



CITY OF POMONA COUNCIL REPORT

April 20, 2026

To: Honorable Mayor and Members of the City Council

From: Anita Scott, City Manager

Submitted By: Michael Ellis, Chief of Police

**SUBJECT: CONSIDERATION OF AN ORDINANCE RELATING TO CAMPING AND
STORING PERSONAL PROPERTY ON PUBLIC PROPERTY**

RECOMMENDATION:

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

**ORDINANCE NO. 4369 – AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 46
("STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"), ARTICLE
XII ("CAMPING, SLEEPING OR STORAGE OF PROPERTY"),
SECTIONS 46-601 – 46-606 OF THE POMONA CITY CODE AND ADDING
SECTIONS 46-607 – 46-611 RELATING TO CAMPING AND STORING
PERSONAL PROPERTY ON PUBLIC PROPERTY**

EXECUTIVE SUMMARY:

The proposed Ordinance No. 4369 (Attachment No. 1) aims to amend Chapter 46, Article XII of the Pomona City Code, by amending existing Sections and adding new Sections. The amendments clarify the existing Sections of the Pomona City Code, and such clarifications will allow the City of Pomona Police Department to enforce the prohibition of camping on public property more effectively and efficiently. The amendments do not prevent the City from providing services for the unhoused population or from making efforts to assist unhoused individuals in finding shelter or services. This action is in accordance with State law and, upon going into effect, will amend Chapter 46, Article XII of the Pomona City Code.

FISCAL IMPACT:

There are no fiscal impacts associated with the recommended action. Future fiscal impacts could arise depending on the implementation of additional outreach, enforcement, or personal property cleanup and storage procedures.

DISCUSSION:

The City has seen an increase in its unhoused population in recent years, despite the allocation of resources and funds to combat homelessness in the City. An increased number of homeless, unhoused, and transient persons are sleeping, sitting, laying, and/or storing personal property on public property, public streets, public rights-of-way, and public facilities. Such actions interfere with the public's access and usage of public property, public streets, public rights-of-way, and public facilities. The City has received numerous concerns regarding the encampments on public property and the storing of personal property on public property. These concerns are related to safety, obstructions, and cleanliness. Following recent updates to the law, the City seeks to address these concerns by amending its City Municipal Code.

On June 28, 2024, the United States Supreme Court issued its decision in *City of Grants Pass v. Johnson*, No. 23-175 (U.S. June 28, 2024), overturning the Ninth Circuit's prior holding in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019). The Ninth Circuit had previously held that imposing criminal penalties for sleeping or camping in public when no alternative shelter was available violated the Eighth Amendment's prohibition on cruel and unusual punishment. The Supreme Court rejected that reasoning, holding that the Eighth Amendment addresses the type of punishment a government may impose after a conviction, but does not limit the conduct a government may criminalize in the first instance. In doing so, the Court emphasized that homelessness is a complex social problem best addressed by state and local policymakers rather than through constitutional prohibition.

While *Grants Pass* confirms that local governments may enact and enforce prohibitions on camping and sleeping in public regardless of shelter availability, enforcement must still comply with other constitutional protections, including the Due Process Clause, the Excessive Fines Clause, and the Fourth Amendment.

Accordingly, this proposed Ordinance seeks to alleviate the health, safety, and accessibility concerns by clarifying the City's existing regulations on camping on public property and storing personal property on public property.

Prepared by:

Alyssa Bostrom
Police Captain

ATTACHMENTS:

Attachment No. 1 – Ordinance No. 4369