

October 6, 2026

Mayor Kacey Reynolds
Vice Mayor Dale Bennett
Councilmember Bryce Goldstein
Councilmember Katie Hawley
Councilmember Mike O'Brien
Councilmember Tom Van Overbeek
Councilmember Addison Winslow

Via email to cityclerk@chicoca.gov

Re: October 6, 2026 City Council Meeting, Agenda Item 5.1

Dear Mayor Reynolds, Vice Mayor Bennett, and Councilmembers Goldstein, Hawley, O'Brien, Van Overbeek, and Winslow:

Legal Services of Northern California provides this comment on Agenda Item 5.1 of the Meeting scheduled for October 6, 2026, at 6:00 PM. The City Attorney's Agenda Report proposes amendments to the Chico Municipal Code for Sections 9.20, 12.18, and 12R.

We commend the City for taking steps to codify the constitutionally required procedures for removal and storage of personal property. We comment to point out that included among these proposed amendments are provisions that, if enforced, would violate the terms governing pre-enforcement procedures and property storage in the settlement agreement between our clients and the City of Chico in *Warren, et al. v. City of Chico, et al.* (hereinafter "Settlement Agreement"). (2:21-cv-00640.) Also, the proposed 24-hour notices of property removal and other changes would disqualify the City from receiving state funding through the Encampment Resolution Funding Program that already has provided \$2,683,091 for Genesis Pallet Shelter operations and potentially over \$4,000,000 in the next round of funding.

The city attorney, city staff, and councilmembers have previously stated that any new policies or ordinances that conflict with the terms of the Settlement Agreement will not be enforced until after the Settlement. However, the Agenda Report for Item 5.1 with the attached proposed amendments to the Chico Municipal Code do not state this. At best, the opening paragraph may imply this intent by stating the council gave direction to "review and assess" camping ordinances "in light of. . . the expiration of the terms of the settlement agreement. . . ." The proposed ordinances that violate the Settlement Agreement include providing 24-hour notice before removing personal property, including at encampments (C.M.C. § 9.20.050); the

definition of Shelter Space (C.M.C. § 9.20.020(G)); enforcement (C.M.C. § 9.20.080); and the length of time the City impounds personal property (C.M.C. §§ 9.20.055, 9.20.060). Enforcement of any municipal code provision, including the proposed amendments, that violates the Settlement Agreement remains prohibited during the term of the Settlement Agreement.

The City's proposed amendments to Municipal Code Section 9.20 include multiple provisions that would disqualify the City from receiving Encampment Resolution Funding. This funding provided \$2,683,091 in 2024 to support the operations at the Genesis Pallet Shelter Site that was created by the Settlement Agreement. (*See* Agenda Report for Item 5.7 of the May 19, 2026, City Council Meeting, at p. 3.) Now, City staff are requesting \$4,100,000 in Round 5 of this funding "to support outreach and engagement, emergency shelter operations at Genesis, some operations at Torres Shelter... permanent housing interventions including rental subsidies, move-in assistance, housing stabilization, landlord incentives, and housing navigation activities intended to transition shelter residents into permanent housing." (Agenda Report for Item 2.4 of the June 16, 2026, City Council Meeting, at p. 1.)

The City would not qualify for this \$4 million award, because the funding requires the City must "have a current and formal policy and/or ordinance to address encampments that fully complies with the California Interagency Council (Cal ICH) [Guidance on Addressing Encampments](#)." (Encampment Resolution Funding Program, Round 5, Notice of Funding Availability, at p. 7 (hereinafter "Funding Notice").¹)

The City's proposed amendments do not comply with this guidance for at least the following reasons. First, Appendix D² of the Funding Notice requires the City to provide "as much advance notice to vacate as possible" and at least 48 hours before removing unsheltered people from public property in non-urgent situations. Certain information is also to be provided in the written notice. (Funding Notice, at Appendix D.) The City's enforcement provision at 9.20.080 does not require *any* written notice prior to requiring a person to vacate. The enforcement provision also does not provide that the City will ensure there is open shelter or another place one can sleep that is "immediately available" before enforcing of the camping provisions. (*Id.*) The City's proposed definition of "camp" at 9.20.020(A) also goes well beyond the scope of the Cal ICH Guidance. The guidance allows enforcement after providing notice and offers of shelter. (*Id.*) Further, all policies related to enforcement must "[e]mploy person-

¹ Available at: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/erf-5-faq.pdf>.

² Attached as Exhibit A

centered, Housing First, and trauma-informed approaches when addressing the needs of person living in encampments on public property”, just as the Settlement Agreement also requires. (Funding Notice, at Appendix D.) In comparison, the City is expanding its definition of camping from a prohibition on overnight camping to now include “temporary, short-term or overnight” occupancy.

Lastly, while we agree it is important for the City to codify the constitutionally required procedures for removing and storing personal property, the 24-hour notice procedure at 9.20.050 is too short and does not comply with the ERF requirements and ICH Guidance. The 24-hour notice provisions would apply to removing the personal property of unsheltered people sleeping overnight on public property, and as disused, this is too short to comply with the Guidance. As discussed above, the Guidance requires a minimum of 48 hours’ notice.

The potential consequences of the City’s non-compliance with these notice and offer of shelter requirements include denial of the funding application, return and/or repayment of funding received, and being barred from applying for future funding.

The City must continue refraining from enforcement of laws that conflict with the Settlement Agreement’s pre-enforcement procedures and ensure that its ordinances comply with state grant funding requirements, including providing as much advance notice as possible and a minimum of 48 hours’ notice before requiring someone to vacate or removing a person’s personal property and making sure alternative shelter or a sleeping location is immediately available.

If you have any follow-up questions regarding this letter I can be reached at the contact information below.

Sincerely,
LEGAL SERVICES OF NORTHERN CALIFORNIA

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Appendix D: California Interagency Council on Homelessness Guidance on Addressing Encampments

Below is a list of the seven components included in the [Cal ICH Guidance on Addressing Encampments](#). Applicants may use this as a checklist to verify whether their policy or ordinance complies with state guidance, or as a template to adopt an encampment policy that complies with state guidance.

1. Employ person-centered, Housing First, and trauma-informed approaches when addressing the needs of person living in encampments on public property.
2. Maintain awareness of interim housing capacity, including congregate and noncongregate shelter (i.e., motel vouchers), that is immediately available to serve persons in the encampment in question.
3. Provide respectful/reasonable treatment of property from the encampment, including collecting, labeling, and storing personal property from the encampment (unless it is a health or safety hazard).
4. Provide notice to encampment residents:
 - a. Provide as much advance notice to vacate as possible. For non-urgent situations, a notice to vacate must be posted at least 48 hours before removal.
 - b. Include the following information in the notice: 1) Date and time of the removal actions, 2) Information on services that are immediately available to persons living in the encampment, and 3) Information on how unattended belongings will be handled the day of the removal action, including what will be stored and how they can be recovered.
5. Maintain awareness of efforts serving the encampment in question and encampments broadly.
6. Make every effort to identify and offer shelter including interim housing or motel vouchers to persons living in an encampment before taking action to remove an encampment. If shelter cannot be secured prior to removal despite these efforts, confirm there are reasonably accessible locations within the jurisdiction where a person may lawfully sleep.
7. Prioritize health and safety in assessing encampments, and where appropriate address hazards prior to or independent from any removing operation.