



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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CITY ATTORNEY'S OFFICE ANNOUNCES AMENDMENT TO 2007 ORDER REGARDING ENFORCEMENT OF ILLEGAL LODGING LAWS

San Diego, CA: The City Attorney's Office, SDPD and Councilmember Kevin Faulconer announced today effective immediately officers may now enforce illegal lodging PC 647 (e) twenty four hours a day, 7 days a week in the downtown area. If an officer encounters an individual who is in violation, the individual may be cited or arrested for a misdemeanor if that person refuses an available bed. The change arises out of an amendment recently approved by a federal court judge to a 2007 order voluntarily agreed to by former City Attorney Mike Aguirre.

In 2007, former City Attorney Aguirre voluntarily agreed to a federal court order precluding the City from enforcing illegal lodging laws between the hours of 9:00 p.m. and 5:30 a.m. This was a bad deal for the residents and visitors of downtown, as well as the homeless, because it provided no strategy for getting people off the streets.

City Attorney Jan Goldsmith, who called the 2007 agreement a lemon, vowed to make this change when he took office. The City Attorney's Office spent a year negotiating with plaintiffs' attorneys an amendment to the 2007 federal court order. An agreement was reached and approved by the City Council which now allows the city to enforce the law if a bed is available. The amended order creates an incentive for more beds and allows for a strategy to get people off the streets.

"As a resident of downtown, I am appalled at the number of homeless on the street, many of whom need mental, drug and alcohol services. It is not sanitary or safe. The 2007 court order agreed to voluntarily by Mr. Aguirre offered no hope for a solution," said Goldsmith. "With this amendment, the more we support folks like Father Joe who want to increase bed opportunities, the more people we can get off the streets by enforcing the law. Today, we have done our best to make lemonade out of lemons and have an opportunity to get our streets back."

"The settlement and the associated enforcement procedures strike an important balance between providing the beds and services homeless people need and deserve, and equipping our police officers with an important enforcement tool," Councilmember Kevin Faulconer said.

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