



Rent Stabilization Board

DATE: July 18, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: Vice Chair Soli Alpert, Chair Leah Simon-Weisberg

SUBJECT: Resolution Opposing the Criminalization of Homelessness Imposed by Grants Pass v. Johnson

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**Recommendation:**

That the Berkeley Rent Stabilization Board adopt the attached resolution condemning the Supreme Courts holding in Grants Pass v. Johnson, which serves to criminalize homelessness, and calls on the City of Berkeley to continue to operate under the framework provided by Martin v. City of Boise, which prohibited the imposition of criminal penalties for sleeping in public spaces without first making an offer of shelter to the unhoused individual.

**Background:**

See attached Resolution.

**Financial Impact:**

None.

**Name and Email Address of Contact Person:**

Vice Chair Soli Alpert, [RSBAlpert@cityofberkeley.info](mailto:RSBAlpert@cityofberkeley.info)

## RESOLUTION 24-17

### OPPOSING THE CRIMINALIZATION OF HOMELESSNESS IMPOSED BY GRANTS PASS V. JOHNSON AND URGING THE CITY OF BERKELEY TO PRESERVE THE RIGHTS OF THE HOMELESS

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley as follows:

**WHEREAS**, the U.S. Supreme Court’s decision in *Grants Pass v. Johnson* to reverse *Martin v. City of Boise* allows the imposition of criminal penalties for the “crime” of being homeless<sup>1</sup>; and

**WHEREAS**, *Martin v. City of Boise* struck a humane and equitable balance, prohibiting authorities from criminalizing or removing homeless individuals from public places without first offering alternative shelter, unless immediate health and safety concerns required it<sup>2</sup>; and

**WHEREAS**, while *Grants Pass v. Johnson* allows for jurisdictions to violate human rights by criminalizing homelessness, it does not require them to do so; and

**WHEREAS**, at the July 9<sup>th</sup> meeting of the City Council, Councilmembers Lunaparra and Taplin introduced a resolution entitled “Reaffirming Rights Against The Criminalization Of Unhoused Status,” which would commit the City of Berkeley to upholding the rights of the homeless as enshrined in *Martin v. City of Boise*, and rejecting the new powers granted by *Grants Pass v. Johnson*; and

**WHEREAS**, the City Council failed to adopt that resolution at their July 9<sup>th</sup> meeting.

**NOW, THEREFORE, BE IT RESOLVED**, that the Berkeley Rent Stabilization Board condemns this extremist Supreme Court, which has attacked the reproductive freedom, the right to vote, the right to protest, the ability of the government to protect the public from corporate abuses and gun violence, and the very fabric of our democracy, in its new turn to attack the rights of the homeless; and

**BE IT FURTHER RESOLVED**, that the Berkeley Rent Stabilization Board calls on the City Council to adopt the resolution “Reaffirming Rights Against The Criminalization Of Unhoused Status” and maintain the status quo under *Martin v. City of Boise*; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Mayor Jesse Arreguin, the Members of the City Council, and Auditor Jenny Wong.

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<sup>1</sup> [https://www.supremecourt.gov/opinions/23pdf/23-175\\_19m2.pdf](https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf)

<sup>2</sup> <https://law.justia.com/cases/federal/appellate-courts/ca9/15-35845/15-35845-2018-09-04.html>

**RESOLUTION 24-17**

**OPPOSING THE CRIMINALIZATION OF HOMELESSNESS IMPOSED BY  
GRANTS PASS V. JOHNSON AND URGING THE CITY OF BERKELEY TO  
PRESERVE THE RIGHTS OF THE HOMELESS (Page 2)**

Dated: July 18, 2024

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chairperson  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director