CORRESPONDENCE

On Monday, Oct. 17th, Pasadena City Council will be voting on whether we should arrest folks for "camping" on city streets, and if we should have permanent, supportive housing in all parts of Pasadena

The solution to homelessness is not to arrest people for being homeless, but to provide permanent supportive housing.

We the undersigned say no to anti-camping and yes to Permanent Supportive Housing for homeless people.

1.	Sheree S. Clay	158 W. Peoples St., Pasadena, 91103
2.	Raimond Caesar	509 N. Mar Vista #2, Pasadena
3.	Stephen Coats	1911 N. Summit Pas
4.	Stephanie Bush	1911 N. Summit Pasadena 91103
5.	Diane Hulson	1270 N Hudson Ave Ap 3 Pas, Ca, 91104
6.	DaVette Gaskell	2757 N Fair Oaks Ave, ALF 91001
7.	Anthony Stewart	1775 N. Los Robles Ave 91104
8.	Mable L Kenoly	830 E. Elizabeth St 91104
9.	Denise Harden	235 E. Holly St. 91101
10.	Tawyn Franchino	999 E. Washington Blvd Pas 91104
11.	Pamela Kirkland	727 E. Washington Blvd 91104
12.	Tom Zook	6807 Buckingham, La Ca 70043
13.	Linda Ramsey	1169 E Orange Gro Pas Ca 91103
14.	Jamar Richard	532 Los Robles 91101
15.	[illegible]	1010 Mid ave Pasadena
16.	[illegible]	666 Washington Blvd
17.	Joan E. Reid	611 E. Jackson St. Pasadena Ca 91
18.	Tina [illegible]	185 N. Garfield Ave 911

Please return ASAP to Jill Shook, jill@makinghousinghappen.com or 626) 675-1316

Bertha

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We the undersigned say no to anti-camping and yes to Permanent Supportive Housing for homeless people.

	Name	address
1.	Catherine Rhodes	3579 E. Foothill Blvd #732 Pasa. 91107
2.	Donella Yarbrough	555 E Washington Bl. Pasa. 91101
3.	Sandra McCluney	
4.	Odessa B. Fetton	378 Mountain View Altadena, ca. 91001
5.	Laverne Williams	2524 New York DR.
6.	Margaret Myles	2295 Windsor Ave ALTA 9100
7.	Tina Hooper	1259 La Pintoresca Dr #5 91103
8.	Don D'Russ	1548 Lincoln Ave Pasadena, Ca 9110
9.	Curtis Davis	2226 W. 20th pl. #1 LA. 90018
10.	Willa Williams	2524 New York Dr, ALTA., 91001
11.	Williane Perry	2077 Ewing Ave, Altadena, 91001
12.	Dora Dean	2111 N Raymond, Altadena 91001
13.	Pindell J Shivers	2819 Olive Ave, Altadena 91001
14.	Marilyn Campbell	8240 Altadena Dr 91001
15.	Dexi Cortes	1024 Royal Oaks #401 Monrovia 91016
16.	Karen Franklin	3118 Marengo Ave, Altadena 91001
17.	Florence Madden	861 New York Dr altadena 910
18.	Gloria Nunn	3061 N. Brandon ave altaden 9100

Please return ASAP to Jill Shook, jill@makinghousinghappen.com or 626) 675-1316

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We the undersigned say no to anti-camping and yes to Permanent Supportive Housing for homeless people.

1.	[illegible]	2600 Glenrose Ave. Altadena 91001
2.	Darrin Frazier	1600 So Euclid Apt 102 91101
3.	Belinda Robinson	1293 N. Garfield #15 91104
4.	[illegible]	1905 N. Los Robles Ave 91104
5.	Carol Wu	525 McDonald St. 91103
6.	Gwen McMullens	1245 Rubio Vista Altadena 91001
7.	[illegible]	1536 E/Second #de 91105
8.	Chandrea Sos	281 E. Howard St Pasadena CA 91104
9.	Ting Tate	409 N. Michigan Pasadena CA 91106
10.	[illegible]	6007 Buckler Avenue, LA CA 90043
11.	Joyce Bosbia	257 Grandview St. Pasa, CA 91104
12.	Leonard C Flores	4640 VERDUGO RD #A. L.A. CA. 90065
13.	Norma Bell	1850 N. Marengo Pas. 9103
14.	Hudgen Homer	R1693 N. Los Robles
15.	Floyd Thornton	956 N Marengo Pasadena 91101
16.	Kelly J. Ayers	1217 E. Orange Grove Pasa 91104
17.	Debbie Ayers	220 Hampden Terr. Alhambra 91801
18.	Lena McAfee	560 E. Villa St Pas 91101

Please return ASAP to Jill Shook, jill@makinghousinghappen.com or 626) 675-1316

Bertha

Jomsky, Mark

Subject: FW: letter to City Council from Jill Shook and Anthony Manousos

From: Anthony Manousos [mailto:interfaithquaker@aol.com]
Sent: Tuesday, October 18, 2016 11:18 PM
To: Jomsky, Mark; Jill@makinghousinghappen.com
Subject: Re: letter to City Council from Jill Shook and Anthony Manousos

Dear Mayor and City Council Members

We are pleased that you approved the Housing Department's recommendation that you *facilitate* permanent supportive housing in every district of our City as a way to reduce homelessness. Evidence-based studies show that the Housing First model rather than criminalization is what actually works to reduce and ultimately end chronic homelessness.

We are also pleased that you have eliminated the anti-camping sections of the proposed ordinance (sections c and d). For many excellent reasons, this is a wise and compassionate decision.

We still have some concerns about the parts of the ordinance that penalize panhandling in a "threatening, menacing or coercive manner." We understand that some people are upset when panhandlers behave in inappropriate ways. However, we feel that the wording is vague. As Council member Tyron Hampton pointed out, how will police know when behavior rises to the level of."threatening, menacing or coercive"? Factors such as race and ethnicity often color what a person considers threatening or menacing, as we saw in the case of Trayvon Martin. If a pan handler actually threatens someone, this is a criminal offense and deserves punishment. Current laws make it a crime to accost or threaten someone, just as it is illegal to block a sidewalk or entrance to a business. We don't need more laws directed specifically at pan handlers.

If a panhandler is behaving in an obnoxious but not criminal manner, could this not be handled by the Hope Team? As Council member Wilson notes, arresting people and sending them to jail doesn't solve the problem. They come back in a couple of days and the cycle continues. Trained psychologists could help the police deal with non-criminal behavioral problems on the part of our homeless population, and this could lead to long-term solutions, such as treatment programs.

As Pastor Kerwin Manning said, we also need more engagement from the churches in this effort to reach out to our homeless brothers and sisters and help them to become housed. We need to work together as a community to end homelessness. Perhaps we should consider the example of Santa Barbara, where churches and non-profits provided parking lot space to homeless people. See http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html

Such measures are at best temporary expedients, but may help us move towards our ultimate goal: ending homelessness. As our housing director and most experts agree, what is needed to end homelessness is affordable housing.

Yours in friendship and peace,

Anthony Manousos and Jill Shook

1628 N Garfield Ave
Pasadena CA 91104
626-375-1423
interfaithquaker@aol.com

'16 OCT 19 02:03PM CITY CLERK

On Monday, Oct. 17th, Pasadena City Council will be voting on whether we should arrest folks for "camping" on city streets, and if we should have permanent, supportive housing in all parts of Pasadena

The solution to homelessness is not to arrest people for being homeless, but to provide permanent supportive housing.

We the undersigned say no to anti-camping and yes to Permanent Supportive Housing for homeless people.

1. Dorothy Thomas — 3480 Loma Vista Dr, Altadena
2. Erlidre L Kelley — 3287 N Tom, Altadena CA 91001
3. Rebecca Valentine — 748 Los Robles, Pasadena, 91103
4. John Valentine — 748 Los Robles Pasadena 91103
5. [illegible] — 455 N Raymond ave Pasadena
6. [illegible] — 440 N. Madison St. Pasadena 91101
7. Tanya Barbora — 440 N. Madison St. Pasadena, 91101
8. Betty J Ford — 560 E Villa #707 Pasa 91101
9.
10.
11.
12.
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14.
15.
16.
17.
18.

Please return ASAP to Jill Shook, jill@makinghousinghappen.com or 626) 675-1316

Iraheta, Alba

Subject: FW: Camping ordinance and supportive housing.

From: Elbert Newton <elbertwalkernewton@yahoo.com>
Date: November 4, 2016 at 7:27:16 AM PDT
To: "mjomsky@cityofpasadena.net" <mjomsky@cityofpasadena.net>
Subject: Camping ordinance and supportive housing.
Reply-To: Elbert Newton <elbertwalkernewton@yahoo.com>

Dear Mr. Jomsky:

I want to thank the council for not voting for the most onerous parts of the anti-camping ordinance and for the vote in favor of supportive housing throughout the city. I believe these votes reveal much wisdom and compassion for the most vulnerable people in our community.

Since the final reading of the anti-camping ordinance will be this coming Monday evening, I want to reiterate my remarks about it:

As a case manager in a Full Service Partnership, I work everyday with people who have mental illness and have wound up on the streets of Pasadena. Many people that I work with suffer from psychosis which clouds their thinking. These people would not be able to keep track of the streets that they are allowed to sleep on and those they cannot. Arresting them for sleeping in the wrong place will not help them, in fact it may hurt their chances of qualifying for housing later on because some housing programs exclude people with criminal records.

Furthermore, the very streets where it would be illegal to sleep during the day may be the very ones where they feel safe. Many homeless people, especially women but some men too, feel extremely vulnerable sleeping at night when they can and sometimes do get attacked. So they sleep during the day. They feel safe in public places where an attack is less likely to happen. So that is where and when the sleep: during the day in public places.

Additionally I want to stress that while increasing the number of shelter beds may be helpful for some people who are homeless, it often does not work for people suffering from paranoia and other mental health symptoms. For them, shelters can be very hostile places.
Thank you for considering my input,

Sincerely,

Bert Newton
Pasadena resident

11/07/2016
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Iraheta, Alba

Subject: FW: Mark, can you be sure this gets the City Council? Thanks! Jill Shook

To Pasadena City Council members,

And I want you to know how appreciative I am that you voted on Oct. 17th not to pass the anti-camping portions of the ordinance. Also thank you for supporting permanent supportive housing throughout the city.

Jill Shook

PS. I also wanted to send you the comments I shared on Oct. 17th regarding the anti-camping ordinance.

Jill Shook's speech from Oct. 17th, 2016

One of the greatest myths in America is that we abolished slavery. The law says that slavery is abolished "except as a punishment for a crime." So in the Deep South vagrancy laws began to appear. Laws like sitting too long a bench. Blacks could then be put in jail. The anti-camping laws that our city is considering remind me of these vagrancy laws.

We worship our property values, unhindered sidewalks without a single poor person in sight. We can't take our homes to heaven, but we will be rewarded for how we treat the most vulnerable. We don't want to be reminded of our own spiritual poverty—our own lack of compassion and creativity to figure out how, in one of the wealthiest cities, we can do what it takes to make sure everyone is housed. We need reminders. Our homeless friend teach us much.

We demean "subsidized housing" when in truth, every home in America is subsidized heavily with the mortgage interest deduction—what is lost to our government with all the mortgage deductions is three times more than what is spent on affordable housing. We say we believe in the value of permanent supportive housing, knowing this will end homelessness. This funding is now available to us, if we have the land. But then we say we have no land to build built it. Of course we do.

We lack the vision and the courage and willingness to say yes. Like Margaret McAustin we should be proud to have permanent supportive housing in our

neighborhoods. The city, churches and school district could collaborate and build enough housing on land they have to put Pasadena on the map for ending homelessness, rather than be put on the map for making it crime to be homeless and open to law suits. We can be a shining example of how to address this crisis. Pease stop all efforts to prevent us from seeing those most in need. Let's see them as our brothers and sisters.

Let take a hard look at ourselves and open our hearts do all we can, and see the great opportunity we have been given to the end homelessness in our city. Only a few years ago we had just over 1,200 homeless, now only 530. We are on the right path. Let's keep going and not turn backwards to vagrancy laws from a century ago that were used to punish and criminalize.

"Don't look for big things, just do small things with great love....The smaller the thing, the greater must be our love." — Mother Teresa

Please consider the environment before printing this email
Jill Shook, Missions Door, Catalyst http://www.missionsdoor.org/missionaries/shook-jill
Doctor of Ministry, Bakke Graduate School
Blog: makinghousinghappen.net Website: makinghousinghappen.com
Author/Editor: *Making Housing Happen: Faith Based Affordable Housing Models*
Jill@ makinghousinghappen.com Phone: 626) 675-1316
<image001.jpg>

<Jill Shook's speech from Oct. 17-2016.docx>

730 E. Villa St.
Pasadena, CA 91101

November 4, 2016

RE: Anti-Camping Ordinance (Item 10)

Honorable Mayor and City Council:

As the Rapid Re-Housing Manager at Door of Hope here in Pasadena, I have been honored be a part of the tremendous collaborative efforts to end homelessness in our city. In the past five years, this collaboration between Pasadena's Housing Department, Union Station Homeless Services, Pacific Clinics, Friends in Deed, Door of Hope, and so many others has resulted in a 57% reduction in homelessness.

None of these agencies can provide their services, however, without an initial point of contact with people experiencing homelessness. This is why street outreach is vitally important. In Pasadena, this outreach work is performed by the Street Outreach Team, Coordinated Entry System Assessment teams, and the Pasadena Police Department's HOPE team. Unfortunately, I have little doubt that a ban on camping would make this work much more difficult. In conjunction with an excessively subjective and recklessly unclear ban on "threatening, coercive, or menacing" panhandling, I fear that this proposed ordinance will inhibit the work of our city's homeless services system.

It is crucial to consider what the implications of a vague ban on "threatening, coercive, or menacing" panhandling may be. In a 2014 survey, the National Coalition for the Homeless found that over two-thirds of individuals who are homeless report having been discriminated against by law enforcement or private businesses. It is an unfortunate fact that many people view the homeless population as inherently threatening, coercive, or menacing. If this ordinance passes with such unclear wording with regards to panhandling, homeless citizens will be faced with citations based only on subjective perception.

I worry that, in response to the effects of this ban and the proposed ban on camping, people who are homeless will be forced to take shelter in locations where it will be more difficult for police to find them. This means that there will be more people camping in quieter residential or industrial areas in order to avoid being seen. Unfortunately, this means that it will be more challenging for our outreach teams to find them as well, preventing them from connecting with our local service providers and beginning the journey toward housing.

It is often mentioned that, if only homeless people would utilize shelter beds, ordinances such as this one may not be necessary. In an ideal world, there would be a shelter bed for everyone who needs one, and they would be utilized. However, it is vital to understand that many people who are homeless fear sleeping in shelters, as they have legitimate concerns about sleeping in a large shared space. Many individuals have had their belongings stolen in shelters. Others worry that the stress caused by being in the shelter setting may have adverse effects on their mental health. Unfortunately, shelters cannot be relied upon as the solution to this problem. The solution is affordable permanent housing.

I understand that many business owners and citizens are concerned when they see a person who is homeless asleep or begging on the sidewalk in places like Colorado Boulevard. I understand that this concern is well-intentioned, and that it spurs one toward action. I can certainly relate to that. However, in this instance, our well-intentioned concern has led to the proposal of an ordinance that would only displace people who are homeless and scatter them across the city. It would open them up to the possibility of discrimination, and implant a seed of distrust in a population whose trust is vital to the outreach process upon which our homeless services system relies.

Pasadena has made tremendous progress in reducing homelessness in our city. An ordinance banning camping and an excessively vague ban on threatening panhandling is a step in the wrong direction, and is uncharacteristic of the spirit of excellence that I experience working in Pasadena. Now is the time to continue taking steps forward, as we did on October 17 when the Council made a positive policy statement embracing Permanent Supportive Housing. Thank you, as always, for seeking opportunities to hear and consider the thoughts of Pasadena's community and service providers.

Sincerely,

Griffin Hatlestad

THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS
The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

VIA EMAIL

November 4, 2016

Mayor Terry Tornek & City Councilmembers
Pasadena City Hall
100 North Garfield Avenue
Pasadena, CA 91101

RE: Proposed Ordinance Amending §12.12.080 of the Pasadena Municipal Code ("PMC")

To Honorable Mayor Terry Tornek and Members of the Pasadena City Council:

Public Counsel is pleased with the Council's decision on October 17 to not adopt the portions of the proposed changes to PMC §12.12.080 that restricted where people experiencing homelessness could rest in Pasadena. In addition to celebrating this decision, I write to respectfully request that you also not implement the proposed changes to PMC §12.12.080 relating to confiscation of personal property and aggressive panhandling.

As the largest *pro bono* law firm in the nation, serving some of the poorest residents in Pasadena and other parts of Los Angeles County, Public Counsel has extensive experience working with individuals dealing with infractions and misdemeanors for minor quality of life offenses. In fact, until recently, Public Counsel administered the Los Angeles County Homeless Court Program ("Homeless Court") in partnership with the City and County of Los Angeles, the Los Angeles Superior Court, and prosecutors such as the Pasadena City Attorney. As a result of such experience, we believe the proposed changes to PMC §12.12.080 will disproportionately affect the individuals we assist, particularly homeless individuals for whom minor criminal citations are often a major obstacle to recovery and stability.

To be clear, Public Counsel supports efforts to provide law enforcement with tools to address public safety concerns provided, however, that where homeless or poor individuals are involved those tools do not unnecessarily invoke the criminal justice system. Generally speaking, ordinances that seek to criminalize homelessness or poverty are a misuse of limited City resources, are disfavored by the Federal government, and are an ineffective means of addressing the factors contributing to the offender's condition. More significantly, they also raise a host of Constitutional issues. Several studies have documented savings cities have realized in jail costs, emergency and other municipal expenses when they have focused on

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alternatives to criminalization.[1] Indeed, the Federal Department of Housing and Urban Development has made reducing the criminalization of homelessness one of the factors it considers in the distribution of funds.[2] From our own experience working with homeless and at risk individuals as part of Homeless Court, we have seen how criminalization further compounds the individual's homelessness or poverty and undermines their ability to achieve stability whether by obtaining jobs, securing housing or being connected to the services they require. But most concerning are the Constitutional issues raised by this approach as discussed below.

Personal Property Subsection

City staff asserts that its proposed Section 12.12.080(B) (the "Personal Property Subsection") is intended to redefine "what constitutes obstruction of public ways and places" in an effort "to address issues related to the secondary effects of activities by those who . . . impede public areas in the City's business districts." But, as drafted, the Personal Property Subsection, raises numerous practical, Constitutional and economic concerns and, as such, should not be adopted.

First, elements of the Personal Property Subsection are already covered under existing law and the new language does not provide any further guidance to facilitate a police officer's ability to enforce the same. More specifically, PMC §9.56.010 currently prohibits, in pertinent part,

> "block[ing], imped[ing] or obstruct[ing] any public place or any entrance, exit or approach to any place of business in or upon any public place in a manner calculated or with the intent to prevent, delay, hinder or interfere with the free passage therealong or therethrough of any other person . . . [or] any vehicle or conveyance . . . of any such other person."

To ensure compliance, existing law already provides that violation of PMC §9.56.010 constitutes a misdemeanor punishable by fine, imprisonment or both.[3] The Personal Property Subsection simply restates PMC §9.56.010 by prohibiting an individual from placing personal property "upon any street, alley, sidewalk, or crosswalk so as, in any manner, to hinder or obstruct any person from freely passing by." Other than the ability to confiscate and seize the property as

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[1] *See* Paul Guerin et al., Report in Brief: City of Albuquerque Heading Home Cost Study (2013), available at http://isr.unm.edu/reports/2013/city-of-abq-heading-home-cost-study-report-in-brief.pdf (Found savings of over 60% in jail costs alone in Albuquerque when they focused on services instead of criminalization.); *see also* Kerry Drake, Wyoming Can Give Homeless a Place to Live, And Save Money, WyoFile.com (Dec. 3, 2013), http://www.wyofile.com/column/wyoming-homelessness-place-live-save-money/ ("In 2005, Utah did a study that found the average annual cost for emergency services and jail time for each chronically homeless person was $16,670. The cost to house them and provide case management services was only $11,000 per person.")

[2] *See* "Notice of Funding Availability for the 2016 Continuum of Care Program Completion", available at https://www.hudexchange.info/resources/documents/FY-2016-CoC-Program-NOFA.pdf.

[3] PMC §9.56.020 provides that "[e]very person violating any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500.00 or by imprisonment of not more than 6 months or by both such fine and imprisonment. Each such person is deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed."

discussed in greater detail below, it is unclear how the existing PMC §9.56.010 fails to provide law enforcement with the tools necessary to address free passage by individuals along Pasadena's streets, alleys, sidewalks and crosswalks. Accordingly, Personal Property Subsection is unnecessary.

But even if the City somehow feels that the Personal Property Subsection is not redundant, the proposed language violates the Constitution by providing that the City may remove personal property simply because "the owner of such property is not present or is unable to remove [it]". Various courts have confirmed that the personal property of homeless individuals is protected by the Fourth Amendment's prohibition against unlawful seizure and that any interference with the owner's possessory interest in such property can only be upheld if it satisfies the Fourth Amendment's reasonableness requirement. Yet, under the Personal Property Subsection, the City of Pasadena will have unfettered ability to remove property without a showing that the subject property has been abandoned, presents an immediate threat to public health or safety, or is evidence of a crime or contraband. For homeless individuals in particular, who may have simply stepped away from the property for a brief moment to perform necessary tasks such as showering, eating or using restrooms, such confiscation will unlawfully deprive them of their IDs, medicines, important documents and other personal effects. Certainly, it is not reasonable for the City to deprive homeless individuals of such items.

An additional constitutional issue relates to the notice contemplated by the ordinance. In *Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir. 2012), the Court held that the Fourteenth Amendment's right to due process attaches to homeless individual's personal property. Accordingly, notice and an opportunity to be heard is required before the City can deprive homeless individuals of these items.[4] Honoring this finding, some jurisdictions provide both a pre-removal and post-removal notice where the items in question do not present an immediate threat to public health or safety, are not evidence of a crime or contraband or are not within a certain designated area. Such notices provide, among other things, details about the time and location where property can be retrieved, phone numbers to call to locate the collected personal effects, and how the owner establishes ownership of the same. The Personal Property Subsection fails to provide any such pre-removal notification or to adequately outline the process by which individuals will be able to reclaim their property after it is confiscated. Even though it may be argued that implementing such a system may be more inconvenient or costly for Pasadena, if the City Council chooses to adopt the Personal Property Subsection, notice and an opportunity to be heard are nevertheless constitutionally required.[5]

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[4] *See* Clement v. City of Glendale, 518 F.3d 1090, 1093 (9th Cir. 2008) ("The government may not take property like a thief in the night; rather, it must announce its intentions and given the property owner a chance to argue against the taking.")

[5] *See* Fuentes v. Shevin, 407 U.S. 67, 92 n. 22, 92 S. Ct. 1983, 32 L. Ed. 2d 556 (1972) (quotations and citations omitted) which provides in pertinent part, "[a] prior hearing always imposes some costs in time, effort, and expense, and it is often more efficient to dispense with the opportunity for such a hearing. But these rather ordinary costs cannot outweigh the constitutional right. . . Procedural due process is not intended to promote efficiency or accommodate all possible interests: it is intended to protect the particular interests of the person whose possessions are about to be taken. The establishment of prompt efficacious procedures to achieve legitimate state ends is a proper state interest worthy of cognizance in constitutional adjudication. But the Constitution recognizes higher values than speed and efficiency. Indeed, one might fairly say of the Bill of Rights in general, and the Due Process

A further problem exists because the Personal Property Subsection contemplates that the City will retain the property for only 30 days. This period is far shorter than the 90 day period currently in effect in both Los Angeles and Pomona. It also conflicts with the minimum 90 day period set forth in California Civil Code §2080 et. seq. and therefore would be preempted and void if adopted.

These Constitutional issues aside, instituting a personal property collection and storage system that complies with legal requirements will require the City to devote additional resources that have not been quantified or fully considered by City staff. Storage space must be identified that is easily accessible by individuals deprived of their property – individuals who may be chronically homeless and whose limited transportation funds may be included in the very items they are attempting to retrieve. Law enforcement will devote more time to giving constitutionally required notices and coordinating the collection of personal property throughout the City. City staff will also begin overseeing the cataloguing, distribution and, in some cases, disposal of such property. To the extent these functions cannot be performed with existing staff, the City will incur additional personnel costs along with the costs for storage facilities. We urge you to consider whether this is the best use of City resources that could be directed instead toward increased outreach, services (such as storage lockers for homeless individuals as proposed by Councilmember Wilson on April 11, 2016) and housing for homeless individuals.

Aggressive Panhandling Subsection

City staff asserts that its proposed Section 12.12.080(C) (the "Aggressive Panhandling Subsection") is intended to address a deficiency in state law that currently requires "accosting" another individual in order to prosecute a panhandler for aggressive conduct. We recognize the need to balance the right of individuals to exercise their First Amendment free speech rights and public safety; however, the Aggressive Panhandling Subsection lowers the state Penal Code standard and facilitates charges whenever there is "threatening, coercive or menacing" conduct. This proposed language runs afoul of Constitutional mandates.

The ambiguity of the Aggressive Panhandling Subsection fails to communicate what conduct is prohibited and what standard is used to assess the regulated conduct. At various Public Safety Committee and City Council meetings at which this item was discussed, concerns were raised by what was meant by "threatening, coercive or menacing" conduct. Examples were often cited that staff and others acknowledged might constitute assault[6], battery[7] or other acts which are already illegal. When such examples are proffered, it begs the question as to why the Aggressive Panhandling Subsection is even necessary. If a panhandler commits assault or battery, then they can and should be charged as such under existing criminal law. Certainly, the

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Clause in particular, that they were designed to protect the fragile values of a vulnerable citizenry from the overbearing concern for efficiency and efficacy that may characterize praiseworthy government officials no less, and perhaps more, than mediocre ones."

[6] "An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another." California Penal Code Section 240

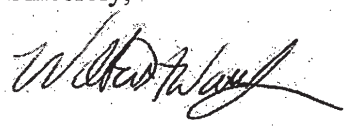
[7] "A battery is any willful and unlawful use of force or violence upon the person of another." California Penal Code Section 242

City has an obligation to clearly define the conduct that it is attempting to regulate both for the benefit of those who are likely to be charged under this ordinance and for law enforcement which will be tasked with implementing the same.

Further, during prior public discussion of this ordinance, questions were raised by Councilmember Hampton and others regarding the standard used to determine the prohibited conduct. Particularly in the aftermath of the shooting of Michael Brown in Ferguson, Missouri and other shootings of unarmed people of color, there is greater awareness of the subjectivity of concepts such as "threatening, coercive or menacing" behavior. As a consequence, there is also greater concern about simply relying on law enforcement's judgment to assess whether certain conduct meets this standard. During public meetings, City staff suggested that a "reasonable person" test would likely need to be included to allay these concerns. Whether such standard would be sufficient to pass Constitutional muster is unclear, but regardless the current version of the Aggressive Panhandling Subsection lacks any standard or guideline at all for assessing what constitutes "threatening, coercive or menacing" conduct. The Council should strongly consider whether it is prudent to proceed with this proposed ordinance given such ambiguity and its implications where First Amendment and other rights are at stake.

Again, we applaud the Council's decision regarding the proposed anti-camping provisions, and for the foregoing reasons, we strongly urge you to refrain from adopting either the Personal Property Subsection or the Aggressive Panhandling Subsection. We encourage you to work with Public Counsel and other community stakeholders to identify a better approach to balance the concerns raised by housed residents, business owners and visitors to Pasadena on the one hand with the rights and needs of Pasadena's unsheltered residents on the other. Now is the time to engage in such discussions before the City adopts an approach that is expensive, ineffective, and runs afoul of already litigated Constitutional principles.

Sincerely,



Will Watts
Directing Attorney
Homelessness Prevention Law Project
Public Counsel

4840-5655-0971, v. 2

Iraheta, Alba

Subject: FW: Anti-camping ordinance

From: Hannah Petrie <revhannahp@gmail.com>
Date: November 7, 2016 at 4:53:07 PM PST
To: <mjomsky@cityofpasadena.net>
Subject: Fwd: Anti-camping ordinance

Greetings, honorable members of City Council.

I'm a Unitarian Universalist minister, proud to be working with the Greater Pasadena Affordable Housing Group, or GPAHG, one of several grass-roots activist groups in Pasadena that seek to keep the city's morals at a high standard and an example for all cities in our great country.
We wouldn't need to discuss the supposed need for an anti-camping ordinance, if we addressed the homelessness issue in practical and proven terms. Other cities have set an example for us, when they reduce homeless populations by providing permanent supportive housing on city-owned parcels of land.

But such projects must be financially supported and prioritized by the City of Pasadena as a whole, to make a real difference in housing our homeless, and a real difference in reducing the strains on law enforcement and the already taxed criminal justice system - strains that produce no results in solving homelessness.

There is a direct correlation between the cuts in funding for affordable housing and the rise of homelessness and anti-camping measures.

HUD's low-to-moderate-income housing budget authority fell by 77 percent between 1978 and 1983. Homelessness is primarily caused by a severe shortage of affordable housing, exacerbated by an 85% reduction in the budget of our local housing department.

Despite these cuts, two states and nineteen cities have now ended homelessness for veterans. One of the few housing programs that has not been cut is funding for permanent supportive housing.

The City of Pasadena could continue this trend if there is land set aside to build these projects, following the lead of the highly successful, permanent supportive project in Margaret McAustin's district.

Thank you for thinking through the anti-camping ordinance proposal in practical terms.

Rev. Hannah Petrie

11/07/2016
Item 10

LWV LEAGUE OF WOMEN VOTERS®
PASADENA AREA

Alhambra Altadena La Cañada Flintridge Monrovia Monterey Park Pasadena San Gabriel San Marino Sierra Madre South Pasadena

November 7, 2016

To the Mayor and City Council Members

Speaking for the League of Women Voters, I am asking the Pasadena City Council to delay implementation of the new policies on homeless camping and soliciting.

This difficult topic has been addressed in many ways by many cities, and a much more deliberate process is needed to develop constructive policies that protect the interests of Pasadena residents, businesses, and indeed the homeless themselves. Punitive policies that are essentially designed to drive the homeless out of town are not supported by many in Pasadena. More constructive and compassionate approaches are needed, and identifying such policies is a process that could well be done with involvement of citizens, nonprofits and programs in other cities.

At the first hearing concerning the camping and aggressive panhandling it was good to hear that the City Council removed some of the most punitive elements of the plan as presented. The council can go on to establish a process for developing procedures that would lessen the negative elements of homelessness in Pasadena, while continuing to enforce existing law that prohibits some of the undesirable behavior that is addressed by the tentative plan.

Pasadena has always been a city with compassionate approaches to social problems. The City Council can live up to that tradition by avoiding a rush to judgment on the important issue of homelessness. The city can undertake an effort to engage the public and the city's many social service organizations to develop constructive solutions.

I hope that you will find a way for Pasadena to address this challenging problem by engaging the city's many human services resources.

Sincerely yours,

Marge Nichols

Marge Nichols, President
League of Women Voters Pasadena Area

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