

16 OCT 17 10:35AM

CITY CLERK

232 Avenue 64
Pasadena, CA 91105

October 17, 2016

RE: Anti-Camping Ordinance and Supportive Housing Policy (Items 13 and 11)

Honorable Mayor and City Council:

I am sorry to be writing this letter on the very day of your Council meeting on this matter. In spite of several written requests, I was unable to obtain either a summary of or the specifics of the proposed ordinance language until last Friday. Therefore, I have had no opportunity to raise my questions with City staff.

First, I am writing to express my disappointment with the ordinance prepared by the City Attorney's office. Back in April, the Council directed staff to prepare an ordinance defining camping and aggressive panhandling and limiting both. I understood that camping on certain commercial streets would be prohibited during business hours because of complaints from business owners. Instead the ordinance goes overboard and seems to prohibit even sitting on the sidewalk during all hours of the day and night.

The staff report says that in order to ban camping, Pasadena must have other options for homeless families and individuals. It points to the last homeless count when shelters offered housing for over 175 homeless; I would like to know if those shelters are open every night of the year. Even if they are, Pasadena is still short of meeting this criteria by over 300 beds. Therefore, we have to allow plenty of places for outdoors sleeping and camping in Pasadena. The ordinance seems to be driving those without homes to sleep anywhere but on the parks or main streets. That means we will be pushing them to sleep in residential areas or in our limited industrial areas. What would be the effect of focusing homeless individuals on a couple of small industrial areas? Do we really want to encourage homeless people to gravitate to residential areas or be overcrowded in small industrial pockets? Perhaps it is time to reconsider allowing sleeping in certain parks overnight.

In reviewing the details of the ordinance, I find it to be inappropriately vague in terms of what a homeless person can do on a public sidewalk in the business districts. It says, he or she may not "hinder or obstruct the free passage" of pedestrians on the sidewalk. Can they sit next to the building if there is four feet left for pedestrians to pass? What about six feet? Can they never sit on the sidewalk? Vague laws like this provide the opportunity for discriminatory enforcement against men but not women, women but not children, blacks but not whites, Muslims but not Christians. It just takes discrimination on the part of those who complain to the Police for the City to be in a civil rights violation. Will the Police be required to document the race, religion, gender, sexual orientation, and age of all those who violate this law so the City can show we are not inadvertently discriminating?

Secondly, I want to commend the City staff for the new proposed policy promoting permanent supportive housing in every Council district in the City. The City has done very well to develop five properties in the past, and I especially wish to complement Councilmember McAustin for her leadership

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in pushing for the new facility, Marv's Place, in her district. The new proposed policy is a further step in the right direction.

In thinking about this subject, it appears to me that there is no other more basic human right that government should protect than the right to sleep. In my religion, we are directed to help the poor whenever we have the opportunity, whenever we can, and whenever we see someone is hungry. This anti-camping ordinance does not follow in Pasadena's exemplary spirit and past efforts. We can do better as a community. Thank you for your interest in helping homeless people and in keeping our City tolerant, safe and prosperous.

Sincerely,

Darrell Cozen

Jomsky, Mark

From: Jomsky, Mark
Sent: Thursday, October 13, 2016 11:49 AM
To: Jomsky, Mark
Cc: Mermell, Steve; Rodriguez, Nicholas; Gutierrez, Julie; Bagneris, Michele; Huang, William
Subject: FW: Letter to City Council Re: Homelessness
Attachments: 10.12.16 Letter to CC.docx; Ordinance Fact Sheet.doc

Mayor and City Council,

I am distributing the attached as requested.

Regards,

Mark Jomsky
City Clerk
City of Pasadena
(626) 744-4709
(626) 372-6769 (Cell)

Click here to register to vote online: <http://registertovote.ca.gov/>

From: Barbra Bowman [<mailto:bbowman13@apu.edu>]
Sent: Wednesday, October 12, 2016 8:33 AM
To: Jomsky, Mark
Subject: Letter to City Council Re: Homelessness

Hello Mr. Jomsky,

Here is my letter and a Fact Sheet that I created regarding the April 11, 2016 decision to write ordinances. Please pass on to the City Council.

Barbra Bowman

Barbra Bowman



424 N. Garfield Ave Apt A, Pasadena, CA 91101
626-354-0371
bbowman13@apu.edu

10/11/2016

Dear City Council Representatives,

Thank you for seeing that homes are the answer for those considered homeless. It is important that our community sees people not problems and focuses on the solutions that work.

The solution that is working in cities is creative and comprehensive responses to the human need that we are seeing around us. This is being done through the increase in supply of appropriate housing with a menu of programs and services. The burden should not only be on the city but citizens and community groups as well in this response. It does not have to be a building, hence the menu of programs, but it does require a new way of thinking and doing things via the Housing First approach.

Keeping our response to the same cycle of streets-jails/hospitals-streets is not solving the problem but only further adding to the psychological trauma and deepening the need to survive in whatever way necessary, leading to it harder for them to get housed and behaviors that are even further problematic.

Each person in our community who is making their home on the streets or asking for money is an individual person with their own reasons for being in that situation. We must educate each other on the facts and the individual need of each person who is trying to survive. It is true that it is a public safety concern when people are interacting with others in public and asking for money in ways that bring verbal, emotional, or physical harm to self or others. But, we already have laws that can be enforced in those cases. New ones are not necessary.

Pasadena is a well-known city and highly desirable place to live and should be made available FOR ALL PEOPLE. It should not be a place for the privileged few to live, but a place accessible for all. I want my city to be known for how we creatively and humanely responded to the challenges of human need and survival just as much as we are known for everything else that makes this city such a great place to live. We can do both and we must!

Sincerely,

Barbra Bowman



Pasadena City Council's Response to Issues of Homelessness and Aggressive Panhandling



What Is It?

At the April 11, 2016 City Council meeting, the Council took the following actions to:

- ☞ **Direct the City Attorney to draft ordinances that:**
- ☞ define "camping", "maintaining a camping facility", and "lodging",
- ☞ define geographic boundaries of Pasadena Business Districts
- ☞ prohibit, within these boundaries, during business hours, the above activities in public rights-of-way¹
- ☞ prohibit panhandling involving threatening, coercive, or menacing behavior in ALL public rights-of-way¹



- ☞ Appropriate \$250,000 for the Housing and Career Services Budget for housing programs that work²






- ☞ **Direct staff to draft an additional broad policy statement that:**
- ☞ Requires Permanent Supportive Housing (Service + Housing) to be provided through entire city³

¹ Public rights-of-way are public sidewalks, streets, alleys, freeways, and all other similar public spaces

² Unappropriated fund balance from Housing Successor Fund to the 2016 Fiscal Year Housing & Career Services Budget. Programs include: Rapid Re-Housing, Landlord Reimbursement Fund (New), Homeless Prevention Fund, and Motel to Housing Voucher Engagement

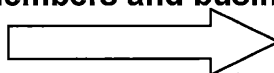
³ To avoid concentration of PSH in certain areas and provide PSH throughout entire city consistent with City's Housing Element and General Plan

Will It Work?

Pros	Cons
<p>↑ Increases funding for housing programs that work</p> <p>↔ Creates community-wide plan to scatter Permanent Supportive Housing (Services + Housing) throughout Pasadena</p>	<p> Violates 8th amendment as the housing does not exist now or is not appropriate for all persons</p> <p> Enforcement is a cost burden and only keeps people in the streets-jails/hospitals-streets cycle</p> <p> Rose Bowl Parade viewers are "camping" on public sidewalks in these areas</p> <p> HUD funding, for needed housing and services, is at risk when cities implement new policies to criminalize homelessness</p> <p> There are laws already to address aggressive behaviors while "panhandling" so do not need more.</p>

What Can We Do?

Educate community members and business owners on the facts.



Jomsky, Mark

Subject: FW: letter to City Council from Jill Shook-please submit asap. thank you!

From: Anthony Manousos [mailto:interfaithquaker@aol.com]
Sent: Monday, October 17, 2016 4:46 PM
To: Jomsky, Mark; Jill@makinghousinghappen.com
Subject: Re: letter to City Council from Jill Shook-please submit asap. thank you!

Here is the letter I sent last week:

Dear Mayor and Council members,

Like you, I am concerned about homeless people sleeping on our streets and would like to see every homeless person in our city housed. That's the solution to our homelessness problem, not tougher laws.

Lt. Morris, a police officer in San Diego, says what most police officers would agree with: "You can't arrest your way out of this problem." <http://www.voiceofsandiego.org/topics/nonprofits/authorities-cant-force-the-homeless-off-the-street-heres-what-they-can-do/>

It sometimes helps to arrest chronically inebriated homeless people and give them a choice between jail and treatment, but only if it's part of a community-based approach involving all the stakeholders, as was done in San Diego. Simply arresting and fining homeless people, sending them to jail, and giving them a criminal record only makes it harder for them to get housed.

Laws that criminalize the homeless can also jeopardize HUD funding for our city.

Pasadena already has lots of laws on the books that protect citizens and businesses from obnoxious or threatening behavior. (See below)

What we need is more permanent, supportive housing. We have the land to build affordable housing like "Marv's place" in every district. Council members need to have the political will and courage to do what's right and needed.

We also need to engage the religious and non-profit community, as was done in Santa Barbara with their program to let homeless people use parking lots. For health and safety reasons, homeless people need access to facilities like showers and bathrooms and lockers. See <http://www.latimes.com/local/california/la-me-homeless-safe-parking-20160504-story.html>

We have lots of space in this city where homeless people could sleep without being considered a nuisance..

Our city has been successful in reducing the number of homeless from around 2000 to around 500. Let's make it our goal to end chronic homelessness in our city. Si, se puede, if we spend our money wisely and use smart strategies, as Utah and other places have done with programs like Housing First.

Pasadena police do not need "new tools," i.e. more stringent laws, to protect the public from aggressive panhandlers and camping. Current laws already provide ample protection to businesses and property owners:

If anyone leaves something (e.g. a tent or sleeping bag) on someone else's private property, the owner can toss it in the trash or sell it as abandoned property. If someone leaves their property on a publicly owned site, it must be handled according to certain guidelines. According to Officer Domino Scott-Jackson, police have a right to evict people from a public place using a 72 hour notice and at hour 73, their belongings can then be removed. Items must be kept in storage for 30 days. If they aren't claimed, they can be disposed of.

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- Property owners have a right to put up a No Trespassing sign on their property. If someone goes on their property without permission to do so, they can call the police and the police on request of the owner can arrest the person for trespassing under Penal Code (PC) 602(o)(2).
- The Trespass Enforcement Authorization letter makes it clear for the police that the person who is on another person's property is not welcome. A business owner can file a "Trespass Enforcement Authorization Letter" with the police department that allows officers to make arrests of those individuals who are on the property afterhours. If that letter were not on file, the officers could not request the individuals to leave or make any arrests. They would have to contact the owners every single time they find people at the property to investigate whether or not the person has permission from the owner to be there.
- A person can be arrested for illegal camping or lodging under Pasadena Municipal code(PMC) 3.24.110(8) and/or Penal Code(PC) 647(e)
- A person in possession of a shopping cart (with an identified business) could face a violation of PMC9.62.070 and PC485.
- Businesses and churches that are open to the public have the right to ask folks to leave under PC602(o)(2). When the owner asks someone to leave and they refuse, they can be arrested.
- Currently, It's not illegal to pan-handle in Pasadena, as long as you are not blocking the driveway, impeding traffic or standing in the street (See Vehicle Code 22520.5(a) – infraction). But threatening behavior by a panhandler can be considered "accosting," a crime according to California Penal Code Section 647.
- If someone feels harassed by a pan handler, a citizen's arrest can be made, showing that the pandhandler intends to do something illegal, under code PC647(c), which addresses aggressive panhandling.

Yours in friendship and peace,

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

Blog: <http://laquaker.blogspot.com/>

"Common folk, not statesmen, nor generals, nor great men of affairs, but just simple men and women, if they devote themselves ... can do something to build a better peaceful world."--Henry Cadbury, 1947

"The humble, meek, merciful, just, pious, and devout souls are everywhere of one religion; and when death has taken off the mask, they will know one another, though the liveries they wear here make them strangers."--William Penn.