



# CITY OF MERCED

**MERCED**

April 8, 2025

The Honorable Maria Elena Durazo  
Chair, Senate Local Government Committee  
California State Capitol, Room 407  
Sacramento, CA 95814

RE: **SB 634 (Pérez) Homelessness: civil and criminal penalties**  
**Notice of OPPOSITION** *(As Amended 03/26/25)*

Dear Senator Durazo,

The City of Merced must respectfully **oppose SB 634 (Pérez)**, which would prohibit local jurisdictions from adopting or enforcing ordinances to address homelessness. While we recognize the bill's intent, SB 634 would severely limit cities' ability to respond to the growing homelessness crisis in communities across California.

Cities are implementing balanced approaches that protect both the rights of individuals experiencing homelessness and the broader community's needs for clean, safe, and accessible public spaces. SB 634 hinders this progress by prohibiting local governments from adopting any regulation, policy, or guidance that imposes civil or criminal penalties on a person experiencing homelessness. By eliminating all enforcement mechanisms, SB 634 gives people the right to stand, sit, lay, sleep, or put up a tent in any public place.

For the City of Merced, SB 634 would severely limit our ability to address local conditions related to homelessness, particularly in areas like our downtown core, public parks, and near schools where encampments have already raised health, safety, and accessibility concerns. The bill would eliminate the tools we rely on to respond to blocked sidewalks, business access issues, and public health risks—tools that help us balance compassion with responsibility. Without any civil or criminal enforcement mechanisms, Merced would be left vulnerable to legal liability from lawsuits filed by business owners and disability rights advocates, while also being unable to meet our obligations to maintain safe and accessible public spaces. SB 634 would make it nearly impossible for our city to respond effectively to urgent situations that require immediate action for the well-being of both housed and unhoused residents.

Cities have been sued by business owners for allowing encampments to block access to businesses and by disability rights advocates over encampments that have obstructed sidewalks and public spaces. Without the ability to use civil or criminal enforcement remedies, cities would face increased legal liability and more importantly, have no meaningful way to respond to urgent health and safety concerns. The City of Merced recognizes that we must remain focused on connecting unhoused residents to housing and services, but cities also need basic tools to meet their legal obligations and protect public spaces.



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SB 634 also directly contradicts cities' efforts to address encampments in response to the Governor's November 2024 executive order. The order directed state departments and agencies to adopt policies to address homeless encampments on state properties and encouraged local governments to adopt similar policies or risk losing access to state homelessness funding. Cities want to help the state to realize our shared vision of reducing homelessness and supporting our most vulnerable residents. However, SB 634 leaves cities without any enforcement tools, hindering cities' ability to carry out the Governor's directive and jeopardizing state funding cities receive to address homelessness.

Local jurisdictions are already working within a complex and evolving legal landscape, including recent federal court decisions like *Johnson v. Grants Pass*, which clarified constitutional limits on how cities can address homelessness through enforcement actions. In response to the Grants Pass ruling, the Governor stated:

*"Today's ruling by the U.S. Supreme Court provides state and local officials the **definitive authority** to implement and **enforce** policies to clear unsafe encampments from our streets. This decision removes the **legal ambiguities** that have **tied the hands** of local officials for years and **limited their ability** to deliver on common-sense measures to protect the safety and well-being of our communities."*

SB 634 directly undermines this decision by stripping local governments of the authority to tailor enforcement strategies to their unique circumstances. It also disregards the years of legal effort cities have invested to gain the clarity now provided by the Court.

The City of Merced urges the Legislature to support policies that empower local governments to act with compassion and urgency — not tie their hands behind their backs. SB 634 does not reflect the nuanced, community-led solutions that are showing promise across the state. For these reasons, the City of Merced must **oppose SB 634 (Pérez)**.

Sincerely,

Matthew Serratto  
Mayor  
City of Merced

cc. Senator Anna Caballero, [anna.caballero@senate.ca.gov](mailto:anna.caballero@senate.ca.gov), [Esmeralda.soria@asm.ca.gov](mailto:Esmeralda.soria@asm.ca.gov)  
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