

Sleeping-in-Vehicle Ordinances Face Challenges Following Ninth Circuit Decision in Desertrain v. City of Los Angeles

Burke Public Law Update

Homelessness presents local governments with a variety of challenging public safety and welfare issues. One of these issues has been the use of vehicles as living quarters. Many cities have struggled with the negative secondary effects of individuals living in parked cars, trucks, and recreational vehicles. Not only has this activity led to overcrowding on public streets, but it also has led to unsanitary conditions and neighborhood blight in some communities. A recent Ninth Circuit Court of Appeals decision involving the City of Los Angeles demonstrates the difficulties and legal obstacles that counties and cities will face in addressing this issue.

In *Desertrain v. City of Los Angeles,* the Ninth Circuit struck down an ordinance restricting the use of vehicles as living quarters on public streets and in public parking lots. The Court concluded that the ordinance was unconstitutionally vague because it did not sufficiently identify the prohibited conduct and promoted arbitrary and discriminatory enforcement.

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