

# **A LONG AND WINDING ROAD FOR THE HOMELESS OF NEVADA COUNTY**

2024-2025 Nevada County Civil Grand Jury

Report Date: May 8, 2025

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## Summary

In response to the Supreme Court’s *Grants Pass* decision, increasing wildland fire risk, and ever-increasing homeless population, this report reconsiders and provides a progress report with respect to the Jury’s previous reports from 2015 (“Illegal Campfires”) and 2019 (“Investing in Housing for People Experiencing Homelessness in Nevada County”). The latter had 14 findings and 18 recommendations. In many instances, the Board of Supervisors (BoS) accepted the recommendations and is moving to complete or has completed the recommended changes. The Grand Jury lauds that work. The Board rejected Recommendation 13 from the 2019 report, which suggested establishing a designated homeless camping area to serve the unsheltered homeless population. Recent developments including *Grants Pass*, strongly suggest reversing the Board’s rejection.

## Glossary

|                  |                                                                                                                                                                                         |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ten-Year Plans   | Nevada County Continuum of Care report “The Ten-Year Plan to End Homelessness in Nevada County 2009-2019” as amended                                                                    |
| 2015 Jury Report | 2015 Nevada County Civil Grand Jury report “Illegal Campfires”                                                                                                                          |
| 2019 Jury Report | 2019 Nevada County Civil Grand Jury report “Housing for Homeless”                                                                                                                       |
| Homeless         | The U.S. Department of Housing and Urban Development defines a person as homeless if they lack a fixed, regular, and adequate nighttime residence                                       |
| Housing First    | A homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness                                                                         |
| HUD              | United States Department of Housing and Urban Development                                                                                                                               |
| Cities           | Grass Valley, Nevada City, and Truckee                                                                                                                                                  |
| Ninth Circuit    | The United States Circuit Court for the Ninth Circuit, which hears appeals from federal district courts in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washing |
| Sierra Roots     | A nonprofit organization that provides nighttime shelter opportunities for homeless                                                                                                     |

## Background

In June 2024, the United States Supreme Court decided *City of Grants Pass, Oregon v. Johnson* (“*Grants Pass*”), reversing the 2018 Ninth Circuit decision in *Boise v. Martin* (“*Boise*”). *Boise* made it difficult for local government agencies to enforce anti-camping laws targeting homeless encampments unless certain burdensome preconditions were met. *Boise* basically held that it was unconstitutional, under the Eighth Amendment’s prohibition against cruel and unusual punishment, to fine or incarcerate homeless under the Boise’s anti-camping law, when there was an insufficient number of adequate shelter beds available in the city. (According to the Supreme Court, there was an ever evolving and elusive definition of “adequate” shelter beds.)

The Supreme Court found, among other things: (1) The Ninth Circuit has a much higher incidence of homelessness than other regions (suggesting that lax enforcement of anti-camping laws has contributed to the problem); (2) approximately 70% of homeless suffer from mental illness, drug, or alcohol addiction; (3) A majority of homeless resist treatment and housing opportunities; (4) no other courts have followed the perhaps well intended but off-base reasoning of *Boise*, and (5) anti-camping laws are a useful tool for law enforcement agencies and municipalities to address the homeless crisis.

As a result of *Grants Pass*, local governments are again free to enact and enforce anti-camping laws against homeless persons and encampments without fear of violating the Eighth Amendment's Cruel and Unusual Punishment Clause. Many cities and counties have now reinstated enforcement of anti-camping laws; and some have begun to revise and strengthen their laws, and a few have enacted new laws.

*Grants Pass*'s concluding paragraph invites cities and counties to find the best balance and policy response to the homeless crisis:

[T]hey may experiment with one set of approaches, only to find later that another set works better; they may find that certain responses are more appropriate for some communities than others. But in our democracy, that is their right. Nor can a handful of federal judges begin to “match” the collective wisdom the American people possess in deciding how best to handle a pressing social question like homelessness.

Given this change in the legal landscape surrounding homeless encampments and anti-camping laws, the 2024-2025 Jury decided to review and reconsider the 2015 and 2019 jury reports to provide additional findings and recommendations to the Board.

## **Approach**

The jury reviewed its previous reports, local government plans and accomplishments addressing homelessness, reviewed anti-camping laws, interviewed local officials—including law enforcement and firefighters—and conducted extensive research.

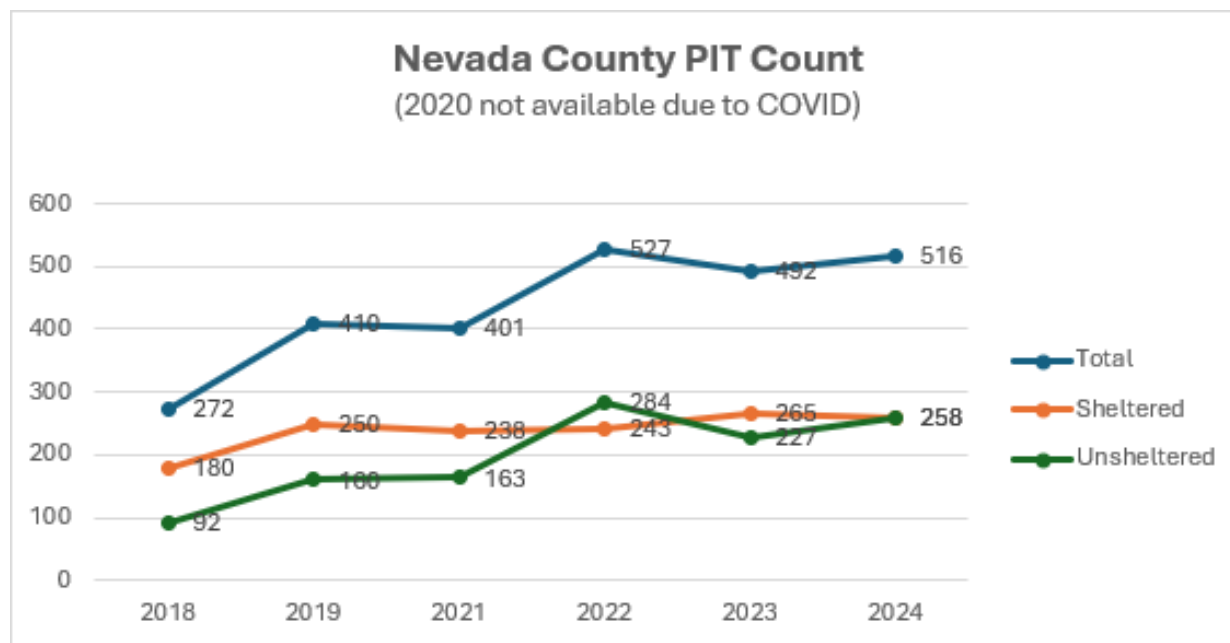
## **Discussion**

Every January, HUD requires local [Continuum of Care](#) (CoC) to conduct a one-night “point-in-time” (PIT) count of its homeless population. The count is imperfect, but it is the most accepted measure of sheltered and unsheltered homelessness. Because of the difficulties involved, experts generally agree that the PIT count significantly underestimates the actual number of homeless.

For 2024, California's PIT count reported 187,084 homeless living both in and out of homeless shelters in California, an increase of 3% from the previous year. Homelessness continues to grow despite state and local efforts to stem it. California's homeless population is the largest in the nation.

The PIT count distinguishes between sheltered and unsheltered homeless. In 2023, of the estimated 181,399 homeless in California, 117,424 were unsheltered. In 2024, this grew to 123,974, a 5.6% increase. Across the United States, the 2023 count of unsheltered homeless was 239,225, which grew to 274,224 in 2024, or a 14.6% increase. According to these statistics, California accounts for almost half of the unsheltered homeless population although it has slightly less than 12% of the United States' population.

The homeless population, especially those unsheltered, is growing. The PIT count for Nevada County in 2018 was 272 (180 sheltered and 92 unsheltered). In 2024, the count grew to 516 (258 sheltered and 258 unsheltered), a 90% growth rate, highest for the unsheltered.



In 2017, the Board of Supervisors made addressing homelessness a top priority, directing staff to develop initiatives and incorporate homelessness in fiscal planning and management of County operations. In December 2018, the Board adopted a ten-year strategic plan to address homelessness – 2018 (“2018 Ten Year Plan”). The Board updated the plan in 2020 and 2022. These updates took into account the 2019 Jury Report and input from local government officials and involved community organizations.

In conducting this investigation, the Jury found the County has made great strides in addressing many of the recommendations identified in the 2019 Jury Report.

- The County has taken a leadership role with CoC and community partners to develop and maintain a plan to continually address homelessness.
- The Board adopted the United States Interagency Council on Homelessness recommendation that “a strategic plan implementation have an oversight body involving a broad spectrum of the community.” This became the CoC.
- In collaboration with Nevada City and Grass Valley, the County adopted measures to incentivize development of low-income housing, *e.g.*, changes to zoning codes and general plan policies.
- The County implemented the Housing First model of providing permanent housing to some homeless.
- The County renewed existing agreements for winter warming shelters with Sierra Roots. Current funding allows Sierra Roots to open the shelter when the county identifies extreme weather conditions (*i.e.* 3 or more overnight hours with temperatures below 32°, or a winter storm warning, or wind-chills of below 32°).

- The County is in the process of constructing the Day/Navigation center (Commons Resource Center) originally scheduled to open on April 1, 2025. The center will provide services to homeless and low-income residents including a place to stay during the day, laundry, and showers. The center will also serve as a day cooling center.
- Nevada and Placer counties signed a memorandum of understanding with the [Homeless Resource Council of the Sierras](#) (“HRCS”) to share Homeless Housing, Assistance and Prevention (HHAP) funding equitably based on each county’s homeless population.
- The County formed the HOME team, which identifies, engages, and provides case management and housing support to highly vulnerable homeless and at-risk individuals.

Despite these efforts, the Jury has identified deficiencies in the current version of the County’s homeless strategic plan.

### **Homeless Encampments and Fire Risk**

The 2015 Jury Report focused on the risks of wildfires associated with homeless camps.

- The 49er fire, in 1988, was one of the largest fires in Nevada County history. A homeless person started it. The fire destroyed 312 structures and burned over 33,000 acres.
  - Perfect-storm fire conditions exist when the wind is high, the humidity is low, and fuel is abundant. Those conditions are often present in Nevada County during fire season.
  - Homeless persons often start fires to warm themselves and then fall asleep or pass out because of drugs or alcohol being consumed.
  - Fire officials reported that transient camps are often found deep in the woods, where access by firefighters is more difficult, allowing fires to burn longer and spread more rapidly. According to one fire official, “these homeless camps present a serious fire hazard to our community.”
  - The report continued, noting there had been a large increase in transient-related fires.

Law enforcement participating in developing the County’s 2018 Ten-Year Homeless Plan stated, “The number one concern was the danger of warming and cooking fires among homeless individuals and families who camp outside.”

In August 2024, the Nevada City Police Department presented “Wildfire Risk Abatement Activities in Relation to Homeless Encampments” to the City of Nevada City City Council noting that “in several communities, homeless encampments have been responsible for as much as 80% of fires started and have resulted in loss of life and in millions in lost property and revenues.” The presentation specifically mentioned two reported vegetation fires in Nevada City on the weekend of June 14, 2024, that began near known homeless encampments.

Throughout California, cities and counties are seeing a remarkable increase in fires caused by homeless, including:

- The City of Los Angeles has seen yearly increases of fires connected to homeless encampments. KCAL reported that in 2024, there were 17,000 such fires.
- Sacramento County has seen a 77% increase in fire calls related to homelessness, with a reported 3,000 fires in 2023.

These fires strain firefighting resources and also place people and property at risk. To add fuel to the fire risk, California, including Nevada County, is experiencing climate change, which makes our environment increasingly subject to catastrophic fires. Climate change and forest management practices add to the fire risk, as do recurring droughts, and increases in tree mortality. Eight of the ten largest fires in California were in the last five years. Some recent and notable fires include Palisades, Eaton, Park, Dixie, Camp, Tubbs, and the list goes on.

Cal Fire's Fire Hazard Severity Zone map (FHSZ) shows most of Nevada County as very high fire risk. A large portion of the county is within the Wildland Urban Interface or Intermix (WUI), (residential developments adjacent to vegetation and fire risks) as defined by the [Nevada County Community Wildfire Protection Plan](#) identifies. Many rural areas in Nevada County have only one possible evacuation route. That emphasizes the need for extra caution in regard to fire prevention.

One local fire official told the jury that Nevada County is one of the few locations in California that has not experienced a devastating fire in a long time and may therefore be overdue because of decades-long accumulation of combustible vegetation.

The month after *Grants Pass*, Governor Newsom issued Executive Order N-1-24 mandating that all state agencies develop and implement plans to remove homeless camps from state property. The press release accompanying the Executive Order encouraged local governments to follow suit. Governor Newsom has said California may withhold homeless funding and grants to municipalities that do not comply. Within three months after *Grants Pass*, at least 15 California municipalities had passed new ordinances prohibiting camping or updated existing ordinances to make them more comprehensive and carry stiffer penalties. Another dozen are considering new bans, and at least four begun enforcing old camping bans.

### **Bridging the Gap**

There are not as many shelter beds in Nevada County as there are homeless. The HOME team engages with individuals at homeless camps, issues remain regarding the County's reliance on the availability of homeless shelter beds and motel voucher availability when disbanding homeless camps. The availability of shelter beds in such programs is limited and is invariably less than the actual homeless population.

County law enforcement officers complain that they have insufficient power when it comes to homeless camps on private property. In such situations law enforcement agencies must expend extra effort to contact the property owner to deal with the situation. Standard operating procedure requires a letter from owners for law enforcement personnel to enter the property when they are absent. If the property owner authorizes the homeless encampment, then there is little law enforcement can do. Often the courts and the probation department release a homeless person arrested at an illegal encampment, who then relocates to another risky location.

A growing number of municipalities in California have responded to the homeless-encampment problems by creating homeless campgrounds, known as "safe-stay communities" or "managed encampments." These areas offer shelter and services—bathrooms, showers, laundry and access to social services?—in safe, sanitary environments, without the risk of arrest or citation and lower risk of wildfire. This also helps address the gap between the number of shelter beds available and the number of unsheltered. Auburn, San Rafael and San Diego have successful sanctioned camping programs. These campgrounds can also provide our unhoused community members with a shelter setting with fewer entry restrictions than approved sheltered locations.

Invariably, the issues surrounding the homeless population lead back to the Board of Supervisors. Though there has been considerable progress, the County needs to do much more.

## **Findings**

Finding 1: The county has addressed nearly all of the agreed to recommendations from the 2019 report.

Finding 2: Homeless persons living in the WUI present a high risk of starting wildfires, endangering themselves, county residents, first responders, and property.

Finding 3: Nevada County, with its rural nature, very high fire risk designation, and, in many cases, single evacuation routes, needs to be extra vigilant regarding fire prevention.

Finding 4: Homelessness continues to increase in the County.

Finding 5: Nevada County has substantially fewer shelter beds available than the PIT homeless count.

Finding 6: Law enforcement agencies often find it frustrating when dealing with the unhoused population, and lack tools to remove homeless from fire-prone areas in WUI.

Finding 7: Law enforcement agencies have difficulties removing homeless camps from private property.

Finding 8: While Grass Valley, Nevada City, and Truckee have adopted anti-camping laws, the County lacks a comprehensive anti-camping law.

## **Recommendations**

Recommendation 1: Local governments (cities, the county, and the BoS) should enact comprehensive and coordinated anticamping laws; possibly consulting existing anti-camping laws in other counties and states.

Recommendation 2: Local governments should develop one or more designated low barrier “sanctioned” camping areas for the homeless, with facilities and access to support services, similar to those established by other municipalities.

Recommendation 3: Local governments should extend the duration of trespass letters obtained from private property owners to one-year or longer to enable law enforcement personnel to quickly remove encampments from private property.

Recommendation 4: Local governments should provide additional shelter beds to close the gap between the number of unhoused people and the number of shelter beds.

Recommendation 5: Local governments should prioritize removing the homeless from the WUI.

Recommendation 6: Local governments should expand the criteria currently used to determine warming shelter hours to be more realistic and better address the exposure risk that homeless face in colder months.

Recommendation 7: The County should update the 2018 Ten-Year Plan to address this report’s findings and recommendations.

## **Request for Responses**

PENAL CODE §§ 933 and 933.05, the Nevada County Civil Grand Jury requires the agencies below, within 90 days of receiving the report at the agency, to respond to the following:

- Nevada County Board of Supervisors:
  - Findings 2, 3, 4, 5, 6, 7, and 8

- Recommendations 1, 2, 3, 4, 5, 6, and 7
- Grass Valley City Council:
  - Recommendations 1, 2, 3, and 5
- Nevada City Council:
  - Recommendations 1, 2, 3, and 5
- Truckee Town Council:
  - Recommendations 1, 2, 3 and 5

Pursuant to PENAL CODE § 933.05, the Nevada County Civil Grand Jury requests that Sierra Roots, within 90 days of receiving this report, respond to the following:

- Sierra Roots:
  - Recommendation 6

Responses go to the Presiding Judge of the Nevada County Superior Court in accord with the provisions of CAL. PENAL CODE § 933.05. Responses must include the information that § 933.05 requires.