

Legal Alert

Model Ordinance for Encampment Response

   www.Serviam.Law



Effective May 12, 2025

Legal Update: On May 12, 2025, Governor Newsom released a model ordinance designed to help cities and counties swiftly address hazardous and unsanitary encampments while connecting individuals experiencing homelessness with shelter and supportive services.

On May 12, 2025, Governor Gavin Newsom released a statewide model ordinance designed to encourage California cities and counties to address homeless encampments swiftly while preserving dignity and ensuring access to services. This model ordinance comes on the heels of the U.S. Supreme Court’s *Grants Pass v. Johnson* decision, which clarified that jurisdictions may enforce against camping on public property even when alternative shelter is not necessarily available.

The Governor’s action follows Executive Order N-1-24, which directed State agencies to prioritize the clearance of encampments on State property, and encouraged local governments to adopt similar policies. With legal authority now firmly affirmed by the Supreme Court, the message to local governments is clear: there are no more excuses for inaction.

However, despite the Governor’s optimistic model ordinance, many challenges still face local agencies in enforcing against encampments. Not the least of which is the cost of “dignified” shelters and services. The most problematic residents of encampment tend to resist and refuse shelters and services. And arrest does not solve the problem, it just moves it around. Further, even

the Supreme Court left open the potential for encampment enforcement to be challenged under the Due Process Clause (instead of the Cruel and Unusual Punishment Clause), which the Ninth Circuit has already started using in other homeless enforcement related cases.

Regardless, to support this statewide initiative, the Governor also announced the release of \$3.3 billion in Proposition 1 funds, aimed at expanding behavioral health housing and treatment services for the state's most vulnerable residents. These funds are available immediately to cities and counties as part of a coordinated strategy.

What This Means for Cities and Counties

The Supreme Court's decision in *Grants Pass* only provided temporary relief for jurisdictions in encampment enforcement. Refinements to local agency homeless encampment enforcement continues to play out under the Fourth and Fourteenth Amendments in the Ninth Circuit.

In the meantime, local jurisdictions must use common sense and compassion in their local homeless encampment ordinances and enforcement policies.

At [Serviam](#), we help California public agencies craft encampment ordinances and enforcement strategies that are both effective and constitutionally sound. Our team understands the balance between public safety, civil rights, and operational feasibility.

[Contact us](#) to learn how we can help your jurisdiction implement a tailored and enforceable encampment response aligned with the State's model ordinance.

[Curtis Wright](#) is an expert in municipal and nuisance abatement law, and he is the Managing Partner of SERVIAM BY WRIGHT LLP ("SERVIAM"). Curtis may be contacted about this alert at Wright@Serviam.Law. Serviam legal alerts are not legal advice. Additional facts or future developments will affect the subject of this alert. Seek the advice of an attorney before acting upon any information in this alert.

<https://serviam.law/news-governors-model-ordinance-on-homeless-encampments-what-cities-must-know>