



# CITY OF SALEM

## Written Testimony #1

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, March 9, 2020**

**6:00 PM**

**Council Chambers**

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**7.1a. [20-101](#)**

An ordinance relating to conduct on sidewalks, creating Salem Revised Code 95.715

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:**

Conduct first reading of Ordinance Bill No. 6-20, relating to conduct on sidewalks.

**Attachments:**

[ORDINANCE BILL NO 6-20](#)

[Exhibit A to ordinance bill 6-20 Proposed Text](#)

[Public Comments recieved by 5:00 p.m. on 3-4-20](#)

[Public Comments received by 3:30 p.m. 3-9-20](#)

*Add - Written Testimony.*

Page  
Break

## Amy Johnson

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**From:** Melissa Ball <meliselaineball@yahoo.com>  
**Sent:** Thursday, March 05, 2020 3:07 PM  
**To:** citycouncil  
**Subject:** Kids seeing the dark side of homelessness

Hello Salem Council,

My name is Melissa Ball. I am a mom and a 1st grade teacher. My children have been attending Sonshine school / Capital Christian school for going on 8 years now. We know that this school is downtown and with that comes all the things and issues that downtown can come with.

I was driving my daughter to school this last week and what I saw once again behind the Rite Aid made my skin crawl. Once again, meaning not the first time, I saw a man's private parts, a man screaming and swinging a ironing board at people and traffic . I have witnessed fights , littering everywhere and the list goes on.

I know that issue of homelessness is a big one. But what I do know as a mandatory reporter we can do better than this. No children should be left in our city to look out the window of their daycare or school and see these things. Over the years there have been times where the students see things they should not but this is now a daily issue thanks to the homeless living on this side walk. Please protect our children . Please.

Thank you for your time,

Melissa Ball

Teacher and mom

[503-302-9551](tel:503-302-9551)

[Sent from Yahoo Mail for iPhone](#)

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of Deliaberry@yahoo.com  
**Sent:** Thursday, March 05, 2020 11:04 AM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

Your Name	Delia
Your Email	Deliaberry@yahoo.com
Your Phone	5033123847
Street	3540 Karen Ave S
City	Salem
State	OR
Zip	97302
Message	Clean the sidewalks every day! Get your leaf blowers, make them pick up their stuff, give them bus tokens, laundry tokens, McDonalds gift certificates. Find a place for them to go during the day where they can take a shower, nap, do drugs, whatever. I don't mind people sleeping on the streets, it's a complex problem I wish we could easily solve, but the permanence of the structures & the trash has to be taken care of.

This email was generated by the dynamic web forms contact us form on 3/5/2020.

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of ckbearsmit@gmail.com  
**Sent:** Wednesday, March 04, 2020 6:32 PM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

Your Name	Christopher Smith
Your Email	ckbearsmit@gmail.com
Your Phone	5414206503
Street	17200 Oakdale RD
City	Dallas
State	OR
Zip	97338
Message	Homeless, Daily commuting and working has exposed me to the disaster in Salem created by bad policies and bad leadership. Just stopping too get a coffee is disturbing having to lock your car,deal with the guy scratching his face and asking if they had any baking soda, the clerk is frustrated because of shoplifters and the police are not allowed to do anything about it,my friend' s wife was assaulted while walking at lunch,urine and feces on the streets,open drug use!.This sounds like a third world country. Not much different from immigration it got so bad that there was no way to solve it without people suffering. Open borders, lawlessness,and sanctuary cities are not going to solve the problem It's going to take some tough love, Bad management,Bad policy's created this mess. Change is needed Christopher Smith

This email was generated by the dynamic web forms contact us form on 3/4/2020.

## Amy Johnson

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**From:** Christopher Smith <ckbearsmit@gmail.com>  
**Sent:** Thursday, March 05, 2020 7:36 PM  
**To:** citycouncil  
**Subject:** Homeless

This a one more thing to a previous email.

As a sibling to a life long (short 55 years) drug addict I've seen the devastating far reaching affects of drug abuse first hand.

At some point they will reach a point of no return and never be able to be self sufficient.

EVERY SINGLE DAY SOMEONE TURNS THAT CORNER ON THE STREETS OF YOUR CITY.

The answer is not lawlessness ,when drug use , shoplifting, trespassing becomes acceptable behavior the result is what we have a city where tax paying citizens are afraid to go about there daily lives

Empty store fronts and run down buildings coming soon if you don't take a tough stand.

Christopher Smith

## Amy Johnson

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**From:** Danielle Ferrera <danielleferrera@ymail.com>  
**Sent:** Thursday, March 05, 2020 8:43 AM  
**To:** Jackie Leung  
**Cc:** citycouncil  
**Subject:** Salem Homeless

The homeless situation has reached a level that affects the way housed and tax-paying Salem citizens live our daily lives. City Council is putting the needs of the homeless population before the safety and well-being of the remaining Salem citizens. It is disruptive, dangerous, and literally toxic.

The amount of feces, urine, needles, and groups of unstable individuals is long past unacceptable. Too little, too late. These homeless citizens should NOT be permitted to use our streets as their home. This needs to be resolved.

What is the plan as the weather starts to warm and housed Salem citizens desire to utilize our previously beautiful downtown and parks for festivals, events and just to shop and dine? Downtown CANNOT be utilized as intended because of the filth, no one wants to walk through bio-hazard waste, then return home. Our city should not be catering to a population that refuses help, or to enter a shelter because of rules. Everyone lives with rules-why is the homeless population the exception at the expense and safety of Salem residents? The homeless are spreading their jurisdiction into our neighborhoods and with increasing frequency and numbers, to every corner of Salem

These large encampments are also hazardous to the homeless as you are well aware:

- robbed at gunpoint
- sleeping in filth
- being urinated on
- performing typically private body functions and actions in public
- perhaps the worst of all-giving birth on a street corner

The time for talks and discussion has long past. It is time for you, our elected City Council, to take action.

Cordially,  
Danielle Ferrera

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of Tngraneto@comcast.net  
**Sent:** Saturday, March 07, 2020 6:19 PM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

Your Name	Nicole Graneto
Your Email	Tngraneto@comcast.net
Your Phone	503-304-8920
Street	7185 Meadowwod St Ne
City	Salem
State	OR
Zip	97303
Message	Dear City Council, please vote YES on the sit/lie ordinance this week. It's time to end the inhumanity of people living in piles of garbage on our city sidewalks. We are counting on you to clean up our streets and community!

This email was generated by the dynamic web forms contact us form on 3/7/2020.



**Amy Johnson**

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**From:** John Gross <design@johngrossinteriors.com>  
**Sent:** Friday, March 06, 2020 3:50 PM  
**To:** CityRecorder  
**Subject:** Sit/Lie ordinance  
**Attachments:** Sit\_lie ban letter.pdf

Hello,

Would you please submit the attached letter as written comment on the Sit/Lie ordinance bill for the March 9 City Council meeting.

thank you,  
John and Nada Gross

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JOHN GROSS INTERIOR DESIGN  
346 Center Street NE  
Salem, Oregon 97301  
ring: 503.364.6842 fax: 503.581.4288  
[www.johngrossinteriordesign.com](http://www.johngrossinteriordesign.com)

Dear Mayor Bennett and Councilors

We are the owners of John Gross Interior Design located downtown at 346 Center St. NE. We have run our business at this location for 28 years.

We are experiencing a significant increase in the number of people camping every night on the sidewalk in front of our business, right up against the walls of our building. Some of these individuals are defecating and urinating on the walls. This morning John spent an hour hosing feces, urine and vomit off our building and the sidewalk in front of our entrance. This included sanitizing the area.

Across the street a large encampment has sprung up along the Center Street and Liberty Street sidewalks surrounding Rite Aid. People temporarily vacated their spots during the haz-mat clean ups - paid for by our city taxes - then immediately set up their camps again when the work crews left.

What do you judge is the economic and social impact of just these two camps downtown?

We've contacted the Office of the Mayor/City Council and were told that it is legal for people to occupy public property (sidewalks) though it is a violation to set up tents on public property.

What is the city going to about these encampments right now, in the short term, and what are the council's plans for the future?

We have cleaned feces, urine and vomit from the sidewalk in front of our business many, many times. This situation is a true public health hazard. What services does the city offer to clean this public property on a regular basis?

Our business contributes to the downtown economic zone and generates taxes for the city. We pay city parking taxes. Since it is a violation to park in front of our own business we also pay for private downtown parking. Ironically we get ticketed if we park in front of our building yet people camping against the walls of our building do not even receive citations.

We want to know how the city plans to respect our business and provide a safe, hygienic outdoor space for clients, visitors and passers-by on our shared downtown public property.

Sincerely,  
John M. Gross and Nada D. Gross

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JOHN GROSS INTERIOR DESIGN  
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Salem, Oregon 97301  
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[www.johngrossinteriordesign.com](http://www.johngrossinteriordesign.com)

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 2:53 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony - Opposing sit-lie

I am writing to oppose sit-lie for these reasons:

- Downtown day centers and a tent at Marion Square Park does not have the capacity to fit the proposed sit-lie ban. Yet even if capacity was not a concern, the sit-lie ban is proposed to be city-wide. So a downtown tent and downtown day centers still leaves no options for unsheltered people in non-downtown areas, so the proposed options do not meet the proposed criteria of not implementing sit-lie until there are places for people to go.
- The combined day center capacities and proposed tent do not have the capacity to fit the need. HOAP capacity is 55 people in their day center, and they close at 2pm and they are closed on weekends. UGM capacity varies, depending on who you talk to, yet 75 seems to be a recurring number, yet it is men only. Arches closes at 3pm and they are closed on weekends. Arches day center capacity is fire-code listed as 98. Reality-wise, based on the tables, chairs, and layout, 70 people would be pretty tight. 98 would be pretty much standing room, making it unfeasible for most people physically, unfeasible for many people emotionally, and unfeasible staffing-wise, since standing room warehousing of people will create trauma, anxiety, stress, claustrophobia, and PTSD.
- A sit-lie ordinance causes more harm - whether we have tents and/or day centers, standing room warehousing of people will create trauma, anxiety, stress, claustrophobia, and PTSD, making it harder for people to do the very things we wish for people to do to move forward.
- Even if Arches was to expand day center hours to fit the ban hours, the work involved to recruit, hire, and train more staff would take weeks.
- Some unsheltered citizens used to hang out at the Salem Public Library during daytimes. The library's alternate space during the library remodel is much smaller, so unsheltered citizens are already losing space to be.
- Having people move from downtown sidewalks at night, to a tent or day center in daytime, and back again, is a game of daily kick-the-can and warehousing people, causing more hardship and trauma.

What I wish the City would do instead:

- If the city and businesses are mainly concerned about downtown campers, why not repeal the camping ban except for downtown and in neighborhoods, so people could camp in industrial areas - someplace to be, yet somewhat out of sight?
- Many projects that the city and partner agencies developed would result in more people being housed soon anyway. As a result of city/partner investments, more and more people are getting housing and vouchers lately, and most people would be housed within three months anyway. With a partial repeal of the camping ban, and waiting a few months, downtown would have very few unsheltered individuals, so the problem

could be resolved without a sit-lie ordinance, and **without the significant expense to prove other places for people to be.**

The proposed options are sooo fiscally expensive, and the problem will mostly be resolved as a lot of projects come to fruition in the next few months anyway. I wish for my city to invest our money more responsibly than spending so much money to \*manage\* homelessness, when prior investments to \*solve\* homelessness are about to pay off.

Thank you for your consideration.  
Lynelle Wilcox

♥♥.\*\*\*.♥.\*\*\* ♥\*.\*\*\* ♥\*.\*\*\*.\*\*\*.♥.\*\*\*.\*\*\*.♥♥.\*\*\*.♥♥.\*\*\*.\*\*\*.♥♥

the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.

♥♥.\*\*\*.♥.\*\*\* ♥\*.\*\*\* ♥\*.\*\*\*.\*\*\*.♥.\*\*\*.\*\*\*.♥♥.\*\*\*.♥♥.\*\*\*.\*\*\*.♥♥



# Does Sit-Lie Work:

## WILL BERKELEY'S "MEASURE S" INCREASE ECONOMIC ACTIVITY AND IMPROVE SERVICES TO HOMELESS PEOPLE?

### EXECUTIVE SUMMARY

When Berkeley voters go to the polls on November 6, 2012, they will decide whether to enact Measure S, an ordinance that would ban sitting on public sidewalks during business hours in the City's commercial districts.<sup>1</sup>

Proponents of the "Civil Sidewalks Ordinance" – called "Sit-Lie" in the municipalities which have enacted such laws in recent years – argue that it will:

- (1) increase local economic activity ("saves jobs"), and
- (2) improve services to homeless people ("helps people").<sup>2</sup>

A coalition of community groups and individuals opposed to Measure S asked the Policy Advocacy Clinic to research and analyze the economic and social service impacts of Sit-Lie laws in other jurisdictions and the potential for such an ordinance to deliver on its promises in Berkeley.<sup>3</sup>

To prepare this report, we reviewed data on economic activity and homeless services in other Sit-Lie jurisdictions nationally, statewide and locally.

We surveyed community organizations, municipal human services and economic development agencies, business groups and police departments in more than a dozen Sit-Lie jurisdictions, including seven in California.

Finally, we consulted local stakeholders about implementation challenges and opportunities.

Although there are limits to the data gathered – and more research needs to be done to answer these questions with more precision – we find no meaningful evidence to support the arguments that Sit-Lie laws increase economic activity or improve services to homeless people.

### About the Authors

This report was researched and written by Joseph Cooter, Ericka Meanor and Emily Soli, Policy Advocacy Clinic students under the supervision of Clinical Professor Jeffrey Selbin.

The authors are grateful to the community, municipal, business and law enforcement personnel who responded to our national survey, the local stakeholders who offered background and input, and School of Law faculty members who provided consultation and technical assistance.

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## Introduction

If approved, Measure S will amend the Berkeley Municipal Code to prohibit people from sitting on city sidewalks in commercial zones from 7am to 10pm. The ordinance provides certain exceptions – for example, in the case of medical emergency or for people in wheelchairs – and requires police officers to warn illegal sitters before citing them. Failure to comply with an officer's warning constitutes a crime punishable by a fine (\$75) or community service, and subsequent violations can be charged as misdemeanors. Although Measure S is silent on this issue, proponents say that citations will be erased for homeless people who enter and participate in social services.

Measure S is one of a variety of "Sit-Lie" laws that have been enacted in the last two decades, typically in response to economic downturns (Berkeley law already prohibits lying on sidewalks; Measure S would extend the ban to sitting). Measure S proponents advance two basic arguments in favor of its passage: First, they say, enactment of the ordinance will increase economic activity for struggling businesses in commercial zones. Second, they argue, the ordinance will improve services to homeless people and "transform their lives." Supporters point to similar "successful laws implemented in over 60 cities" as evidence that Measure S will work in Berkeley.

In order to test these two central arguments, we undertook the following research:

- Researched and analyzed existing Sit-Lie laws, including their history, legal challenges, and implementation;
- Conducted a national Sit-Lie literature review with a special focus on identifying evidence of the

economic and service impact of Sit-Lie ordinances;

- Surveyed key stakeholders (chambers of commerce, city economic development agencies, police departments, city human services agencies and homeless service providers) in 19 Sit-Lie jurisdictions, including 7 in California;
- Analyzed the Measure S ballot initiative, including the findings, proposed ordinance and formal statements for and against the ordinance (and rebuttals);
- Gathered and analyzed publicly-available economic data on the impact of Sit-Lie laws in California cities and in Berkeley's commercial zones; and
- Gathered and analyzed City of Berkeley reports and other documents relevant to Measure S, and interviewed local stakeholders, including service providers and city officials.

It is important to note here the limits of our methods, the scarcity of data, and the difficulty of answering these questions in light of other factors unrelated to Sit-Lie. In spite of our efforts, we found relatively limited data from other Sit-Lie jurisdictions. The only jurisdiction with a published report about the effects of Sit-Lie is San Francisco, where the ordinance is less than two years old. In addition, survey response rates from stakeholders in Sit-Lie jurisdictions were under 20%, making it difficult to draw meaningful conclusions, especially because the sample size was already small. Finally, with respect to both economic activity and social services, there are many other variables which make it hard to isolate the specific impact of Sit-Lie laws.

On the other hand, Sit-Lie ordinances purport to represent an effective and important policy intervention, and we would expect the impacts to be significant and demonstrable. Interestingly, however, we could not find any non-anecdotal evidence of positive impacts with respect to economic activity or homeless services. Our literature review did not reveal any evidence of Sit-Lie's efficacy in other jurisdictions, and of the fifteen survey responses we received, none directed us to any evidence in support of their views about the positive or negative impacts of Sit-Lie. Even as we report our findings below, therefore, we recommend that more research be conducted to inform local officials and voters when considering such ordinances.

Section I of this report provides a brief history of Sit-Lie laws and Measure S. While the origins of

Measure S in Berkeley can be traced to 1994, Sit-Lie laws are the most recent example of centuries-long efforts to address vagrancy during periods of economic hardship and uncertainty. Local authorities have used various means to “warn out” homeless people and others since the American colonies.

Section II provides an economic analysis of Sit-Lie laws in the United States. Though increased economic activity is a central argument in favor of Sit-Lie laws, there is a dearth of evidence regarding the economic benefits or costs of such laws. We present the limited available data, including from Berkeley, and find that while economic costs may be substantial, economic benefits are uncertain and perhaps illusory.

Section III analyzes the service benefits of Sit-Lie laws to homeless people. While not an argument for Sit-Lie laws everywhere, Measure S proponents in Berkeley have stressed that the ordinance will drive homeless people to much-needed services. Based on data from other jurisdictions, the text of the ordinance and Berkeley’s existing capacity, we find no evidence that Measure S will improve services to homeless people.

Section IV considers proven alternatives to Sit-Lie ordinances like Measure S. In light of evidence-based practices elsewhere – and plans developed by the City of Berkeley’s Office of Economic Development – we conclude that the City likely has better options for revitalizing commercial areas and helping those in need.

## **I. The History of Sit-Lie Laws and Berkeley’s Measure S**

Ordinances controlling homeless people date at least to 14<sup>th</sup> century England in the form of vagrancy laws.<sup>4</sup> Rather than criminalizing an act, such laws criminalized the status of being a vagrant.<sup>5</sup> These laws were imported to the American colonies in the 17<sup>th</sup> century, and their enactment and enforcement fluctuated with war, economic crises and demographic changes.<sup>6</sup> By the middle of the 20<sup>th</sup> century, vagrancy laws and other laws regulating homeless people were in place in every state.<sup>7</sup> By the 1960s, however, state and federal courts across the country began striking down these laws for various constitutional reasons.<sup>8</sup> In 1972, a unanimous Supreme Court rejected vagrancy laws as “archaic classifications” that are unconstitutionally vague.<sup>9</sup>

After the deinstitutionalization of people with mentally illness in the 1970s and large social service cuts during the 1980s, local officials began looking for new methods to address the sharp rise in

homelessness.<sup>10</sup> Among those methods were Sit-Lie ordinances, which cities began enacting in the early 1990s.<sup>11</sup> In 1993, Seattle passed one of the first ordinances banning people from sitting or lying on commercial sidewalks during certain hours.<sup>12</sup> Other west coast cities followed Seattle’s lead, and in November, 1994, Berkeley voters passed Measure O banning sitting and lying in commercial zones.<sup>13</sup>

The Seattle law was challenged on the grounds that it violated the First and Fourteenth Amendments to the U.S. Constitution.<sup>14</sup> The American Civil Liberties Union (ACLU) and others sued the City of Berkeley on similar grounds halting enforcement of Measure O one month before it was to go into effect.<sup>15</sup> In 1996, however, the U.S. Court of Appeals for the Ninth Circuit upheld Seattle’s ban as constitutional on its face.<sup>16</sup> The Ninth Circuit also held that Sit-Lie ordinances could be successfully challenged when enforced – so-called “as applied” challenges – and in 1997, the Berkeley City Council repealed Sit-Lie (Measure O) and settled the lawsuit with the ACLU.<sup>17</sup>

In the two decades since it was enacted, a number of cities across the country have adopted Sit-Lie bans based on the Seattle model, including Santa Cruz, Santa Barbara, Modesto, Santa Monica, San Bruno and Palo Alto.<sup>18</sup> In 2010, the San Francisco Board of Supervisors placed a Sit-Lie ban, Proposition L, on the ballot and in November of that year it passed with 54.3% of the vote.<sup>19</sup> The following year, the Berkeley City Council began discussing a full Sit-Lie ban modeled after Proposition L.<sup>20</sup> In June 2012, the City Council voted 6-3 to place Measure S on this November’s ballot.<sup>21</sup>

## **II. An Economic Analysis of Sit-Lie Laws**

Since the early 1990s, a dozen or more U.S. cities have enacted Sit-Lie ordinances.<sup>22</sup> Proponents of Sit-Lie ordinances argue that they will improve the business climate in commercial areas where homeless people congregate. This section presents our findings on the economic benefits and costs of Sit-Lie laws generally, including what we can glean about the possible economic impact of Measure S in Berkeley.

As described more fully below, we find no empirical evidence that Sit-Lie ordinances revitalize business districts or otherwise increase economic activity. Although rarely discussed in Sit-Lie debates, implementation of such ordinances imposes fiscal costs on jurisdictions in the form of law enforcement and punishment. Such costs are difficult to measure – and we could find no jurisdictions which attempted to do so



– but they are likely to be non-trivial if the ordinances are enforced as written. In addition, Sit-Lie ordinances can be expensive to defend against lawsuits, since they are vulnerable to “as applied” challenges.

### A. Economic Benefits of Sit-Lie Laws

Measure S proponents say it will “save jobs,” presumably by stabilizing or increasing economic activity. In addition to employment, there are several possible economic indicators of the impact of Sit-Lie laws, including retail sales tax receipts and commercial vacancy rates. We therefore conducted a national search for such data related to the enactment of Sit-Lie ordinances. In addition to conducting an extensive literature review, we requested information from municipal economic development agencies and private chambers of commerce in Sit-Lie jurisdictions across the country.

Unfortunately, we were not able to identify any jurisdictions that captured before and after data on these or other economic metrics for the purposes of analyzing the effectiveness of their Sit-Lie ordinances. However, we were able to analyze California and Berkeley-specific data as follows:

First, we analyzed data from the California Board of Equalization regarding sales tax receipts in five Sit-Lie jurisdictions before and after enactment. Second, with data the City published in 2010, we analyzed the economic impact of the presence of homeless people in Downtown Berkeley and Telegraph Avenue.

As reported below, we find: (1) no evidence supporting a link between the enactment of Sit-Lie ordinances and economic activity in California cities, and (2) no evidence that homeless people negatively impact economic activity in selected commercial zones in Berkeley.

#### ***Finding #1: There is no evidence of increased economic activity in California Sit-Lie jurisdictions***

To our knowledge, not a single study has investigated the local economic impacts of a Sit-Lie ordinance. To begin addressing this knowledge gap, we examined the taxable sales of California municipalities with Sit-Lie ordinances. The California Board of Equalization publishes information on retail taxable sales at the city and county level.<sup>23</sup> Since 1997, the date

from which such data are available, five California cities have enacted Sit-Lie ordinances.<sup>24</sup> For each of these cities, we compared the retail sales from before the ordinance to the retail sales one year after the ordinance entered into effect. To control for other economic factors, we compared each city to the county in which it is situated.

We restricted taxable sales to retail sales because we assume that the imposition of a Sit-Lie ban has little impact on other forms of business, such as industrial or agricultural sales, especially in the short term. For each city-county pairing, we looked at the retail taxable sales in the last full quarter prior to the passage of the ordinance, and compared those ratios to the fiscal quarter one year after passage of the ordinance. We included a time lag because we do not expect behavioral changes in response to new laws to be instantaneous.

For the county data, we subtracted each comparison city’s retail sales from the overall retail sales of the entire county.<sup>25</sup> We recognize the inherent limitations of comparing a city to its county, including the problem that many cities rely on different economic bases than the rest of the county. Nevertheless, these were the best publicly-available economic data on the impact of Sit-Lie.

As set forth in Table 1, we found that among these five California cities, only Santa Monica outperformed its county one year after the enactment of Sit-Lie. That is, four of the five California Sit-Lie cities economically underperformed their county one year after enactment.

**Table 1. City vs. County Retail Sales Growth Rates after Implementation of Sit-Lie**

City	City Growth Rate	County Growth Rate
Santa Barbara	3.33%	5.27%
Modesto	4.36%	5.68%
Santa Monica	5.25%	3.67%
San Bruno	(-) 4.96%	0.00%
Palo Alto	(-) 4.32%	(-) 1.99%

It is important to note that this sample size is too small and controls for too few variables to reach



definitive statistical conclusions. Nevertheless, if there were a strong causal relationship between Sit-Lie laws and improved economic performance, we would expect to see at least some evidence in these data. No such evidence exists; in fact, the data suggest that Sit-Lie ordinances do not yield substantial economic benefits.

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***Finding #2: There is no evidence that Berkeley retail sales have suffered due to homeless people***

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The text of Measure S states “the purpose of the Ordinance is solely to address the deleterious impacts of encampments on public sidewalks.”<sup>26</sup> However, we found no publicly-available empirical data to support the argument that the presence of homeless people negatively impacts economic activity in particular commercial zones.<sup>27</sup>

Measure S proponents argue that an increase in homeless people since the economic downturn in 2008 has harmed economic activity in the Downtown Berkeley and Telegraph Avenue business districts.<sup>28</sup> We would expect, therefore, to find that such districts have fared worse than other commercial zones during this time. According to the most recent available data, all commercial zones have seen declining sales since 2008. In relative terms, however, Downtown Berkeley and Telegraph Avenue have outperformed all other business districts during that time.<sup>29</sup>

Table 2 provides data on the percentage change in retail sales in Berkeley’s nine business districts from the first quarter of 2008 through the first quarter of 2010.<sup>30</sup>

**Table 2. Change in Retail Sales by District, Year Ending 03/08 to Year Ending 3/10**

Neighborhood	Change in Retail Sales
Downtown	(-) 4.6%
Telegraph	(-) 6.9%
South San Pablo	(-) 7.1%
Elmwood	(-) 7.7%
North San Pablo	(-) 13.5%

South Berkeley	(-) 13.5%
Solano	(-) 15.4%
North Shattuck	(-) 18.5%
Fourth Street	(-) 21.5%

Thus, while every commercial neighborhood in Berkeley declined during this period, the areas with the greatest concentration of homeless people outperformed all other commercial districts. Of course, it is possible that the Downtown and Telegraph Avenue areas would have performed even better in the absence of homeless people, but our research has found no evidence in support of this theory.

## **B. Economic Costs of Sit-Lie Laws**

If Measure S passes, the City will likely incur implementation, enforcement and litigation costs. Projecting these costs prior to enactment is speculative, especially because the ordinance itself does not provide funding for these expenses. Costs will depend on city expenditures before the law goes into effect, the extent to which the police department prioritizes enforcement, and litigation costs if Measure S is challenged in the courts.

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***Finding #3: Implementing and enforcing Measure S will impose costs on the City***

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Additional city police costs that result from Measure S are unlikely to be significant. On one hand, some opponents argue that the ordinance will spread Berkeley’s police force more thinly. Officers will devote time to giving warnings, issuing citations and defending them in court, rather than addressing other crimes and policing responsibilities.<sup>31</sup> On the other hand, proponents argue that a Sit-Lie law gives beat cops another tool to address public disturbances.<sup>32</sup> The San Francisco City Hall Fellows report attempted to address this question by studying “quality of life citations,” but found that San Francisco’s tracking system does not provide requisite data for an adequate comparative analysis.<sup>33</sup> Without empirical data, we do not know whether the additional benefit will outweigh the opportunity cost, although we speculate that neither effect will be especially large.

Implementation of the law will require education of the police force and the public. Educating the police force entails the creation, dissemination, and absorption of guidelines for implementing the new law.<sup>34</sup> Educating the public is likely to be a more intensive process. Measure S will not go into effect until July 1, 2013, so that “comprehensive outreach and public education can be conducted.”<sup>35</sup> The outreach and education will involve homeless and youth service providers, merchants, community agencies, city staff and the police.<sup>36</sup> Furthermore, the Measure states that other methods, including signage will be used.<sup>37</sup> Although Measure S does not make provision for these expenditures, it is clear that the City must incur some implementation costs.

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***Finding #4: Defending Measure S against legal challenges is likely to be costly***

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Proponents characterize Measure S as constitutionally sound, but this is only partly accurate. There is enough uncertainty about the constitutionality of Sit-Lie laws that the passage of Measure S would likely result in a lawsuit against the City. As described above, a similar ordinance in Seattle was upheld *on its face* by the U.S. Court of Appeals for the Ninth Circuit – which is controlling precedent in California – but the court made clear that such ordinances could run afoul of the Constitution *as applied (enforced)* in any particular jurisdiction.<sup>38</sup> In a letter to the Berkeley City Council opposing Measure S, the ACLU notes that Measure S is unconstitutional if it unnecessarily limits free speech activities, such as panhandling and playing music.<sup>39</sup>

Berkeley’s history of litigation regarding similar ordinances suggests that Measure S will be contested in the courts should it pass.<sup>40</sup> Such a lawsuit could cost the City of Berkeley hundreds of thousands of dollars or more. As noted above, in the wake of the passage of Measure O in 1995, the ACLU filed a lawsuit challenging the Sit-Lie restrictions.<sup>41</sup> The case was eventually settled when the City agreed to repeal the law, but only after paying the ACLU \$110,000 in attorneys’ fees and presumably incurring substantial legal costs of its own.<sup>42</sup>

In sum, although we find no evidence of economic benefit, there will be costs related to the implementation, enforcement and legal defense of Measure S.

### III. A Service Analysis of Sit-Lie Laws

Proponents argue that helping homeless people access social services is one of the key goals of Measure S.<sup>43</sup> In fact, proponents claim that Measure S improves upon the Sit-Lie ordinances of other cities in ways that “ensure we are helping people find services.”<sup>44</sup> In this section, we explore whether Measure S is likely to achieve this goal.

First, we sought evidence from other cities regarding Sit-Lie’s impact on services to homeless people. We surveyed homeless service providers, city human services agencies and police departments in the Sit-Lie jurisdictions nationally. Second, we analyzed Measure S to assess how it will improve upon ordinances elsewhere with respect to homeless services. We reviewed the entire ballot measure and the portion which will become law if it passes.

Finally, we investigated the City of Berkeley’s capacity to assist additional homeless people if they are directed to services by the enforcement of Sit-Lie. As a part of this investigation, we analyzed the City of Berkeley’s homelessness reports and interviewed the director of the City’s Department of Housing, Health and Community Services.

As we detail next, there is little evidence to suggest that Measure S will – or even can – improve services to homeless people in Berkeley absent a commitment of additional resources not provided for by the ordinance. Without such an investment, Measure S is likely to harm at least some homeless people, rather than help them.

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***Finding #5: Sit-Lie ordinances have not connected homeless people to services in other cities***

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The National Law Center on Homelessness and Poverty defines the criminalization of homelessness as the “[e]nactment and enforcement of laws that make it illegal to sleep, sit, or store personal belongings in the public spaces of cities without sufficient shelter or affordable housing.”<sup>45</sup> In its 2010 Federal Strategic Plan, the U.S. Interagency Council on Homelessness (USICH) strongly advised local governments to refrain from enacting laws that criminalize homelessness.<sup>46</sup> The USICH plan asserts that such criminalization fails to increase access to services and tends to create additional barriers between homeless people and access to housing, income, and employment.<sup>47</sup>

The only published study about the impact that Sit-Lie has on homeless people comes from San Francisco, which also includes a service component in its ordinance. According to a 2010 report issued by the City Hall Fellows, an independent organization hired by the City of San Francisco, Sit-Lie enforcement has been uneven with respect to getting people into services.<sup>48</sup> First, police inconsistently administer service referrals across stations.<sup>49</sup> Second, the distribution of citations falls disproportionately on a very small number of vulnerable individuals.<sup>50</sup> Whether citations have actually been accompanied by service referrals is difficult to determine, as “there was [sic] no data collected in 2011 to determine the number of service referrals made by SFPD officers enforcing Sit/Lie or a methodology for tracking the individual outcomes of such referrals.”<sup>51</sup>

Given the recommendations from federal agencies, as well as the apparent failure of San Francisco’s Sit-Lie law to push offenders off the streets and into services, we find no evidence that Sit-Lie ordinances in other cities have succeeded in connecting homeless people to services.

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***Finding #6: Measure S will not connect homeless people to services in Berkeley***

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Measure S proponents describe several ways in which the ordinance will help homeless people access social services. First, the Measure S ballot statement – but not the proposed ordinance – says that before the law goes into effect, “comprehensive outreach and education can be conducted, involving homeless and youth service providers, merchants, community agencies, and city staff including police.”<sup>52</sup>

Second, Measure S proponents argue that “Ambassadors will encourage people into services.”<sup>53</sup> The Ambassador program was created by the Downtown Berkeley Property and Business Improvement District. Duties of Ambassadors include cleaning the streets, reporting graffiti to authorities, providing information to tourists, and referring homeless people to services.<sup>54</sup> Proponents say that Berkeley’s version of Sit-Lie is better than ordinances in other cities because it includes outreach from Ambassadors.<sup>55</sup>

Third, Measure S proponents state that Sit-Lie criminal charges will be dropped if violators agree to

participate in services.<sup>56</sup> According to proponents, the waiver citation provision also distinguishes Measure S from other Sit-Lie ordinances.<sup>57</sup>

In spite of these arguments, Measure S does not contain any provisions to connect homeless people with services; in fact, the ordinance itself makes no mention of services at all.<sup>58</sup> Further, the City recently determined that “[d]espite the positive process measures associated with the Ambassadors program, there has only been a marginal change, if any, in the overall quality of life in the Telegraph and Downtown areas.” As a result, the City cut the program’s budget in half for fiscal year 2012.<sup>59</sup> Finally, the Measure is silent on the waiver of citations in exchange for participating in services, and makes no other provision to incentivize service-seeking for cited individuals.

Since there is no requirement that service referrals must be made prior to issuing citations, no evidence that the Ambassador program is effective in changing the quality of life in targeted areas, and no provision for charges to be dropped (or any other incentives) if violators enter into services, it is very unlikely that the ordinance will connect homeless people to social services.

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***Finding #7: Berkeley does not have the capacity to assist more homeless people***

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Proponents of Measure S argue that Berkeley offers comprehensive social services that “are successful in finding treatment and homes for people who participate.”<sup>60</sup> Further, they say that homeless people’s failure to participate in those services is a result of their preference to remain on the streets.<sup>61</sup> Based on our findings, however, Berkeley is currently unable to house and serve all homeless people.

The City’s affordable housing units are currently at full capacity.<sup>62</sup> Additionally, the City has fewer shelter beds than homeless people. According to a 2009 survey, 680 homeless people reside in Berkeley.<sup>63</sup> However, there are only 138 year-round shelter beds in the City.<sup>64</sup> Even with the City’s 184 seasonal shelter beds, which are only available at certain times of the year, and 172 transitional housing beds, which are only available to specific persons, the number of homeless people in Berkeley exceeds the number of available beds.<sup>65</sup> Because Measure S does not include additional funding for homeless services in the City – so capacity cannot

expand in response to need – there is no evidence that homeless people will receive more or better services if the ordinance is enacted.

In fact, some evidence suggests that Measure S will make life harder for homeless people by diminishing their ability to escape the streets.<sup>66</sup> Under the ordinance, repeat Sit-Lie violators can be charged with a misdemeanor.<sup>67</sup> If a Measure S violator fails to attend a scheduled court hearing for any reason, including mental illness, physical disability,<sup>68</sup> or inability to pay transportation costs, then an arrest warrant may be issued, and repeat offenders may be taken into custody.<sup>69</sup> An arrest record creates a myriad of problems for homeless people: their public benefits may be cut,<sup>70</sup> their application for low-income housing units may be denied,<sup>71</sup> and they will face increased barriers to employment.<sup>72</sup> Though much will depend on police enforcement and local court practices, Measure S is likely to increase the problems facing at least some homeless people in Berkeley.

#### IV. Proven Alternatives to Sit-Lie Laws

National findings, reports from other cities, and local evidence suggest that there are proven means to achieve the economic and service goals of Measure S. The City of Berkeley's own assessment of the causes of and solutions to declining economic activity are unrelated to the presence of homeless people in commercial zones. In addition, federal agencies and national service organizations recommend a supportive housing model as the most effective way both to help chronically homeless people escape life on the streets and to decrease community costs related to homelessness.

##### ***Finding #8: Berkeley has identified better approaches to increasing economic activity***

Proponents of Measure S suggest that homeless people are responsible for flagging economic activity in Berkeley's commercial districts.<sup>73</sup> But in the most comprehensive report of its kind, the City of Berkeley's Economic Development Manager recently identified three root causes for the decline in retail sales since 2000: (1) the general economic downturn since 2008, (2) the rise of e-commerce, and (3) "the shift of retail spending to new retail centers in Emeryville and elsewhere."<sup>74</sup> Although the report points out that many

people want to "support Berkeley's neighborhood shopping areas, populated as they are with many unique, independently-owned stores,"<sup>75</sup> it is clear that Berkeley's economic problems are due to larger economic forces, including some of the same forces that have increased the number of homeless people.

The Economic Development Manager recommends five actions in response to these trends, none of which involves the regulation of homeless people.<sup>76</sup> These include: (1) "Buy Local," which would educate shoppers about the benefits of patronizing Berkeley stores; (2) later business hours on Telegraph Avenue and in the Downtown area, which would encourage the large youth population to seek entertainment in Berkeley rather than San Francisco or Oakland; (3) marketing assistance to reduce commercial vacancies, which would help retailers locate in Berkeley; (4) streamlining the permitting process for new retail stores; and (5) support for business district-sponsored festivals and events, to attract additional customers and create a "brand" identity for commercial districts in Berkeley.<sup>77</sup>

##### ***Finding #9: Supportive housing is the best way to accomplish the goals of Measure S***

According to experts, supportive housing is the most cost-effective means to solve chronic homelessness.<sup>78</sup> The 2011 report of a 29-city survey conducted by the U.S. Conference of Mayors stated that "providing more mainstream assisted housing led the list of actions needed to reduce homelessness in the survey cities."<sup>79</sup> Similarly, the Searching Out Solutions Summit – convened by the U.S. Department of Justice's Access to Justice Initiative, the U.S. Interagency Council on Homelessness, and the U.S. Department of Housing and Urban Development – reported that the development of permanent supportive housing "has been proven to provide a long-term solution for those experiencing chronic homelessness."<sup>80</sup>

Several cities, including New York, Denver, and Los Angeles, have implemented "Housing First" models, which are "premised on the theory that housing provides an initial foundation and source of basic stability without which efforts at recovery and rehabilitation cannot be enduringly successful."<sup>81</sup> New York's Street to Home Project, which has been in operation since 2004, reports to have reduced street homelessness by 87% in the 20-block radius around



Times Square.<sup>82</sup> Predictions based on initial participants in Denver's Housing First program show an average cost savings to the city of \$31,545 per person.<sup>83</sup> The Housing First program in Los Angeles was equally successful, yielding a 108% return on the city's investment and providing many participants with their first real access to comprehensive services.<sup>84</sup> According to participants, the stability created by housing greatly increased their ability to succeed in service programs.<sup>85</sup> Participants further reported that possessing a key to a home allowed them to feel like true members of society, and thus incentivized their success in services.<sup>86</sup>

Berkeley has implemented a supportive housing program, called Square One, which has succeeded in keeping some of Berkeley's chronically homeless people permanently off the streets.<sup>87</sup> In addition to helping Berkeley's homeless residents, Square One has saved the community significant costs. For example, because Square One refers clients to SSI advocates, clients with disabilities are able to transition from county-funded support (General Assistance) to federally-funded SSI benefits.<sup>88</sup> Additionally, Square One's medical care and mental health referrals reduce emergency care costs that hospitals would otherwise bear.<sup>89</sup> Square One has also led to an eight-fold reduction in arrest rates in participants, which reduces law enforcement costs.<sup>90</sup>

## Conclusion

In 2010, the Searching Out Solutions Summit convened national stakeholders to discuss solutions to homelessness, including law enforcement, court personnel, city government officials, social service advocates, business improvement district leaders, and health care providers.<sup>91</sup> The resulting report made several key recommendations to governments seeking to solve problems related to homelessness, including "implementing only proven or promising practices."<sup>92</sup>

Proponents of Measure S make empirical claims about the economic and service benefits of the ordinance. In this study, we tested these claims to see if they represent proven or promising practices. Although more data are needed about Sit-Lie ordinances nationally, our findings suggest that the benefits of such laws are neither proven nor promising.

Berkeley voters may support or oppose Measure S for other reasons, but there is no evidence that it will increase economic activity or improve services to homeless people if enacted.

## Appendix: Ballot Measure S

### Ballot Question

Shall an ordinance prohibiting sitting on sidewalks in commercial districts from 7:00 am to 10:00 pm, with exceptions for: (a) medical emergencies; (b) wheelchairs and similar mobility devices; (c) bus benches; (d) street events; (e) other furniture placed on the sidewalk pursuant to a permit; requiring the City to ensure that it is applied in a constitutional manner and requiring a warning prior to citation, be approved?

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### Text of Measure S

#### ORDINANCE NO. ##### - N.S.

#### AN ORDINANCE OF THE CITY OF BERKELEY ADOPTING NEW SECTION 13.36.025 OF THE BERKELEY MUNICIPAL CODE TO PROHIBIT SITTING ON SIDEWALKS IN COMMERCIAL DISTRICTS

#### THE PEOPLE OF THE CITY OF BERKELEY ORDAIN AS FOLLOWS:

##### Section 1. Findings

The People of the City of Berkeley find as follows:

A. In FY 2012 the City of Berkeley devoted more than \$2.8 million to services for the homeless, mentally ill, and other disadvantaged residents, including meals, shelters, transitional and permanent housing with supportive services, daytime drop-in centers, health services, employment programs, alcohol and other drug treatment and rehabilitation, case management, and legal services. Residents, taxpayers, and business owners of Berkeley share the consensus that the City should continue to provide this funding subject to resource constraints and taking into account other needs such as public safety and our City's infrastructure.

B. Public spaces in commercial districts have become increasingly inhospitable due to groups of individuals, often with dogs, having created encampments on sidewalk areas on our commercial streets. These encampments obstruct pedestrian access, and result in litter, debris, and waste left on our sidewalks.

C. City parks are open and available during the day for everyone's use.

D. As a result of the sidewalk encampments, residents and visitors tend to avoid some of our commercial areas, which threatens the viability of Berkeley's businesses that are already struggling. This in turn threatens the City's overall economic health. Reduced economic activity results in fewer resources available for homeless services.

E. Although state and local laws address various specific problematic behaviors and actions associated with encampments of people and dogs on the sidewalks, enforcement of such laws to an extent sufficient to reverse the trend described above is infeasible, as it would require a level of police resources that are simply not available, and would divert public safety resources from more serious crimes.

F. The only practical solution is to limit sitting on sidewalks only in commercial districts at certain hours of the day, and to require a warning before citation.

G. The purpose of this ordinance is solely to address the deleterious impacts of encampments on public sidewalks. Accordingly, it is the intent of the voters that the ordinance be interpreted and applied in a manner that does not discriminate against homeless, mentally ill or other residents of the City based on their status.

H. Because the intent of the voters is not to criminalize persons for sitting on the sidewalk given that other options are available (permanently-affixed public benches, bus stop benches, low walls, etc.), this ordinance shall not take effect until July 1, 2013, so that comprehensive outreach and education can be conducted, involving homeless and youth service providers, merchants, community agencies and City staff including police.

Other methods, such as signage, will also be employed.

##### Section 2. Adoption of Ordinance.

That a new Section 13.36.025 is hereby added to the Berkeley Municipal Code to read as follows:

#### **Section 13.36.025 - Prohibiting Sitting on Commercial Sidewalks at Certain Times – Exceptions.**

A. Prohibiting Sitting on Commercial Sidewalks at Certain Times. No person shall sit on a Commercial Sidewalk or on any object brought or affixed to said sidewalk, from 7:00 a.m. until 10:00 p.m., except as provided in this Section.

B. Exceptions. This Section shall not apply to any

person sitting on a commercial sidewalk:

1. Due to a medical emergency;
2. On a wheelchair or other device that is needed for mobility;
3. On a public bench or bus stop bench that is permanently affixed to the sidewalk; or
4. As authorized by a City-issued permit, such as a permit for a Street Event, a permit under Sections 14.48.170 or 14.48.200, or other City permit.

This Section shall not be construed to prohibit persons from obtaining such City permits.

These exceptions shall not be construed to allow conduct that is prohibited by other laws.

C. This Section shall not be applied or enforced in a manner that violates the United States or California constitutions. Prior to enforcement of this Section, the City shall develop and adopt rules, regulations and procedures to ensure that it is not applied or enforced in a manner that violates the United States or California constitutions.

D. Necessity of Warning Prior to Citation. No person may be cited for a violation of this Section until a peace officer first warns said person that his or her conduct is unlawful and said person is given a chance to stop said conduct. One warning by a peace officer to a person who is violating this Section is sufficient for a 30-day period as to any subsequent violations of this Section by said person during said period.

E. Commercial Sidewalk - Definition. As used in this Section, "Commercial Sidewalk" means all sidewalks in front of or adjoining property designated on the City's Official Zoning Map with a "C" prefix.

F. Violation - Infraction or Misdemeanor. A first violation of this Section shall be charged only as an infraction subject to either a \$75 fine or community service.

Subsequent violations may be charged as either an infraction or a misdemeanor.

### Section 3. Amendment of Ordinance.

Section 13.36.025 of the Berkeley Municipal Code as adopted by this Ordinance may be repealed or amended by the City Council without a vote of the people.

### Section 4. Severability.

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this ordinance shall nonetheless remain in full force and effect. The people of the City of Berkeley hereby declare that they would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable.

### Section 5. Majority Approval; Effective Date; Execution.

This Ordinance shall be effective only if approved by a majority of the voters voting thereon and shall go into effect on July 1, 2013. The Mayor and City Clerk are hereby authorized to execute this Ordinance to give evidence of its adoption by the voters.

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### **City Attorney's Impartial Analysis**

This measure would prohibit any person from sitting on a sidewalk in a commercial zoning district from 7:00 a.m. until 10:00 p.m., subject to the following exceptions:

1. Due to a medical emergency;
2. On a wheelchair or other device that is needed for mobility;
3. On a public bench or bus stop bench that is permanently affixed to the sidewalk; or
4. As authorized by a City-issued permit, such as a permit for a Street Event, or for public benches or outside café seating.

This measure would also provide that it could not be applied or enforced in a manner that violates the United States or California constitutions, and would require the City to develop and adopt rules, regulations and procedures to ensure that it is not applied or enforced in a manner that violates the United States or California constitutions, prior to enforcement.

This measure would provide that a first violation would be an infraction subject to either a \$75 fine or community service, but that subsequent violations could be charged as either an infraction or a misdemeanor.

The measure would require that before a person could be cited he or she would have to be warned by a

peace officer and given an opportunity to comply. A single warning would be sufficient for a 30-day period.

The measure would also allow the Council to amend or repeal the prohibition without further voter approval.

If approved, the measure would not go into effect until July 1, 2013.

s/ZACH COWAN  
Berkeley City Attorney

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### Argument in Favor of Measure S

Berkeley takes pride in being a humanitarian city. Berkeley was early in setting up services for people who were forced out of State institutions. Berkeley taxpayer's yearly fund more than \$2,800,000 to those in need. Yet, there are some who resist our help, preferring to encamp on shopping streets creating unsanitary conditions for themselves and residents. **Drugs, alcohol, and/or mental illness cause behavior that can be perceived as menacing, keeping shoppers away and hurting local merchants trying to make ends meet in a tough economy.**

Living on the street is unhealthy. It sends people into a downward spiral. Berkeley offers comprehensive social services that are successful in finding treatment and homes for people who participate.

Measure S (Berkeley Civil Sidewalks) has two goals: taking the initiative to help people into services and preventing street encampments that keep shoppers away from our businesses. Measure S will prevent sitting on commercial sidewalks during the day. **Outreach will take place before implementation, and Ambassadors will encourage individuals into city services.** If the Ambassadors are repeatedly unsuccessful, citations will follow. However, Berkeley will erase those citations from the person entering and participating in services.

Measure S is supported by a broad coalition of neighborhood merchants, residents and parent groups. **Confrontational behaviors from people who block sidewalks for hours at a time create an unacceptable environment for the "mom and pop" merchants who pay the taxes that fund the services, grow local jobs and make Berkeley a special place to live.**

Measure S is based on successful laws implemented in over 60 cities, but with the addition of several improvements that ensure we are helping people find

services.

**Vote Yes on S. Help people get social services, help merchants grow local jobs, and ensure civil and welcoming sidewalks for everyone.**

Proponents:

Tom Bates	Major, City of Berkeley
James Young	Partner, Paul's Shoe Repair
Erin Rhoades	Chair, Livable Berkeley
Craig Becker	Owner, Caffè Mediterraneo
Susan Wengraf	Berkeley City Councilmember

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### Rebuttal to Argument in Favor of Measure S

Our community has a tradition of compassionate, sensible problem-solving. Where other cities scapegoat, Berkeley seeks real solutions.

**Criminalizing sitting is a proven failure:** San Francisco's law has failed "to improve merchant corridors, serve as a useful tool for SFPD, connect services to those who violate the law, and positively contribute to public safety," according to a report commissioned by the San Francisco Controller's Office. Imitating other cities' failures doesn't help businesses and hurts poor people. This is not how Berkeley solves problems.

**Measure S will divert police resources from preventing and solving real crimes.** It will push unsheltered teens into a futile cycle of warrants, jail time, and back into the streets. The ACLU calls measure S "an infringement of civil rights and civil liberties."

**Poor people do not choose to rest in public.** We have no drop-in center for homeless youth. Our youth shelter is open only six months a year. Neither the youth shelter nor the adult shelter is open during the day. There are four homeless people in Berkeley for every shelter bed. The "ambassadors" – hired to clean downtown streets – are not trained in mental health or homeless outreach.

*We can do better than this.* Instead of wasting city money on proven failures, we can fully fund a youth shelter, provide enough shelter beds, and more public restrooms. Instead of pushing people out of our shared public spaces, we can unite to create *real* solutions for the economic problems that plague small business. **Vote No on Proposition S.**

Jesse Arreguín	Berkeley City Councilmember
Elisa Della-Piana	Civil Rights Attorney, East Bay



Branden Figueroa      Community Law Center  
 Mary Dirks            Student Coordinator  
 Rabbi David Cooper    Owner, Café  
                                  Kehilla Community Synagogue

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### Argument Against Measure S

Can you imagine getting arrested for sitting down on a public sidewalk? In Berkeley? If Measure S passes, anybody could be cited or arrested for this simple act – yet another law restricting the public space we all share. But it also sets a dangerous precedent, discriminating against an entire class of people who happen to be poor. These are not Berkeley values.

The street behavior used to justify this measure is already illegal. This measure will harm public safety by diverting police resources away from solving real crimes.

Measure S won't help business. A similar law in San Francisco had no effect on improving merchant corridors, helping homeless people obtain services, reducing the number of homeless people on the street, or increasing public safety.

Throwing people in jail is no solution to homelessness. Instead, it creates a problem for all of us. The U.S. Interagency Council on Homelessness has found that when people are arrested or fined for "act of living" crimes in public spaces, it makes it *more* difficult for them to find work and receive services and housing. This measure is a step backwards.

Berkeley has the largest gap between rich and poor in the Bay Area – we need serious solutions, not laws criminalizing the act of sitting down. This measure offers no solutions for businesses, customers, or homeless people.

Join the ACLU, small businesses, Berkeley community organizations, and faith groups to VOTE NO on this extraordinary waste of money and police resources. Stand up for the simple human right to sit down, to rest, and to share our common public space.

Let's come together, as one Berkeley, and find real solutions that help our communities. Visit [www.noonsberkeley.com](http://www.noonsberkeley.com). **KEEP SITTING LEGAL. Vote NO on Measure S.**

Max Anderson  
 Kriss Worthington  
 Satinder Boona Cheema

Nolan Pack  
 Eleanor Walden

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### Rebuttal to Argument Against Measure S

**Don't believe the scare tactics being used by the opponents of Measure S the Berkeley Civil Sidewalks Ordinance.**

Ordinances like Measure S have already saved jobs in merchant areas and have slowed the downward spiral that comes with living on the sidewalks. **Yes on S will help people get the critical services they NEED to transform their lives.**

**Similar ordinances have improved commercial areas in Santa Cruz, Santa Monica, San Francisco and 60 cities.** It has passed extensive judicial review and only Berkeley's version includes both outreach from our Ambassadors and waiving citations in exchange for services.

**It is not a progressive value to watch people wither away on sidewalks day after day,** becoming more unstable and abusing their bodies with alcohol and drugs.

**It is not responsible to disregard that reality and ignore its impact on neighborhood businesses.** Local jobs are critical for working families who are barely staying afloat in an economy that has been too harsh for too long.

**It is not compassionate to do nothing** about a harmful situation and support the status quo.

**Yes on S will help people get the services they need to transform their lives.** Berkeley spends over \$2,800,000 on comprehensive social services **and we have real solutions to help people transition from the streets to stable environments. That will continue.**

**Measure S will help people and will save local jobs.** Measure S encourages alternatives to street life and safer sidewalks for everyone.

**Vote Yes on S, Berkeley Civil Sidewalks.**

[Berkeleycivilsidewalks.com](http://Berkeleycivilsidewalks.com)

Laurie Capitelli	Berkeley City Councilmember
James Young	Partner, Paul's Shoe Repair
Erin Rhoades	Chair, Livable Berkeley
Craig Becker	Owner, Caffè Mediterraneo
Tom Bates	Mayor, City of Berkeley

## Notes

<sup>1</sup> The text of Measure S, the city attorney's impartial analysis and ballot arguments are provided in an Appendix.

<sup>2</sup> The organized campaign in favor of Measure S is the "Coalition for Berkeley Civil Sidewalks, Yes on S," whose website is available at: <http://berkeleycivilsidewalks.com/>.

<sup>3</sup> The organized campaign against Measure S is the "Stand Up for the Right to Sit Down: A Committee in Opposition to Measure S," whose website is available at: <http://www.noonsberkeley.com/>.

<sup>4</sup> Paul Ocobock, CAST OUT: VAGRANCY AND HOMELESSNESS IN GLOBAL AND HISTORICAL PERSPECTIVE 6 (A.L. Beier & Paul Ocobock eds., 2008); Leonard C. Feldman, CITIZENS WITHOUT SHELTER, 27 (2004).

<sup>5</sup> Harry Simon, *Towns without Pity: A Constitutional and Historical Analysis of Official Efforts to Drive Homeless Persons from American Cities*, 66 TUL. L. REV. 631, 640 (1992).

<sup>6</sup> Feldman, *supra* note 4, at 34; Simon, *supra* note 5, at 638; Ocobock, *supra* note, 4 at 18-19.

<sup>7</sup> Simon, *supra* note 5, at 639. Other laws used to control the homeless included loitering laws and early versions of Sit-Lie bans. *Id.* at 633; Max Jacobs, *SF's Sit/Lie law: civil sidewalks or disguised discrimination?*, CROSSCURRENTS, KALW NEWS (October 26, 2010), available at:

[http://kalwnews.org/audio/2010/10/26/sfs-sitlie-law-civil-sidewalks-or-disguised-discrimination\\_658889.html](http://kalwnews.org/audio/2010/10/26/sfs-sitlie-law-civil-sidewalks-or-disguised-discrimination_658889.html).

<sup>8</sup> Simon, *supra* note 5, at 642-644. The bases for striking down vagrancy laws included discrimination, cruel and unusual punishment, impermissible restrictions on the right to travel, and impermissible punishment of innocent conduct. *Id.* In *Parker v. Municipal Judge* (1967), the Nevada Supreme Court noted, "It is simply not a crime to be unemployed, without funds, and in a public place. To punish the unfortunate for this circumstance debases society." *Id.* at 643.

<sup>9</sup> Papachristou v. City of Jacksonville, 405 U.S. 156 (1972).

<sup>10</sup> Simon, *supra* note 5, at 645-646; National Coalition for the Homeless, MENTAL ILLNESS AND HOMELESSNESS 8 (2006), available at:

[http://www.nationalhomeless.org/publications/facts/Mental\\_Illness.pdf](http://www.nationalhomeless.org/publications/facts/Mental_Illness.pdf).

<sup>11</sup> Don Mitchell, *The Annihilation of Space by Law: The Roots and Implications of Anti-homeless Laws in the United States*, 3 ANTIPODE 303, 305 (1997).

<sup>12</sup> Seattle Municipal Code 15.48.040; Heather Knight, *San Francisco Looks Like Seattle: Did Sidewalk Sitting Ban Help?*, S.F. CHRON., March 29, 2010, available at: <http://www.seattlepi.com/local/article/San-Francisco-looks-to-Seattle-Did-sidewalk-888774.php#page-3>.

<sup>13</sup> Elisabeth Traugott, *Palo Alto's Not Alone Dealing with Sit-Lie Law*, PALO ALTO ONLINE (May 21, 1997), available at: [http://www.paloaltoonline.com/news\\_features/homeless/homeless.story2.php](http://www.paloaltoonline.com/news_features/homeless/homeless.story2.php).

<sup>14</sup> *Roulette v. City of Seattle*, 97 F.3d 300, 302 (9th Cir. 1996).

<sup>15</sup> Traugott, *supra* note 13; Berkeley Community Health Project v. City of Berkeley, 902 F.Supp. 1084, 1091 (N.D. Cal. 1995) [hereinafter Community Health I].

<sup>16</sup> Roulette, *supra* note 14, at 305. Generally, when a law is facially challenged the court looks only to the text of the statute. Community Health I, *supra* note 15, at 1091-1092.

<sup>17</sup> See Roulette, *supra* note 14, at 304, 306; Berkeley Community Health Project v. City of Berkeley, 966 F. Supp. 941 (N.D. Cal. 1997) (vacating injunction, dismissing action and providing for Attorneys' Fees). In 1998, the Berkeley City Council passed an ordinance that prohibited lying on commercial sidewalks, which is still in force today. BMC 13.36.015. The ban on lying was extended to additional commercial areas in 2007 under Berkeley's "Public Commons for Everyone Initiative," which also reduced warning and complaint requirements regarding lodging in public, P.C. §647e, and prohibited smoking in commercial zones. BMC 12.07. Although the court in Community Health I believed that a challenge to the sit law was likely to prevail on the merits, the court did not believe that the Plaintiff showed a likelihood of prevailing on the merits of the ban on lying. Community Health I, *supra* note 13, at 1095.

<sup>18</sup> Santa Cruz Municipal Code § 9.50.012; Santa Barbara Municipal Code § 9.97.010; Modesto Municipal Code § 4-7.1502.1; Santa Monica Municipal Code § 3.12.350; San Bruno Municipal Code § 6.12.060; Palo Alto Municipal Code 9.48.025.

<sup>19</sup> San Francisco Municipal Code § 168 (2010); Jessica Casella Et Al., IMPLEMENTATION, ENFORCEMENT AND IMPACT: SAN FRANCISCO'S SIT/LIE ORDINANCE ONE YEAR LATER 10 (2012), available at: <http://wraphome.org/downloads/sitLieCHFRReport.pdf>. San Francisco already had a Sit-Lie ban in place in the 1960s. It was initially enforced against hippies and then challenged and repealed in the 1970s after being used to harass gay men in the Castro. Jacobs, *supra* note 7.

<sup>20</sup> Casella, *supra* note 19, at 12.

<sup>21</sup> Frances Dinkelspiel, *Berkeley Sitting Ban Progresses Toward November Ballot*, BERKELEYSIDE (June 13, 2012), available at: <http://www.berkeleyside.com/2012/06/13/sit-lie-ordinance-progresses-toward-november-ballot/>.

<sup>22</sup> Proponents regularly argue that Sit-Lie ordinances have been enacted in more than 60 cities. Our research suggests that roughly one dozen cities impose criminal or civil penalties for sitting in commercial areas during specific times of the day. Dozens of other cities impose penalties for a variety of other activities, some of which are more limited than the restrictions contained in Measure S and some of which are broader (though perhaps enforced more narrowly).

<sup>23</sup> TAXABLE SALES IN CALIFORNIA, available at: <http://boe.ca.gov/news/tsalescont.htm> (last visited Oct. 12, 2012).

<sup>24</sup> San Francisco's Sit-Lie ordinance went into effect in March 2011, so we do not have post-enactment data. San Francisco is also a single city and county, which does not allow for comparison between the two jurisdictions.

<sup>25</sup> For example, when calculating the growth of Santa Barbara County, we excluded the retail sales revenues from the City of Santa Barbara for both time periods.

<sup>26</sup> Measure S, Finding G.

<sup>27</sup> In a 2011 non-scientific survey of UC Berkeley students, a majority of respondents agreed or strongly agreed with the statement that they would frequent Telegraph Avenue and Downtown Berkeley more if “there were fewer people sitting on the sidewalk.” The ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA AND GRADUATE ASSEMBLY POLL (October 2011), available at:

[http://www.surveymonkey.com/sr.aspx?sm=3f\\_2f3kxCPrRqbrrJmVHKISjI\\_2bnQwh4fEMhNzKQ0Z\\_2f0WA\\_3d](http://www.surveymonkey.com/sr.aspx?sm=3f_2f3kxCPrRqbrrJmVHKISjI_2bnQwh4fEMhNzKQ0Z_2f0WA_3d).

Majorities of students surveyed also said that they would frequent these areas more if “there were more retail shops I like” and “there were more restaurants I like.” *Id.* From such opinion polling, it is as difficult to infer a causal connection between the presence of homeless people and economic activity as it is between economic activity and the particular mix of services and restaurants in certain districts.

<sup>28</sup> Craig Becker, *Measure S, We Can Do Better With Civil Sidewalks*, BERKELEYSIDE (September 19, 2012), available at: <http://www.berkeleyside.com/2012/09/19/measure-s-we-can-do-better-with-civil-sidewalks/>.

<sup>29</sup> Phil Kamlarz, DECLINE IN TAXABLE RETAIL SALES IN BERKELEY WITH CORRESPONDING DECLINE IN CITY REVENUE FROM THE STATE SALES TAX 9 (October 2010).

<sup>30</sup> We contacted the City of Berkeley’s Office of Economic Development for updated data, but these are the most recent numbers we were able to obtain.

<sup>31</sup> E.g. Rebuttal to Argument in Favor of Measure S; SB 64 (The Associated Students of the University of California 2012), available at: <http://nolanpack.com/sb64/>.

<sup>32</sup> Berkeley Civil Sidewalks, *Frequently Asked Questions*, (Oct. 12, 2012, 5:30 PM), available at: <http://berkeleycivilsidewalks.com/faq/>.

<sup>33</sup> *Id.* at 26.

<sup>34</sup> See Casella, *supra* note 19, appendix C-F.

<sup>35</sup> Measure S, Finding H.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Roulette, *supra* note 14, at 304, 306.

<sup>39</sup> Alan Schlosser, *ACLU Opposes Anti-Sitting Measure: Letter to the Berkeley City Council*, THE BERKELEY DAILY PLANET (July 9, 2012), available at: <http://www.berkeleydailyplanet.com/issue/2012-07-06/article/39961?headline=ACLU-Opposes-Anti-Sitting-Measure-Letter-to-the-Berkeley-City-Council--By-Alan-Schlosser-Legal-Director>.

<sup>40</sup> See note 17 and accompanying text.

<sup>41</sup> More information on this lawsuit can be found here: [https://www.aclunc.org/news/press\\_releases/berkeley\\_drops\\_anti-solicitation\\_anti-sitting\\_laws\\_councils\\_vote\\_will\\_settle\\_aclu\\_class\\_action\\_lawsuit.shtml](https://www.aclunc.org/news/press_releases/berkeley_drops_anti-solicitation_anti-sitting_laws_councils_vote_will_settle_aclu_class_action_lawsuit.shtml).

<sup>42</sup> *Id.*

<sup>43</sup> Argument in Favor of Measure S.

<sup>44</sup> *Id.*

<sup>45</sup> The National Law Center on Homelessness and Poverty. CRIMINALIZING CRISIS: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES 6 (November 2011), available at:

<http://www.nlchp.org/content/pubs/11.14.11%20Criminalization%20Report%20&%20Advocacy%20Manual,%20FINAL1.pdf>.

<sup>46</sup> United States Interagency Council on Homelessness, OPENING DOORS: FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS 49 (2010), available at: [http://www.ich.gov/PDF/OpeningDoors\\_2010\\_FSPPreventEndHomeless.pdf](http://www.ich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf). The USICH is an independent agency within the executive branch comprised of leaders from the Veterans Association, the Social Security Administration, the Department of Housing and Urban Development, and other federal agencies.

<sup>47</sup> *Id.*

<sup>48</sup> Casella, *supra* note 19 at 14.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 24. At Park Station, the district at the epicenter of support for Sit-Lie, over 90% of citations were given to nineteen repeat offenders. More than 50% of those citations went to only four individuals. *Id.* at 22.

<sup>51</sup> *Id.* at 24.

<sup>52</sup> Measure S, Finding H.

<sup>53</sup> Argument in Favor of Measure S.

<sup>54</sup> Christine Daniel, ASSESSMENTS: DOWNTOWN BERKELEY PROPERTY AND BUSINESS IMPROVEMENT DISTRICT 2 (July 17, 2012), available at:

[http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/2012/07Jul/2012-07-17%20Item%2029%20Status%20Report%20on%20Public%20Commons%20for%20Everyone.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3_-_City_Council/2012/07Jul/2012-07-17%20Item%2029%20Status%20Report%20on%20Public%20Commons%20for%20Everyone.pdf).

<sup>55</sup> Rebuttal to Argument Against Measure S.

<sup>56</sup> Argument in Favor of Measure S.

<sup>57</sup> Rebuttal to Argument Against Measure S.

<sup>58</sup> Section 13.36.025 - Prohibiting Sitting on Commercial Sidewalks at Certain Times.

<sup>59</sup> Phil Kamlarz, STATUS REPORT ON PUBLIC COMMONS FOR EVERYONE INITIATIVE 8 (May 17, 2011), available at: <http://www.ci.berkeley.ca.us/uploadedFiles/2011-05-17%20Item%2029%20Status%20Report%20on%20Public%20Commons%20for%20Everyone.pdf>.

<sup>60</sup> Argument in Favor of Measure S.

<sup>61</sup> *Id.*

<sup>62</sup> Jane Micallef. Director of Berkeley City Housing, Health and Community Services. Interview conducted September 4, 2012.

<sup>63</sup> Mary Kay Cluneis-Ross, City of Berkeley Public Information Officer. NUMBER OF CHRONICALLY HOMELESS IN BERKELEY DECREASES BY HALF: CITY-COMMUNITY AGENCY PARTNERSHIPS HAVE LED TO COORDINATED SERVICES AND MORE SUPPORTIVE HOUSING (July 8, 2009), available at:

<http://www.ci.berkeley.ca.us/PressReleaseMain.aspx?id=41902>.

<sup>64</sup> City of Berkeley, ANNUAL ACTION PLAN (DRAFT) 31 (March 13, 2012), available at: [http://www.ci.berkeley.ca.us/uploadedFiles/Housing/Level\\_3](http://www.ci.berkeley.ca.us/uploadedFiles/Housing/Level_3)

[General/AAP2 PY2012 March13PublicCommentDraftwith Attachments.pdf](#).

<sup>65</sup> *Id.*

<sup>66</sup> National Law Center on Homelessness and Poverty, *supra* note 45, at 33.

<sup>67</sup> Measure S, Section 2. F.

<sup>68</sup> United States Conference of Mayors, HUNGER AND HOMELESSNESS SURVEY 23 (December 2011), available at: <http://usmayors.org/pressreleases/uploads/2011-hhreport.pdf> (finding that 26% of homeless adults are severely mentally ill and 16% are physically disabled).

<sup>69</sup> Cal. Penal Code §§ 853.6 (i) (5)-(9) (West Supp. 2010). Police may lawfully arrest someone charged with a misdemeanor for a variety of reasons, including a person's inability to provide satisfactory proof of identification, a reasonable likelihood that the prosecution of the offense would be jeopardized by immediate release, or a reasonable likelihood that the offense would continue.

<sup>70</sup> National Law Center on Homelessness and Poverty, *supra* note 45, at 33.

<sup>71</sup> *Id.* at 31.

<sup>72</sup> Society of Human Resources Management, BACKGROUND CHECKING: CONDUCTING CRIMINAL BACKGROUND CHECKS 3 (2010), available at: <http://www.shrm.org/Research/SurveyFindings/Articles/Pages/BackgroundCheckCriminalChecks.aspx> (finding that over ninety percent of respondents conducted a criminal background check on some or all job applicants).

<sup>73</sup> Measure S, Finding D.

<sup>74</sup> Phil Kamlarz, *supra* note 29, at 2.

<sup>75</sup> *Id.* at 11.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 11-13.

<sup>78</sup> The Lewin Group, COSTS OF SERVING HOMELESS INDIVIDUALS IN NINE CITIES: CHARTBOOK (November 19, 2004), available at <http://www.lewin.com/publications/publication/270/> (finding that jails, prisons, and mental institutions are much more expensive solutions to homelessness than housing).

<sup>79</sup> United States Conference of Mayors, *supra* note 68 at 3.

<sup>80</sup> United States Interagency Council on Homelessness, SEARCHING OUT SOLUTIONS: CONSTRUCTIVE ALTERNATIVES TO CRIMINALIZATION 12 (2010), available at: [http://www.usich.gov/resources/uploads/asset\\_library/RPT\\_SoS\\_March2012.pdf](http://www.usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf).

<sup>81</sup> Halil Toros, et al., PROJECT 50: THE COST EFFECTIVENESS OF THE PERMANENT SUPPORTIVE HOUSING MODEL IN THE SKID ROW SECTION OF LOS ANGELES COUNTY 5 (June 2012), available at: [http://zev.lacounty.gov/wp-](http://zev.lacounty.gov/wp-content/uploads/Project-50-Cost-Effectiveness-report-FINAL-6-6-12.pdf)

[content/uploads/Project-50-Cost-Effectiveness-report-FINAL-6-6-12.pdf](#).

<sup>82</sup> Common Ground, Section on Who We Serve, *Chronically Homeless*, available at: <http://www.commonground.org/who-we-serve/chronically-homeless> (last visited October 13, 2012).

<sup>83</sup> Jennifer Perlman, et al., DENVER HOUSING FIRST COLLABORATIVE, COST BENEFIT ANALYSIS AND PROGRAM OUTCOMES REPORT 2 (December 11, 2006), available at: <http://mdhi.org/download/files/Final%20DHFC%20Cost%20Study.pdf>.

<sup>84</sup> Halil Toros, et al., *supra* note 81, at 22-24.

<sup>85</sup> *Id.* at 23.

<sup>86</sup> *Id.*

<sup>87</sup> Phil Kamlarz, *supra* note 59, at 4. Of the seventeen individuals originally enrolled in Square One, fourteen remain in the housing provided by the program, one passed away due to illness, one has obtained federally subsidized housing, and one has returned to jail for violating parole but is expected to rejoin Square One upon release. *Id.* at 4.

<sup>88</sup> *Id.* at 5.

<sup>89</sup> *Id.* at 4.

<sup>90</sup> *Id.*

<sup>91</sup> United States Interagency Council on Homelessness, *supra* note 80 and accompanying text.

<sup>92</sup> *Id.* at 3.



## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:22 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony - Opposing sit-lie: DRO and Oregon Law Center letters  
**Attachments:** 11.25.19.Disability Rights Oregon Public Comment on Ordinance Regulating the Use of Sidewalks and Public Spaces.pdf; oregon law letter.pdf; Salem City Council Letter.11-19-19.pdf

These letters from Disability Rights Oregon and Oregon Law Center still apply.  
If sit-lie is implemented, the city will spend more time and more money we don't have, to fight the inevitable lawsuits.

### OREGON LAW CENTER

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Salem Regional Office

November 19, 2019

Salem City Council  
555 Liberty St SE, RM 220  
Salem, Or 97301

Dear Salem City Council Members:

My name is Jorge Lara, and I am the managing attorney for the Salem office of the Oregon Law Center. As some of you know, the Oregon Law Center is a non-profit law firm with regional offices throughout the state. Our mission is to achieve access to justice for vulnerable, low income Oregonians and their communities. I have been the managing attorney here since 2006. In that time I have worked with and represented many families and individuals experiencing homelessness or at risk of it.

Section 2 (e) of Ordinance Bill No. 10-19 states, in part, that persons who sit or lie down on public sidewalks during customary business hours threaten the safety and welfare of all pedestrians. Our office disagrees with that finding, and I write to you today to state that the proposed ordinance is unnecessary and perhaps unconstitutional. Additionally, section 95.850 of the ordinance criminalizes homelessness by allowing immediate arrest and monetary fines pursuant to SRC 95.550(a) and ORS 164.245.

Other Oregon cities have attempted to criminalize homelessness only to be pre-empted by state law. A federal class action lawsuit is currently ongoing in Medford Oregon arising from the city of Grant Pass attempts to remove homeless people from the downtown area. Nationwide there is continuing litigation over the criminalization of homelessness and life sustaining activities such as sitting, sleeping, camping and congregating in public spaces. Homelessness is a symptom of a broad array of social problems, and not the problem itself. Criminalizing the symptom will not cure the problem.

It is important to note that Salem already has numerous ordinances regulating sidewalk use that comply with existing statutes, and the federal and state constitutions. There is no consensus in Salem that this proposed ordinance is necessary to solve any problem with the enforcement of current sidewalk ordinance. There is, however, a risk that enacting an ordinance that bans people from newly created crime prevention districts would infringe both on constitutional rights, and perhaps be selectively enforced against homeless people.

None of the behaviors that the business community finds most problematic in Salem can be addressed with an ordinance that regulates sitting or lying on the sidewalks. Some of

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(888) 601-7907 (toll-free)  
jlara@oregonlawcenter.org





Via mail and email to [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net)

November 25, 2019

City Recorder  
555 Liberty Street SE, Room 205  
Salem, OR 97301

RE: Regulating the Use of Sidewalks and Public Spaces

Dear City Councilors,

I am writing to you today with respect to the proposed "Ordinance Relating to Conduct on Sidewalks." I am a managing attorney with Disability Rights Oregon and have reviewed the most current draft of the proposed ordinance. Disability Rights Oregon condemns the ordinance as detrimental to persons with disabilities, particularly unsheltered individuals with serious mental illness at risk of institutionalization.

The ordinance disproportionately impacts unsheltered homeless individuals who have a serious mental illness. Those individuals are most likely to sit, lie, or sleep on the streets. The 2019 Point in Time (PIT) Count conservatively calculates approximately one thousand homeless individuals in Marion County. PIT data also shows that 31% of the homeless are considered "chronically homeless" and disabled.<sup>1</sup> In 2018, statistics from across the state indicated 29% of the homeless population self-identified as having a serious mental illness,<sup>2</sup> and those individuals are far more likely to be living in unsheltered locations.<sup>3</sup> The City of Salem does not currently have the capacity to shelter its homeless population, even with planned

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<sup>1</sup> Oregon Housing and Community Services, "2019 Point in Time Dashboard" (2019). Available at <https://public.tableau.com/profile/oregon.housing.and.community.services#!/#!%2Fvizhome%2F2019Point-in-TimeDashboard%2FStory1> (last accessed on November 22, 2019).

<sup>2</sup> Oregon Housing and Community Resources, "Oregon Statewide Shelter Study," p 16 (2019). Available at <https://www.oregon.gov/ohcs/ISD/RA/Oregon-Statewide-Shelter-Study.pdf> (last accessed November 22, 2019).

<sup>3</sup> Oregon Housing and Community Services, "2017 Point-in-Time Estimates of Homelessness in Oregon," available at <https://www.oregon.gov/ohcs/ISD/RA/2017-Point-in-Time-Estimates-Homelessness-Oregon.pdf> (last accessed on October 3, 2019).

expansions in services. Because sleeping space is not available for all of the homeless, the prohibited conduct becomes “involuntary” and “inseparable” from the status of being an unsheltered homeless person.<sup>4</sup> In other words, it is an “unavoidable consequence of being homeless.”<sup>5</sup> As a result, the ordinance would have a disproportionate impact on a substantial population of unsheltered individuals with serious mental illness in the Salem area.

The ordinance criminalizes the unavoidable conduct that accompanies being unsheltered with a serious mental illness and would lead to increased arrests and institutionalization of the mentally ill. City officials claim that, because the ordinance only results in an “exclusion order,” it does not impose criminal sanctions. All roads lead to Rome—exclusion orders are just one more step in the inevitable process of arrest and incarceration. As large swaths of the city become unavailable due to exclusion, unsheltered individuals with mental illness would experience criminal prosecution for trespass. It is also likely that police would succumb to selective enforcement that targets the unsheltered and mentally ill. With no other sanctuary, unsheltered individuals with disabilities would have no choice but to violate the exclusion order and face jail time.

As a consequence of the ordinance, the criminalization of homeless individuals with serious mental illness also violates constitutional protections against cruel and unusual punishment. This year, the 9<sup>th</sup> Circuit Court of Appeals held that “so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],’ the jurisdiction cannot prosecute homeless individuals for ‘involuntarily sitting, lying, and sleeping in public.’”<sup>6</sup> Criminalizing such behavior is inconsistent with the Eighth Amendment when “no sleeping space is practically available in any shelter.”<sup>7</sup> With only 460 beds available in Marion County<sup>8</sup> and a population of nearly a thousand homeless individuals,<sup>9</sup> the City of Salem is a jurisdiction that falls strictly within the 9<sup>th</sup>

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<sup>4</sup> See *Martin v. City of Boise*, 920 F3d 584, 617 (9<sup>th</sup> Cir 2019) (quoting *Jones v. City of Los Angeles*, 444 F3d 1118, 1136 (9<sup>th</sup> Cir 2006)).

<sup>5</sup> See *id.* at 617-18 (holding that it is unconstitutional under the Eighth Amendment as “cruel and unusual punishment” for the state to criminalize conduct that is an “unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets”)

<sup>6</sup> *Id.* at 617 (quoting *Jones v. City of Los Angeles*, 444 F3d 1118, 1136 (9<sup>th</sup> Cir 2006)).

<sup>7</sup> *Id.* at 618.

<sup>8</sup> “Oregon Statewide Shelter Study” at Appendix E, p 52 (2019).

<sup>9</sup> *Supra* note 1.



Circuit’s prohibition against criminal prosecution for sitting and lying in public. Make no mistake—the proposed city ordinance would inevitably lead to the attempted prosecution of unsheltered individuals for criminal trespass.

Any fines associated with violations of the ordinance or issued as a result of prosecution for trespass would have a negative impact on homeless individuals suffering from serious mental illness. The November 18 work session made it apparent that the city is contemplating fines of up to \$250 for repeat violations under the ordinance.<sup>10</sup> Homeless individuals with serious mental illness lack the resources or capacity to pay those fines. Nonpayment would lead to additional fees, debts, and collections imposed upon those who cannot afford to pay, and may also lead to contempt of court proceedings and jail time.<sup>11</sup> The ordinances impact on the credit and criminal history of homeless individuals creates additional barriers to their transition off the streets.

The ordinance unfairly stigmatizes homeless individuals with mental illness. It states that “persons who sit or lie down on public sidewalks \* \* \* threaten the safety and welfare of all pedestrians.” It asserts, with no basis in fact, that their acts of sitting or lying on sidewalks have the greatest impact on pedestrians “who are elderly, young children, or who have physical and mental disabilities.” In fact, individuals with physical or mental disabilities are more likely than other individuals to sit or lie on the sidewalks. The ordinance’s greatest impact on them is negative, not positive. Depicting the unavoidable conduct of some persons with disabilities as a threat to the safety and welfare of the elderly and children ultimately leads to negative attitudes and public disapprobation toward persons with disabilities.

The effects of the ordinance threaten the health and safety of unsheltered individuals with serious mental illness. The broad definition of a “campsite”—an assemblage of any materials that form an upper covering or enclosure on one side—captures even the most basic attempt at protection from the elements. As a result, unsheltered individuals have no way to stay dry and little protection against potentially lethal winter cold.

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<sup>10</sup> Additional fees would be imposed at the time of filing an appeal of an exclusion order or denial of a variance. See Proposed SRC 95.860(c) (2019).

<sup>11</sup> See ORS 161.685 (stating that potential consequences of nonpayment of fines, restitution or costs include debt collection, contempt of court, and issuance of a warrant of arrest).

Denying access to such minimal shelter places individuals' health and safety at risk. It is also likely to lead to an increase in emergency room visits and other negative impacts on our healthcare system. More importantly, it calls into question the city's commitment to basic human rights, as the survival of some of its most vulnerable citizens would be jeopardized.

The exclusion orders resulting from the ordinance would be so extensive that they would deny homeless individuals with serious mental illness access to essential mental health and social services. Some examples of essential services found within the exclusion zones include the Homeless Outreach & Advocacy Project's (HOAP) Day Center<sup>12</sup> and the Health, Outreach, Shelter, Transitions program.<sup>13</sup> Because the exclusion orders would deny access to the east side entry points of the Center St., Marion St., and Union St. bridges, homeless individuals would also be unable to access most services on the west side of the river, including the Northwest Human Services' homeless program clinic.<sup>14</sup> Absent a variance, homeless individuals would have to decide whether to access essential services and to risk criminal prosecution for trespass.

The variance process is impractical, especially as it pertains to homeless individuals with serious mental illness. First, since the Chief of Police, or a designee, must review each and every application for a variance, heavy administrative burdens and costs would result and detract from other more important law enforcement priorities. Second, because homeless individuals with serious mental illness likely cannot navigate the complicated written variance request guidelines, innumerable unnecessary arrests for violations of an exclusion order would result. Third, the "clear and convincing evidence" standard of proof for variances is an unreasonable evidentiary burden to place on homeless individuals with serious mental illness, because they are more likely to struggle in explaining where they are going, why they are going there, and how it is the "shortest direct route."<sup>15</sup> Fourth, the variance process puts homeless individuals at high risk of discrimination and institutionalization. The ordinance allows a police officer to request variance documentation for any

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<sup>12</sup> <http://www.northwesthumanservices.org/HOAP.html>

<sup>13</sup> <http://www.northwesthumanservices.org/HOST.html>

<sup>14</sup> <http://www.northwesthumanservices.org/West-Salem---Total-Health-Community-Clinics.html>

<sup>15</sup> See Proposed SRC 95.840(a)-(c).

reason, which may lead to disproportionate police interaction with, and targeting of, homeless individuals based on their appearance or, especially in individuals with mental illness, their mannerisms. It may also lead to pretextual stops and fishing expeditions for other violations or outstanding warrants that would overwhelm jail rosters. Finally, even if a variance has been granted, violations would still occur simply because the ordinance requires individuals with no shelter and nowhere to keep their belongings to carry the variance documentation with them within the exclusion zones. All of the above expectations make the variance process an unreasonable burden not only for homeless individuals suffering mental illness, but also for law enforcement.

Disability Rights Oregon strongly objects to the proposed ordinance because of the negative impact it would have on homeless individuals with serious mental illness. The City of Salem should no longer pursue the proposed ordinance, because it disproportionately impacts unsheltered mentally ill individuals, criminalizes the mentally ill, creates barriers to successful transition off the streets, feeds the stigma of mental illness, threatens the health, safety, and survival of vulnerable persons with disabilities, and poses an undue administrative and financial burden.

If you would like to discuss these comments further, please contact me at (503) 243-2081, extension 219, or via email at [mserres@droregon.org](mailto:mserres@droregon.org). Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Serres". The signature is fluid and cursive, with the first name "Matthew" and last name "Serres" clearly distinguishable.

Matthew Serres  
Managing Attorney

# OREGON LAW CENTER

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## Salem Regional Office

November 19, 2019

Salem City Council  
555 Liberty St SE, RM 220  
Salem, Or 97301

Dear Salem City Council Members:

My name is Jorge Lara, and I am the managing attorney for the Salem office of the Oregon Law Center. As some of you know, the Oregon Law Center is a non-profit law firm with regional offices throughout the state. Our mission is to achieve access to justice for vulnerable, low income Oregonians and their communities. I have been the managing attorney here since 2006. In that time I have worked with and represented many families and individuals experiencing homelessness or at risk of it.

Section 2 (e) of Ordinance Bill No. 10-19 states, in part, that persons who sit or lie down on public sidewalks during customary business hours threaten the safety and welfare of all pedestrians. Our office disagrees with that finding, and I write to you today to state that the proposed ordinance is unnecessary and perhaps unconstitutional. Additionally, section 95.850 of the ordinance criminalizes homelessness by allowing immediate arrest and monetary fines pursuant to SRC 95.550(a) and ORS 164.245.

Other Oregon cities have attempted to criminalize homelessness only to be pre-empted by state law. A federal class action lawsuit is currently ongoing in Medford Oregon arising from the city of Grant Pass attempts to remove homeless people from the downtown area. Nationwide there is continuing litigation over the criminalization of homelessness and life sustaining activities such as sitting, sleeping, camping and congregating in public spaces. Homelessness is a symptom of a broad array of social problems, and not the problem itself. Criminalizing the symptom will not cure the problem.

It is important to note that Salem already has numerous ordinances regulating sidewalk use that comply with existing statutes, and the federal and state constitutions. There is no consensus in Salem that this proposed ordinance is necessary to solve any problem with the enforcement of current sidewalk ordinance. There is, however, a risk that enacting an ordinance that bans people from newly created crime prevention districts would infringe both on constitutional rights, and perhaps be selectively enforced against homeless people.

None of the behaviors that the business community finds most problematic in Salem can be addressed with an ordinance that regulates sitting or lying on the sidewalks. Some of

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these behaviors can be addressed by existing laws against harassment, intimidation or disorderly conduct. However, some of the problematic behaviors cannot be addressed by laws or ordinances at all. One cannot make it illegal for people to experience a mental health crisis, or for certain groups of people to congregate together in public, and one cannot make it illegal for people to act rudely or annoyingly.

Using police to move people from the sidewalks and out of specified business district zones is not an effective way to solve homelessness or to alleviate social problems associated with homelessness. It results in increasing penalties, fines, and potential imprisonment that make it harder for people to get jobs and housing. It also increases the likelihood of conflict between police and people experiencing mental health crisis. A far more effective way to address homelessness would be to increase public resources for housing and mental health treatment.

Two years ago this same proposed sit/lie ordinance failed because Salem residents thought it was the wrong approach and punitive. In December of 2017, Mayor Bennett established the Downtown Homeless Solutions Task Force to examine issues related to homelessness affecting Salem and to recommend implementable solutions.

On August 1, 2018, the Task Force made recommendations to the Mayor that included public toilet facilities available 24/7; a hygiene center with showers and laundry facility; a simplified point of contact system that individuals may call for support with issues related to homelessness. The consensus of the Task Force was that Salem needs to do more to address the broader issues of homelessness, and that more shelter and housing capacity is needed. The Oregon Law Center concurs with the well-founded recommendations of the Downtown Homeless Solutions Task Force, and objects to the implementation of Ordinance Bill No. 10-19 as presently written.

Respectfully Submitted,

**OREGON LAW CENTER**

/s/ Jorge Lara

Jorge Lara  
Managing Attorney

JL:ad

# OREGON LAW CENTER

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## Salem Regional Office

November 19, 2019

Salem City Council  
555 Liberty St SE, RM 220  
Salem, Or 97301

Dear Salem City Council Members:

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Respectfully Submitted,

**OREGON LAW CENTER**

/s/ Jorge Lara

Jorge Lara  
Managing Attorney

JL:ad

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:27 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony: Opposing sit-lie: Summary of business outreach last year  
**Attachments:** Business visits to share GNP brochure-1 Sheet1.pdf

Advocates had reached out to businesses last year to share about Be Bold Ministries and other supports for them to use as needed, and we also asked businesses about their experiences with unsheltered citizens. This chart summarizes some of the outreach we did last year, and the business responses.

This year, I only had time to speak to two other businesses, more casually:

A See's Candy staff person shared that she doesn't know of sit-lie or the politics, yet unsheltered individuals do come into their store often, and See's staff gives them free candy, just as they do other customers. They sometimes experience some customers complaining about homeless people, yet See's staff just says that they are people and they get free candy just as everyone else does. I thought that was a beautiful answer.

I also took a chance that I might be able to speak to a manager at Rite-Aid when I was in the area, in a hurry one day last week. I was lucky that a manager was there and was available to talk to me. He shared that it's hard to have people camping around the store - it's really not ok. So he would like a way for people to not be there, BUT there has to be a place for people to go.

Combined day centers and a tent at Marion Square park create a daily back-and-forth kick-the-can situation for people whose daily lives are already a survival mode existence, and only addresses downtown areas for a city-wide ban. Unsheltered citizens who are not close to downtown would not have places to go, so the **proposal criteria of not implementing sit-lie unless there are places for people to go would not be met.**

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the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.

♥♥.\*\*\*.♥.\*\*\* ♥\*..\* ♥\*.\*\*\*.♥.\*\*\*.♥♥.\*\*\*.♥♥.\*\*\*.♥♥

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## Business visit summary

Attached is a spreadsheet of visits to businesses so far. Additions will be made as we visit more businesses. This outreach is done from a resource sharing and data gathering perspective, with no attempts to influence anyone's views - we want to reflect accurate perceptions and responses without our own biases coloring people's input. Overall, businesses are conveying huge gratitude for the Good Neighbor brochure and the phone numbers to call, and only one business so far seems to support sit-lie. Other businesses conveyed that even though situations come up, people generally leave when asked, and several businesses know the people who generally hang out by their stores, and they have established rapport, relationships, and respect, so requests are mostly honored. A couple of businesses (not yet added to the spreadsheet) shared that they consider the individuals by their store to be extra eyes and ears - those individuals help keep litter cleaned up, and discourage inappropriate behaviors, so the businesses feel like they are extra security for them. Some businesses conveyed that there are problems, yet sit-lie would not resolve the issues they experience. One business owner is experiencing issues, yet laughed about sit lie as a resolution - he would be willing to pay more in taxes so that we can provide the shelter, food, and safe space that individuals desperately need.

Business type	Homeless Problems?	How do they handle homeless situations?	Did they know of sit-lie?	What do they think of sit-lie?
transit center	occasionally	They have security to handle situations so things are pretty good. Grateful for the GNP brochure though.	didn't ask	n/a
deli/market	too busy to ask	too busy to ask, yet he said "Thank you so much! Thi will be SO helpful!" about the GNP brochures.	too busy to ask	n/a
retail store	No issues in a long time. In the past, they had people camping in front of their store and that was fine, since the campers were tidy and left before the store opened. It became a problem when campers' friends joined them and they were messy, yet neighbor stores helped them to get the campers to leave. Since then, problems are very rare. The building has hired a maintenance/ security guy, and he is a gentle giant who helps as needed when homeless situations come up. Last Christmas time, one homeless man was upset and threw a sandwich board sign at the owner, then came into the store and threatened the owner, the volunteer staff person, and a customer. It was a little scary, yet a rare situation. She called the police non emergency number and they didn't offer help. She called 911 but police would come only if she was willing to press charges and she was not willing to do that - it was almost Christmas and she knew the person was having a hard time and didn't want an arrest to add to that. He did leave, and started staying in a cove across the street, and things were fine. He did come back to her store around New Year's, and apologized for his actions. She doesn't think that customers are too scared to come shop there. She feels that the things they sell are from people who are living in extreme poverty, and might be homeless themselves, and her heart is with them.	Local stores helped each other out as needed, and now the building has a maintenance/security person to help, yet situations are rare. VERY grateful for the GNP brochure and resources yet so far any situations have been resolved with help from the maintenance/ security person as needed.	yes.	Owner does not support sit-lie. She was very upset when the city opted to use north campus hospital grounds to build housing. She thought the existing building would have been very good to use as transitional housing for people who are homeless or for people who are released from the hospital and don't have a place to live. The old building would seem perfect for that. Owner lives across the street from that building and would be fine with living across from trnsitional housing. (NIMBY is not an issue for her.) If sit-lie is to happen at all, it should only happen if there are places for people to go. Besides transitional housing, she wishes we'd have places where people can tent camp and car camp.
restaurant	Not much. Sometimes people come in and eat; sometimes people behave inappropriately, but they leave when asked.	Ask people to leave as needed. Grateful for the GNP brochure.	too busy to ask	n/a
retail store	too busy to ask	n/a; conveyed gratitude for GNP brochure.	n/a	n/a
retail store	Occasional situations. Some people on drugs; some in alternate reality. One person recently shoplifted and went beserk when asked to leave, but the person did leave.	Ask people to leave as needed. Conveyed "Thank you! This will be SO helpful!" about the GNP brochure.	yes	Sit-lie can't solve anything. Staff person doesn't know owner's view.

Business type	Homeless Problems?	How do they handle homeless situations?	Did they know of sit-lie?	What do they think of sit-lie?
restaurant	No problems lately. In the past, their door was broken.	customers arrived; but conveyed "Thank you! this will be SO helpful!" about the GNP brochure.	n/a	n/a
retail store	Not really. Some people come in and talk sometimes; sometimes in alternate reality.	Ask people to leave as needed, and they do leave. Yet the staff person works alone, so it can feel vulnerable sometimes. Very happy to have the GNP brochure!	too busy to ask	n/a
retail store	too busy to ask		n/a	n/a
retail store	Has been here 10 years. He asked one person to leave because he was making a mess, and he 86'd that person from coming back. Yet overall, he has no problems.	Some issues come up sometimes, but it's rare, and people leave when asked. He's grateful we're sharing resources, yet he rarely has problems - he just talks to people and they listen.	yes	Some people need more supports than we have. Criminals get into mental health facilities yet people who are not doing a crime but need mental help can't get into facilities. He has seen local homeless men deteriorating during the years he's been at this store. It seems like men are at an extra disadvantage to get the help they need. Sit-lie won't solve things. People need places to go, and parks are not the answer - you want to be able to take kids to parks. Why don't we clean up the hospital for people to live there? We need other options too.
restaurant	No problems.	Sometimes people come in; if behavior isn't appropriate, they leave when asked. Conveyed "Thank you so much!" about the GNP brochure.	too busy to ask	n/a
retail store	Occasional situations; fewer now than in the past. There was an incident today, but the person left when asked. They don't mind telling people to move on. One person stops in sometimes and often smells strongly of urine. We need more help for people.	People usually leave when asked. If they need help, the building's security person is more responsive than police. Conveyed "Thank you!" about the GNP brochure.	yes	We need more help for people.
restaurant	Occasional problems; sometimes people are drunk; more people are doing drugs outside. Some people get loud and rowdy sometimes and hang out on outside café seating.	He knows many local homeless people by name. He talks to them and asks them to settle down or leave as needed, and they listen. No police help has been needed. Conveyed gratitude for the GNP brochure.	yes	Not sure how he feels. It's a small family business and we need to work together. The local businesses help each other as needed. He understands why some people want sit-lie, yet we need more help for people. He knows some customers might feel scared to come when there are homeless people outside, yet he doesn't feel he loses customers, because he knows the local homeless people, and he asks them to settle down or leave as needed, and they listen. They know him, and they respect him and they listen to him.
retail store	No problems. Someone shoplifted a hat yesterday and it looks like it might have been a homeless person, yet overall, no problems. They often have homeless people sitting on their street corner, and that doesn't seem to deter customers. Customers often try to use the store door that is right on the corner, instead of using the Opera House main entrance doors on Liberty, so it seems people are willing to walk by the homeless people and visit stores anyway.	If behavior isn't appropriate, they ask people to leave, yet that rarely comes up. Conveyed gratitude for the GNP brochure.	too busy to ask	n/a

Business type	Homeless Problems?	How do they handle homeless situations?	Did they know of sit-lie?	What do they think of sit-lie?
restaurant	too busy to ask	n/a	n/a	n/a
retail store	Occasional situations. Some people in alternate reality. People regularly try to use their restroom to take a sink-bath, yet they leave when asked. About twice a week, someone comes into the store in their birthday suit, or stripping to become naked while in the store. Asked how this affects customers, and the manager shared that customers see there is an issue, and they see that the store is handling it. No big deal.	People leave when asked. Needed to call police a few times, but that is rare. Conveyed "Thank you!" for GNP brochure and will share it with General Manager as well.	too busy to ask	n/a
restaurant	Occasional problems. People are often loud outside and sometimes inappropriate or yelling inside.	Sometimes people leave when asked. Other times he needs to call police. Police don't do much - people still come back at other times. Conveyed "Thank you" fro GNP brochure.	yes	Doesn't want us to become like Oakland.

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:30 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony: Opposing sit-lie: False premises and what legacy do you want to leave?

Sit-lie supporters might just believe that there ARE places for people to go. Facts show otherwise - There is **not** space for people to go during the daytime ban hours. **And even a tent at Marion Square Park only addresses downtown unsheltered individuals.**

And researching UGM, Simonka, and Salvation Army shelters last year and this year show that there is very rarely residential shelter space openings.

Sit-lie supporters might just believe there are shelter beds that people are not accepting. Math is a real and tangible thing.  
Simonka: 110 beds  
UGM 150 beds  
Salvation Army: 65 beds (They have about 85 beds, but only the fiscal and staffing capacity for about 65 beds.)  
TOTAL beds for those shelters is 365 beds. Not even close to the number of beds needed to shelter our unsheltered citizens.

Sit-lie supporters might just believe that shelter beds somehow relate to sit-lie ban hours. **The two do NOT connect.**

Sit-lie supporters might just believe that there are 50 beds that are not being used, so people must be service resistant. I'm guessing that the 50 beds are UGM's 43 mats? **Those mats are for men only, and few men know of those mats,** and many people cannot use them because they cannot leave partners, pets, or property. Other significant factors also prevent some men from using those emergency mats. UGM shared that about 16 of these go unused, **and they are only offered through 3/31, so those mats are not relevant beyond March.**

Sit-lie supporters might just believe that people who are connected to services are magically not homeless anymore. Reality and facts reflect that people can be VERY connected to services, and still may be homeless for years.

Sit-lie supporters might just believe want evidence-based data for making informed decisions. **Housing First IS the evidence based solution,** and you are investing in that. Thank you. We need more.

Sit-lie supporters might just believe that people are service resistant and unwilling to accept help. Brain SCIENCE proves that many people who have experienced trauma are UNABLE to take the forward steps we wish for until time and healing have rewired the brain. Expecting otherwise is naive and grossly inaccurate. "Unable" and "unwilling" look the same from the outside, yet brain science proves otherwise. And conversations with about half of the people camping downtown reflects that almost every person IS connected to services and would like more resources.

The City of Salem and providers have invested in multiple medium term bandaids and solutions. Many of those investments are paying some dividends now, and more will pay dividends in about three months, and the situation will be much different by then. You will undo much of the progress that has been made if you destroy trust and lives further.

Gardening and investing are long term projects. The sky isn't falling. The seeds you planted are about to bloom soon.

We have a shared goal of wanting business and downtown to flourish. We can accomplish that in a way that kicks the can, hearts, and lives further down the road, shifting yet not solving the problem, causing MORE harm.

Or we can accomplish that relationally, in a slightly longer timeframe, as your very own LEAD program demonstrates. The relational approach will be more real, tangible, lasting and humane.

i'm agnostic, yet I admire greatly how Jesus treats people. Many of you are Christian. What would Jesus do?

What humanity do you want to show? What legacy do you want to leave?

♥♥ . \* \* \* . ♥ . \* \* ♥ \* . . \* ♥ \* . . \* \* \* ♥ \* \* \* . ♥♥ . \* \* \* . ♥♥ . \* \* \* . ♥♥

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**Sent:** Monday, March 09, 2020 2:58 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony - opposing sit-lie

Please see this article from the Eugene Register Guard:

[https://www.registerguard.com/news/20200301/eugenes-human-rights-commission-report-examines-decriminalization-of-homelessness?fbclid=IwAR1sye2Flchfhdsd7GF2sOyla98pBsqwN\\_NStdHQxsh3LRZM\\_NzH\\_yIOq2k](https://www.registerguard.com/news/20200301/eugenes-human-rights-commission-report-examines-decriminalization-of-homelessness?fbclid=IwAR1sye2Flchfhdsd7GF2sOyla98pBsqwN_NStdHQxsh3LRZM_NzH_yIOq2k)

The report is also pasted below. It was prepared for the Eugene Human Rights Commission, by **Oregon Law Center**, and Lane County Legal Aid. It reflects intended and unintended consequences of implementing rules that essentially criminalize homelessness.

Key points from the article:

**"The report claims that debt, jail time, arrest warrants and move-along orders put housing out of reach, violating a person's human and civil rights. Additionally, citing people who are homeless and have nowhere else to go violates people's constitutional rights to equal protection under the law because the selective enforcement of these quality-of-life laws disproportionately impacts people who are homeless, many of whom are disabled and/or seniors.**

**Over a quarter of Municipal Court's docket (thus costs) is devoted to four quality-of-life offenses: prohibited camping, criminal trespass II, violation of park rules, and open container.**

**Given that approximately one quarter of all violations heard in Municipal Court are for quality-of-life violations, the report said, it is reasonable to conclude that over \$1 million of the \$5.1 million Municipal Court budget goes toward the adjudication and related costs for these violations."**

We all have a shared goal to have safe and passable sidewalks and a thriving downtown. ***The report echoes evidence based data that it costs much less to solve homelessness by sheltering people, than the time and money spent to manage homelessness by implementing and enforcing quality of life violations that make it harder for people to do the very things we all wish for them to do to move forward.*** Strategies that criminalize homelessness directly or indirectly are not only ineffective; they also cause harm that makes our shared goals harder to reach. Sit lie rules and other strategies that ultimately sabotage the progress we all wish for are a short term bandaid that actually makes things worse.

What I wish the City would do instead:

- Please repeal the camping ban except for downtown and in neighborhoods, so people could camp in industrial areas - someplace to be, yet somewhat out of sight.
- Please proceed with adding restrooms, lockers, and also more trash cans.

With a partial repeal of the camping ban, and waiting a few months, downtown would have very few unsheltered individuals, so the problem could be resolved without a sit-lie ordinance, **and without the significant expense to prove other places for people to be.** I wish for my city to invest our money more responsibly than spending so much money to *\*manage\** homelessness, when prior investments to *\*solve\** homelessness are about to pay off.

Thank you for your consideration.

Lynelle Wilcox

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RegisterGuard article:

*"Eugene's Human Rights Commission report examines decriminalization of homelessness"*

*After months of preparation, the Eugene Human Rights Commission reviewed a new 50-page report on the decriminalization of homelessness.*

*According to the report, prepared by the Lane County Legal Aid/Oregon Law Center, its purpose is to call attention to the "benefits of implementation of alternatives to criminalizing unhoused" people by showing the consequences of "penalizing people due to their unhoused status."*

*The commission voted Feb. 18 to forward a report — formally called "Persecution of the Unhoused: Fines and Jail Time for Having Nowhere Else To Go in Eugene, Oregon" — to the Eugene City Council.*

*"The Human Rights Commission is really proud and really excited," Joel Iboa, the commission's chair, said. "We're sincerely hopeful that City Council is able to take recommendations that's provided within (the report) as it continues to have conversations with themselves and also with the wider community to solve the issue of the unhoused."*

*While the report has been in progress for months, the attention brought to it by the commission comes at a time when some business owners have begun to organize around their concerns of vandalism, efforts that others have perceived as anti-homeless.*

*The report covers multiple topics, including:*

- *Quality of life laws: It looks at four specific laws that most commonly are the basis for criminal and civil penalties imposed on the unhoused in Eugene — prohibited camping, criminal trespass II, violation of park rules and open container.*
- *Impounding vehicles: It examines how impounding a vehicle in which people are living disproportionately affects those without stable housing.*
- *Encampment policies: This involves how camp closures and sweeps often involve a citation or arrest and how this disrupts people's lives when they don't have a legal location in which to relocate.*

*Recommendations in the report include:*

- *Require a complaint be made before a citation is issued;*
- *Require an outreach worker to be the first responder rather than police when a complaint only involves a quality-of-life violation and there is no threat to public safety;*
- *Expand the geographical boundaries of Community Court; and*
- *Limit the circumstances under which the city prosecutor can charge homeless people for committing quality-of-life laws.*

*In Lane County there are only 15 housing units for every 100 people whose income is below 30% of the area median income, according to the report.*

***The report claims that debt, jail time, arrest warrants and move-along orders put housing out of reach, violating a person's human and civil rights. Additionally, citing people who are homeless and have nowhere else to go violates people's constitutional rights to equal protection under the law because the selective enforcement of these quality-of-life laws disproportionately impacts people who are homeless, many of whom are disabled and/or seniors.***

*The project was prepared by the Lane County Legal Aid/Oregon Law Center and was co-authored by Laurie Hauber, staff attorney at OLC, and Talitha Randall, a former OLC intern and law student at the University of Oregon School of Law.*

*The authors used data analysis from municipal court data to understand the scope of the problem, as well as attempting to assess the costs to the city.*

Here are some of the highlights the report found from analyzing data from Jan. 1, 2018, to May 31, 2019:

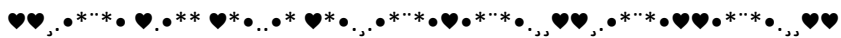
- **Over a quarter of Municipal Court's docket (thus costs) is devoted to four quality-of-life offenses: prohibited camping, criminal trespass II, violation of park rules, and open container.**
- Unhoused people are 14 times more likely to receive the four quality-of-life citations than housed people.
- On average, 83% of all quality-of-life citations and arrests went to unhoused people during the 17-month period evaluated: 100% of all prohibited camping citations, 88% of all violation of park rules, 80% of criminal trespass II and 80% of open container.
- An average of 3.4 Criminal Trespass II violations were issued to unhoused people each day (1,759 total).
- Between Jan. 1, 2018, and May 31, 2019, the Eugene Police Department responded to almost 500 complaints regarding prohibited camping. While fewer than one-third of these responses led to citations, the report pointed out that each call is money spent policing people for being homeless.
- **Given that approximately one quarter of all violations heard in Municipal Court are for quality-of-life violations, the report said, it is reasonable to conclude that over \$1 million of the \$5.1 million Municipal Court budget goes toward the adjudication and related costs for these violations.**
- During the 17-month period evaluated, the report estimates that Public Works spent more than \$140,000 cleaning up homeless encampments.
- EPD is called and issues citations in approximately 50% of the camp cleanups, which adds additional personnel costs for each EPD visit.

*City Councilor Emily Semple was unable to attend the Human Rights Commission meeting on Feb. 18 because a council meeting was scheduled at the same time. However, she said in an interview with The Register-Guard that she looks forward to reviewing the report this weekend.*

*"I have the report, I have not had time with campaigning and council to go through it thoroughly, which I will do, and then I will bring some of the suggestions ... and see if council wants to talk about it," Semple said.*

*Iboa hopes the report will help map out solutions for homelessness — a goal he believes is shared by most citizens.*

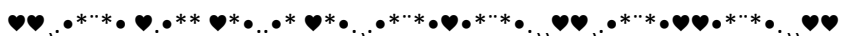
*"We certainly think that us bringing this forward to City Council is a step in the right direction," Iboa said."*



the highest art is the art of living an ordinary life in an extraordinary manner.

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## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:07 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony - opposing sit-lie

My photographer friend John shared these beautiful words and photo.

### *"Observation*

*At the entrance to the underground parking garage, a seed had somehow found its way to a small crack in the cement... and just look at it now!*

*Such is life, I thought. Such a miracle life is, always finding a way. As Walt Whitman wrote, "Urge and urge and urge, Always the procreant urge of the world."*

*Admiring the plant's tenacity (what a disservice we do when we call such a plant "a weed") I took its picture and went out for a walk.*

*Not 500 steps away, I came across a man who, after who knows what kind of day he'd had, had apparently decided that here... here... right here on this one little patch of cement he could go not one step further. With a backpack for a pillow, he had just lain down, curled up, and gone to sleep.*

*No padding beneath him of any kind, no blanket above him. Just curled up on that concrete in the clothes he was wearing, and had gone to sleep, because we all of us are slaves to that driving need to sleep no matter how many laws we try to make against it.*

*I suppose, in a way, the man's tenacity to persevere was not much removed from the plant's which I had so admired. With the man, however, I could find no elation, no admiration. My philosophical turn of mind turned to mush.*

*Urge and urge and urge. What a merciless villain life can be.*

*But it's not life that is the villain, I think. The enemy is indifference. Why is that man on the street? Why are any of them on the street?"*

I believe the city is NOT indifferent. Through each of you, the City has invested a lot of thought, time, tears, and money on homelessness. The problem is complex and there are no easy answers. Yet just as the camping ban had unintended yet predictable negative consequences, a sit-lie ban will cause more harm, and will cost a lot of money, with similar predictable negative consequences.

A partial repeal of the camping ban, and using proposed sit-lie implementation money towards education and towards more housing options that solve homelessness will be a more cost effective and wiser option.

Thank you for your consideration.  
Lynelle Wilcox

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## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:10 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Opposing Salem's sit-lie ordinance; sharing a Berkeley sit-lie study

A study about a sit-lie proposal in Berkeley in 2012. Although it's a different city, and years ago, the basis for many of the findings seem applicable here too.

Finding #1: There is no evidence of increased economic activity in California Sit-Lie jurisdictions

Finding #2: There is no evidence that Berkeley retail sales have suffered due to homeless people

Finding #3: Implementing and enforcing Measure S will impose costs on the City

Finding #4: Defending Measure S against legal challenges is likely to be costly.

(ACLU quote: "People do not lose their right to exist in a public place when they lose a home." [https://www.aclu.org/press-releases/aclu-statement-durangos-anti-homeless-sit-lie-ordinance?fbclid=IwAR2PlomaTd2oC3FjVl\\_oPlhc7IaGkedK\\_eP4iwuMZ1hi-NAaQJNsCAgC2\\_k](https://www.aclu.org/press-releases/aclu-statement-durangos-anti-homeless-sit-lie-ordinance?fbclid=IwAR2PlomaTd2oC3FjVl_oPlhc7IaGkedK_eP4iwuMZ1hi-NAaQJNsCAgC2_k).)

Finding #5: Sit-Lie ordinances have not connected homeless people to services in other cities

Finding #6: Measure S will not connect homeless people to services in Berkeley

Finding #7: Berkeley does not have the capacity to assist more homeless people

Finding #8: Berkeley has identified better approaches to increasing economic activity

Finding #9: Supportive housing is the best way to accomplish the goals of Measure S

<https://www.law.berkeley.edu/press-release/new-report-faults-berkeleys-measure-s-the-sit-lie-initiative/>

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## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:14 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public testimony: Opposing sit-lie: Downtown outreach summary  
**Attachments:** Downtown Outreach 022020 Sheet1.pdf

City Council and City Officials:

I'm writing about sit-lie, yet again. As you know, sit-lie is a contentious topic, and I suspect that sit-lie supporters and sit-lie opponents will be making many of their usual points.

### **Sit-lie opposition points remain the same as when we had these conversations in November:**

- Daytime ban hours have nothing to do with nighttime shelter beds.
- Day center combined capacities come nowhere close to meeting the capacity of a city-wide sit-lie ban.
- Even if day centers COULD accommodate the people who are unsheltered, Arches closes at 3pm, HOAP closes at 2pm, both are closed on weekends; UGM is men only. There is a big gap of time where sit-lie would apply and no day centers are open. Even with a tent in Marion Square Park, with a city-wide camping and sit-lie ban, the combined capacities leave many people with nowhere for people to go.
- Library capacity is LESS now that the Salem Library is closed.
- Sweeps have resulted in people having fewer and fewer places they can be in daytime and nighttime.
- The camping ban results in nowhere permissible for people to camp, AND it resulted in no shelter with a roof and one side being permitted. It is inhumane and dangerous to leave people with no options for sheltering themselves from the elements. (So of course people will seek awnings for some minimal shelter from the elements; we've left no other legal options.)
- Simonka, Salvation Army, Women at Well Grace House, Family Promise, UGM, and other resident programs are almost always full. It takes a lot of waiting and checking often to be in the right place at the right time to get into a residential shelter.
- Few shelters have emergency mats.
- Sit-lie will not be effective - it will scatter people and make them more traumatized, less able to connect to services, and it will result in expensive lawsuits.

**I'm trying to find and share some information that we haven't heard before, so I've been talking to citizens who are using downtown awnings as shelter. I'm guessing I've spoken with almost half of the unsheltered citizens living downtown.**

Things I've learned:

**Almost no one is service resistant. Almost every single person is connected to services, and is looking for more resources.** We seem to have a myth that once people are connected to services, they are magically not homeless anymore. The reality is that people can be very connected to services and still might be homeless for a long time. That might change with the many projects that are in the works - people might be connected to services AND sheltered sooner rather than later, yet that has not been the usual reality so far.

As I'm speaking to people, I'm asking about where downtown citizens might go if sit-lie passes. Most people I spoke with were aware of sit-lie from the last time it came up. I'm also asking about where they've been, how they came to be here,

and whether they'd go elsewhere. Almost every person I spoke with is already connected with services; most are on housing wait lists.

Almost every person I spoke with would go to a warming shelter if it was low barrier, open, and closeby, and if it seemed like there'd be enough space for them not to be turned away when they got there. In other words, packing up to go to Pringle Hall if it happened, or to Friends Church, or Church at the Park is too much risk - to pack everything and go far to possibly be turned away because the shelter is at capacity puts them in a position of being stranded, when it's darker, colder, and harder to get back or harder to find shelter elsewhere, when they are already set up here. They'd risk moving for a sure-ish thing; not so much for a "maybe" thing.

Almost everyone said that they'd go to a shelter if pets, partners, and property could go with them. Many of them are wishing First Pres would open.

Men are not using UGM mats because:

- **They didn't know that UGM offers mats** (And no one said that any police officers shared about UGM mats, so the referring people to resources is not seeming to happen with that resource.)
- They can't leave their lady
- They can't leave their pet
- They can't bring their property or risk having it stolen
- They are trying for sobriety and UGM has guests who are struggling with drugs or alcohol
- They stayed on the mats in the past and rats scampered over them sometimes
- Some men have ladies who have been sexually abused horrifically, and they will not go to a place that has multiple sex offenders there, on principle.

Talking to staff at UGM, the curfew for getting a mat is 8pm. If you're on the streets, cold after 8pm, they don't let you in. That was news to me, since I'm used to warming centers where we let people in at any time of the night, as long as we have room. 8pm curfew or not, **it seems like UGM might not have the word out widely that they offer 48 mats at night.** When our Mayor says that people are not using 50 beds that are available, there are critical unspoken details - people can't use a resource if they don't know it exists.

Most people said that they would camp elsewhere if they could have a tent for shelter, and if it was still closeby to the services and supports that they do use. **Please repeal the camping ban except for downtown, so that people have a place to camp as long as behavior is appropriate and the camp is tidy.**

A couple of people have housing vouchers and are looking for a place; at least one person has a voucher but has no capacity to find a place, so more help is needed.

A few things surprised me:

- Some people are looking for work. Some people are pursuing sobriety and attending meetings. These people are warriors - doing those things even after sleeping on the ground, and living in the weather each day. There are more connections to services and more moving forward steps than I realized. **If there are about 60 individuals camping downtown, this is easily solvable with coordinated services focusing on those individuals.**
- I heard about people honking horns and revving engines to hassle unsheltered citizens. Actually witnessing that and hearing that was incredibly hard. So MANY revved engines and insults yelled. It was sometimes hard to have a conversation because the revved engines were so loud and so frequent.
- I witnessed police telling people that they need to move their bicycles. Apparently it's illegal to have bikes on the sidewalk - they must be on bike racks only. Even when some unsheltered citizens shared that their bikes are likely to be stolen, even if they are locked up on the bike racks across the street, the officers insisted that's what they must do. When the guy asked the police WHY they can't have bikes on the sidewalk, close to them, the police said *"Because it's junk. ALL of this is junk."*



- I witnessed one sheltered biker whoosh up and take a picture of a homeless guy. The unsheltered guy got up and told him this isn't a circus show, and you ASK before taking a picture. The biker guy said sidewalks are public property so he can take a picture of anything on them, and he pointed to me as his witness. (I told him I am his witness, that he took photos without permission and that's not ok.)
- Many people have kept their sites very clean, and many told me that they also try to clean up others' trash. Yet individuals who struggle with mental health will dump trash cans and trash, and they can't keep up with cleaning all that. I think advocates can help with keeping up on trash pick up.
- People along Nordstrom and across the street from Nordstrom shared that the sidewalk is sprayed each morning around 6. So by 6 am they need to move their things from under the awnings towards the street, and then they can move their things back onto the wet sidewalk under the awnings. Tarps are needed underneath your things in order to keep anything dry.
- Some unsheltered citizens are experiencing officers shining lights in their eyes as they sleep, and taking any "structures" down. AS THEY SLEEP. This seems unnecessary and cruel. Others are not being hassled at all. I don't understand. Sit-lie relies heavily on officers' compassion. Some officers' professionalism and compassion has become questionable to me as a result of these conversations.
- Multiple men shared that they have woken up because men were peeing on them. I have heard that before, yet it sunk in more for me to hear it again, while I was also experiencing the revved engines, and shouted insults. When I asked one man how often this happens, this large macho looking guy told me he can't talk about that because it makes him cry. I knew that many people treat unsheltered citizens as invisible or vermin. For this, being treated as invisible would be better than being treated as vermin - sought out specifically to pee on. **So many people convey how scary and dangerous unsheltered citizens are. Police statistics show that there is very low risk of a person to person crime happening to a stranger. The danger is real, yet it's more often that cruelty happens TO unsheltered citizens than BY unsheltered citizens.**
- One girl has a pet bunny. I love bunnies. A bunny cannot thrive in a tiny cage. My heart breaks in so many directions.

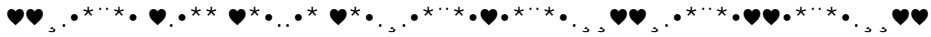
**I've attached a chart summarizing my conversations, to show that reality counters the false premises that people are turning down mats, are service resistant, would not go to shelters, just want to do their own thing. Conversations are proving otherwise.**

It seems like Councilor Kaser's words that we don't need to do anything so fast are true - multiple investments will already come to fruition by May, so more people will have other options available to them by then. The City and various partners have invested in multiple medium and long term bandaids and solutions. Many of those investments are paying off now and will pay more dividends in about three months, and the situation will be much different by then. We will undo much of the progress that has been made if we destroy trust and lives further. Sit-lie will scatter people, making it HARDER for them to connect to services, furthering trauma, and forcing them deeper into survival mode, less able to do the very moving forwards steps we all wish for. Even if sit-lie wasn't cruel, it will be ineffective and expensive in so many directions, including the lawsuits that will inevitably result if you implement sit-lie.

Yet it doesn't need to come to that - we have a **shared goal** of wanting businesses and downtown to flourish. Gardening and investing are long term projects. **The sky isn't falling. The seeds the City and partners have planted are about to bloom soon. Again, if there are about 60 individuals camping downtown, this is easily solvable with coordinated services focusing on those individuals.** We can accomplish our shared goal in a way that kicks the can, hearts, and lives further down the road, shifting yet not solving the problem, causing MORE harm.

Or we can accomplish that relationally, in a slightly longer timeframe, as the City's very own LEAD program demonstrates. The relational approach will be more real, tangible, lasting and humane. Your very own LEAD program proves that.

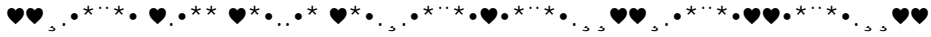
Thank you for your time, service, and consideration.



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## Outreach to downtown campers 2/2020

|   | Who | Journey to here                                                                                                                                                                                                                                                                                        | Job history                                                                                                                                                                                                                                                                                                                                                              | Income?                                                                                                                               | Services?                                                                                                                           | Would person accept shelter?                                                                                                                                                                                                                | If sit-lie passes...                                                                                                        | Barriers                                                                                                                                                                                                                                                                                                                                    | Miscellaneous                                                                                                                                                                                                         | Other interactions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | KS  | From Texas: came here to connect with his brother who has been homeless here for years. Got stuck here. Homeless, camped at Wallace Marine Park till it was swept. Went to Minto Island: It flooded. Arches, then Nordstrom sidewalk. Homeless for about a year.                                       | High level inspection job at a military supply company - slected from a pool of 700 or so applicants. Lost job in 2014 when Obama signed Executive Order to cut military spending. Got another job and worked till the owner sold the company. Joined Texas Pro Bowler's tour till a fight ended that job. <b>VERY interested in working again once he is sheltered.</b> | Collects cans to get by. Shares can income with others when they need things.                                                         | Yes: Arches for meals and showers. <b>On housing wait list.</b>                                                                     | UGM: No - too much pressure to join Christian program. Didn't know of UGM emergency beds. Would try First Pres if it opened. Not willing to try another shelter that is further away and might not even have space for him once he arrives. | He'd camp in a neighborhood or woods till his housing comes through.                                                        | 1998 DUI in Texas resulted in suspended license till he pays annual fees. He refuses to pay annual fees, on principal. Would look for job in walking or biking distance or on a bus route. Has not been in any trouble since his 1998 DUI. Experiences high anxiety, yet has had no conflicts with anyone till now, with cops hassling him. | Very clean; never bothered by park rangers or police when he camped in woods. He and his brother were kidnapped for 8 years when he was 2 1/2 years old and his brother was 6 months old.                             | Ongoing engines revving as we spoke, making it very hard to hear or think. • Bike officers rode up and told him he needs to move his bike to a bike rack. He fears it will be stolen from rack and asked why that rule exists and when it happened? Officer said it's been a law for a while, and bikes need to move because <i>"The bikes are junk; all of this is junk."</i> (KS's place was very tidy.) • While we spoke, someone biked up and took his picture. KS was adamant that this is not a circus show, and photos without permission are not ok. Brief altercation that escalated only verbally. Biker thought I could be his witness that he only took a photo. Told him that photos without permission are NOT ok, and I can be a witness for that. Has had drivers pulling guns and shooting into the air. |
| 2 | D   | Often stays under Macy's awning.                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                       | Yes: UGM, HOAP, Arches for meals and showers. On housing wait list. <b>Signing housing papers THIS WEEK!</b>                        | Yes. Has used warming shelters regularly.                                                                                                                                                                                                   | N/A - he signs papers to get a place this week!                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3 | J   | Recently lost place to live because he let his girlfriend live with him and it's not working out. When he asks her to leave, she threatens to report him for things he is not doing.                                                                                                                   | Looking for work, but it's hard when you look homeless.                                                                                                                                                                                                                                                                                                                  | None                                                                                                                                  | Yes: UGM, HOAP, Arches for meals and showers.                                                                                       | Yes! Wishes First Pres was open. Others are too far, and have low capacity so it's too risky to leave or lug property.                                                                                                                      | Nowhere to go. Neighborhood somewhere?                                                                                      | No income: no job yet. Looking                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                       | Ongoing engine revving and insults yelled as we spoke.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4 | A   | Owned a motor home. Complicated eviction that a friend is helping her to contest. Once she became homeless 1 1/2 years ago, she stayed with a friend for 3 months, then camped at Wallace Marine Park till it was swept, then camped on Division, then Arches, then Division again. Now, by Nordstrom. | Long history of retail work and would do that again once she is settled in a place.                                                                                                                                                                                                                                                                                      | Will receive widow's benefits next month. Will look for a place then.                                                                 | Yes: Arches for meals and showers. <b>On housing wait list for over a year.</b>                                                     | Yes! Wishes First Pres was open. Others are too far, and have low capacity so it's too risky to leave or lug property.                                                                                                                      | Nowhere to go. Neighborhood somewhere? But hoping she can afford a place (barely) when her widow benefits begin next month. | Eviction is a barrier to housing. Needs to live close to services. No income till next month, when widow's benefits start.                                                                                                                                                                                                                  |                                                                                                                                                                                                                       | Ongoing engine revving and insults yelled as we spoke.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5 | S   | Became homeless 1 1/2 years ago, after he and his mom were evicted. Stayed with a friend for 3 months, then camped at Wallace Marine Park till it was swept, then camped on Division, then Arches, then Division again. Now, by Nordstrom.                                                             | Will look for work when he has some shelter stability. For now, needs to stay close to his mom so she has protection.                                                                                                                                                                                                                                                    | Might be eligible for a small amount of tribal money. Will pool that money with his mom's widow benefits and will try to get a place. | Yes: Arches for meals and showers. On Tribal housing list. Had a caseworker at HOAP but she is gone now: might need new caseworker. | Didn't know of UGM mats, but worried about sex offenders, and he would not leave his mom alone on the streets. Also would not leave their dog. Would go to First Pres if it was open.                                                       | Nowhere to go.                                                                                                              | Eviction is a barrier to housing. Needs to live close to services. Income will be very low and barely pay rent.                                                                                                                                                                                                                             | Their site is very neat. Yet they wake up sometimes to police shining flashlights in their faces. Police also pulled guns on a guy who was supposedly peeing on a wall, yet it was really his dog peeing in the wall. | People revv engines, throw fireworks at them. Drunk drivers yelling at them. Some people are very nice though, and some share food. Some people are afraid of them, while they are scared of people who walk and drive by.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Outreach to downtown campers 2/2020

|    | Who | Journey to here                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Job history                                                                                                                                                                                                                                                                                             | Income?                     | Services?                                                                                    | Would person accept shelter?                                                                                                                                                                                                                                                                   | If sit-lie passes...                                                         | Barriers                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Miscellaneous                                                                                                                                                                                              | Other interactions                                     |
|----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 6  | CH  | Homeless since May 2019.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Served in the Navy. Fired from a long term job at a Salem retail store in 2009. Odd jobs and part time work since then. Hit by a car in 2019 and can't walk well now. Hard to find work with a disability. Intermittent phone access, and no reference letters. Hopes the Navy will activate him again. |                             | Doesn't want welfare, so won't apply for housing.                                            | Stayed at UGM as a resident for a while. Was beaten up at UGM. Hesitant to ever go back. Didn't know of UGM mats.                                                                                                                                                                              | Nowhere to go.                                                               | Wants to work, but lacks phone, internet, references, and ways to explain the job gaps. Also has trespass and trespass II charges.                                                                                                                                                                                                                                                                                                                                                | His area is very tidy, and minimal.                                                                                                                                                                        |                                                        |
| 7  | ST  | Homeless since release from prison in 2015, I think?                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Janitor work, Home Depot forklift driver, kitchen staff and dishwasher in his past. Struggles with physical disabilities and mental health, and addiction, but has longer periods of sobriety now.                                                                                                      | None                        | Arches for meals, day center, showers; has a case worker at HOAP. <b>Is on housing list.</b> | Yes - staying at UGM as a resident sometimes, using emergency shelter mats other times, on the streets downtown at other times even though the rats freak him out, and staying at the Work Center at other times. Uses First Pres warming center when he is not sheltered and it is activated. | He'd see if he can stay at the Work Center; otherwise, he has nowhere to go. | Served prison time for a sex offense long ago. Says he is innocent; he has had no sex charges since that date, yet the history follows him, making it hard to find housing, even if he had income. Also struggles with addiction, yet he is sober more often than not lately, and is passionate about remaining clean and helping others to do so too. Has on/off relationship with UGM because he fails to communicate about variances he might need, so he is sometimes banned. | When he stays downtown, his area is very tidy and he sweeps the sidewalks and storefronts. Store owners know him by name and consider him to be extra eyes and ears in keeping their place clean and safe. |                                                        |
| 8  | R   | Homeless for 16+ years, initially because her family in Jefferson had a restraining order against her. They allowed her to come back home intermittently after that, yet that is no longer an option for her. Most recently was staying under the bridge, then at Arches, now by Rite Aid.                                                                                                                                                                                                             | none                                                                                                                                                                                                                                                                                                    | none - appealing SSI denial | Arches for meals, day center, showers; HOAP. <b>On housing wait list.</b>                    | Yes! If a shelter was closeby and open, she'd go. Tried for Simonka but they say no.                                                                                                                                                                                                           | Nowhere to go.                                                               | Physical disabilities mak it hard for her to get around. Uses a wheelchair or walker.                                                                                                                                                                                                                                                                                                                                                                                             | Many people try to keep sidewalks clean. People who struggle with mental health dump trash and it's hard to keep up with that.                                                                             | Ongoing engine revving and insults yelled as we spoke. |
| 9  | SP  | Grew up in foster care after witnessing his dad beating the shit out of his mom. Most recently homeless for 2 1/2 years; swept from Wallace Marine Park, Minto Island, Arches.                                                                                                                                                                                                                                                                                                                         | Conversation cut short                                                                                                                                                                                                                                                                                  | none                        | Arches for meals, day center, showers; HOAP                                                  | Yes. Would love to have shelter.                                                                                                                                                                                                                                                               | Nowhere to go.                                                               | Struggles with addiction and confusion. Just finished parole; trying to get a debit card for \$3,000 he thinks he has somewhere.                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                            | Ongoing engine revving and insults yelled as we spoke. |
| 10 | J   | Had a job, house, 2 boys. Lost home from divorce; struggled with addiction. Homeless in Salem for about 1 1/2 years. Came here from Washington to do Adult Teen Challenge recovery program. Left that program because it requires no contact with kids for a year, and it's important to him to stay connected to his kids. Would go back to Washington, but he only has his kids there, and too many bad influences there, so wants to start fresh here. Swept from Wallace Marine Park, then Arches. | He is using Work Source to look for work. It's hard when you are homeless and so many jobs require you to apply online, when he thinks he'd make a better impression in person.                                                                                                                         | none                        | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                 | Yes. Stayed at UGM but was kicked out for not making his bed. Sees people kicked out with lung disease and other health problems; concerned about lack of compassion.                                                                                                                          | Nowhere to go.                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                            | Ongoing engine revving and insults yelled as we spoke. |
| 11 | JT  | Came from Georgia for a new start. Took Greyhound, knowing he'd initially be homeless.                                                                                                                                                                                                                                                                                                                                                                                                                 | Had dishwashing and simple jobs. He is actively looking for work. Told him about the Kitchen on Court Street hiring.                                                                                                                                                                                    | none                        | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                 | Yes. Did not know of UGM mats.                                                                                                                                                                                                                                                                 | UGM mat                                                                      | none                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | No addictions or mental health struggles. He only smokes weed. People seem to like him.                                                                                                                    | Ongoing engine revving and insults yelled as we spoke. |

## Outreach to downtown campers 2/2020

|    | Who | Journey to here                                                                                                                                                                                                                                                                                                                                                         | Job history                                                                                                                                                                                                                                                                                                                                  | Income?                                 | Services?                                                                                             | Would person accept shelter?                                                                                                                                                                                                                                                                                                                                                                                                         | If sit-lie passes...                   | Barriers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Miscellaneous                                                                                   | Other interactions                                     |
|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 12 | B   | Came from Florida a few years ago. Swept from Wallace Marine Park, then Arches. Now staying by Rite Aid.                                                                                                                                                                                                                                                                | Looking for work, but it's hard when you don't have a place to keep clean, and when you risk having your things stolen whenever you leave your spot.                                                                                                                                                                                         | none                                    | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                          | Would love shelter. Can't stay at UGM because he won't leave his GF on her own.                                                                                                                                                                                                                                                                                                                                                      | Nowhere to go.                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                 | Ongoing engine revving and insults yelled as we spoke. |
| 13 | GF  | Came from Florida a few years ago. Swept from Wallace Marine Park, then Arches. Now staying by Rite Aid.                                                                                                                                                                                                                                                                | Looking for work, but it's hard when you don't have a place to keep clean, and when you risk having your things stolen whenever you leave your spot.                                                                                                                                                                                         | none                                    | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                          | Would love to have a place to live. Struggles with fear of germs so avoids temporary shelters.                                                                                                                                                                                                                                                                                                                                       | Nowhere to go.                         | Struggles with fear of germs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                 | Ongoing engine revving and insults yelled as we spoke. |
| 14 | JL  | Homeless about three years, after a divorce. Swept from Wallace Marine Park, then Arches. Now staying by Rite Aid.                                                                                                                                                                                                                                                      | Was a computer programmer, earning over \$50k/year. Did gig jobs intermittently after that. Looking for work, but it's hard when you don't have a place to keep clean, and when you risk having your things stolen whenever you leave your spot.                                                                                             | SSDI, but wants to get off of benefits. | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                          | Can't go to UGM because they won't allow his dog. Would love to use a warming center if it was closeby and if it was not violent.                                                                                                                                                                                                                                                                                                    | Nowhere to go.                         | Diagnosed as bipolar, manic depressive, PTSD, social phobia. Can do ok in small settings if people can be slow at explaining things.                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                 |                                                        |
| 15 | JG  | Served 8 years in prison. Released here. Has family in McMinnville but also has bad influences there, and wants to stay clean and sober and out of trouble.                                                                                                                                                                                                             | Did construction work in the past. Would love to work. Just got ID, so he can look for work now, yet it will be hard when he's unsheltered and has no one to watch his stuff. Also needs tools and a vehicle first, if he goes back to doing construction work. Willing to do other things but doesn't know what, or how to figure that out. | Only SNAP                               | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list.</b>                          | Tried UGM, but too many drugs and sex offenders. Would use warming centers if it was closeby and had capacity for most people to stay there. Too hard to pack up and travel far for a center that has low capacity, sicne you might not get in. Wishing First Pres was open.                                                                                                                                                         | Nowhere to go. Neighborhood somewhere? | Prison record. Might have warrant for tresspass failure to appear.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Cops have not bothered him. He keeps his spot clean and tries to clean up after others as well. |                                                        |
| 16 | N   | 6 years homeless, on and off, sometimes couch surfing. In Salem 1 1/2 years or so. Homeless because he aged out of foster care - when parents no longer received checks for having him, they kicked him out. Says he was a bad kid, so he understands. Swept from Wallace Marine Park, Minto Island, Arches. Wallace was hard, but it taught him how to be his own man. | Odd jobs, bartending, welding, cooking, working with kids, security work. Likes working - it's good to feel like you earned your way and don't need to resort to stealing food to survive.                                                                                                                                                   | SNAP                                    | Wants to try Arches but has hit so many dead ends, he's scared to try again. (Encouraged him to try.) | Wants a place to live. Tired of being cold, tiered of smelly feet and street drama. VERY affected by his girlfriend being raped, so wil not go to shelters where child molesters might be. Would go to warming centers if they are closeby and they are likely to get in. Too much risk to travel far to probably be turned away at shelters that have low capacity. Won't use UGM mats because he won't leave his girlfriend alone. | Nowhere to go. Neighborhood somewhere? | His birth certificate has an error, so he doesn't have an ID. Initially shared that he only is addicted to cigarettes. Later in the conversation, he shared that he lied - he also struggles with meth since he was 18. He's 24 now. I was honored that he decided to trust me, yet that was luck. Shows how initial conversations might not reflect accurate info until we earn some trust. Meth was a step "up" - better self-medication than the cutting and burning himself that he had been doing. |                                                                                                 | Ongoing engine revving and insults yelled as we spoke. |

## Outreach to downtown campers 2/2020

|    | Who | Journey to here                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Job history                                                                                                                                                                                                                                                                                                                                                                                                             | Income?                                               | Services?                                                                                                                                                                                                                                                                                                                                         | Would person accept shelter?                                                                                                                                                                     | If sit-lie passes...                   | Barriers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Miscellaneous                                                                                                                                                                                                                                                                                       | Other interactions                                     |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 17 | M   | 3 years homeless, on and off, sometimes couch surfing. Raped repeatedly by her dad, and then by her stepdad. Her mom kicked her out when she told about the rapes. Her mom was mad that her story put her younger kids at risk of not having their dad around. The dad spent six years in prison for the rapes, but he will be out soon and she is terrified she might see him. She blacks out when the memories happen. Swept from Wallace Marine Park - woke up one morning with a forklift two feet from her head. Stayed at Arches till she was swept from there. | Worked at a nursery at her church for a while. Worked at Wendy's for 8 months, till her mom was hired there as a manager and fired her - still mad that she reported her stepdad raping her. Applied at Taco Bell. LIKES working - it's something productive to do. Only has a wifi phone, so it's hard to get wifi and it's hard to search for work.                                                                   | Had SNAP benefit but needs to re-apply                | Wants to try Arches but has hit so many dead ends, she's scared to try again. (Encouraged her to try.) Had a caseworker at HOAP when she was 15 due to domestic violence at home. Thinks she might try to connect with them for a caseworker now. Her brother got a place 2 weeks after he was assessed by Arches, so she is thinking about that. | Wants a place to live. Would go to warming centers if they are closeby and they are likely to get in. Too much risk to travel far to probably be turned away at shelters that have low capacity. | Nowhere to go. Neighborhood somewhere? | Diagnosed with multiple personality disorder. Initially shared that she only is addicted to cigarettes. Later in the conversation, she shared that she lied -s he also struggles with meth. I was honored that he decided to trust me, yet that was luck. Shows how initial conversations might not reflect accurate info until we earn some trust. Has a bad knee and some medical and court appointments and it's hard to show up for those appointments. Has used meth for 5 years, but she is clean for 2 months now! Yet she is tired when she's clean - meth got her motivated, including motivated to look for work. |                                                                                                                                                                                                                                                                                                     | Ongoing engine revving and insults yelled as we spoke. |
| 18 | A   | Grew up in Salem, had jobs, a place to live, a wife, 2 kids. Then lost both his parents and he was devastated. Began drinking and drugs to cope. Divorce, and then homeless. Swept from Wallace Marine Park and then Arches. Staying by Rite Aid now.                                                                                                                                                                                                                                                                                                                 | Managed adult foster care home for 4 years. Looking for work now. He is clean and sober but he's on a Methadone program, and that makes it hard to find employment since many employers test for drugs and Methadone counts as a drug. Will figure it out somehow - he's just glad that his ex-wife and kids are doing well. He wants the best for them. Still hopeful - he's gotta catch a break sometime soon, right? | None                                                  | Arches for meals, day center, showers; HOAP. <b>Is on housing wait list for 2 years.</b>                                                                                                                                                                                                                                                          | Yes! Uses downtown warming center when it is activated. Didn't know of UGM mats.                                                                                                                 | Nowhere to go. Neighborhood somewhere? |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Keeps his place clean and cleans up after others. Would love trash bags to help with keeping things clean. It's hard to keep up with others' trash but he will keep trying!                                                                                                                         |                                                        |
| 19 | M   | Homeless for 5+ years in Salem. Usually stays downtown.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Conversation cut short                                                                                                                                                                                                                                                                                                                                                                                                  | Unknown - she says none, and also says \$1,500/month. | Arches for meals, day center, showers; HOAP. <b>Has a housing voucher but doesn't know how to get a place.</b>                                                                                                                                                                                                                                    | Yes! Uses downtown warming center when it is activated.                                                                                                                                          | Nowhere to go. Neighborhood somewhere? | Struggles with mental health and alternate reality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Has woken up to police shining lights in her eyes and ripping his covers off. One officer said they are pieces of shit scumbags.                                                                                                                                                                    | Ongoing engine revving and insults yelled as we spoke. |
| 20 | B   | Homeless since he was 18. He's 43 now. Served time in prison, yet otherwise has been homeless in Salem. Usually stays downtown.                                                                                                                                                                                                                                                                                                                                                                                                                                       | Conversation cut short                                                                                                                                                                                                                                                                                                                                                                                                  | None                                                  | Arches for meals, day center, showers; HOAP. Didn't know of UGM mats.                                                                                                                                                                                                                                                                             | Yes! Uses downtown warming center when it is activated.                                                                                                                                          | Nowhere to go. Neighborhood somewhere? | Conversation cut short.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Has woken up to police shining lights in his eyes and ripping his tarps off during the night. One officer laughs and calls him an idiot. Another officer said he can't stand them and they are less than human. Officers routinely kick his stuff as they leave, and threaten jail if he complains. | Ongoing engine revving and insults yelled as we spoke. |
| 21 | L   | From Salem, but moved to Portland for a while. Homeless in Salem for about 2 months. Rented a room in Salem; left because male roommates kept coming to her room. Has some long term rental history in the past.                                                                                                                                                                                                                                                                                                                                                      | Conversation cut short                                                                                                                                                                                                                                                                                                                                                                                                  | SSI \$771/month                                       | HOAP is helping her to find a place to live.                                                                                                                                                                                                                                                                                                      | Yes - wants a place to live.                                                                                                                                                                     | Nowhere to go. Neighborhood somewhere? | Was in the hospital for mental health. Not sure how that affects her ability to work or rent a place.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Police have not bothered her.                                                                                                                                                                                                                                                                       | Ongoing engine revving and insults yelled as we spoke. |

## Outreach to downtown campers 2/2020

|    | Who | Journey to here                                                                                                                                                                                                                   | Job history                                                                                                                                                                      | Income?                                  | Services?                                                                                                                                                                                             | Would person accept shelter?                                                                                                                                             | If sit-lie passes...                                     | Barriers                                                                                                                                                                               | Miscellaneous                                                                                                                                                                                                                                                                                                                    | Other interactions |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 22 | J   | Homeless in Salem for 4+ years. Usually stays downtown. Swept from Arches. Returned to alcove by Macy's.                                                                                                                          | Call center work in the past. Struggles with bad back and other health issues.                                                                                                   | None                                     | Arches for meals, day center, showers; HOAP. Didn't know of UGM mats. Yet needs to watch their property, so can't stay there. <b>On housing wait list. Name is finally up. Looking for apartment!</b> | Yes - wants a place to live. Has stayed often at First Pres when it is open. Now stays on streets to watch their stuff while his girlfriends stays at a women's shelter. | Nowhere to go. Neighborhood somewhere?                   | Health issues; possible struggles with addiction. (Based on observation, not his input.)                                                                                               |                                                                                                                                                                                                                                                                                                                                  |                    |
| 23 | JC  | Homeless in Salem for 4+ years. Usually stays downtown. Swept from Arches. Returned to alcove by Macy's.                                                                                                                          | Call center work in the past. Was hit by a car and injured. Struggles with bad leg, and a bad back and other health issues.                                                      | None                                     | Arches for meals, day center, showers; HOAP. Sometimes stays at SafeSleep. <b>On housing wait list. Name is finally up. Looking for apartment!</b>                                                    | Yes - wants a place to live. Stays at local female shelter. Has stayed often at First Pres when it is open.                                                              | Nowhere to go. Neighborhood somewhere?                   | Health issues/disability.                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                  |                    |
| 24 | A   | Homeless in Salem for 4+ years. Usually stays downtown. Swept from Arches. Returned to alcove by Macy's.                                                                                                                          | Worked at a school cafeteria for years. Couldn't make ends meet, so ended up homeless. Lost job due to homelessness - not being able to have regular showers and clean clothing. | None                                     | Arches for meals, day center, showers; HOAP. <b>On housing wait list. Approved to be a roommate with a couple. Looking for apartment!</b>                                                             | Yes - wants a place to live. Stays at local female shelter. Has stayed often at First Pres when it is open.                                                              | Nowhere to go. Neighborhood somewhere?                   | Health issues/disability.                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                  |                    |
| 25 | S   | Homeless in Salem. Has a brain injury and doesn't remember how she became homeless.                                                                                                                                               | Doesn't know.                                                                                                                                                                    | None                                     | HOAP is helping her to apply for SSI but she can't remember her birthday.                                                                                                                             | Yes - wants a place to live. Just found out about SafeSleep and she has been going there at night; downtown at day.                                                      | Nowhere to go.                                           | Brain injury                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                  |                    |
| 26 | T   | Not enough time to hear her story.                                                                                                                                                                                                | Has worked; is looking for work now.                                                                                                                                             | None                                     | Arches, HOAP, <b>on housing wait list.</b>                                                                                                                                                            | Yes - wants a place to live. On housing wait list. Recently comes to SafeSleep at night.                                                                                 | Nowhere to go in daytime when she doesn't have meetings. | Struggles with addiction BUT she is pursuing sobriety!<br><b>Goes to a ROCC and/or a recovery meeting almost every day. Has also been looking for work. Has a job interview today!</b> | Police shines light in his eyes as he sleeps. Goes through their stuff; tears tents and tarps up. Insulting them because they are homeless; says his goal is to get all homeless people out of downtown.                                                                                                                         |                    |
| 27 | M   | Homeless for 21 years - her mom kicked her out of the house when she was 10 years old. She's 31 now. Has lived in Salem all her life. Stayed on the tressel, woods, Wallace Marine park, Riverfront, Arches, and now by Nordstom. | Has epilepsy and grand mal seizures. Can't work.                                                                                                                                 | None. Applied for SSI. Appealing denial. | Arches, HOAP, <b>on housing wait list.</b>                                                                                                                                                            | Yes - wants a place to live. On housing wait list. Has used First Pres warming center when its open; tried Friends and CATP but there was not room..                     | Nowhere to go.                                           | Struggles with meth addiction, BUT is <b>4 weeks clean!</b> Feels better, but fatter. Doesn't like that part.                                                                          | Police shines light in her eyes as he sleeps. Goes through their stuff; tears tents and tarps up. Insulting them because they are homeless; says his goal is to get all homeless people out of downtown. Also shines a blinking light in her eyes. She says she has epilepsy - PLEASE stop that. He says "just close your eyes". |                    |



Outreach to downtown campers 2/2020

|    | Who | Journey to here                                                                                                                                                                                                                                                                              | Job history                              | Income?                                  | Services?                                  | Would person accept shelter?                                                                                                                                                                                                                                                                                                                                      | If sit-lie passes... | Barriers                                                                                                                                                                                                        | Miscellaneous | Other interactions |
|----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|
| 28 | J   | Homeless on and off for 10 years. Currently for 2 years after he was struggling as a single dad with his 2 kids. Kids are with his sister now, but he has not been able to get back on his feet. Stayed on the tressel, woods, Wallace Marine park, Riverfront, Arches, and now by Nordstom. | Has epilepsy. Has not been able to work. | None. Applied for SSI. Appealing denial. | Arches, HOAP, <b>on housing wait list.</b> | Yes - wants a place to live. On housing wait list. Has used First Pres warming center when its open; tried Friends and CATP but there was not room. <b>Did not know that UGM has emergency mats.</b> But will not stay at UGM. Tried UGM in the past and some men touched him inappropriately. Will not risk that again, and now he has a lady he will not leave. | Nowhere to go.       | Struggles with meth addiction, BUT is <b>4 weeks clean!</b> Feels better and healthier but has a tummy now.Attending recovery, anger management, art, and other meetings at ROCC, one metting almost every day. |               |                    |



November 20, 2019

**To:** City Council

**From:** Lynelle Wilcox, on behalf of the Homeless Coalition

Attached are 385 letters opposing the proposed sit-lie ordinance, and 2 letters that seem to support the ordinance. Of the 385 letters opposing the proposed ordinance, 20 are from individuals living outside the Salem area, so 365 reflect input from individuals in Salem.

I'd usually think that letters speak for themselves, yet skimming or reading so many letters may be daunting, and the letters are form letters, which can be easy to dismiss. So it seems important to share about the process we used to collect the letters, along with demographic data and transcribed comments from some of the letters.

**Process for collecting input:** When we first learned that the city was re-considering a sit-lie ordinance, many advocates conveyed strong opposition and opinions about that. Yet we wanted to make sure that concerns we share reflect the realities of unsheltered individuals who would be most affected if the ordinance passed.

We wanted input from people who are unsheltered. Initially, I went out with paper and pens asked people if they want to write their views about sit-lie. Yet living on the streets in survival mode, not knowing where you might sleep tonight, lacking the comforts of a table and chair and calm head space for writing, and leaning over a pad in the heat or the rain on a curb or a sidewalk somehow isn't conducive to writing. (*Who knew?*)

So we shifted to doing extensive outreach to ask for input and serve as scribes to convey people's views about the ordinance, and about how the proposed consequences would play out in real people, real lives, real hearts.

The outreach was done from a data collection perspective, with no attempts to influence anyone's views - we wanted to reflect accurate perceptions and responses without our own biases coloring people's input. We created the form letter only after we'd spoken to many, many individuals to collect their views, based on the input we gathered.

There are a few different version of the letter, yet they each convey the same main points and concerns.

**Process for collecting signatures and/or comments:**

- In sharing the form letter for people to consider signing, we always asked first if they were ok if we talked to them, and we respected any "no" without any pressure.
- We encouraged people to read the letter in full, or we summarized points verbally before the person signed.
- We encouraged people to cross out any sections that do not fit their views, and we encouraged people to also write comments, or to write their own letter, and we provided paper and pens for people to do so if they wished.
- We conveyed support of whatever perspectives fit them, whether they oppose or support the ordinance.
- We want a process that reflects integrity, so we did not accept signatures from anyone who seemed like they would sign anything we put in front of them, or from people who were not seeming to understand the letter.
- We shared the letter with individuals at Arches, UGM, HOAP, Marion Square Park, Lancaster Drive, South Salem/Commercial area, the Transit Center/bus mall, ROCC, Project ABLE, Inside Out, various meals for unsheltered individuals, and other events and areas, as we did outreach or lived our daily lives.

**Attachments:**

- **SUMMARY OF SIT-LIE CONCERNS**
- **DEMOGRAPHIC DATA**
- **TRANSCRIBED COMMENTS** - Comments that reflect ideas, and/or relevant details and context not contained in the form letter are transcribed in this summary. (*Relevance is subjective.*)
- **SIT-LIE OPPOSITION LETTER** - Actual signed letters are also submitted for public record, opposing the proposed sit-lie ordinance. The letter is attached here as well just in case letters get separated from this summary.

## SUMMARY OF SIT-LIE CONCERNS

### CONCERNS CONVEYED IN SIT-LIE OPPOSITION LETTERS

| Concept                                                         | Concerns/details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | # who conveyed this perspective |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Common ground                                                   | We all want sidewalk behaviors that enable clear and safe passage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 365                             |
| Effective strategies to address situations that sometimes occur | Relational strategies are happening and more are available; those strategies usually are effective.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 365                             |
| Accountability                                                  | <p>Unsheltered accountability: Focus on accountability of behaviors. Consequences already exist for inappropriate behaviors. <i>(Conversations about behavior accountability often conveyed that If there are gaps in laws to enforce appropriate behavior, fix <u>that</u>.)</i></p> <p>City accountability: There is lack of legal, safe, and dignified ways to meet basic human needs. <i>(Task Force recommendations are mostly unimplemented; some are happening in the future, yet that doesn't help anything now.)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 365                             |
| Why people sit/lie on sidewalks                                 | Resting on sidewalks during daytimes is more visible and safer. You walk a LOT when you are homeless; it's exhausting. Many people who sleep downtown are more vulnerable individuals. Many have been victims of multiple assaults, robberies, rapes. There is nowhere else to go that fits the ban hours; day centers don't have capacity to fit downtown individuals who are homeless.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 365                             |
| Sit-lie concerns                                                | <p>Sit-lie targets people who are poor, homeless, tired, and seeking safety.</p> <p>Sit-lie drives people away from services and into less safe areas.</p> <p>Sit-lie penalizes people for acts of living/basic human needs, and discriminates against people with disabilities.</p> <p>Sit-lie creates a status crime - criminalizing where people rest, even if behaviors are appropriate and passage is clear. Focus on behavior; not on sharing public space when people have no home for resting.</p> <p>Sit-lie ignores the lack of shelter space, the lack of day center space - especially for women, and the huge disparity in day center hours and ban hours. A city-wide ban leaves nowhere to go during ban hours.</p> <p>City Council meetings do not enable equitable citizenship. <i>(Unsheltered individuals may need to choose to have dinner or to attend a City Council meeting; they risk having property stolen when they are at the meeting, or they need to find someone to watch their belongings. Public forums did happen for sit-lie input, yet forums do not have the presence of the City Council to hear individuals' input.)</i></p> <p>Sit-lie's consequences further marginalizes people who are unsheltered, making it HARDER to move forward.</p> <p>Sit-lie does nothing to enable dignified, legal ways for people to meet basic human needs. <i>(Some options for meeting basic human needs were recommendations of the Downtown Homeless Solutions Task Force that have not been implemented.)</i></p> | 365                             |

### POINTS CONVEYED IN LETTERS THAT SEEM TO SUPPORT SIT-LIE

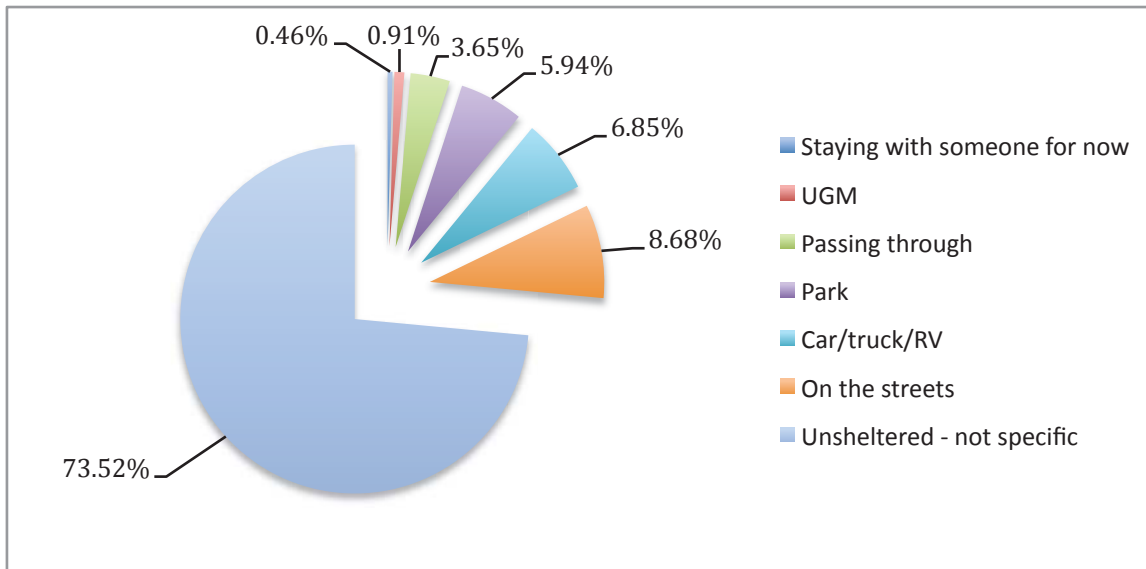
|                          |                                                                                       |   |
|--------------------------|---------------------------------------------------------------------------------------|---|
| Find appropriate shelter | Downtown homeless should find correct shelter.                                        | 1 |
| Sit lie targets behavior | Individuals are not targeted; sit-lie targets disrespectful attitude, littering, etc. | 1 |

## DEMOGRAPHIC DATA FROM LETTERS OPPOSING SIT-LIE

| Letters opposing the proposed sit-lie ordinance                                           | Sheltered                 | Unsheltered                                     | Unknown   | Subtotal    | Minus non-Salem signers | Total letters from Salem individuals |
|-------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------|-----------|-------------|-------------------------|--------------------------------------|
| <b>Letters submitted by groups:</b>                                                       |                           |                                                 |           |             |                         |                                      |
| Homeless Coalition                                                                        | 47                        | 0                                               | 0         | 47          | -1                      | 46                                   |
| Unitarian Universalist Church                                                             | 56                        | 0                                               | 0         | 56          | -13                     | 43                                   |
| HomeBase Shelters of Salem                                                                | <i>Letter coming soon</i> | <i>Will be in 2<sup>nd</sup> reading packet</i> |           |             |                         |                                      |
|                                                                                           |                           |                                                 |           |             |                         |                                      |
| <b>Letters submitted by individuals:</b>                                                  |                           |                                                 |           |             |                         |                                      |
| Letters submitted with comments<br><i>(comments all or partly transcribed in summary)</i> | 18                        | 52                                              | 0         | 70          | -1                      | 69                                   |
| Letters submitted with comments<br><i>(comments are not transcribed in summary)</i>       | 3                         | 41                                              | 0         | 44          | -3                      | 41                                   |
| Letters submitted without comment                                                         | 38                        | 126                                             | 4         | 168         | -2                      | 166                                  |
| <b>TOTALS</b>                                                                             | <b>162</b>                | <b>219</b>                                      | <b>4</b>  | <b>385</b>  | <b>-20</b>              | <b>365</b>                           |
| <b>Percent of total sit-lie letters opposing sit-lie ban</b>                              | <b>44%</b>                | <b>60%</b>                                      | <b>1%</b> | <b>105%</b> | <b>-5%</b>              | <b>100%</b>                          |

| Breakdown of unsheltered responses | Percent     | Qty        |
|------------------------------------|-------------|------------|
| Staying with someone for now       | 0.46%       | 1          |
| UGM                                | 0.91%       | 2          |
| Passing through                    | 3.65%       | 8          |
| Park                               | 5.94%       | 13         |
| Car/truck/RV                       | 6.85%       | 15         |
| On the streets                     | 8.68%       | 19         |
| Unsheltered - not specific         | 73.52%      | 161        |
| <b>TOTALS</b>                      | <b>100%</b> | <b>219</b> |

## Breakdown of unsheltered responses



## TRANSCRIBED COMMENTS

Some written comments are transcribed if the comments reflected ideas, and/or relevant details and context not contained in the form letter. (*Relevance is subjective.*) Some comments are also transcribed in order to make it easier to read the input.

1. A lot of the homeless people I know sleep on sidewalks because they feel safer out in the open. Safer from being robbed or beaten up or raped.
2. It affects everyone and myself because if there is any reason someone has to sit down for an injury or not feeling good, there's a chance we could get a ticket or whatever consequence may be put upon us.
3. We get pushed farther and farther away from safe places. I'm disabled senior. There isn't many safe places. I have been robbed and beaten a number of times. There is people that prey on us, not necessarily nomads either.
4. I live in camper with my disabled woman of 23 years. We would be devastated; should be about behavior.
5. We don't want to pay you to kick us out of public place when what we need is for you to pass program for property. We can't pay your fee and fines. Waste of time and funds could help all. One citizen of USA.
6. This will not work. It will cause chaos and more violence - pushing them out farther from help if and when they need it.
7. I live in a 19 foot camper with my partner of 23 years. I am one of the lucky ones who have a shelter for now. Please help people who need it most. God Bless!
8. I will keep short but basically the City of Salem needs to focus more on solving its homeless problem which I understand is a large one. Please spend less time trying to criminalize being homeless. I hope we will all just stay out of sight and therefore out of mind.
9. I became homeless, lost my house I was buying, after 21 years of driving semi-trucks due to medical condition which left me barely able to walk. It took years to get SS disability. My SS check makes it impossible to rent a house or apartment due to the cost of rent prices today. Took long to get Section 8 – on list for 3 years.
10. Give designated areas if you don't like how it looks in our city. It's only getting worse and more need of areas. Every state wastes so much money on useless events. Use that for toilets and trash collectors. Make it be kept clean. You need to experience it, try doing you car for three days; you'll have a different opinion.

11. Some people have sleeping disorders. For there people this would be a bad law with certain of these disable people have no choice where or when they fall asleep and this law would make it illegal for them to go anywhere or do anything.
12. The city needs to work more with the homeless and not against us.
13. Homeless need to have a safe place to rest and a lot of times daylight hours are safest time to do that.
14. Keep people safe; get homeless off streets. Congress has to act now.
15. 9 hour surgery; 13 day hospital; 13 rounds chemo; finished this 1 year ago; stage 4 colon cancer.
16. As a female that is homeless oftentimes I myself or other women I know who are homeless are alone and don't have a man with us to protect us. To sleep outside anywhere without any kind of coverage like tent is extremely dangerous. I have (as many women have) experienced the horrors of being raped many times since having been forced into homelessness 3 years ago.
17. Some of the homeless cannot get around to get out of the city limits. The weather is harsh on older ones and they need their tents to get out of the danger of exposure.
18. I sit outside to wait for lunch or dinner and I sleep on the sidewalk while I wait for housing. I'm disabled and recently broke my hip and use a walker so I don't get around very well.
19. Why is it illegal for this 30 year old vet to just live.
20. Homeless would not be able to rest. We don't have homes, don't have jobs. We get harassed every day by the people and cops. Instead of bugging us and arresting us for sleeping or sitting, start cracking down on drug users or life threatening crimes.
21. I believe this ordinance will just upset or hinder homeless people more than they already are. This will only cause more resentment and spite among the homeless because as this opposition (letter) states, we have nowhere to go. Ultimately this will only lead to more wrongful arrests because now the hours of 0700 to 2100 the police have a municipal citation to legally cite and/or arrest you.
22. Homeless need a safe place to sleep and rest in the day time.
23. I being homeless myself, it difficult just to survive with bare minimum. Salem is not homeless friendly, if you could find a place we could be it would be different. ODOT had plenty of money to provide dumpsters, porta potties so there would be less clean up.
24. I generally don't spend much time in central areas of Salem but I do understand both sides of the crisis. The biggest issue is the question presented: "where do you want people to be?" That answer for many is unfortunately "somewhere else"!! Salem being the capitol hosts many VIPs and our homeless crisis is not what the city wants them to run into face to face. Involving homeless in planning and restoration is a great start.
25. This ordinance will not fix it.
26. I think it's a great idea to stop this. It will be too costly and too much time for our police force. Thank you.
27. Provide tables (fixed to sidewalk) and chairs in designated areas such as the park in the areas where the homeless are fed.
28. Those at the Mission cannot be inside 24/7 and are required to leave during certain times with nowhere to go but out into Salem streets.
29. Some people don't have enough money for a place to stay. Some places like missions kick people out for no reasons and don't have enough beds for the growing homeless community. I feel we should have more missions and places for the homeless that won't kick them out for ridiculous reasons.
30. The only issue should be garbage or being in others' way.
31. Was a nurse for most of her life. Husband was a successful property manager. She went blind. He developed cancer and cannot work. Also hesitant to leave her alone since she can no longer see.



32. This would affect a lot of good people in the community. I know these people contribute more to the community than people would ever believe.
33. This ordinance is by far NOT the answer. Once homeless or forced into homelessness the only way out is having help financially, mentally, and/or a place to go at night. Community means a group of people coming together to help others. History always repeats. I am one of the leaders at Church at the Park. Our mission is to help provide relief from hunger through shared meals. Input: Arches could set up safe place to store (like warming centers).
34. Get people who stay at such places, such as Cascade Park, involved in the care and upkeep of the area. Most people would gladly participate in this. People who are pitching tents on the sidewalk are being rebellious jerks. They could find somewhere better to be. You never feel completely comfortable anywhere though because you could be told to leave any time.
35. It would cause people to be less calm and more violent towards normal people.
36. Unfair to homeless. What if YOU were homeless?
37. I am concerned, if this passed, that it would make life more difficult for the homeless in Salem, as would finding somewhere to stay even more difficult. Police and some citizens have been driving the homeless from their camps, prosecuting for trespass, and harassment despite not being provoked. I am worried about my future and my homeless friends in Salem. We need a safe sustainable environment to live in without fear or reprimand or judgment. Thank you. Additionally, I work full time and have been driven from 4 camps. I need somewhere safe to sleep at night.
38. All the shelters you guys think is overnight... well you are wrong because there is a waiting list. I'm worried and stressed for my girlfriend that is pregnant ... These shelters help with only food, water, showers.
39. We need to concentrate on real drug habits and neglected mental health....
40. It would take me away from the downtown where I need to see the food I need and the resources I need to find a place to live.
41. I've been homeless for six years. I have been attacked, robbed, and two tents destroyed. The police are overwhelmed and out numbered. We try to watch out for each other but we cant' be everywhere either. Some work, yet even then, we can't afford a house/apartment.
42. We feel this would not be a good idea to send the homeless from downtown Salem without giving the homeless another place that they can gather at and find shelter and cool places.
43. This is an opportunity to make a difference for a growing homeless population. We need to find solutions that will help people who are already suffering, not torment them by making it impossible to survive with physical and mental well being intact.
44. HOAP, Arches, other places to go are very, very crowded and hard to relax at.
45. Maybe there can be designated areas for the homeless to sleep and rest? Walking everywhere in the heat is bad for anybody. People who are unfortunate to not have anywhere cool in the heat to rest I've seen more hospital visits from the homeless. There is always a few bad eggs in any part of society. But sometimes when incidents happen it's because they have mental health problems.
46. Many people walk throughout the day and need to rest. The sit-lie ordinance would prevent us from being able to do that. More than the homeless, but everyday people and families. Try opening public parks away from schools and/or church to allow our homeless population a place to be during the day until night fall.
47. Need to make more public restrooms and more housing little by little we are being restricted. The police are abusing any authority given to them.
48. Everybody deserves the right to sit down and rest. The homeless are without a home so they have no choice but to be outside and previously sit and or lay where they can. I'd like to see a common ground
49. Will create more problems. Unconstitutional. Not in my city of Peace!

50. We need to improve low income housing, not restrict those who can't afford to change their situation.
51. I have many friends and peers in the community that are "homeless". I don't think setting stricter rules on where a human is in their life and where they can be is the solution; I think we should focus more on the safety of downtown and treating those in a situation we've never been in with more respect and understanding.
52. Where do the homeless go? The shelters can only take so many. You need to come up with something.
53. What if it's already been done. Been there, done that. Doesn't work.
54. I think it is not right for you to tell the homeless that they can't be here. They are people too. Stop trying to push them out and just try to help them.
55. The need for shelters and affordable housing is at an all time high. Something needs to be done now.
56. Why isn't the old Fairview Training Center open for the homeless? What a waste of building just sitting there.
57. I'm not homeless, however I'm elderly, dress mostly in 2<sup>nd</sup> hand clothes, get tired, get sleepy, and been mistaken for homeless. So if I nod off sitting downtown and not in time to be warned and excluded? This shows I think, that this ordinance would have unintended consequences.
58. The city needs to work on Housing First.
59. Hiding our homeless does not work.
60. Everyone has to sleep somewhere. I would like to see proactive plans in helping house homeless rather than taking punitive actions against them.
61. Not enough low income housing or places to hang out that are safe.
62. I feel that it's wrong for you (City Council) to kick our homeless community out. They have no place to go! You need to put you or a family member in their place.
63. The amount of danger and assault that occur when pushing homeless people to less safe and visible places is terrifying. Please change zoning rules to allow leases to more than 5 people in single family zoning. This makes group housing programs difficult.
64. As someone who has been homeless, it is not an easy life. Through the ongoing support of Arches I was able to overcome. Now, I have stable housing my health is improving.
65. I have been homeless and nameless and have taken a break downtown just sit and been harassed for taking a break. And when I became un-homeless and rode my bike downtown, same thing happened again even just getting off a bus and shopping dressed nice, it happened.
66. Seems to support sit-lie ban: I would like to see sitting homeless in downtown Salem finding correct shelter like using and going to the UGM.
67. Supports the ordinance: I don't believe it's the individuals being targeted, but the disrespectful attitude they exhibit with littering, etc. etc.

July 2019

TO:

- Mayor, **Chuck Bennett**
- City Manager, **Steve Powers**
- Urban Development Director, **Kristin Retherford**
- Salem Police Chief, **Jerry Moore**
- City Council members: **Cara Kaser, Tom Andersen, Brad Nanke, Jackie Leung, Matt Ausec, Chris Hoy, Sally Cook, Jim Lewis**

**This letter is to convey strong opposition to the proposed sit/lie ordinance that would ban tents and other structures from sidewalks at all hours, and ban sleeping or laying on sidewalks and other public rights-of-way from 7:00 am to 9:00 pm throughout the entire city of Salem.**

**Common ground:** Businesses need to be easily and safely accessible for their customers to walk and shop freely. That common ground provides a basis for collaboration about what to do when inappropriate behaviors occur.

**Consequences ALREADY exist:** In general, unsheltered individuals who stay in downtown areas are people who are more vulnerable for theft and violence, so they opt for places that are more public and well-lit so they might be safer. Police already can act when there are inappropriate behaviors, so the means for consequences already exists.

Even with the intent for a sit/lie ordinance to focus first on warning, resource-sharing, and then exclusion, before further consequences may be implemented, a sit/lie ordinance creates more punitive consequences that will make it HARDER for unsheltered individuals to develop basic stability that is often necessary for moving forward.

**Basic human needs:** Being homeless involves a LOT of walking - to get to meals, showers, day centers, shelters, medical appointments, job preparation/job search meetings, service provider offices, etc. Walking everywhere is exhausting. Sometimes people really NEED to sleep, even in the daytime, because it's riskier and scarier to sleep at night. Sleep is a basic human need, and a sit/lie ordinance ends up targeting unsheltered individuals simply for trying to meet that basic human need.

Many people have no choice but to sleep outside - there are not enough shelter beds for the people who need them, and people also need some shelter from the elements as another basic human need. The proposed sit/lie ordinance is cruel - it will result in a lot of sleep deprivation, more stress and mental health struggles from constantly not knowing where you can go; it will lead to physical health problems, safety risks, and more people being raped and assaulted after being forced to move into unsafe areas. It puts many people's lives at higher risk.

**Nowhere to go:** Although more shelters and beds will be available in the long term future, for many people, there is no place to be. Arches closes at 3:00 pm; HOAP closes at 2:00 pm and both are closed on weekends (and some HOAP hours are women only); Salvation Army has guests leave soon after breakfast until dinner time. Most parks close in the evening, and parks are only a viable option in good weather. Since this proposed ordinance would apply to all of Salem, where do you want unsheltered individuals to BE between 7:00 am and 9:00 pm?

The proposed ordinance disables access to some basic human needs, reduces dignity, and doesn't allow for reasonable, compassionate existence of many people who have no home. It isn't acceptable

to criminalize existence, even if that is a result, and not an intent of the proposed ordinance.

**Disabilities:** Inappropriate behaviors often are a symptom of a health, mental health, or other disability, whether that disability is PTSD, trauma, addiction, anxiety, depression, cognitive, physical, or other disabilities. A sit/lie ordinance does nothing to reduce homelessness or inappropriate behaviors - health or disabilities cannot be cured via any ordinance. The proposed sit/lie ordinance solves nothing, and ends up discriminating against many people with disabilities.

**Inequitable input opportunity:** Many of us have concerns about the proposed sit/lie ordinance and would like to attend and possibly testify. Yet unsheltered individuals also need to eat, and City Council meetings are often at 6:00 pm - the same timeframe that meals are served at UGM and Arches. Yet even without a schedule conflict, it is too risky for many of us to leave our belongings for an extended timeframe to attend the City Council meeting. There needs to be a way for Individuals who will be most impacted by sit/lie consequences to safely participate in these conversations.

**Summary:** The proposed ordinance cannot resolve inappropriate behaviors, yet we already have consequences to implement as needed. The proposed ordinance significantly reduces safety and dignity; it discriminates against people with disabilities; it criminalizes aspects of existence; it creates more challenge and hardship for unsheltered individuals to meet basic human needs of having a place to exist, sleep, and have shelter from the elements.

**Alternatives:** Instead of the proposed sit/lie ordinance, what if the city:

- Encourages further collaboration to resolve occasional inappropriate behavior issues.
- Proactively seeks input from businesses, advocates, AND unsheltered individuals for the proposed ordinance, to enable equitable input opportunity and creative, collaborative options.
- Identifies short and long term options for legal, dignified ways to meet basic human needs of having a place to be, being able to sleep, availability of legal appropriate rest rooms, and shelter from the elements. How could we create that more positive future instead of criminalizing being homeless?

Please consider the alternatives.

Sincerely,

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Where do you live? \_\_\_\_\_

Comments/details about how the proposed ordinance would affect you and/or people you know:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Amy Johnson

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**From:** Lynelle Wilcox <lynelle@comcast.net>  
**Sent:** Monday, March 09, 2020 3:18 PM  
**To:** Chuck Bennett; Lynda Rose; Steve Powers; Tami Carpenter; Cara Kaser; Tom Andersen; Brad Nanke; Jackie Leung; Matthew Ausec; Chris Hoy; Vanessa Nordyke; Jim Lewis; Kristin Retherford; Jerry Moore; Kathy Sime; Dan Atchison; CityRecorder  
**Subject:** Public Testimony - Opposing sit-lie: It doesn't work  
**Attachments:** Does sit-lie work.pdf

A Berkely study proves that sit-lie doesn't work:

♥♥.\*\*\*.♥.\*\*\* ♥\*...\* ♥\*.\*\*\*.♥.\*\*\*.♥♥.\*\*\*.♥♥.\*\*\*.♥♥

the highest art is the art of living an ordinary life in an extraordinary manner.

and...

with our thoughts, we make the world.

♥♥.\*\*\*.♥.\*\*\* ♥\*...\* ♥\*.\*\*\*.♥.\*\*\*.♥♥.\*\*\*.♥♥.\*\*\*.♥♥

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of mlr2246@comcast.net  
**Sent:** Monday, March 09, 2020 10:28 AM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** Homeless in Salem.pages

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Your Name  | Mark Robinson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Your Email | mlr2246@comcast.net                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Your Phone | 503-364-5254                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Street     | 2246 27th Place NW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| City       | Salem                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| State      | OR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Zip        | 97304                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Message    | I was born in Salem three quarters of a century ago. Today, I am disappointed, frustrated, embarrassed, and rather angry that our city leaders appear to be incapable of solving our homeless problem. The answer does not lie in shifting groups of people from one side of the downtown streets to the other, while city workers clean up their filthy mess. There are workable solutions if we have the will and the leadership. Please read the attached document for a few pertinent suggestions. Thank you. |

This email was generated by the dynamic web forms contact us form on 3/9/2020.

## Amy Johnson

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**From:** SARAH OWENS <hlowens2@msn.com>  
**Sent:** Thursday, March 05, 2020 4:01 PM  
**To:** CityRecorder  
**Cc:** Michael Livingston  
**Subject:** Public Comment on Agenda Item 7.1a, File 20-101, March 9 City Council Meeting  
**Attachments:** Power to Punish.pdf

# Power to Punish: why Salem police don't need more discretion

By Sarah Owens and Michael Livingston

 **SALEM POLICE DEPARTMENT**  
**NOTICE OF EXCLUSION**

|                  |      |     |        |        |              |      |
|------------------|------|-----|--------|--------|--------------|------|
| NAME             |      |     |        |        | INCIDENT NO. |      |
| ADDRESS          |      |     |        |        | SIG/DOE      |      |
| CITY, STATE, ZIP |      |     |        |        | PHONE NO.    |      |
| SEX              | RACE | DOB | HEIGHT | WEIGHT | HAIR         | EYES |

**YOU ARE EXCLUDED FROM PEDESTRIAN WAYS & PUBLIC WAYS WITHIN THE FOLLOWING AREA:**

☐ **THE DOWNTOWN CRIME PREVENTION DISTRICT/SRC95.735:** Pedestrian ways and public ways within the geographic area bounded on the north by the north curb line of Union Street, on the south by the south curb line of Trade Street, on the east by the east curb line of Cottage Street and on the west, by the west curb line of Front Street.

☐ **THE NORTH SALEM CRIME PREVENTION DISTRICT/SRC95.736:** Pedestrian ways and public ways within the geographic area bounded on the west by the west curb line of Front Street NE, on the south by the south curb line of Market Street NE, on the east, the west side of the Union Pacific right of way between Market Street NE to the intersection with Silverton Road NE, continuing with the west curb line of Silverton Road NE to the east curb line of Hawthorne Avenue NE, continuing north to Hyacinth Street NE, on the north, the north curb line of Hyacinth Street NE to the Salem Parkway, bounded by the northwest curb line of the Salem Parkway to the north curb line of Tryon Street NE.

☐ **SALEM CITY PARKS/SRC94.210:** The following Salem City Parks \_\_\_\_\_

☐ **PARKING FACILITY/SRC102.150:** The following parking facilities \_\_\_\_\_

**EXCLUSION PERIOD AND DATE / TIMES:**

On \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ AM / PM, you were arrested or cited for the following offense(s):

|                                                         |                                    |                                    |
|---------------------------------------------------------|------------------------------------|------------------------------------|
| <input type="checkbox"/> VIOLATION / INFRACTION         | <input type="checkbox"/> SRC _____ | <input type="checkbox"/> ORS _____ |
| <input type="checkbox"/> CLASS "B" or "C" MISDEMEANOR   | <input type="checkbox"/> SRC _____ | <input type="checkbox"/> ORS _____ |
| <input type="checkbox"/> FELONY / CLASS "A" MISDEMEANOR | <input type="checkbox"/> SRC _____ | <input type="checkbox"/> ORS _____ |

☐ VIOLATION PREVIOUS EXCLUSION NO. \_\_\_\_\_ CLASS A MISDEMEANOR TRESPASS/SRC95.550

Your exclusion period is: ☐ 30 days ☐ 90 days

**NOTE:** If the above enumerated offense is a Class "A" misdemeanor or a felony, the period of exclusion stated below will be automatically extended for a period of one year, effective upon date of conviction.

This exclusion immediately begins on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ AM/PM and ends on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ 11:59 PM.

**VIOLATION OF THIS EXCLUSION NOTICE MAY RESULT IN YOUR ARREST FOR TRESPASS. YOU HAVE A RIGHT TO APPEAL THIS EXCLUSION. YOU HAVE A RIGHT TO APPLY FOR A VARIANCE FROM THIS EXCLUSION. SEE REVERSE.**

As the Salem City Council prepares to enact a sit-lie ban, two questions loom.

The second is whether the sit-lie ban will have the "teeth" Chief Moore says he needs to make the ban effective.

By "teeth" is meant a provision that allows police the power to exclude offenders



from the downtown core.\*

This post focuses on the second question, namely, whether police should have the power to exclude individuals for violating the sit-lie ban.

\*SRC 95.750 and 95.760 provide that Salem Police "may" exclude from the Downtown and North Salem Crime Prevention Districts anyone cited or arrested for any one of 57 different felonies, 34 Class "A" misdemeanors, or 47 Class "B" and "C" misdemeanors, violations and infractions (together referred to as "enumerated offenses"). The proposed sit-lie ban would be an infraction. Currently, the only infractions for which one may be excluded are SRC 95.610, "Prohibited Graffiti", and SRC 95.710, "Sports Activity Prohibited in Certain Areas."

Until recently, Salem police did not have a choice whether or not to exclude; the ordinance provided that anyone arrested or cited for one of the enumerated offenses "shall" be issued an exclusion notice. However, that was not police practice. As discussed in "[Downtown Exclusions Up 65%](#)", crime stats show that police did not follow the dictate of the ordinance, but did just what they felt like in the moment. Sometimes they excluded, sometimes they didn't.

Exclusions are effective immediately, and last either 30 days, or 90 days, depending on the severity of the offense. In constitutional terms, an exclusion notice deprives the recipient of a non-trivial liberty interest protected by the Due Process Clause of the 14th Amendment to the U.S. Constitution. It follows, therefore, that allowing Salem police unfettered discretion to exclude or not to exclude has two big problems: it substantially raises the risk of erroneous deprivation, and it violates Article 1 Section 20 of the Oregon Constitution. ("No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.")

For reasons that are not hard to guess, the City appears unperturbed by the prospect that its exclusion processes violate the civil rights of its citizens. After we pointed out multiple times to multiple individuals the discrepancy between police practice and the requirement to exclude under SRC 95.750 and 95.760, the City, rather than correct police practice, simply amended the code to read "may" instead of "shall," which just made the constitutional problem more obvious.

The City reported recently that police had excluded 80 individuals from downtown in recent weeks. One of those individuals appealed his exclusion notice, citing Article 1 Section 20 of the Oregon Constitution. The City withdrew the exclusion notice. As for the other 79, and all the others whom police may decide in the coming months to exclude, well, that's their problem if they didn't (or don't have the wherewithal) to file an appeal or make the winning argument, because that's just how the City rolls.

“We ask them to regulate behavior that may inadvertently create some risk to the public; to deter chronic low-level misconduct that doesn’t rise to the level of criminality; and even to be our primary — and maybe exclusive — agent for dealing with people with substance abuse problems, the mentally ill, and the homeless.”

-- Gerstein and Preston, *Process Costs and Police Discretion*

In a 2015 *Harvard Law Review Forum* comment titled "[Process Costs and Police Discretion](#)", Charlie Gerstein and J.J. Preston argue that substantive law is mostly irrelevant to the matter of police discretion involving low-level or "public order" offenses, because process costs -- to the system and to the accused -- are such that these cases rarely go to trial. "In practice," they say, "our criminal justice system primarily enforces public order prohibitions *prior to any conviction* by subjecting the accused to arrest, detention, and other legal process." (Emphasis added.) In other words, when it comes to low-level offenses, the punishment tends to be the process, and the process tends to be the punishment.

Police know this very well: to someone who's living on the streets, the prospect of receiving a citation is not much of a deterrent. That's why Chief Moore and Mayor Bennett want police to have discretion to exclude, or at least arrest, to punish violations of the sit-lie and camping bans. The City Attorney believes arrest would be unconstitutional under [Martin v. Boise](#) ("an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them"), but he sees no problem with punishment by exclusion, because it's not a "criminal" sanction.

For weeks, Bennett has been signaling that he intends to push to give police greater enforcement powers over the sit-lie and camping bans. He wants to punish, and he isn't the only one. In the words of one downtown business owner, "[b]y continuing to advocate for these people, instead of punish them, we give them more leniency to destroy our streets and sidewalks." Woodworth, W. "[Modified sit-lie proposal gains favor with Salem councilors, with restrictions.](#)" (24 February 2020, *Statesman Journal*).

Bennett wants Council to give police the power to exclude, which brings with it the power to enforce the exclusion by arrest for criminal trespass. Bennett sees no

distinction between sitting, lying and camping on public property and other public order or “quality of life” offenses. Thus, he sees no problem with enforcement of these ordinances being ["almost entirely outside the shadow of substantive criminal law and almost entirely within the discretion of the police."](#)

But there is a problem: sitting, lying and camping are different. Police do not need to enforce the prohibitions on these activities prior to any conviction to "maintain order" or "keep the peace", which is generally understood to mean ["controlling or interrupting low-level misconduct and disrupting potential short-term violence."](#) The only reason police are left to regulate such activities at all is because, in the words of Mayor Bennett,

[W]e can't meet the need for the folks down there with the right kind of place for them to go...I understand that a lot of this comes from trauma, and mental health issues, and serious addiction...and I don't disagree that that's that's the problem.

Punishing sitting and lying and camping with exclusion and the heightened likelihood of arrest will not prevent crime. It only will punish acts of living in the streets.

Sitting, lying and camping are, or would be, mere "infractions." When, if ever, is it appropriate to punish infractions with exclusion and the heightened likelihood of arrest? How often have police excluded for SRC 95.610, "Prohibited Graffiti" or SRC 95.710, "Sports Activity Prohibited in Certain Areas"? Probably not very often, if at all.

The fact is, in part because police have *disobeyed* Council's previous dictates (i.e., SRC 95.750 and 95.760 prior to amendment), Council has *no idea* who police are, and are not, excluding from the crime prevention districts, or for what crimes or infractions. It also has no idea how often variances are granted or for what reasons, and no idea how often variances or exclusions are violated or how many arrests occur as a result. Most importantly, Council has no idea whether crime prevention districts, in fact, prevent crime and every reason to suspect that the exclusion process fails to satisfy either due process or fundamental fairness.

Given all the above, it makes *no* sense, and would be nothing short of irresponsible, for Council to allow police unfettered discretion to punish people who are merely sitting, lying or camping downtown with exclusion and the heightened likelihood of arrest, simply to prevent them from committing further acts of living, and without so much as a pre-deprivation hearing. And, if Council *does* decide to allow police such discretion, good luck convincing the courts that such punishment doesn't violate the 8th Amendment of the U.S. Constitution because the City Attorney maintains it isn't "criminal."

**Amy Johnson**

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**From:** SARAH OWENS <hlowens2@msn.com>  
**Sent:** Monday, March 09, 2020 12:54 PM  
**To:** CityRecorder  
**Cc:** Michael Livingston  
**Subject:** Written Comment for 3/9/20, File 20-101, Ordinance Bill 6-20  
**Attachments:** Owens-Livingston Written Comment.pdf

The comments offered in opposition to sit-lie in 2017 still apply in 2020, and are offered for the Council's consideration.

# Council Kills Sit-Lie after Public Hearing

By Sarah Owens and Michael Livingston

Updated. Originally posted under the title, "Salem's Deceased "Sit-Lie" Ordinance."

Following a public hearing where comment opposed the ordinance bill 21:1, the City Council rejected the bill and authorized the Mayor to create a task force to "study homelessness." [AP/Seattle Times picked up the story of the bill's defeat](#) from the *Statesman Journal*. Find the podcast of *Willamette Wake Up*'s report on the September 25 City Council meeting [here](#).



Nick Williams

Nick Williams, Ward 8, CEO of the [Salem Area Chamber of Commerce](#), was the only member of the public to speak in favor of Ordinance Bill 22-17.



Sam Klausen

Sam Klausen, Ward 5, who co-owns a downtown business with her husband, daughter of a former city councilor, and someone who's lived her whole life in Salem-Keizer, was the first to comment, and first to comment on the ordinance bill. She was against it.

Clausen said, "to hear that my city is considering a proposal that targets and dehumanizes the most vulnerable part of our population is gut-wrenching. I want to be proud of where I live, but for the first time in my life, I'm embarrassed by the reputation my city is building."



Dale Hendrick (sp)

A first-year law student, Clausen spoke of a case out of California involving prohibitions on car-camping that her classmates talked about "for weeks." She said, "the case felt like an historic discriminatory event from the past, and only a few weeks after reading this case, the past became the present -- and in my community. Please don't let this be my future."

Clausen was followed by Dale Hendrick (sp), Ward 3, who said the ordinance did not make "moral or fiscal sense." He wanted to know if the City had considered "other solutions", and characterized the ordinance bill as based on "discriminatory, anti-homeless, anti-veteran" policy, adding that the ordinance was, in general, "anti-human."



Caleb Hayes (sp)

"I want people to be welcome here, and this [ordinance bill] does not do that", Hendrick said, adding, "It's couched in the language of public safety, but in reality it's an attempt to sweep the serious issue of homelessness under the rug." "This is a heartless waste of resources", he said.

The next to comment was Caleb Hayes (sp), Ward 2, who advised the Council that the proposal will waste resources *and* be challenged. "This is the wrong approach", he said, offering arguments against the bill from the right, left, and civil libertarian viewpoints. He argued also for the City to adopt a Housing First approach, and for efforts to create "real solutions to the problems of homelessness."





Britta Franz

Britta Franz also spoke against the ordinance bill. "Stop it tonight. Don't have a hearing. You've heard enough." She also advised the Council to involve the wider community in finding solutions: "I invite you to truly take care of our people, [to be] our conscience. We need your leadership. Homelessness cannot be solved at City Hall. The people are ready, ask us to get to work."



Linda Beir (sp)

Linda Bier (sp), Ward 7, spoke in opposition as well, characterizing the ordinance bill as inhumane and "a waste of our funds."

Micky Varney, Ward 8, expressed concern about the ordinance, saying she had recently heard MWVCAA's Jimmy Jones speak about the extent of the problem with homelessness in the local area. She told the Council that the ordinance bill discriminates against homeless individuals, and attempts to "sweep the problem under the rug", which she said was "unacceptable. We can do better." She urged the Council not to support the bill.



Trevor Phillips

Trevor Phillips, Ward 3, ER physician, present to speak in favor of the "child-friendly city" motion, said he felt compelled also to speak against the ordinance bill. "I feel like the Tale of Two Cities. We're about to be the state leader in an amazing initiative to empower kids...but let's end this discussion [about the ordinance bill]. It's not the fault of the homeless that they're homeless. I can't be more eloquent than the words of Councilor Chris Hoy. Criminalizing the human condition won't make it better", he said.



Michael Slater

Michael Slater, Ward 7, asked the Council to vote against the ordinance bill, and said he wanted to echo what Dr. Phillips had said about Councilor Hoy's remarks, which he characterized as "a great act of leadership."



Nancy Baker-Kroft

Nancy Baker-Kroft, Ward 1, spoke emotionally against the ordinance bill, and about her personal experiences with homelessness and the barriers people experiencing homelessness face.

Nick Williams (photo at top) said earlier that afternoon, he "took a little trip downtown, and talked to some folks in business" and asked them "about their experiences with our downtown homeless population...In every circumstance, there was compassion, and the overwhelming feeling that Salem can do a lot better...but to not do anything is not acceptable." He said they all asked what they could do, and he told them, "Come to City Council tonight." They wouldn't do that. "Anything else?", they wanted to know. The closest Mr. Williams came to endorsing the ordinance bill was to say, "Thank you for trying to do something. To do nothing is not acceptable."





Julie Eaton

Julie Eaton, Ward 3, said she "strongly opposed" the ordinance, which she thought was unconstitutional and, "more importantly, cruel." She said Councilor Hoy's Facebook post about "criminalizing the human condition" had motivated her to come down and speak out. She said she was really curious to know who "the staff is who brought this up...how do you get that job?", and that she "really hope[d] this ends tonight."



Joyce Judy

Joyce Judy, Ward 5, speaking about the ordinance bill, said she was "really angry about it." She did not understand how, given the strong support for the homeless reflected in the City's strategic planning process, that staff would take it upon themselves to develop a sit-lie ordinance without first "taking the pulse of the Council on this issue. Clearly, this is a flawed ordinance, and one that the people of Salem are against. Please drop this ordinance, and find a better solution that doesn't criminalize homelessness."



Pamela Lyons-Nelson

Pamela Lyons Nelson, Ward 1, said she'd lived in Salem over 40 years, and in the same house on 21st Street

NE most of that time. She spoke against the ordinance, which she considered both inhumane and ineffective. She said there were many in the community who agreed with her view, and that she'd not heard anything about the ordinance, except a "hushed horror that this is even happening in our community." She challenged the notion that residents feared those living on the streets, as opposed to being merely uncomfortable in their presence as a consequence of "their own preconceptions about who these people are." She said Salem needed "a comprehensive, community-wide plan to deal with homelessness in every aspect."



Lorrie Walker

Lorrie Walker, Ward 2, said she thought the ordinance bill was "just plain wrong ...I just can't even believe it's something that would be considered." She said Salem needed to do something that's really going to help people experiencing homelessness, and not put the problem where no one can see it.



Carrie Elmore

Carrie Elmore, Ward 1, grew up in Salem, and is a law student at Willamette University who'd been working on the child-friendly city initiative, but wanted to speak about the ordinance bill. She said if the Council advanced the ordinance bill, it would be only a matter of time before it was declared unconstitutional, so it would be a waste of time and resources. It would also push people in need away from services.



Gordon Roth

Gordon Roth, Ward 5, also a WU law student, also there to support the child-friendly cities initiative, said he felt compelled to speak about the ordinance bill. He said the bill was anti-homeless, and, as "the homeless are us", it was also anti-elderly, anti-child, anti-veteran, anti-disabled, anti-mentally ill, etc. He pointed out the contrast between the one person who spoke tepidly in favor of the ordinance [Nick Williams], versus the passion of those speaking out against it. He said the latter were all saying, in essence, that human dignity is more important than "aesthetics or profits." And, the fact that the Council was trying and failing to help people get off the streets does not mean they have permission to enact laws that attack and target the most vulnerable among us. He urged the Council to vote no on the ordinance bill.



Rebecca Larson

Rebecca Larson, Ward 7, also a WU law student, also there to support the child-friendly cities initiative, urged the Council not to support the ordinance bill. "It doesn't make sense", the homeless are vulnerable, just like the children, so if we believe in protecting the children, we should not criminalize homelessness.



## Audrey Schackel

Audrey Schackel was ready to assume the Council was not going to enact the ordinance, and wanted to talk about the City doing more to improve toilet facilities for the homeless.

Ken Hetsel, Ward 3, likewise spoke about the need for toilet facilities for the homeless.



Ken Hetsel



James Cox

James Cox spoke about his desire to find practical ways to help meet the basic needs of his homeless neighbors.



Jamie Brasington

Jamie Brasington said she was there as a survivor of childhood homelessness, and said "the divide" between the City's child and homeless policies -- thinking of homelessness as an adult issue -- was just silly.

Homelessness is not a choice, she said, and the City should not criminalize it.



Pamella Watson

Pamella Watson, the last of the public to speak, echoed the sentiments of the previous speakers, and called on the City to take a leadership role in addressing the problems of homelessness in the City.

Finally, three hours in to the evening, the Council reached Ordinance Bill 22-17, and the Mayor called on Chief Moore to tell the Council "what this ordinance says." The Chief then spoke for several minutes, in an effort to reassure everyone the ordinance was not what everyone thought it was.



Chief Jerry Moore

The Chief said much thought had gone into drafting the ordinance, and that he'd heard nothing new in the evening's public comments. He spoke in general terms of the complaints the Department had received over the years (making no mention of pedestrian safety), and how his officers have for years worked to connect people to resources and services. He denied the ordinance criminalized homelessness, saying its purpose was to get people connected to services, while admitting, "of course, there is an enforcement equation in this, which is why a lot of people were talking tonight."

He spoke about having "empathy" for and responsibility to the members of the community who feel victimized. He said ordinances similar to the one being proposed "work fairly well" in other "major cities", which he did not name. About the notion that people's so-called fears of "the homeless" are based largely on

misconceptions, he said, without irony, that "perception is reality", meaning, people act on their fears, whether or not they have any basis in reality, and that's why the ordinance is needed.



Mayor Bennett

Ultimately, the votes were not there. The strategy to put Chief Moore's face on the ordinance bill was, in the end, just not enough of a selling point, and it didn't help that Chief Moore's not that good of an actor.

After much discussion, a motion by Councilor Andersen to reject the motion outright *and* authorize the Mayor to create a task force to "study homelessness" passed unanimously, with a caution from Councilor Kaser to narrow the scope of the task force to something deliverable. The Mayor asked to have a month to think about it, and report back with a proposal, which was agreed to.

So, Salem's nascent sit-lie law is dead, and another task force is about to be born. Let's hope this one delivers something real, however modest. Developing a standards and methods for responding to so-called "quality of life" complaints involving people experiencing homelessness would be a good start.

In December, the City Council repealed [SRC 95.560 \(Vagrancy\) by Ordinance 25-17](#), effective 1/1/18. See ["DHSTF misled on need to 'repeal codes'."](#)

## Amy Johnson

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**From:** noreply@cityofsalem.net on behalf of salemrmcf@gmail.com  
**Sent:** Sunday, March 08, 2020 11:40 AM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

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| Your Email | salemrmcf@gmail.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| City       | Salem                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Message    | <p>Dear City Council, It is my understanding that you are deciding on sit lie ordinance this coming week. I am not sure if you have been downtown near Rite Aide but it is absolutely disgusting and looks likes the city dump. At this time there are now structures and tents put up and the police are doing nothing. I am strongly recommending that the city not only pass a sit lie ordinance but that it have some teeth to be enforced, not just a warning or directive to please move. As a struggling business owner, we do not have time to wait for months or years for day use or shelters to come about. This is not an acceptable plan for an immediate problem. The reality for these folks camped downtown is that they do not want to become pro-social members of society regardless of what they may verbalize. If they wanted to change they would. I witnessed them for some time this weekend from across the street and observed blatant littering, throwing items into the street, and making no effort to have any form of order or cleanliness. Of course they ensure they have cigarettes to smoke and cell phones to play on all day. This substantiates that they have no desire to live pro-socially regardless of where they go or what opportunities they may have. It is respectfully recommended that the city take immediate and firm action to address this behavior and protect the majority of citizens who are contributing to the well being of our community. Thank you.</p> |

This email was generated by the dynamic web forms contact us form on 3/8/2020.

March 8, 2020  
K. Rogers – NE Salem

### **Salem City Council Meeting, March 9, 2020**

Mayor Bennett and the City Council;

Re: Sit/Lie restrictions in downtown Salem

I support the Sit/Lie restrictions to be imposed on downtown Salem to create a cleaner, more safe environment for the citizens of Salem.

I also support Section 5 – Emergency Clause - Ordinance Bill 6-20

Although I generally believe the Emergency Clause is overused by State Legislature, Marion County governing body and possibly the City of Salem, I do believe an emergency exists in this case to preserve the public safety and health of the community.

I agree with A Scott 's testimony regarding the types of homeless in Salem:

- People who need a hand up to get back on their feet and move forward,
- People who are homeless due to mental or physical illness/disability
- People who are chronically homeless and refuse to move forward to better themselves.

Mr. Scott referenced The Eugene **Nightingale Hosted Shelters** which is worth looking into for homeless living accommodations. [https://nightingaleshelters.org/?page\\_id=551](https://nightingaleshelters.org/?page_id=551)

Albany is addressing homeless problems as well.

Taken from the full letter link below by Sharon Konopa, Mayor of Albany:

*By summer of 2018, it seemed Albany was seeing a rise with people arriving in our community for assistance. This is great in how Albany is proactive in addressing homelessness, but it does bring on challenges. Signs of Victory finalized the renovation of its shelter to provide beds for 100 people in July 2018. One week afterward there were nine homeless people who arrived from Portland and Washington. By summer's end, there were many arriving from out of state and the shelter was quickly becoming full. Early March 2019, I met a visitor at one of our meal sites who just came to Albany a few days prior from Montana. This is frustrating to the many advocates helping the homeless because they can't reduce homelessness when people are continually move here to seek assistance because of their lack of housing.*

<https://sharonkonopa.com/wp-content/uploads/AlbanyHomelessProgram2019Update.pdf>



This homeless behavior cannot continue in Salem. By little to no action we are quickly becoming a smaller version of Portland and Seattle. Please watch the KOMO documentary titled: *SEATTLE IS DYING*.

File 2—101 from March 9<sup>th</sup> meeting:

I appreciate the ideas under facts and findings regarding shelter. I do not agree with extending the hours of Arches. The costs of these proposals at Marion Square Park is entirely too expensive including the restroom situation given the vandalism that has occurred.

This community has more homeless people here than just locals. The city has been overrun by the homeless from other cities and states that are taking advantage of the giving nature of local folks.

I believe we should prioritize assistance to the homeless:  
Seniors, veterans, the disabled, and mental health issues first. Locals before transplants.

Tax payers cannot be expected to pay these costs.

***K Rogers***  
**NE Salem**

## Amy Johnson

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**From:** Pat Salazar <kintena67@gmail.com>  
**Sent:** Wednesday, March 04, 2020 5:55 PM  
**To:** citycouncil  
**Subject:** Homeless People

So the city of Salem, capital of the wonderful state of Oregon, is taking its time helping the homeless population. Veterans, mentally unstable, addicts, all human beings.

I've never seen our downtown area so depressed looking. I can't imagine what business owners are feeling. It's an embarrassment in so many ways.

It's a world wide problem and hard to solve. Are you reaching out to other cities that have had success in dealing with homelessness?

We'll be attending the next meeting and hope to see people that are serious about addressing this problem.

Pat Salazar

Sent from my iPad

## **Salem Human Rights Commission letter to Mayor and City Council**

*Regarding: the vote at the February 24, 2020 City Council meeting to direct staff to draft an ordinance related to the use of public sidewalks for its March 9, 2020 council meeting.*

The City of Salem Human Rights Commission is a group of community members that responds to human rights concerns and works to remove discriminatory barriers to help people fully experience the life of the city.

As the Commission, our primary concern is to ensure that all people can access our city equitably. It is important to ensure that sidewalks are passable, clean and safe for all persons, including people with disabilities, people who own businesses downtown and for their employees.

As a Commission, we are concerned when there is action that would impact a specific group of people. Our primary concern is to ensure that all people can access our city equitably and to their full capabilities. The proposed sit-lie ordinance would prevent one specific group from being able to do that.

Currently, people sit on the sidewalk because they have nowhere else to be. Most, if not all, housing and homeless resources exist downtown. Our unsheltered neighbors are fed by services that are downtown. People lie and sleep on the sidewalk during the day because it is not safe to sleep at night. This ordinance will take away our neighbors' ability to do these things.

Should Council proceed with the ordinance, the Commission expresses appreciation for the inclusion of day space and restrooms. Additionally, the Commission respectfully urges:

For day shelters, that the space should:

- meet need, recognizing this is fluid,
- make barriers to entry low,
- be accessible to downtown, given the proximity to most services, and given that donated bus pass supplies run out quickly
- account for needs such as sleeping, recognizing that many sleep during daylight hours to stay awake at night, out of concern for their safety

For overall consideration:

- identify and name spaces that our houseless neighbors may access
- that secure storage be available
- that management of space include opportunities to resolve conflicts that may arise, especially as it conflicts with the proposed ordinance
- that all those in the community who can, and, those who enforce the ordinance, are trained in bias, discrimination, poverty, substance use, mental illness, and trauma

The Human Rights Commission is committed to researching any discriminatory barriers or perceptions of bias that may be interfering with accessing service. The Commission is committed to contributing to public education efforts affecting these topics.

The Human Rights Commission joins Council in efforts to make the City welcoming and inclusive to all people. The Commission appreciates the good works completed and underway, such as in making more affordable housing available and in the “housing first” evidence-based programs, like the Housing Rental Assistance Program.

As you know, people struggle with issues including disabilities and substance use. It takes time for the community to build the necessary treatment and support systems to meet the need. While we strive, as a society, to have these necessary elements available, we must find ways to balance harmony in the community with respecting the humanity of all. We welcome opportunities to engage in conversations with Council and the Mayor that may help reduce barriers for our unsheltered neighbors to access services.

## Amy Johnson

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**From:** J Stembridge <stembrij@yahoo.com>  
**Sent:** Monday, March 09, 2020 1:35 PM  
**To:** Chuck Bennett; citycouncil  
**Cc:** Steve Powers; Jerry Moore; Kristin Retherford  
**Subject:** City Council Meeting issue: 3/9/2020

Dear Mayor Bennett and City Council Members,

At the last city council meeting you voted for Salem to develop more robust daytime shelter opportunities as the first step prior to instituting a daytime sit-lie ordinance.

Two significant events have occurred since that City Council vote.

1. The money for the daytime shelter services (navigation center and expanded emergency beds) did not arrive from the state legislature. And, the legislative session has now closed. It is logical to conclude the money to expand the daytime shelter opportunities in Salem is at least postponed and possibly non-existent.
2. The world is now beginning to experience the COVID-19 virus pandemic. The public has been informed by public health authorities that the most important thing we can do to prevent community wide infection is to utilize proper hand washing and sanitation measures.

I am again going to propose the following but this time with more urgency:

1. Install public sanitation facilities in Marion Square Park that would include toilets and hand washing stations.
2. The installation of these facilities needs to be manned 24/7 to be sure they are kept in working order and are clean.
3. These sanitation facilities can and must be installed tomorrow. Portable sanitation facilities are needed and can be brought in until permanent facilities can be up and running.
4. Salem Police department needs to be involved in protecting the public sanitation facilities so that the facilities remain clean and available 24/7.

No longer is my request solely based upon decency and respect for those who are experiencing homelessness. My request is now amplified because Salem is facing the start of a pandemic of unknown severity. As Salem's city leaders, I urge you to act immediately and provide the basic necessities for sanitation for those who are most vulnerable and living in conditions that are most conducive to catching the virus.

The time for waiting to deal with the problem of people living, huddled together, unsheltered from the elements with absolutely no sanitation facilities of any kind has ended. We have a public health crisis coming to Salem. You must act. It is your duty as elected community leaders to provide what is needed to keep our city healthy and our citizens healthy.

Where do we get the money?

1. Reprioritize city funding to make this the top priority.
2. Engage Salem Hospital as a financial partner in this public health emergency. Surely Salem Health would rather finance the installation of portable sanitation facilities and 24/7 staff of those sanitation facilities than have the Covid-19 virus overrun Salem Hospital emergency services and ICU. Surely Salem Health would benefit from spending money up front to prevent a public health catastrophe rather than waiting and being the organization most responsible for saving the lives of those who become critically ill from the virus.

Again, I thank each one of you for your willingness to be in the role of community leader. You have taken on important responsibilities by being city council members and mayor. Please be proactive now. Lives do depend upon what you decide tonight.

Thank you again,  
Sincerely,  
Joan Stembridge  
1694 Winter St. S.E.  
Salem, OR 97302

503 569-7968

## Amy Johnson

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**From:** Vicki Peterson <vpeterson@churchill-law.com>  
**Sent:** Monday, March 09, 2020 2:35 PM  
**To:** CityRecorder  
**Cc:** Jill Foster; Megan Brooks  
**Subject:** FW: March 9, 2020 City Council Meeting Submission  
**Attachments:** City Council Submission 3-9-20.pdf

Attached please find a submission that we forwarded to the City Manager regarding the “sit-lie” ordinance modification agenda item for tonight’s City Council Meeting that is submitted by attorney, Jill Foster in our office.

Please feel free to contact our office if we can provide any additional information or documentation. Thank you.

*Vicki*



**Vicki A. Peterson**  
Office Administrator/Legal Assistant  
vpeterson@churchill-law.com  
Phone Extension #113

435 Commercial Street NE, Suite 201, PO Box 804, Salem, OR 97308-0804  
**Telephone:** (503) 585-2255 | **Facsimile:** (503) 364-8033 | **Web:** <http://www.churchill-law.com>

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*Please consider the environment before printing*

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**From:** Vicki Peterson  
**Sent:** Monday, March 9, 2020 12:01 PM  
**To:** manager@cityofsalem.net  
**Cc:** Jill Foster <jfoster@churchill-law.com>; Megan Brooks <mbrooks@churchill-law.com>  
**Subject:** March 9, 2020 City Council Meeting Submission

Please see the attached letter from attorney, Jill Foster, for presentation at the Council Meeting tonight regarding the “sit-lie” ordinance modification.

If you require any additional information or documentation, please feel free to contact our office. Thank you.

*Vicki*



**Vicki A. Peterson**  
Office Administrator/Legal Assistant

[vpeterson@churchill-law.com](mailto:vpeterson@churchill-law.com)  
Phone Extension #113

435 Commercial Street NE, Suite 201, PO Box 804, Salem, OR 97308-0804

**Telephone:** (503) 585-2255 | **Facsimile:** (503) 364-8033 | **Web:** <http://www.churchill-law.com>

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*Please consider the environment before printing*





CHURCHILL LEONARD  
LAWYERS

March 9, 2020

City of Salem  
Attn: City Manager  
555 Liberty Street SE  
Room 220  
Salem, OR 97301

*Via email: [manager@cityofsalem.net](mailto:manager@cityofsalem.net)*

Re: March 9, 2020 City Council Meeting  
Modified "Sit-lie" ordinance

Dear City Manager and Council:

My client ACVCFT Salem, LLC owns the building located at 450 Commercial St. NE. and 435 Liberty St. NE. The building includes two tenants, TJ Maxx and Rite Aid.

As advised at the February 24, 2020 City Council meeting, my client supported the original "sit-lie" ordinance as a result of the very serious circumstances facing its tenants and their employees.

Please accept this written comment in support of the modified "sit-lie" ordinance and request for immediate implementation of providing a day space and restroom facilities.

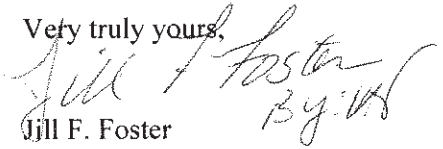
My client appreciates the councilors' willingness to address the modified ordinance with the inclusion of requirements for public restrooms and sheltered day spaces. However, it is crucial that the included requirements be implemented immediately.

The downtown unsheltered crisis is impacting not only the businesses located in downtown Salem but also the employees of those businesses. My office is located across the street from Rite Aid, and I have shopped there often. I have been advised by a Rite Aid employee that the unsheltered crisis has forced her employer to cut her hours. She has grave concerns about being able to pay her mortgage in full this month as a direct result of the unsheltered population camping at Rite Aid.

ACVCFT Salem, LLC requests the City's immediate action to Pass the modified "sit-lie" ordinance, and immediately implement its requirements of providing day space and restroom facilities.

Thank you.

Very truly yours,

  
Jill F. Foster

Lawyer

[jfoster@churchill-law.com](mailto:jfoster@churchill-law.com)  
Phone Extension #102

Cc: ACVCFT, Salem, LLC  
JFF\14390 meeting let 3-9-20.doc\vap

## Amy Johnson

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**From:** Vugteveen, Dana <Dana.Vugteveen@am.jll.com>  
**Sent:** Friday, March 06, 2020 3:13 PM  
**To:** citycouncil  
**Subject:** Ordinance 6-20

City Councilors and Mayor Bennett – Our downtown businesses remain under siege by the unsheltered citizens who chose to reside on the sidewalks under the awnings and canopies of property owners. We all recognize the sanitary and cleanliness issues as well as the perceptions of unsafe conditions by the general public.

We are certainly supportive of the efforts by the City to date to find compassionate solutions to the homelessness challenges the city has faced as well as the challenges of identifying suitable locations and funding to support these solutions. We recognize that the homelessness issues will not magically disappear with the enactment of an ordinance such as this one.

We absolutely depend upon your actions to ensure that business and property owners have protected rights to conduct business in a safe and clean environment as well. The economic vitality, the ability to attract new businesses, the ability to sustain existing businesses, your tax and employment base are all at risk the longer you permit these individuals to continue to reside on the city streets. We passionately urge you to enact the sit-lie ordinance immediately (preferably without the restrictions imposed in section 2(r)) to help promote and sustain the continued economic growth of our downtown.

Thank you,

**Dana Vugteveen**

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