



October 11, 2019

The Honorable Mayor Steve Adler and Austin City Council
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Proposed amendments to the camping and sit-lie ordinances

Mayor Adler, Mayor Pro Tem Garza, and Council Members Harper-Madison, Renteria, Casar, Kitchen, Flannigan, Pool, Ellis, Tovo and Alter,

The mission of the Downtown Austin Alliance is to create, preserve and enhance the value and vitality of downtown Austin. While the focus of our work is limited to the Downtown Public Improvement District and our comment here will focus on the downtown community, we believe the values we promote and some of our proposed solutions apply across the city.

As City Council attempts to address the sit-lie and camping ordinances in its October 17 council meeting, we are once again at a pivotal point to demonstrate that actions will lead to solutions to the complex challenges of homelessness and public health and safety. The public debate since the ordinances were amended has become a major obstacle to moving forward with real solutions focused on effectively addressing homelessness.

We know the solution to homelessness requires a comprehensive approach to include addressing the roots causes, engaging those on the streets with case management, confronting the tragedies of mental illness and addiction, providing jobs, and offering safety and shelter to everyone—shelter that offers protection, cleanliness, dignity and a path out of homelessness.

We must move forward. But first we need to move beyond the current controversy on the sit-lie and camping ordinances.

We believe that having thousands of people lying on our streets, under underpasses, and hidden in unseen places is in itself an immediate danger to the health and safety of those experiencing homelessness and to entire community. There is no question that it dramatically impacts public health and safety and the perception of safety, and that those who are suffering from homelessness often fear for their safety and the security of their belongings as they are exposed to predators.

Currently, people experiencing homelessness and the broader community have lost confidence that solutions to homelessness and growing concerns around public safety and health can be addressed effectively and in any reasonable amount of time. While currently proposed amendments are a step in the right direction and contain elements that we support, we believe the proposed amendments will not sufficiently address the legitimate needs of the entire community.

DOWNTOWN ALLIANCE PROPOSED AMENDMENTS

We support recommendations that prohibit camping in areas determined to be dangerous and that prohibit camping on sidewalks anywhere in the city. However, we believe that further restrictions are needed to address sitting and lying on sidewalks and have drafted language below.

CAMPING

The definition of camping in various drafts of suggested ordinances needs greater clarity so people will know whether they are abiding by the law and our police can fairly enforce the law. We suggest that the city consider adopting the approach taken by Dallas and shift from trying to define "camping" to defining the erection of temporary, makeshift and unauthorized shelters, as follows:

- Dallas City Ordinance Sec 31-13.1 prohibits the "Unauthorized Placement, Erection or Maintenance of Temporary Shelters on Public property."
- It defines "TEMPORARY SHELTER" as "any tent or other type of portable or impermanent structure, whether manufactured or makeshift, in or under which a person can be sheltered or partially sheltered from the elements."

The Dallas Ordinance may be useful to review because it also includes exceptions to the ban.

SITTING AND LYING

We support the following limitation on where a person may sit or lie:

It shall be unlawful for any person to sit or lie on the ground, on a sidewalk, or on any seating not provided or licensed by the City or Capital Metro, on public property which is adjacent to a side of business which has a pedestrian entrance or exit, while the business is open to the public.

"Adjacent to a side of business" shall mean along the entire property line of a business where there is a pedestrian entrance or exit and extending in a perpendicular line to a public street.

"Business" shall mean any building in which there is a privately operated establishment engaged in providing accommodations, goods or services to the public.

The ordinance should continue to incorporate the various exceptions. The police should give warning and a reasonable time to move, and, when reasonable, should attempt to contact other agencies such as HOST; but this should not create an unnecessary burden on police resources without justification.

The Downtown Austin Alliance is dedicated to maintaining a safe, vibrant and welcoming downtown and to being a constructive voice and active participant to address the issue of homelessness. We appreciate your consideration of these recommendations and welcome the opportunity to discuss any of this with you.

Sincerely,



Julie Fitch
Chief Operating Officer