

232 Avenue 64
Pasadena, CA 91105

CITY CLERK

16 OCT 17 10:35AM

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

16 OCT 17 11:52AM
CITY CLERK

Oct 14 2016

Francois and Dorothy Dubouche
323 W. Montana St.
Pasadena, CA 91103

to

City Council Members
Pasadena, CA

I am concerned about the new ordinance "The police should arrest people for camping on city streets during the day" being voted on Oct 16.

As the letter that Anthony Manousos sent to the City Council Pointed out: There are already ordinances on the book to protect the community.

I am also concerned about an inefficient law which will recycle the homeless people in a judiciary system at the cost of necessary funds needed to housing them.

Respectfully and sincerely

*Franco Dubouche
Dorothy Dubouche*

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Community Groups Opposing the Criminalization of Pasadena's Unhoused Residents

October 17, 2016

Mayor Terry Tornek
City Council Members
Pasadena City Hall
100 North Garfield Avenue
Pasadena, CA 91101

Re: Opposition to Proposed Ordinance Amending Municipal Code Title 3,
Chapter 3.24, Section 3.24.110(A)(8) Related to Camping in Public Parks
and Facilities and Title 12, Chapter .12, Section 12.12.080 Related to
Obstructing a Public Way or Place

Dear Mayor City Council members,

We write to express our concerns about proposed ordinance to amend the existing codes related camping in commercial areas and parks and obstructing public ways or places, thereby expanding limits on camping, resting, and storage of personal property in public areas, such as parks, sidewalks, and alleys. This ordinance would disproportionately impact persons who are unhoused and have no choice but to sleep, and have their personal belongings, in public areas.

We strongly oppose the proposed ordinance because it is potentially unconstitutional, would endanger the health and well-being of persons experiencing homelessness, is ineffective and counterproductive in ending homelessness, and would waste public resources that could be better spent on real solutions.

First, the United States Department of Justice has recently taken the position that criminalizing homelessness is unconstitutional. The Department of Justice argues,

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“If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”¹

According to the City’s 2016 Homeless Count and Subpopulation Survey, approximately 530 people are homeless in Pasadena on any given night. Of these, 225 are chronically homeless—a 14% increase over the previous year.²

Chronically homeless people are individuals experiencing long-term homelessness, usually coupled with serious disabling conditions. To escape homelessness, those who are chronically unhoused need permanent affordable housing as an immediate response to their crises. Yet such housing is in short supply. Pasadena’s “housing first” program placed only 56 people in permanent housing in 2015, leaving the rest to live in temporary or emergency shelter spots, or on our streets.

According to the Department of Housing and Urban Development, shelter and transitional housing in Pasadena accommodates *less than half* of all people experiencing homelessness, leaving the rest—around 300 people on any given night—sleeping out of doors.³

Given this shortage in housing, homeless individuals living without shelter in Pasadena have no choice but to sleep and rest in public places because they cannot access a legal place to sleep. Therefore, sleeping in public is “involuntary and inseparable from” their status or condition of being homeless, and the county’s criminalization of such runs the risk of violating the federal Constitution.

Second, enforcement of such an ordinance would endanger the health and well-being of people who are already at disproportionate risk for health problems. This is because the ordinance directs police officers to order persons sleeping outdoors to take down their tents and discard their sleeping bags, leaving them with no protection from cold and inclement weather. Last night, had this ordinance been in effect, it meant that our unhoused neighbors would have slept without protection in the rain with temperatures dipping into the 60s.

¹ U.S. Department of Justice. (2015). *Statement of Interest of the United States. United States District Court for the District of Idaho*. (Civil Action No. 1:09-cv-540-REB Hon). Retrieved from <http://www.justice.gov/opa/file/643766/download>.

² Pasadena Homeless Count: 2016. Available at <http://ww5.cityofpasadena.net/housing/wp-content/uploads/sites/3/2016/05/2016-Homeless-Count.pdf>

³ HUD 2015 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report. Available at https://www.hudexchange.info/resource/reportmanagement/published/CoC_HIC_CoC_CA-607-2015_CA_2015.pdf

Third, such ordinances are ineffective in ending homelessness; thus, they are bad public policy. The federal government recognizes that criminalization does nothing to end homelessness, but rather simply moves people from one place to another. As noted by the United States Interagency Council on Homelessness, “[t]he forced dispersal of people from encampment settings is not an appropriate solution or strategy, accomplishes nothing toward the goal of linking people to permanent housing opportunities, and can make it more difficult to provide such lasting solutions to people who have been sleeping and living in the encampment.”⁴

Worse, enforcement of ordinances that criminalize homelessness can actually perpetuate homelessness. Citations can result in warrants, the accumulation of fines, time spent evading police instead of connecting to service providers, and time in court and jail. When people are swept up in the criminal justice system, it is harder for them to find and keep housing, employment, and needed benefits. Citations can give people a criminal record, which perpetuates homelessness by preventing them from obtaining government benefits and housing. They may spend the little income they have paying back fines instead of putting it toward living expenses that could help them get off the streets, such as a down payment on a car or a deposit on an apartment.

Fourth, the proposed ordinance would waste significant public resources. Studies show that the costs of criminalizing homelessness are often much higher than the costs of permanent supportive housing.⁵ Indeed, this public money can be better spent on affordable, permanent housing with wrap around services such as case management and mental health services—the best practice for reducing chronic homelessness promoted by federal guidelines.

Further, the proposed ordinance sets forth a long list of commercial areas where camping and sleeping will no longer be allowed, thereby corralling homeless individuals into surrounding residential neighborhoods, where there is little, if any, public space. In these residential areas, unhoused persons will be subject to violations of the City’s trespass laws. This ordinance expansion criminalizes

⁴ United States Interagency Council on Homelessness. (August, 2015). Ending homelessness for people living in encampments: Advancing the dialogue. Available at http://usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf

⁵ Flaming, D., Burns, P., & Matsunaga, M. (2009). *Where we sleep: Costs when homeless and housed in Los Angeles County*. Los Angeles: Economic Roundtable; U.S. Interagency Council on Homelessness. (2010). *Opening doors: Federal Strategic Plan to Prevent and End Homelessness*. Available at http://usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf.

homelessness by eliminating virtually every space where homeless persons may camp, sleep or rest.

We ask the City to reject the failed policy of criminalization. We look forward to working with the City to develop and implement policies that respect human dignity and civil rights, effectively protect the health and well-being of people living outdoors, and end homelessness for good.

Thank you for your careful consideration of this important topic.

Sincerely,

Affordable Housing Services

American Civil Liberties Union - SoCal - Pasadena/Foothills Chapter, Economic Justice Committee

Greater Pasadena Affordable Housing Group

League of Women Voters - Pasadena Area, Economic Justice Committee

Making Housing Happen

Date: Oct. 17th 2017

To: Pasadena City council members

Re: Oppose: Ordinance Amending Municipal Code Title 3, Chapter 3.24, Section 3.24.110(A)(8) Relating to Camping in Public Parks and Facilities, and Title 12, Chapter .12, Section 12.12.080 Relating to Obstructing a Public Way or Place

I have done my best to study tonight's proposed anti-camping ordinance, as well as the existing laws and codes in the city of Pasadena, and it has become clear that the proposed Anti-camping ordinance is unnecessary. I believe the City Council has been led to believe that we need "new tools," i.e. more stringent laws, to protect the public from aggressive panhandlers and camping. After attending a meeting at Victory Park, Wed. Sept. 28th lead by the Pasadena Police on "Managing the Homeless" I learned that evening that the following current laws already provide ample protection to businesses and property owners:

- a. 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, 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.
- b. 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).
- c. 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.
- d. 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)
- e. A person in possession of a shopping cart (with an identified business) could face a violation of PMC9.62.070 and PC485.
- f. 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.
- g. 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.
- h. If someone feels harassed by a pan handler, a citizen's arrest can be made, showing that the panhandler intends to do something illegal, under code PC647(c), which addresses aggressive panhandling.

I have submitted the "Trespass Enforcement Authorization Letter" with this letter. See attached.

We do not need additional laws that laws that specifically target homeless people. This is proven very ineffective and undermines our City's vision that all have a right to be housed. I do not want to live in a city that is making it harder for the vulnerable in our society to survive. I want to live in city that is a shining example to adjacent cities and beyond that homelessness indeed can be ended.

Respectfully submitted,

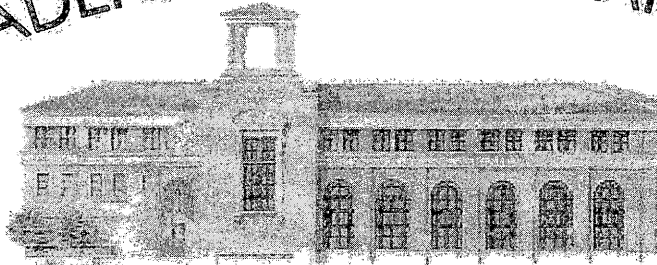
Jill Shook, Jill@makinghousinghappen.com (626) 675-1316.

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PASADENA POLICE DEPARTMENT



Phillip L. Sanchez
Chief of Police



207 N. Garfield Avenue
Pasadena, CA 91101

Trespass Enforcement Authorization Letter

The Pasadena Police Department's Trespass Enforcement Program was developed to act in accordance with California Penal Code Section 602(o), which authorizes the owner or owner's agent to make a request for the assistance of Peace Officers in dealing with trespassers. This request may be made for a period not to exceed six months, and is intended for properties that are closed to the public and are posted as being closed to the public. This form will serve as the request for Peace Officers assistance by property owners or agents that are concerned about trespassing on commercial properties that are NOT open to the general public or real properties where the owner or agent is not on the premises. This Trespass Letter is NOT intended for businesses that are open to the public or properties that have on-site owners or agents. Owners, agents and employees of properties not covered under PC 602(o) are still encouraged to contact the Pasadena Police Department if they need assistance in dealing with trespassers.

FACILITY / PROPERTY NAME: _____

ADDRESS: _____

24-HOUR EMERGENCY CONTACT: _____ PHONE: _____

NAME OF OWNER / AGENT: _____

ADDRESS: _____

HOME PHONE: _____ CELL PHONE: _____ EMAIL: _____

I, _____, am the owner or agent authorized by the owner of the listed location and I authorize the Pasadena Police Department to act on my behalf in reference to the criminal prosecution of trespassers, pursuant to Penal Code Sections 602 (o), 602 (k), 602(m) and 602.1(a) on the property listed above. Furthermore, I agree to cooperate in all stages of prosecution and will sign a complaint against any arrested person if issued.

Reason for Letter: _____

Unless revoked by the owner or agent, this authorization shall remain in effect for six (6) months from the date received by the Pasadena Police Department.

Signature of Property Owner/Agent _____

Date _____

FOR POLICE DEPARTMENT USE ONLY

Expiration date: _____

Associated CASE #: _____

Entered into Sharepoint by: _____

Date entered: _____

Copies: FTO Coordinator - 1 Hope - 1 Other: _____

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.

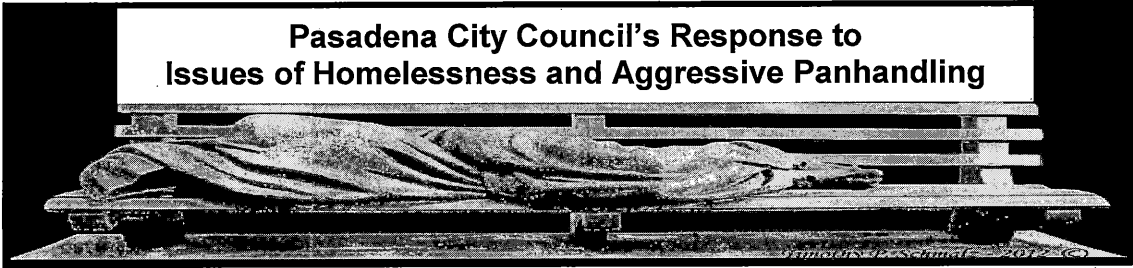
Pasadena is a well-known city and highly desirable place to live and should be made available FOR ALL PEOPLE. It should not be a place for the privileged few to live, but a place accessible for all. I want my city to be known for how we creatively and humanely responded to the challenges of human need 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.

