hour notice for "re-encampment"

Noticing – Non-Emergency

Non-emergency Intervention

- Deep Cleaning and Re-encampment Closures
 - Minimum 72 – hour notice
 - Unless emergency/urgent public health or public safety concerns present
- Partial Closures and Closures
 - Minimum 7 – day notice
- Noticing will be:
 - In writing; in multiple languages
 - Verbally communicated to encampment residents when feasible

Storage of Property

City will respect/protect individuals' rights to their property

- Following applicable local, state, and federal laws
- *Miralle v. City of Oakland* (2022)

For any such property:

- City will make reasonable efforts to store up to one (1) cubic yard of personal property
 - Property without clear ownership, not abandoned
 - Property with known ownership, owner cannot transport
- City to follow existing OPW storage protocol
- Alameda County Sherriff's Department will set any and all rules regarding property storage at their facilities

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There's still no mention of the state's redlines yet. Not sure if any of these were actually amendments, without a clear reference point.

Brown said she was hoping for more a compare and contrast with the EMP..."so the public could know those changes". Brown says most of her questions are going to be on the differences.

Houston very vaguely mentioned the "state concern on Mirales" storage of property after eviction.

Houston called over Amari Collins with CAO, who calls it a "bag and tag policy" and gives locations 27th/northgate, and public works site in east oakland.

Now public comment, almost 100 speakers signed up. That's a lot for an 11 am meetinge

To be clear, this is a committee meeting, with four members...down to three with Fife absent.

Speaker is a decades-long "what you're doing is removing everything we have and own...we don't have homes, can't afford its ridiculous expensive..." says they were given some of these vehicles. She says the changes in Oakland are in fewer of services, workers.



Speaker was given additional time by another speaker. "we're not perfect, we need help, but to throw us on the streets with nothing is going to fill up the jails" lots of applause..."people are broken, our city is broken.."

Speaker addressed Houston, asked, I know you care about your mother; "how many times have you walked out and said, are you homeless, let me get you a blanket" She also said people are going right back to the street after covid-era interventions.

Speaker: "you've never walked a day in our shoes, growing up in worst parts of Oakland...I found more family and more friends [on streets] you don't pick up trash, there's no option for us to pay ourselves...I think you want the money to fix it, and continue to talk"



Speaker keeps getting time ceded to her. "I feel like the lack of experience in our life is a big problem, and until you experience any part of it, you will never know how to fix it, because you don't know what it's like" She says it takes a lot of time to learn to be homeless

She also says that when she became homeless she was helped by "someone who had less than me was able to give me just a little bit of time" already on the street

The maximum is five minutes even with ceded time, per clerk. But the crowd is very hype on this...and demanding she get one more minute. Speaker is challenging. Giving Brooks an extra 15 minutes for her presentation isn't making this look good

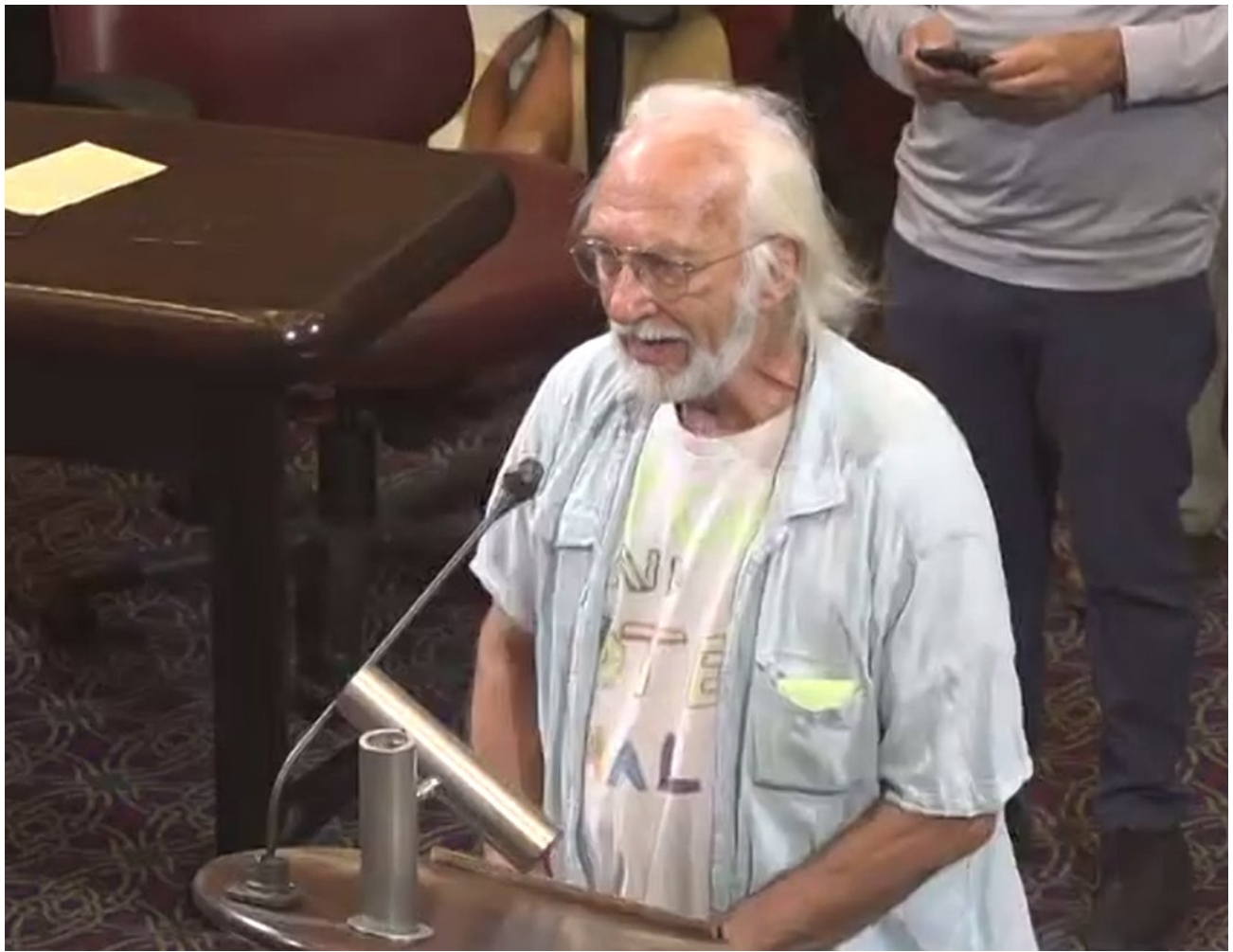


Its a bit of chaos here. Wang called a recess...and the speaker had another back and forth with another member of public. I think the schedulers of this are going to regret not doing this at night, where there may have been more of a counterweight, but this audience is opposed



Meeting is back...Wang explaining that the cap for ceded time is five minutes.

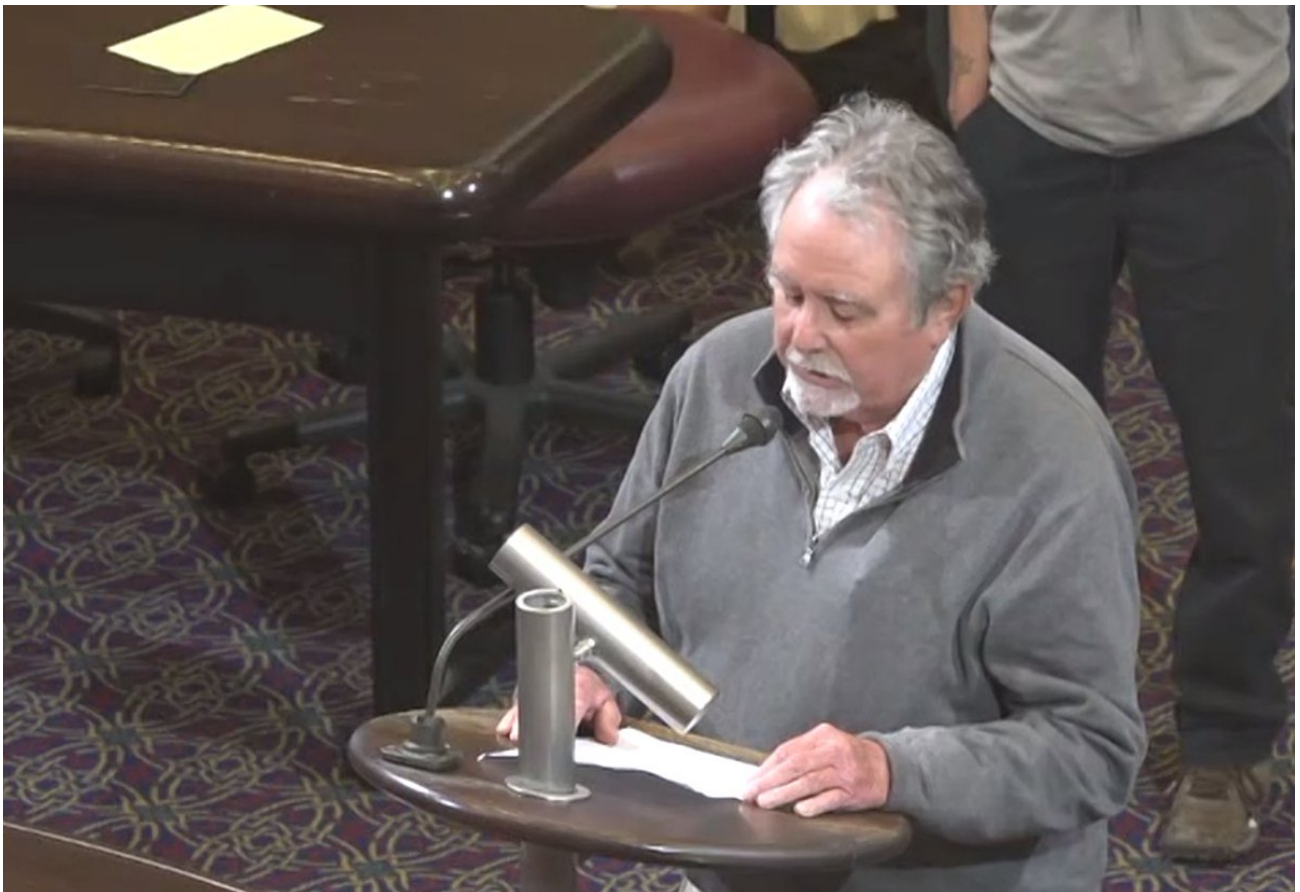
Speaker says he feels like a refugee in Oakland due to vehicle encampments



"Change is hard in the words of Barack Obama, speaker says, and its time to change the EMT"...drawing some laughter from those in attendance



Speaker Moe Wright is the first person to bring up the HHAP 6...and that the Houston update is out of compliance. He is the chair of ALCO Continuum of Care



John Jones III, says that Houston's policy is unenforceable, there's not enough police to enforce, "until you answer these questions don't pass this policy...so we won't be here four years later"



Jones also says that the policy doesn't mention Measure NN

Needa Bee says that the city doesn't follow Mirales...



Wright's statement

Hon. Public Safety Committee Members

My name is Moe Wright and I am the co-chair of the Berkeley, Oakland, Alameda County Continuum of Care.

On August 28, the CoC submitted an application for HHAP 6, which is state funding of homelessness mitigation funds for our county and cities. The city of Oakland is a co-applicant and the total potential award is 45 million dollars.

The policies in regard to homelessness and encampments of the county and cities are reviewed as part of this application and the resolution you are discussing will be reviewed as part of our application if it passes.

The awarding authority, Cal Housing and Community Development, requires encampment policies to be in compliance with the guidelines of the California Interagency Council on Homelessness (Cal ICH). We have reviewed the policy and believe that it does not comply with guidance provided by Cal ICH.

If this policy is put in place without adjustment, it jeopardizes the entire grant which plays an important part of the funding for homelessness mitigation in our county including: permanent housing rental vouchers, interim housing, navigation centers, case management and more. Oakland has about half of the County's population of homeless people and this will hit the city's funds very hard if the grant is not approved.

I urge you to work with your staff and County staff to adjust the Encampment Abatement Policy language to comply with Cal ICH guidelines before passing the resolution you have before you.

Speaker with McGuire and Hester says company may have to leave due to homeless

encampments "something has to change"



Natalia Husband Hankins says she's witnessed hundreds of sweeps..."housed and unhoused want real solutions, I urge you to vote no on this cruel and unusual ordinance"

Speaker says they are a D7 resident, reciting list of orgs/biz opposing: Parent Voices, EBHO, East Bay Community Law Ctr, Oakland Rising, East Oakland Collective, Jewish Voice for Peace, Auntie Francis, Edith's Pie, It's Your Move Games., Stork Club, Walden Pond Books, among many

Another speaker mentioning ALCO Board's stance against the legislation, asks Council to not take policy forward



So far there have been three supporters of the legislation up here to speak.

Speaker: "this proposed policy is a bold attempt by city to cover up problem, rather than help people..."lists Houston's own alternatives to eviction he gave to a homeless advocacy org when seeking election.



Nicole Dean: "doubling down on a policy that doesn't work because it doesn't address the fact that people have to sleep somewhere...if you want to crack down on someone, crack down on people who drive in from suburbs to dump trash here"



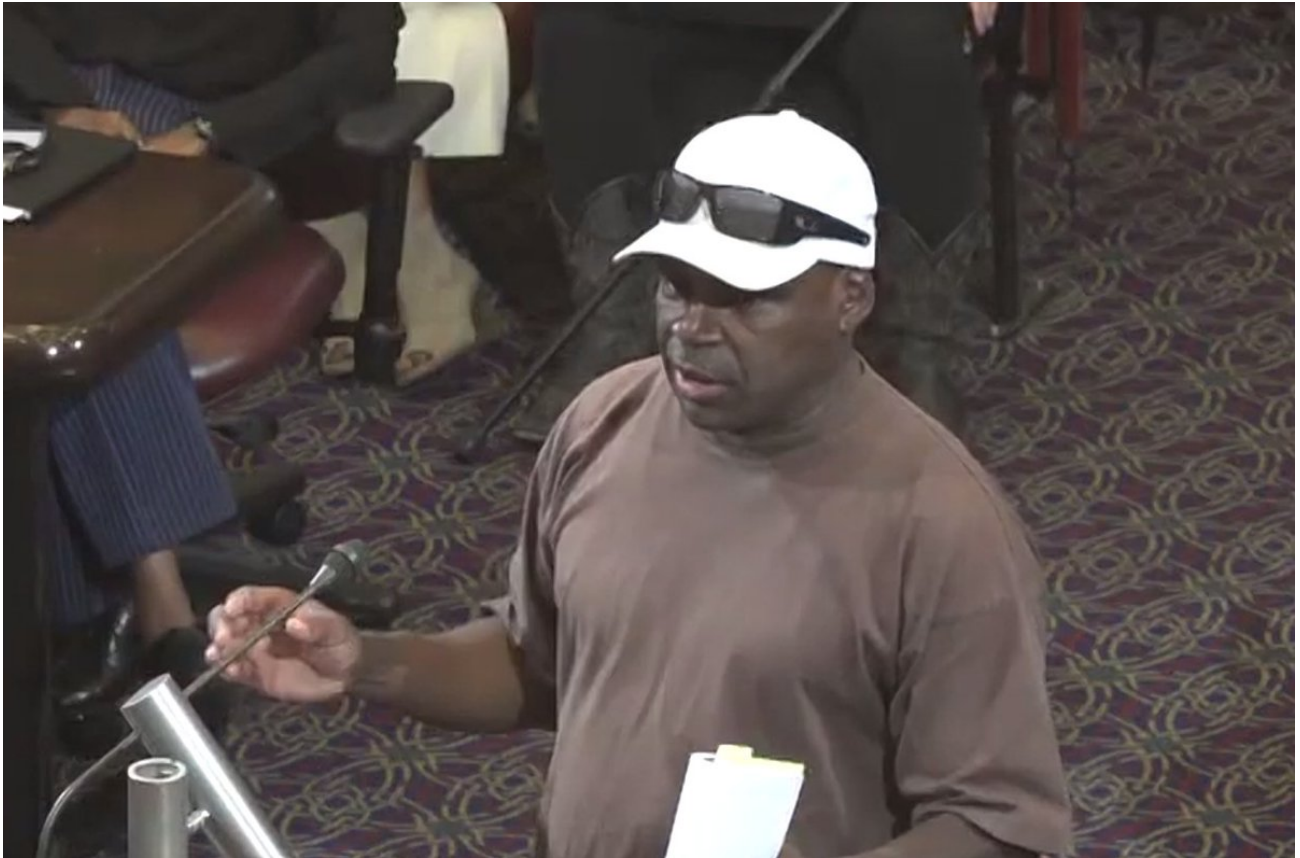
James Vann says that the problem is that there's no affordable housing, but the solution is not taking people's stuff and throwing them in jail.



Council President Jenkins arrived at the meeting. Brooks is his chief of staff; and he moved the schedule around to ensure it would be heard expedited

Vann: "we can take care of our people and we should and we must...we need a working group composed of both sides of this issue to work out something that will serve the needs of all of our people"

Speaker is a D7 resident, if we are going to do something about removing them, we have to do something about housing them. He says Houston's plan will make things worse.



Another life long resident, says her mother was OPD's first Black clerk. She says no one wants to walk over a person sleeping on the street, but if the person doesn't have a place to live, you can't criminalize them, you have to house them....Oakland has so many empty bldgs



Ms Cecilia Cunningham knocks it out of the park



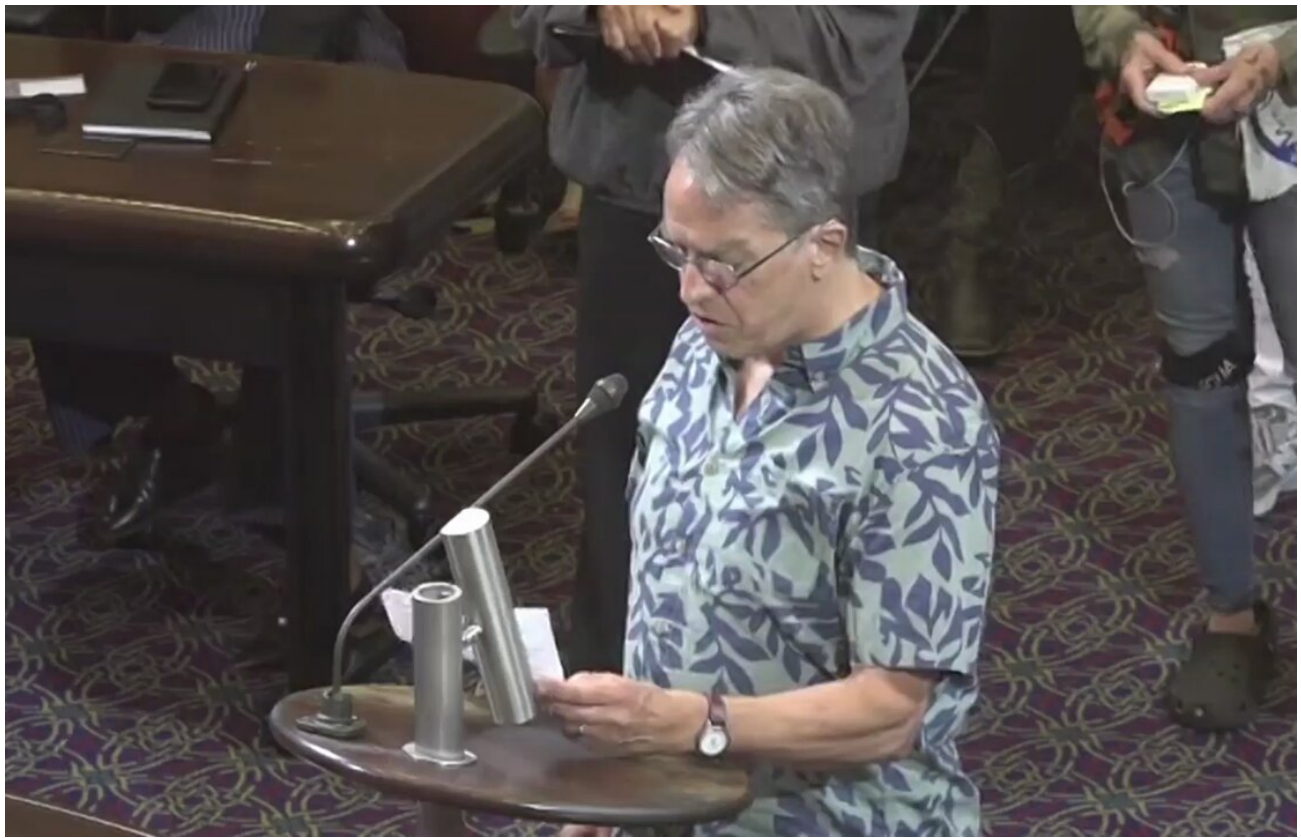
Speaker compared Houston's solutions to MAGA/Trump, says Council should give time for Lee's Homelessness Solutions agency



Another opponent, was homeless now lives at homefulness...several speakers have compared Houston's plan to Trumpian authoritarianism



Speaker is a Laney Professor, says that the legislation will align every one who votes for it with Trump, and urges them to reject it completely



Speaker called out the video surveillance by Houston, called his presentation a "Las Vegas Performance", and complained that the video was exploitative, called the EAP a death sentence. Says that Black elders had homes in Oakland, that were taken away thru various process



Speaker: "all we see now is videos like Mr. Houston's where we're outside and we're dirty and we don't matter"

Speaker has lived in Oakland 60 years, says she supports Houston's legislation, is with an NCPC group that came together



Very few speakers here support the legislation, you can tell when every now and then there's a supporter...about 8 people applaud.

Cat Brooks calls out Council members for doing nothing while the homelessness crisis began, and proposing legislation that's going to exacerbate issues.



A lawyer who represents homeless, says that clients return to encampments because they don't know where else to go, and now would be criminalized under Houston's legislation



With arrival of Fife, and presence of Jenkins, it must become a special council meeting at 1:25 pm. Jenkins has been here for a while, but once Fife arrived it became necessary...but my reading was they didn't vote earlier because of Fife's absences [that's right] special mtg now

A speaker became emotional as he recounted the prejudice against Oakland his struggle with surviving in Oakland after six decades living here



Speaker is here with her son, and says she was homeless for three years and managed to find a solution, says she feels shame for Houston because he went up ladder and then pulled it up



Speaker is with Poor People's Campaign, says that she became homeless through policy violence, foreclosure, and now the City wants to solve that problem with "abatement"...



Speaker from Poor People's Campaign: "We are the public, housed or unhoused and actual safety is reliant on justice and democracy...and so we urge you to pursue your power as legislators"

Speaker is with Operation Dignity and asked Houston to meet with homeless about issues, doesn't support the legislation



ED of OP Dignity says that the homeless are young people aging out of foster care, elders who are being evicted, veterans getting no support...he is against the policy...."it's not unsafe for me, because I am a Black man first, and I am going to support everyone in my community"



I think we are getting to the end of the public speakers. Still up is deliberation from Council. I have no idea where this is going to fall given this overwhelming opposition, combined with the County/State/State Electeds statements about the non compliance with HHAP rules...

Several of the speakers were from OP Dignity, but also people who've benefitted, like this native Oakland family...I think one of the concerns was losing HHAP.



Ms Asata noted that the fiscal impact portion of the legislation has no impact factored in. The legislation would lead to a significant rise in encampment evictions

Still quite a few speakers actually, my bad.

A couple of more speakers for Houston's legislation, but there have been very few



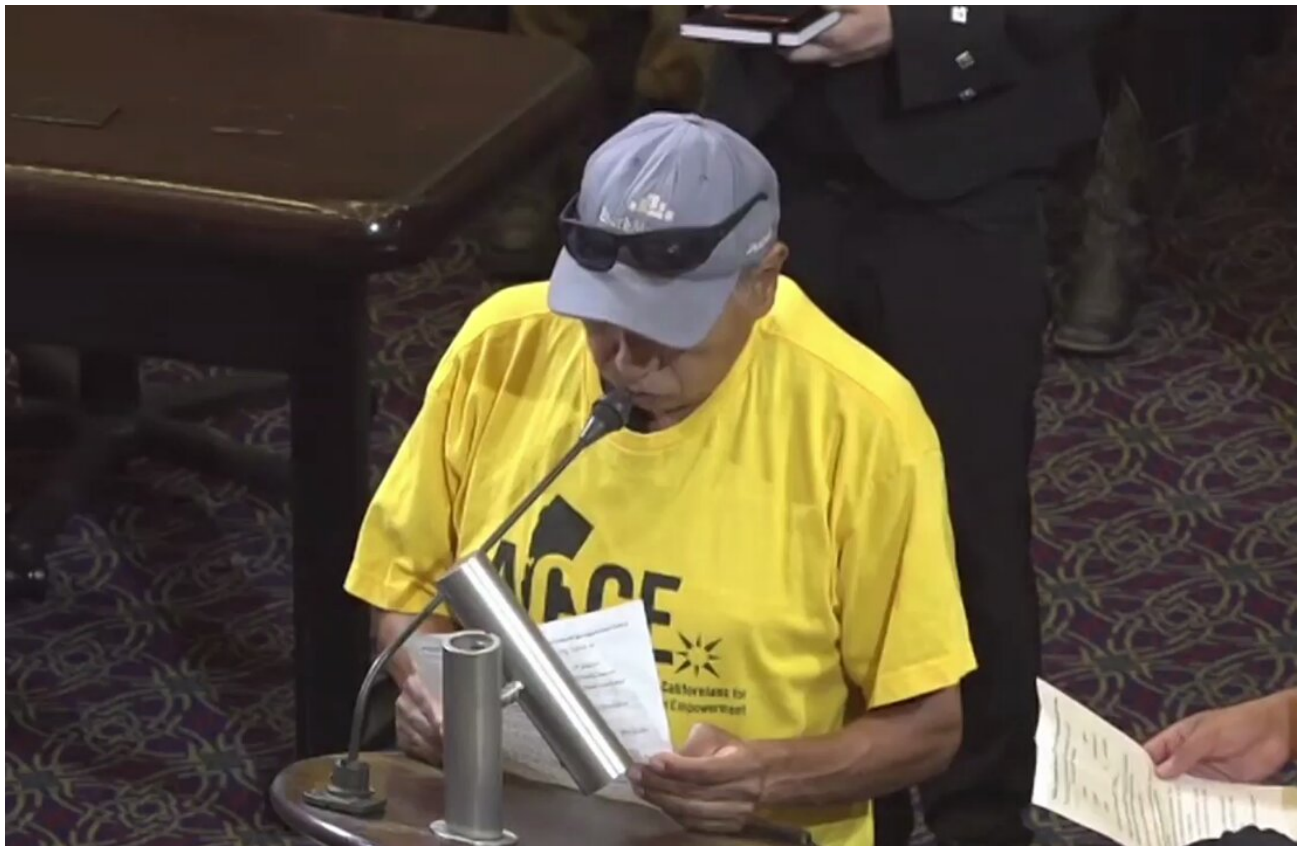
IFPTE worker at the City, says the line between homed and homeless is more porous than we'd like to think, opposes Houston's policy



Speaker started a coalition of businesses in Coliseum corridor, supports Houston's policy.
There is not yet ten speakers who support Houston's policy after hours of speakers



An ACCE member and tenant says that the policy would be a misuse of council resources & moving people to other areas only



Several disabled speakers admonished council members for seeking to pit homeless disabled people against housed disabled people, note that many homeless are disabled. This speaker could only speak with aid of synthesizer



Another disabled speaker, notes that the government has so much money to make bombs and have wars, but not house people



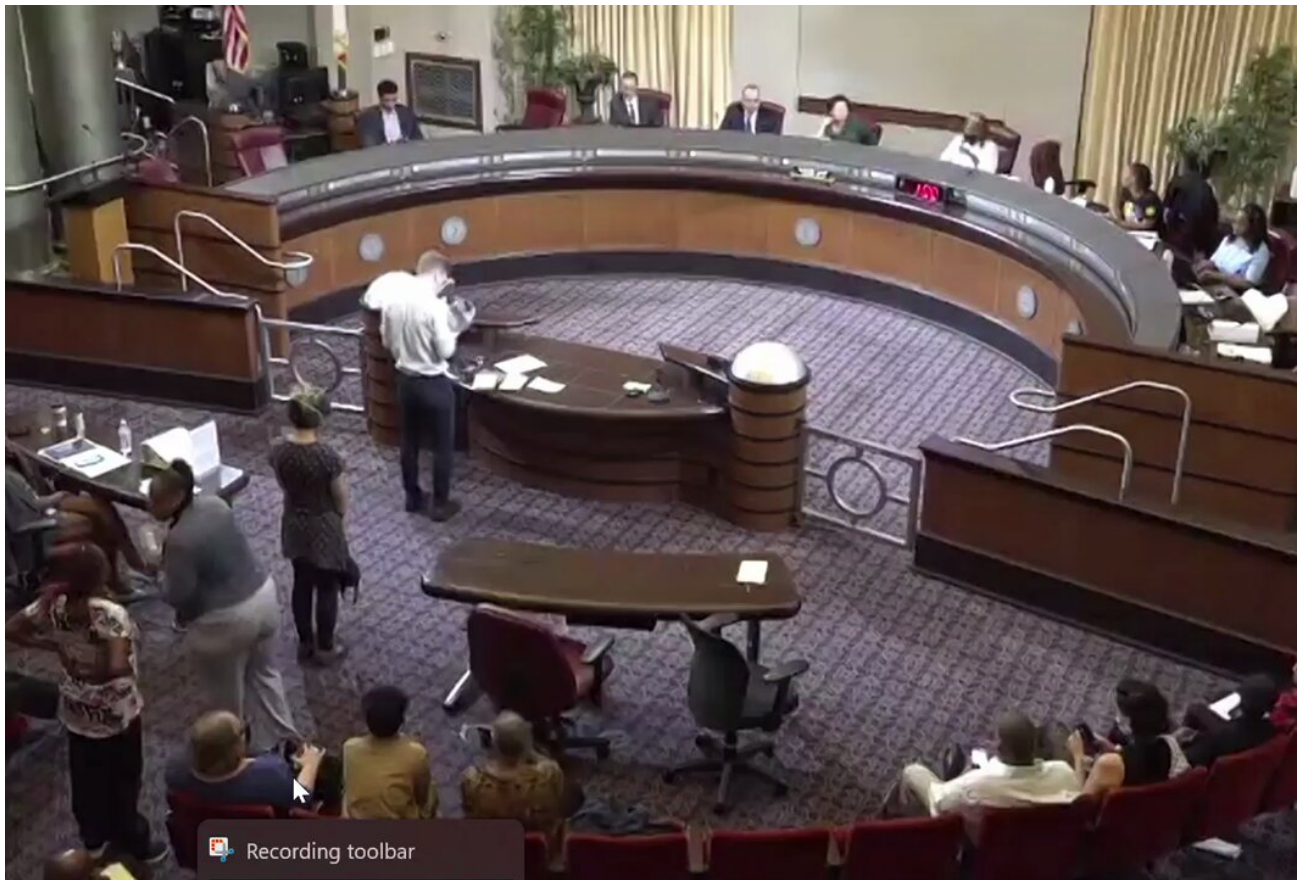
Ms Margaret Gordon somewhat sardonically thanked Houston for bringing folks together, before giving a masters thesis on Oakland's legacies of housing injustice



Another formerly homeless speaker says she raised children on street, says Houston's policy is not humanitarian solution, and can't pretend homeless people don't exist



Speaker from Just Cities enumerates the processes that were not followed by Houston in creating the policy, including no equity, or public health impact. Like many pointing out the rushed character of the legislation



Speaker says he just recently ended up on street through no fault of his own, works, and now the taxes he's paid will be used to make him a criminal "how dare you"



After three and a half hours in session, mostly in public comment, Wang called a five minute recess.

A speaker calling out Houston for being funded by billionaires, and calls it the Trump agenda. "health and safety of unhoused is not the city's responsibility" that's a disgraceful statement, it's our responsibility

Speaker calls Houston's policy a "Trumpian wishful thinking easy fix" that ignores the fact that it is a one-time fix, while so many people can only afford to live in their car



Speaker to Houston: "I've never seen anything like this in my life, that video was disgusting...your ego, is like wow"

Another speaker supporting OD, talks about the mental health challenges of living on the street



Speaker works in outreach with OD, says she has two jobs and can barely afford to live in Oakland, and she is lucky to be able to have two



Speaker pleads with council to utilize vacant land to immediately house homeless, it takes too long to house in affordable housing, mentions army base



Wow...there's still zoom speakers left, and not few.

For the historical record, there are compassionate people in abundance



Angelina Cornejo of EBHO notes that the Houston's plan has no capacities for using Measure W funds, or housing people, and does not



*does not work with the Mayor's Homelessness Solutions agency

Dominique Walker of Moms 4 Housing among many other statements, called Houston out for calling himself the "son of Oakland" but coming up with legislation that doesn't recognize the legacy of housing and displacement in Oakland

Dominique Wal...

Jennifer Findlay called out the Empathy Abatement policy, called out Wang's statements against homeless in past...

OUSD Board member Valerie Batchelor called Houston's policy inhumane, and said that the council has to work with other stakeholders...she notes that she stood with Houston and Lee at County asking for a large share of Measure W funds...

Valarie Bachelor...

Josephine Guzman of Chamber of Commerce...wild, the Chamber did not give support to the legislation....mincing words a bit, seemed to withhold support, and said City should work with County, potentially a statement about the loss of HHAP fundss.

James Burch focused on the vehicle eviction portions of the amendments, noting that pushing people out of vehicles and into tents will not improve public safety



I don't think I've yet heard a dozen supporters of Houston's legislation, either in person or on zoom. It's not a rule that public comment is a referendum on popularity of an issue, but Houston & supporters had months to organize supporters if there was a large number.

John Seal, also brought up the potential loss of \$44 MM from county



johnseal

Derek Barnes of EBRHA speaking now. A big tell here about the organizations lack of a deep bench in Oakland, there's just been no resonance from this side of organizing.

Delphine Brody said she was once homeless and due to deteriorating health could be homeless again, and thinks the policy is heartless

Delphine Brody

Chaney Turner of Oakland Rising calls out the policy, says there was no discussion with homeless



That's it for public comment. On deliberation, Brown opens. Brown immediately says she does not support Abatement policy: "As it stands, the policy as written unfortunately does not take care of people. Oakland cannot afford half measures..."

Brown: "I do not take this proposed policy lightly...today we heard the voices of those living on streets, business, families...and missing thousands of people who can barely afford to live in Oakland"

Brown says the policy takes the City out of compliance with Mirale, removes commitment to housing, expands and undefined high sensitivity zones and puts in jeopardy state funding as well. Thoroughly unsupportive, there. Unlikely Fife will support, so it likely fails committee.

Brown asked Rowan to come up and address OakDOT role. He says there's confusion

about OakDOT's job, DOT doesn't interact with vehicles that are occupied. From OakDOT pov, not much changes with legislation.

Rowan: "the minute there is a human being in that auto, we step back and defer to OPD...we just tow empty cars and clean the right of way"

Fife now, with Rowan...asks what does that mean for city in relation to legislation. He repeats that OakDOT doesn't have the authority to tow a vehicle with people in them "we are not trained, equipped or in any way authorized to remove people from their auto"

Rowan: "we will not even enter the encampment until the location has been stabilized with law enforcement...we basically said, we think this is too much risk for our folks and we're not going to do it" says OakDOT's powers were confused with OPD.

Fife confirming with Rowan that OakDOT's role would not change. "who is going into these encampments to do noticing". Rowan says they do noticing, but ask for OPD escort. Fife suggests that would increase...Rowan: "I don't see that increases, because we don't have resources"

Rowan says they get 20K requests for towing abandoned cars per year and can't get to more 4K of them, so there's apparently no question they couldn't ramp up to increase tows.

Fife: "without additional resources how is this going to change anything". Rowan: "essentially we would have to stop what we are doing [to tow]..." he says its about 3000 vehicles.

Fife: "we often can't hear what can't happen as opposed to what can happen...what if at all do you have suggestions on how to address needs of Oakland residents through policy?"

Rowan says he once asked Houston what would be one step better than current encampments, he said pavement. Rowan says that the city has a lot of pavement that could be used as transition spaces in low sensitivity areas.

Rowan says that many people are picking high risk locations, per traffic "we do have pavement that could be used, not ideal, but better than we are right now"

Back to Brown: "with passing of policy what changes? Rowan says let's just follow

municipal code and vehicle code...he is making a general comment about dangerously parked vehicles. "we're quite content with OMC and CMC...specific things we could do around schools, senior ctrs"

Rowan is making clear what much of the propaganda around Houston's proposal has obscured, the City has already been towing vehicle residences and already has the power to do so.

Rowan noting that vehicles can be towed if their registration is 6 months out of date. Rowan keeps coming back to the idea that there are a lot more scofflaw drivers than homeless vehicular residents, abandoned stolen, chopped up autos; mentions vehicles parked on sidewalk.

Wang asking about "family living in inoperative vehicle", are there safeguards that ensure we aren't putting a kid on street if towed. Rowan says that OakDOT wouldn't be doing that by itself. "and there's not a towing company that would tow a vehicle with people in it"

Now Houston on Rowan, awkward back and forth for a minute...Houston is trying to get Rowan to admit that the EAP would allow OakDOT to more easily tow vehicles encampments.

Rowan: "if we see someone in a vehicle, we're calling it an encampment..." but he says there are people who hide behind the void in the current policy.

Wang mentions the HHAP grant, and the state's redline...

Interestingly, after all the hubub, this could die pretty quickly in committee

Jenkins, who is not part of the committee, but is here anyway, asks if OakDOT would be able to do more to mitigate vehicles/RVs which are used for crime with more funding.

Rowan: "should we still be in the [towing] game? OPD gets dozens of vehicles at a time" but OakDOT just a few. Suggesting that OakDOT's capacity for abating any vehicle encampments is never going to improve much

Brown asks OPD if current EMP prevents OPD from investigating and mitigating criminal activity. OPD's Tedesco says that OPD is allowed to abate criminal activity in EMP, but

there's some gray areas, it was a vague comment.

Tedesco: "depending on nature of crime, OPD takes actions...I have visited many an encampment site and have declared emergency closures..." following criminal activity, including murders.

Tedesco says that the gray area is violations of vehicle code, much of the complaints is illegal parking, blocking parking sites, and entrances. "authorities that the OPD has usually involve the vehicle code...illegal parking, registration..."

"That's where currently there is allowed under EMP, and whether or not there is noticing...and then we have to use the EM Team, and wait sometimes for weeks, months in order take enforcement"

Houston asks Tedesco if his voice was heard in discussion w/Houston. Concern I have raised around current EMP is that it is more restrictive, and that places additional burden around line level officers and forces ...and forces a decision about whether a vehicle is also a home"

Tedesco says that the EAP clarifies the vehicle code portion, which Houston saw as a rhetorical victory

Fife to Tedesco says constituents complain about the criminal activity in encampments, not just CMC, she asks what's stopping enforcement now. "deterioration in faith in OPD...they are told by OPD we can't do anything about drug trafficking because Council is tying our hands"

Fife: "I don't see why we need another policy if these things are already illegal...OakDOT and area captains says there's no resources...this legislation creates more work without resources"

Wang: "when I read legislation I see how it solves for auto issues, but not safety"

Tedesco says that the EAP defines an encampment, which the EMP does not, "that's a major step in clarity..."

Fife returns to the issue of clearly illegal activity, like "walking around with an assault rifle..."

Fife says that constituents tell her that OPD tells them that Council is preventing enforcement for violent crime.

Fife: "I don't think this is the way forward...I don't see why we can't wait another one month to ensure we have the funds from MW..."

Fife and to some a much lesser degree Wang, questioned whether there is anything really stopping mitigating serious crime in encampments, obviating some of Tedesco's arguments. He agreed they can take on crime in encampments, but says there is ambiguity in non criminal areas

Fife says that the impetus to do something is unprecedented, but mentions ALCO Board President Haubert's letter..."strongly urged additional review...County supes wants us to look more deeply into the possibility of losing HHAP funding"

Fife has mentioned several times that she's brought the issue with urgency to Council for years, at a certain point is "dead inside" from the lack of urgency.

Houston finally addressing the HHAP funding issue, which is very clearly laid out. The City and County would lose funding. He asked the letter to be read...but that didn't happen, so he hasn't really mentioned anything about it to the minute

Brown comments that OPD would be doing more already if they had the resources.

Wang has more questions for Tedesco about safeguards about people inhabiting a vehicle. Wang: "there are situations where you have a family including a child living in vehicle, what safeguards do we have that we wouldn't put a child out on the street?"

Tedesco says if the vehicle is operative, asking them to move would be the ideal. But in the issue of an inoperable vehicle, he says that with more clarity [in EAP] they could rely on their empathy.

Tedesco is basically saying that the Council should rely on individual officer empathy and judgement. "it would alleviate workload, not allowing something to become more problematic". But this is a worrisome statement given the scenario Wang just laid out.

Wang asks to clarify when someone would be arrested for homelessness. Tedesco says

he knows of no instances where someone was arrested for being homeless.

Tedesco did respond to Wang's question about putting a kid out on the street from an inoperable vehicle in a way, it was a bit of a shrug and like "it would be up to us"

Jenkins says he spoke to Haubert and he says that Oakland has the right to enforce its laws...Jenkins "its important that we do not paint homelessness with one broad brush".

Jenkins: "If you want to hide out in encampments to commit crimes, that's someone taking advantage of our laws...I have not worked on this policy, despite what some people have said, reported." He did mention his chief of staff did work on it.

Jenkins says he doesn't want to wait for Measure W. He also said he had not seen this legislation before today.

Wang: "I definitely have concerns about losing the grant funding..."

Sasha Hauswald who is director of City's Homelessness Solutions Office, takes question on HHAP 6 potential loss. Hauswald says that they must align with Cal ICH guidance; Oakland already put in HHAP 6 application and Ca HCD says EAP may no longer comply with guidance

Hauswald: "in total HHAP 6 composes 48% of City's homelessness funding"

Hauswald says that Cal ICH makes the determination of whether the application is in compliance...."guidance is that this would jeopardize our funding from HHAP 6". HCD makes the award, but ICH would make determination about compliance.

Brown notes that City is competing with 13 other cities for the HHAP funding and asks what is the language that ICH suggests changed.

Hauswald says that the issue in language is that EAP does not require an offer of shelter or an alternate place to move. Houston's policy changes would put the policy out of compliance, per ICH

Brooks says that recommendations from Cal ICH "are just that" recommendations. She says that there is a gap in must and may, she says that Houston talked with Governor, and

HCD. She says the governor says it's substantially in line with state policy

Brooks seems to be making the argument that it's worth taking a risk and rushing through because only ICH says it may not be in compliance. Wang says that she would have to see it in writing to not lose the 44 MM.

Brooks seems to be also claiming that the legislation now needs more work too. This is pretty confusing. She seems to be saying that OCA needs to sign off on the Mirale provisions, and City Admin must also sign off on changes.

Hauswald suggests it's possible that the City may have to comply with Cal ICH guidelines to use Measure W funding.

Hauswald says that the City's shelter funding is going to have a \$22 MM shortfall. It's wild that they are now suggesting gambling to lose another \$22 MM.

It's hard to understand what and how Jenkins is doing in this committee meeting, it makes it a full committee meeting as well. And he's participating liberally.

Houston asks Hauswald if an emergency encampment shutdown led by OPD would require offers of shelter, Hauswald notes first that it's requiring either that or a place where homeless can go, but she is not sure.

Wang asks Hauswald how the EAP affects the work of Homelessness Solutions Office, she says that would be "an upcoming question and conversation" if it passes.

Fife asks Brooks to come back. Fife says she says she's seeing families and biz leave because there's no solution but "if we move a new policy forward, where are people going to go...I feel there's a lot of equivocation going on today"

Fife asked Brooks if the OCA has signed off on the legislation. Brooks had to ask the OCA rep Jordan Flanders to respond...she says they've reviewed for form and legality but not signed. Flanders says that's normal in draft form.

Fife asked if the amendments have been reviewed for race/equity... Brooks: "we do have some of the work product...that is in process...". Brooks says that a consultant hired by race/equity still has to complete work, funds cut by Trump.

Brooks says that it may take a month to get the equity statement. She also said that the EAP is in draft form.

Over and over, I keep hearing Brooks say this is a draft and its not complete, needs more review and potential amendments. So I don't understand how this is up for a vote today, where it would go to council in a week.

Brooks: "Yes, there is risk with HHAP, absolutely". I don't understand why they would be putting HHAP at risk instead of waiting, its very strange to be rushing this through today with the potential for funding to be lost.

OakDOT appears to not have finished their maps either for high and low sensitivity.

Director Flynn of Race/Equity is here now to answer Fife's questions, asks about potential race/equity analysis for a "policy change that is going to impact a majority Black population"

Flynn: "I haven't been engaged in the process..." but Flynn said she was also relieved to see that it does not criminalize not accepting shelter. "Our population is vastly disproportionate Black, anything is going to disproportionately impact Black people"

Flynn says changes in leadership in the CAO have stopped the analysis of the homeless policy...she says she doesn't know if the vehicle/RV population is different than tents. "People have to have some place to go, it's just physics, whether you believe its a human right or not"

Flynn says that the majority of homeless folks are from Oakland, living in a short distance from their zip code [when they were housed]..."we want to look at the data, and make decisions based on data...without data analysis, its hard to know what equity impacts would be"

Jenkins is heavily invested in this policy and in this discussion, there's no way around it, despite his previous claims.

Jenkins claims that when he speaks with homeless, they are from all over, not Oakland [that is not my experience after several years of reporting on sweeps]

Flynn: "there's a law of physics that says if they lose their vehicle here, they are going to be here for a minute". Flynn keeps coming back to the issue that people don't disappear, and people evicted from a vehicle, will live in a tent encampment.

On RV population, Amari had a variety of anecdotal claims about RV dwellers, in terms of renting the RVs being rented out.

Flynn says that its already illegal to live in an RV, "but OPD doesn't have resources to do this kind of enforcement...it's a doable thing in hills, but not volume in flats"

Flynn says she doesn't support the policy because its just not the right way. "if you're not getting to something that's going to make a difference at the scale that's going to do it". She says that she would have to see the data to sign off.

Flynn: "We only have so many officers and they have a lot to do and people are waiting a long time for their calls...resources are not just there for enforcement being a primary strategy...we don't have enough enforcement, plus people need a place to be, it's physics"

Flynn: "what is the best thing to really change the circumstances, and I have doubts on an enforcement policy on its own"

Flynn also said that 1 billion dollars [Measure W], isn't necessarily that much money...

Jenkins asked Amari if enforcement in EAP would help, he says that it would. "Removing ambiguity would definitely address a lot of the backlog that comes to our team". Amari says that it would help remove vehicle encampments from high sensitivity areas

Fife mentions the RVs on both sides of DeFremery pool, and it has resulted in deterioration of area..."but walk me through if this policy passed today, with our one encampment management team, how would you address Poplar st"

Amari says that they should lead with EMT and outreach, but he says that several RVs would leave and move. Fife "and then they move...and when they move where are they going". Amari: "sometimes they go around the corner, sometimes they leave the city"

Fife mentioned "whack a mole" process of moving people from one area to another. "when they get these notices, they move over to another block"

Brooks says that there are still low sensitivity areas to go to [but one of the issues is that there will be fewer low sensitivity areas]

Brooks just said that Flynn still has to do work to stand up policy...Brooks says that the policy would not be ready until September/October, but apparently want it to pass now. She says that the City will then have money to stand up policy, she says its based on housing first.

Fife: "I do not understand how we're moving forward, I feel like we're putting the cart before the horse...if there's criminal activity, OPD needs to address it..." She notes the conditions are hell in encampment conditions "that many Black people are living in today"

Fife: "I want people who are living in the RVs, regardless of what race they are, to be living in shelter"

Fife: "I fear that this legislation will move people from one state of homelessness to another..."

Fife says that she's also worried about the increase of homelessness, but "we have so many federal cuts coming"

Wang: "I don't think anyone here is ready to propose amendments today...we're all hitting a wall collectively. I think it makes sense to continue this convo at a subsequent PSC meeting, 9/30"

Houston wants to move the legislation non consent full council so that other CMs can weigh again. Brown says that other stakeholders and others need to review the amendments, and then it could come back. "at this time, it's just not ready..."

Brown: "I just don't think that its ready to go to full council"

Jenkins says he wants to make amendments, and suggests making a special PSC meeting where all CMs are invited. "Best thing would be for Houston to work with chair to have a date for this to come back by and everyone submit their amendments"

Brown makes a motion to put the legislation pending/no date specific, and it wouldn't come back until the OCA has signed off on any and all amendments. Fife says that any other

special meeting should poll CMs quorum, "that did not happen with this meeting"

Houston seconded the motion to schedule no date specific; that means it is not really clear when it comes back, as it would be dependent on the amendments being created and sent to OCA for approval, and returned.

Source: https://x.com/Oak_Observer/status/1965939932150771739

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