

# Governor Newsom's Executive Order N-1-24:

## Overview and Action Steps

August 2024

### Background

On 7.25.24, the California Governor issued [Executive Order N-1-24](#). The Order directs State departments and agencies under his authority to adopt policies consistent with the California Department of Transportation's (CalTrans) encampment policy.

The Order follows the Supreme Court's [decision](#) in *City of Grants Pass v. Johnson*, which held that bans prohibiting camping and sleeping in public areas may be enforced. This guide covers what Californians should know about the Order and ideas for how to respond.

### The Executive Order, explained

The sections below break down the Order and the CalTrans policy it references. They also summarize information from the California Interagency Council on Homelessness (Cal ICH) on how to proceed.

#### What does the Executive Order say?

**Cities and counties are not required to adopt the CalTrans encampment policy on land not owned by the State.** The Order distinguishes between:

1. State agencies that the Governor directly controls, like Fish and Game and State Parks;
2. State agencies that the Governor does not control, like the Department of Justice; and
3. Local governments, over which the Governor does not exert direct control.

The Order explains that:

1. Agencies and departments subject to the Governor's authority **shall** adopt policies "generally consistent" with CalTrans Maintenance Policy Directive 1001-R1 (see below) to address encampments on [state property](#).
2. The Order highlights sections of the CalTrans Directive relating to site assessment, notice of clearing, contacting service providers for outreach assistance, and providing 60 days of storage.

3. State agencies and departments not under the Governor's authority are **requested** to adopt similar policies to the CalTrans Directive.
4. Local governments are **encouraged** to adopt similar CalTrans policies.
5. The California Interagency Council on Homelessness (Cal ICH) shall develop guidance and technical assistance to local governments.

### What does the CalTrans Maintenance Policy Directive say?

CalTrans issued Maintenance Policy Directive 1001-R1 in 2022, which states that CalTrans **does not allow encampments on its Right-of-Way**. It also describes a process of determining an encampment's Priority Level (1 or 2).

Depending on the Level, the Directive outlines a different set of actions related to notice and when and whether law enforcement should be present. The rest describes which personal items will be collected and how long they will be stored.

Some information from the Directive to consider:

- A site assessment should be performed to determine whether a site is Level 1 or 2.
  - Level 1 is limited encampments with **exigent circumstances** that poses an **imminent threat**.
  - Level 2 is for all other encampments.
- For both Levels, service providers and outreach workers should be contacted to provide services for people living in the encampment.
- For both Levels, **notice to vacate** is required. The type of notice varies by Level.
  - Level 1 encampments require as much advance notice to vacate as is reasonable. A removal advisory should be posted in a prominent location describing any items that were taken and how to reclaim them.
  - Level 2 encampments require notice to vacate at least 48 hours before removal.
- Removal operations should not begin when people experiencing homelessness are in the vicinity. People living in the encampment should be given a reasonable amount of time to remove their belongings before removal begins.
- Personal property that is not a health or safety hazard should be collected, labelled and stored. Property must be stored in a secure location by CalTrans for at least 60 days for both Levels.

## What does information from Cal ICH say?

Cal ICH released some information about how California would respond to the Grants Pass ruling, which includes a response to the Order. They stated:

- Cal ICH will continue to support and fund programs serving people experiencing homelessness.
- They will conduct a series of webinars to provide guidance to ensure partners are incorporating evidence-based practices in their encampment response.
- The core components of Housing First are required under California law.
- Cal ICH remains committed to “[P]erson-centered, trauma-informed, and evidence-based approaches to address homelessness.”
- The Department of Housing and Community Development will make additional funding available under the Encampment Resolution Fund program.

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## How can cities and counties respond?

We suggest reviewing the *Grants Pass vs. Johnson: Overview and Action Steps* document on our website, which has information about how to respond to the criminalization of homelessness. The tips and resources in the guide are also relevant for communities responding to the Order.

### Advocate against the adoption of local ordinances in alignment with the Order.

- Educate local officials, providers, and the public that they are not required to adopt the Order or policies consistent with it on property that is not State land.
- Clarify that the Executive Order applies to State land and State agencies and departments. The Governor does not have enforcement power over county and local governments.
- Ensure that City and county officials, CoC, providers, and people experiencing unsheltered homelessness understand what the Order does and does not control so that they are equipped to make educated decisions, sound policy, and informed advocacy.

### Remind decision makers that the Federal Government and some State partners do not support the criminalization of homelessness.

- HUD, the largest funder of homelessness response in the country, has supported alternatives to criminalization of homelessness.
- This year's CoC NOFO funding competition states that “criminalization of homelessness risks the health of people living unsheltered and makes it more difficult to move into permanent housing.”

CoCs are scored on whether they “work with law enforcement and their state and local governments to enlist their support for housing people in encampments, and to avoid practices that criminalize homelessness.”

- Since the Executive Order was issued, Cal ICH restated its commitment to funding and supporting homelessness response efforts which are Housing First, person-centered, and trauma-informed, and stated that more ERF funding would be available soon.

**Emphasize the discriminatory effects of the criminalization of homelessness.**

- Black, Indigenous, and other People of Color (BIPOC) are disproportionately represented in both the homelessness and criminal legal systems. In California, Black adults are 9.7 times more likely to receive citations than white adults in the same jurisdiction. Criminalizing homelessness increases the likelihood that BIPOC people will be stopped by police and charged, which will worsen racial inequities.
- California-based Equal Rights for Every Neighbor has more information on the intersection of racial discrimination and discrimination against unhoused persons.

**Get involved if new policies are being proposed or drafted.**

- If a jurisdiction is adopting regulations consistent with the Governor’s, champion a humane and flexible approach. Focus on what is not defined or required by the Order, and advocate for the least restrictive and oppressive interpretation.
- Only encampments prioritized as Level 1 require immediate removal. However, this designation is not clearly defined. Accordingly, legislation based on the Order should be written to ensure that a Level 1 designation happens very rarely, if ever.
- Language from the Order, like “reasonable notice,” “exigent circumstances,” and “imminent threat,” should be defined in ways that support the autonomy and well-being of people living in encampments.
- Jurisdictions can leverage the Governor’s suggestion to coordinate with community-based outreach to engage with encampment response. Outreach should be required and foundational before any government intervention in encampments takes place.

**Interested in working with Homebase’s Criminal Legal System Initiative to respond to the Order? Get in touch today.**

→ Contact us for a free consultation at [clsi@homebaseccc.org](mailto:clsi@homebaseccc.org).

→ Sign up for our [newsletter](#)!