



MEMORANDUM

Date: December 1, 2015

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Panhandling Ordinance and Complaints at Call to the Audience**

This memorandum is in response to the request of Board of Supervisors Chair Sharon Bronson for an update and report regarding issues that have been raised regarding panhandling and homeless camps (Attachment 1).

Based on a number of Call to the Audience complaints made regarding panhandling, I asked the County Attorney and others to review the ordinances and/or powers of the Board of Supervisors regarding panhandling. At the same time, I asked the Sheriff and responsible departments to implement our Homeless Encampment Protocol (Attachment 2). I also asked the County Attorney to determine whether it would be permissible to ban panhandling versus legitimate commercial business transactions in the right of way (Attachment 3). The County Attorney responded in the attached memorandum (Attachment 4).

There has been discussion regarding the enactment of an appropriate County ordinance to prevent panhandling. In almost all cases, the proposed ordinances will raise significant First Amendment concerns and are vulnerable to legal challenges. Solicitation ordinances have been struck down as unconstitutional in 2011 and 2013. Wordsmithing ordinances to avoid constitutional scrutiny places the County in an even more precarious position because we are a political subdivision of the State, and the State Legislature has not passed laws to adequately address this issue. To enact any panhandling ordinance that would withstand First Amendment constitutional scrutiny will require new legislation that must be enacted by the Arizona Legislature.

A key factor in evaluating the County's authority to regulate in this area is the extent to which the ordinance would actually improve or increase pedestrian or motorist safety. Such would then require the introduction of evidence that panhandling has and continues to cause a number of accidents related to the specific activity of panhandling. Based on the past five years of crash data (January 1, 2010 to August 31, 2015), there have been two crashes involving median based pedestrians and motorists. In both of these crashes, the pedestrians were injured when the median based signal pole they were near was hit by an errant vehicle. One involved a panhandler and the other a person selling newspapers; neither was seriously injured. During this same time period, there were a total of 73 pedestrian crashes at intersections in and outside of crosswalks. There were also 120 reported crashes involving signal poles. Hence, absent further analysis demonstrating

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Panhandling Ordinance and Complaints at Call to the Audience**
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evidence of safety hazards, the safety nexus to a panhandling regulation might be difficult to establish.

The Legislature recently enacted new laws in Arizona, Senate Bills (SBs) 1094 and 1063 (Attachment 5), criminalizing aggressive solicitation and activating a pedestrian crossing signal for the purpose of solicitation in an apparent effort to curtail panhandling. Transportation staff has reported pedestrian crosswalk buttons being jammed to cause constant pedestrian calls. This, in turn, causes increased traffic delay. I have asked Transportation staff to report any tampering with our traffic signals to the Sheriff. The Sheriff indicates it is nearly impossible to enforce either of these new statutes, since a deputy must witness the infraction.

Since we are a political subdivision of the State, we can only enforce the laws delegated to us by the Legislature. Enacting anything else invites a First Amendment challenge. These new laws enacted in the 2015 Regular Session as SB 1094 and SB 1063 are not effective in providing the County with the legal authority to prohibit panhandling in the public right of way.

We have, however, initiated Administrative Procedure 50-02, the County's homeless encampment protocol, where if individuals are found to be camping on County property or right of way, they will be removed pursuant to this protocol. This protocol is being followed by the implementing departments and the Sheriff. It is important to note that this policy is only effective on public property of the County; it does not apply to private property. I have also asked our staff to contact the major faith-based organizations in the northwest metropolitan area to enlist their help in assisting the area homeless population.

Updates on activities regarding homeless camps on public County property are included in Attachment 6 to this memorandum.

Attachment 7 is a November 12, 2015 article from *The Pew Charitable Trusts* regarding this subject, and Attachment 8 is a November 30, 2015 *Wall Street Journal* report regarding the homeless in the Los Angeles area. This is a national problem and anti-panhandling laws are regularly being declared unconstitutional.

If further discussion is desired regarding potential First Amendment issues or other legal issues associated with the County's authority to regulate panhandling in public rights-of-way, it would be appropriate to schedule the item for an executive session.

CHH/mjk

Attachments

c: The Honorable Barbara LaWall, Pima County Attorney
The Honorable Chris Nanos, Pima County Sheriff
Thomas Weaver, Chief Civil Deputy County Attorney

ATTACHMENT 1



PIMA COUNTY BOARD OF SUPERVISORS

DISTRICT 3

130 WEST CONGRESS STREET, 11TH FLOOR

TUCSON, ARIZONA 85701-1317

(520) 724-8051

district3@pima.gov

SHARON BRONSON

CHAIR

MEMORANDUM

Date: November 23, 2015

To: Chuck Huckelberry,
County Administrator

From: Sharon Bronson, Chair 
Pima County Board of Supervisors

Subject: Homeless Camps in unincorporated Pima County

Earlier this month during Call to the Public at a Board of Supervisors meeting, a number of residents expressed grave concern about the existence of homeless camps in Pima County. I share that concern and feel that the existence of such camps constitutes a threat to public safety. Please review their comments and provide me a report on the resources County staff currently employs to address this problem and what additional legal remedies and options the County might employ and costs associated with same to eliminate this threat to public safety.

ATTACHMENT 2



MEMORANDUM

Date: November 10, 2015

To: The Honorable Chris Nanos
Pima County Sheriff

From: C.H. Huckelberry
County Administrator 

Re: **Homeless Encampments in the Unincorporated Area of Pima County and Northwest Metropolitan Pima County**

At today's Board of Supervisors Public Hearing, a number of speakers made definitive statements regarding homeless individuals camping on County property; either in public washes, drainageways or on property acquired for the improvement of La Cholla Boulevard.

This memorandum is to request the Sheriff's Department remove any and all homeless encampments on County public lands, rights of way or easements in accordance with Administrative Procedure 50-02: Pima County Homeless Encampment Protocol. No person is allowed to camp on County property, and any encampment or personal property related to same are to be removed. Please have the encampments removed as soon as practically possible based on the level of concern expressed by area residents.

I have directed the Regional Flood Control District (RFCD) to regularly patrol and survey their property in areas known for panhandling, with the specific purpose of identifying homeless or other encampments on County property without permit or authorization.

In addition, some residents have indicated a white van traverses the area to pick up and drops off individuals who may then panhandle and/or camp on County public property. I would appreciate any assistance you can provide in identifying the person or persons transporting individuals for the purpose of panhandling or camping.

By copy of this memorandum, I am directing that the various departments involved in administering the Homeless Encampment Protocol begin to immediately implement the Protocol for these areas. I am also directing that the RFCD identify any homeless encampment sites on County properties, including those lands purchased for the widening of La Cholla Boulevard between Orange Grove and Ina Roads, south of Donaldson Elementary School.

c: John Bernal, Deputy County Administrator for Public Works
Jan Leshner, Deputy County Administrator for Medical & Health Services
Suzanne Shields, Director, Regional Flood Control District
Priscilla Cornelio, Transportation Director
Chris Cawein, Director, Natural Resources, Parks and Recreation
Ursula Nelson, Director, Environmental Quality
Margaret Kish, Director, Community Development and Neighborhood Conservation
Dr. Francisco Garcia, Director, Health Department
Danna Whiting, Administrator, Behavioral Health



ADMINISTRATIVE PROCEDURES

Procedure Number: 50-02

Effective Date: 08/03/2015

Revision Date: _____


County Administrator

SUBJECT: Pima County Homeless Encampment Protocol

DEPARTMENT RESPONSIBLE: Department of Environmental Quality, Sheriff's Department

I. PURPOSE

This Homeless Encampment Protocol is initiated when surveillance discovers homeless individuals camping on public or private properties or a constituent/citizen complaint is received by a Pima County agency. Homeless camps can pose a threat to public health, safety and the environment and foster criminal activity. The protocol may also be initiated when a homeless camp is established in a public waterway and poses a threat to the safety of the occupants of the camp. This protocol applies to all County rights of way and lands owned by the County or the Regional Flood Control District (RFCD) in unincorporated Pima County or in a municipality.

The protocol is designed to allow County departments the opportunity to offer humanitarian and human services resources to homeless camp inhabitants and address the facilitation of law enforcement and remediation activities on affected properties. County departments shall maintain data of all homeless camp intervention and remediation activities in electronic form for dissemination upon request. This protocol relates only to the internal management of the County or the RFCD or only to the care of County or RFCD facilities or property and does not affect the substantive or procedural rights of any segment of the public.

II. PROCEDURE

1. Homeless camp complaints should initially be forwarded to the Pima County Department of Environmental Quality (PDEQ) when received by other County entities. Generally, it is the Pima County Sheriff's Department (PCSD) or PDEQ that receive the initial complaint or identify the camp through surveillance.

IMPORTANT:

- All homeless camp complaints where criminal activity is observed should immediately be referred to PCSD via calling 911.
- Private property owners should be advised to call 911 for trespass complaints on their property.
- PCSD will only respond when requested by the property owner.
- PCSD cannot remove transients from public property where no law or ordinance is in place or being violated.

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- **NOTE:** Pima County Parks Rules, Chapter 1, Section 1.070 states: "It shall be unlawful to enter, use or occupy public parks...for any purpose when said parks are posted against such entrance, use or occupancy. Use of county parks and recreation areas where a fee, rental, admission or other consideration has been established without proof of fee payment, rental, admission or other consideration is prohibited."
2. Homeless camp complaints relating to environmental and waterway concerns i.e. solid waste, sewage or waterway violations received by PCSD will be referred to PDEQ for investigation. A member of the PCSD will accompany PDEQ staff during the investigation when requested and prior arrangements are made.
 3. The PCSD or PDEQ will identify the homeless camp location and property ownership (public or private property) as part of the initial investigation using Pima County GIS PimaMaps, MapGuide Maps and Parcel Information Search. Pima County Real Property (PCRP) can be used to research County agency property ownership when not identified on the GIS parcel record.
 - **NOTE:** PDEQ may issue either an intergovernmental referral (if publicly owned property is not County-owned) or a Notice of Violation (NOV) to the private property owner for remediation to be scheduled.
 4. PDEQ will notify the PCSD, Sullivan Jackson Employment Center (SJEC), Pima County Health Department (PCHD) and the Pima County Department of Behavioral Health (PCBH) upon completion of the initial investigation. The SJEC outreach team will contact the PCHD and PCBH and, if possible, coordinate their site visit and homeless camp investigation. The SJEC referral is to SJEC and not to the Community Development and Neighborhood Conservation Department (CDNCD).
 - **NOTE:** Within 24 hours of notification, the SJEC Outreach Team will make contact with the homeless group or individual and inform them of community resources available to assist them with immediate and/or long-term needs. A member of the PCSD will accompany all Outreach Teams when requested and prior arrangements are made.
 5. If the PCSD or PDEQ observes a health-related violation during their investigation of a homeless camp, the PCHD will be contacted for assistance and possible enforcement action.
 6. Agencies such as the RFCD, Pima County Natural Resources, Parks and Recreation (NRPR) and the Pima County Department of Transportation (PCDOT) have their own maintenance crews and equipment. RFCD, NRPR and PCDOT will conduct homeless camp remediation projects on properties under their maintenance or ownership. PDEQ will remediate all other County rights of way and County-owned property homeless camps when the County agency that owns the property does not have the means to do so. All County remediation crews must coordinate with the PCSD to address safety concerns prior to conducting a remediation project.
 - Following an inspection where County violations are documented on County- or RFCD-owned property, a remediation project will be scheduled by the responsible agency. This agency will advise the PCSD, in advance, of the remediation project

date and time to allow for notification to the congregate group/individuals of a timeframe to vacate the property.

- If the congregate group/individuals fail to vacate public property within the given timeframe and the remediation crew has arrived at the site without a PCSD unit, the remediation crew supervisor shall contact the PCSD and allow them to respond to the location and take appropriate action to remove the individuals from the homeless camp prior to commencement of the remediation project.

Potential State Law and Pima County Code/Rule Violations Related to Homeless Encampments

Arizona Revised Statutes (A.R.S.)

PCDOT

- Title 28 – Transportation
 - § 28-7053 – Misuse of public highway
 - § 28-7056 – Dumping trash on highways

PCHD

- Title 36 – Public Health and Safety
 - § 36.601 – Public nuisances dangerous to public health

PDEQ

- Title 49 – Environmental
 - § 49.141 – Environmental nuisances

Pima County Code (P.C.C.)

PDEQ

- Title 7 – Environmental Quality
 - Liquid Waste - 7.21.090
 - Solid Waste – 7.29.040C
 - Environmental Nuisances – 7.45.020

PCDOT

- Title 10 – Floodplain Management
 - County authority over public right-of-way – 10.50.020

RFCD

- Title 16 – Floodplain Management
 - Prohibited Uses in a Floodway – 16.24.020
 - Storage of Materials and Equipment – 16.26.060

Pima County Parks Rules

NRPR

- Chapter 1 - Use and Occupancy
 - Areas posted against entrance, use or occupancy - 1.070

PROPERTY REMEDIATION GOALS

- PCSD or PDEQ will inspect the site, determine property ownership, and take the required action to initiate the protocol.
- Once County- or RFCD-owned property is vacated, remedial efforts will be initiated.
- Waste will be removed and properly disposed of with as little damage to the environment as possible.
- Remediation of the vacated public property must be accomplished in a short timeframe to discourage a return of homeless individuals to the property.
- County departments that own affected parcels are encouraged to post "No Trespassing" signage at the remediated homeless camp location to prevent the return of transients and assist PCSD with the enforcement of State trespassing statutes.
- All complaints received by PDEQ from the following entities will be contacted by the department and advised of the outcome of their complaint referral:
 1. County Administrator's Office
 2. Affected Board of Supervisors Office
 3. Constituent/Citizen complainant
 4. All departments included in this protocol.

ADDITIONAL RESOURCES

These resources address homelessness in the urban areas of the County and may be of interest to Pima County personnel that make first contact with homeless individuals.

La Frontera's Safe Haven is a low demand facility for people with mental illness and active substance abuse who have repeatedly rejected conventional services for people in crisis or are homeless. In order to access the services of the Safe Haven facility, referrals into the facility must be made by the La Frontera Readily Accessible People Program (R.A.P.P.) Team.

Tucson Pima Collaboration to End Homelessness - "Guidelines on Getting Out." This is a 16-page pamphlet geared to help ex-offenders plan for their release rather than being discharged to the streets. "Guidelines" lists 22 homeless-serving agencies and programs in Tucson in a chart format that indicates their program types, client profile, entry fee or rent, drug/alcohol status, and other details. It also contains useful telephone numbers, tips on how to use the handbook, a sample letter to write to agencies before release, as well as words of encouragement. "Guidelines on Getting Out" is distributed by the Arizona Department of Corrections throughout Arizona. The Tucson Pima Collaboration to End Homelessness is also distributing the pamphlet to jails, parole and probation departments, and mental health units, as well as sending them individually to inmates upon request.

"Need Help" Pocket Guide. This small-size brochure is published twice each year by the Tucson Pima Collaboration to End Homelessness, 724-7300. Resources listed in the pocket guide include shelters, showers, food, healthcare, Arizona Department of Economic Security services and employment assistance. It also includes a map of Tucson.

PROTOCOL CONTACT INFORMATION:

Pima County Sheriff's Department (PCSD) Protocol Contact List

PCSD enforces criminal violations at homeless camps. PCSD assists County agencies with removal of congregate groups/individuals prior to commencement of remediation projects on County rights of way and lands owned by the County.

➤ **NOTE:** Homeless encampment complaints may also be called in after hours to the Communication Section, non-emergency phone number at: (520) 351-4900.

<p><u>PCSD Ajo District</u></p> <p>Contact Number: (520) 351-8511</p> <p>1249 Ajo Well Road Ajo, AZ 85321-9701</p>	<p><u>PCSD Foothills District</u></p> <p>Contact Number: (520) 351-6311</p> <p>7300 N. Shannon Road Tucson, AZ 85741-2137</p>
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<p><u>PCSD Green Valley District</u></p> <p>Contact Number: (520) 351-6711</p> <p>601 N. La Cafada Drive Green Valley, AZ 85614-3440</p>	<p><u>PCSD Rincon District</u></p> <p>Contact Number: (520) 351-4511</p> <p>8999 E. Tanque Verde Road Tucson, AZ 85749-9470</p>
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<p><u>PCSD San Xavier District</u></p> <p>Contact Number: (520) 351-3888</p> <p>2545 E. Ajo Way Tucson, AZ 85713-6203</p>	<p><u>PCSD Tucson Mountain District</u></p> <p>Contact Number: (520) 351-3811</p> <p>6261 N. Sandario Road Tucson, AZ 85743-9321</p>
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Pima County Department Protocol Contact List

<p><u>Department of Environmental Quality (PDEQ)</u></p> <p>Main Number: (520) 724-7400 Contact: Enforcement Manager</p> <p>Bank of America Building 33 N. Stone Avenue, 7th Floor Tucson, AZ 85701</p>	<p><u>Community Development and Neighborhood Conservation Department (CDNCD)</u></p> <p>Main Number: (520) 724-3777 Contact: Program Manager</p> <p>Kino Service Center 2797 E. Ajo Way Tucson, AZ 85713</p>
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<p><u>Sullivan Jackson Employment Center</u></p> <p>Main Number: (520) 724-7300 Contact: Program Coordinator</p> <p>400 E. 26th Street Tucson, AZ 85713</p>	<p><u>Pima County Department of Transportation (PCDOT)</u></p> <p>Main Number: (520) 724-6410 Contact: Program Manager</p> <p>201 N. Stone Avenue Tucson, AZ 85701</p>
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<p><u>Pima County Regional Flood Control District (RFCD)</u></p> <p>Main Number: (520) 724-4600 Contact: Chief Hydrologist</p> <p>97 E. Congress Street Tucson, AZ 85701</p>	<p><u>Pima County Natural Resources, Parks and Recreation (NRPR)</u></p> <p>Main Number: (520) 724-5000 Contact: Park Operator & Maintenance Manager</p> <p>3500 W. River Road Tucson AZ 85741</p>
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<p><u>Pima County Health Department (PCHD)</u></p> <p>Main Number - (520) 243-7770 Contact: Consumer Health and Food Safety Program Manager</p> <p>3950 S. Country Club Road Tucson, AZ 85714</p>	<p><u>Pima County Behavioral Health (PCBH)</u></p> <p>Main Number: (520) 724-7923 Contact: Behavioral Health Administrator</p> <p>3950 S. Country Club Road Tucson AZ 85714</p>
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ATTACHMENT 3



MEMORANDUM

Date: November 2, 2015

To: Thomas Weaver
Chief Civil Deputy County Attorney

From: C.H. Huckelberry
County Administrator 

Re: Panhandling Ordinance

As I recall, when the Board of Supervisors previously discussed a proposed ordinance to prohibit individuals from occupying public right of way, it was a general prohibition.

Does the Board have the legal authority to enact a panhandling ordinance that would prohibit individuals from panhandling within the public right of way but would establish appropriate rules and perhaps licensing of individuals who choose to sell products in the public right of way from an authorizing vendor such as Tucson Newspapers? In the past, I do not believe the Board opposed any panhandling ordinance, but they have expressed concern over a broad prohibition that would prohibit individuals from receiving compensation for services, such as those selling newspapers in the medians.

I would appreciate your review of an ordinance that would prohibit panhandling but would allow other authorized uses.

CHH/anc

ATTACHMENT 4

**ATTACHMENT 4 CONTAINS
ATTORNEY/CLIENT PRIVILEGED
INFORMATION AND IS NOT
INCLUDED.**

ATTACHMENT 5

**ATTACHMENT 5,
PIMA COUNTY ATTORNEY
MEMORANDUM DATED
11/16/2015**

**ATTORNEY/CLIENT PRIVILEGED,
HAS BEEN REMOVED.**

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 146
SENATE BILL 1094

AN ACT

AMENDING SECTION 13-2905, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2914; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2905, Arizona Revised Statutes, is amended to
3 read:

4 13-2905. Loitering; classification

5 A. A person commits loitering if such person intentionally:

6 1. Is present in a public place and in an offensive manner or in a
7 manner likely to disturb the public peace solicits another person to engage
8 in any sexual offense.

9 2. Is present in a transportation facility and after a reasonable
10 request to cease or unless specifically authorized to do so solicits or
11 engages in any business, trade or commercial transactions involving the sale
12 of merchandise or services.

13 ~~3. Is present in a public place to beg, unless specifically authorized~~
14 ~~by law.~~

15 ~~4.~~ 3. Is present in a public place, unless specifically authorized by
16 law, to gamble with any cards, dice or other similar gambling devices.

17 ~~5.~~ 4. Is present in or about a school, college or university building
18 or grounds after a reasonable request to leave and either does not have any
19 reason or relationship involving custody of or responsibility for a pupil or
20 student or any other specific legitimate reason for being there or does not
21 have written permission to be there from anyone authorized to grant
22 permission.

23 ~~6.~~ 5. Except as provided in section 13-3969, subsection A, solicits
24 bail bond business inside a court building or immediately around or near the
25 entrance of a county or city jail. For the purposes of this paragraph,
26 "solicit" includes handing out business cards or any printed material or
27 displaying any electronic devices related to bail bonds, verbally asking a
28 person if the person needs a bail bond and recruiting another person to
29 solicit bail bond business.

30 B. Loitering under subsection A, paragraph ~~5~~ 4 is a class 1
31 misdemeanor. Loitering under subsection A, paragraphs 1, 2, ~~3~~, ~~4~~ and ~~6~~ 5 is
32 a class 3 misdemeanor.

33 Sec. 2. Title 13, chapter 29, Arizona Revised Statutes, is amended by
34 adding section 13-2914, to read:

35 13-2914. Aggressive solicitation; classification; definitions

36 A. IT IS UNLAWFUL FOR A PERSON TO SOLICIT ANY MONEY OR OTHER THING OF
37 VALUE OR SOLICIT THE SALE OF GOODS OR SERVICES:

38 1. WITHIN FIFTEEN FEET OF ANY BANK ENTRANCE OR EXIT OR ANY AUTOMATED
39 TELLER MACHINE IF THE PERSON DOES NOT HAVE PERMISSION TO BE THERE FROM THE
40 BANK OR THE OWNER OF THE PROPERTY ON WHICH THE AUTOMATED TELLER MACHINE IS
41 LOCATED.

42 2. IN A PUBLIC AREA BY:

43 (a) INTENTIONALLY, KNOWINGLY OR RECKLESSLY MAKING ANY PHYSICAL CONTACT
44 WITH OR TOUCHING ANOTHER PERSON IN THE COURSE OF THE SOLICITATION WITHOUT THE
45 PERSON'S CONSENT.

1 (b) APPROACHING OR FOLLOWING THE PERSON BEING SOLICITED IN A MANNER
2 THAT IS INTENDED OR IS LIKELY TO CAUSE A REASONABLE PERSON TO FEAR IMMINENT
3 BODILY HARM TO ONESELF OR ANOTHER OR DAMAGE TO OR LOSS OF PROPERTY OR THAT IS
4 REASONABLY LIKELY TO INTIMIDATE THE PERSON BEING SOLICITED INTO RESPONDING
5 AFFIRMATIVELY TO THE SOLICITATION.

6 (c) CONTINUING TO SOLICIT THE PERSON AFTER THE PERSON BEING SOLICITED
7 HAS CLEARLY COMMUNICATED A REQUEST THAT THE SOLICITATION STOP.

8 (d) INTENTIONALLY, KNOWINGLY OR RECKLESSLY OBSTRUCTING THE SAFE OR
9 FREE PASSAGE OF THE PERSON BEING SOLICITED OR REQUIRING THE PERSON TO TAKE
10 EVASIVE ACTION TO AVOID PHYSICAL CONTACT WITH THE PERSON MAKING THE
11 SOLICITATION. THIS SUBDIVISION DOES NOT APPLY TO ACTS THAT ARE AUTHORIZED AS
12 AN EXERCISE OF ONE'S CONSTITUTIONAL RIGHT TO PICKET OR PROTEST.

13 (e) INTENTIONALLY, KNOWINGLY OR RECKLESSLY USING OBSCENE OR ABUSIVE
14 LANGUAGE OR GESTURES THAT ARE INTENDED OR LIKELY TO CAUSE A REASONABLE PERSON
15 TO FEAR IMMINENT BODILY HARM OR THAT ARE REASONABLY LIKELY TO INTIMIDATE THE
16 PERSON BEING SOLICITED INTO RESPONDING AFFIRMATIVELY TO THE SOLICITATION.

17 B. A VIOLATION OF THIS SECTION IS A PETTY OFFENSE.

18 C. FOR THE PURPOSES OF THIS SECTION:

19 1. "AUTOMATED TELLER MACHINE" HAS THE SAME MEANING PRESCRIBED IN
20 SECTION 6-101.

21 2. "BANK" MEANS A BANK, CREDIT UNION OR OTHER SIMILAR FINANCIAL
22 INSTITUTION.

23 3. "PUBLIC AREA" MEANS AN AREA THAT THE PUBLIC OR A SUBSTANTIAL GROUP
24 OF PERSONS HAS ACCESS TO AND INCLUDES ALLEYS, BRIDGES, BUILDINGS, DRIVEWAYS,
25 PARKING LOTS, PARKS, PLAYGROUNDS, PLAZAS, SIDEWALKS AND STREETS OPEN TO THE
26 GENERAL PUBLIC, AND THE DOORWAYS AND ENTRANCES TO BUILDINGS AND DWELLINGS AND
27 THE GROUNDS ENCLOSING THEM.

28 4. "SOLICIT" MEANS USING ANY MEANS OF COMMUNICATION, INCLUDING BY
29 SPOKEN, WRITTEN OR PRINTED WORD, TO REQUEST AN IMMEDIATE DONATION OR EXCHANGE
30 OF MONEY OR OTHER THING OF VALUE FROM ANOTHER PERSON REGARDLESS OF THE
31 SOLICITOR'S PURPOSE OR INTENDED USE OF THE MONEY OR OTHER THING OF VALUE.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Senate Engrossed

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 137
SENATE BILL 1063

AN ACT

AMENDING SECTION 13-2906, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

S.B. 1063

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-2906, Arizona Revised Statutes, is amended to
3 read:
4 13-2906. Obstructing a highway or other public thoroughfare;
5 classification
6 A. A person commits obstructing a highway or other public thoroughfare
7 if, ~~having no legal privilege to do so, such~~ THE person, alone or with other
8 persons, DOES EITHER OF THE FOLLOWING:
9 1. HAVING NO LEGAL PRIVILEGE TO DO SO, recklessly interferes with the
10 passage of any highway or public thoroughfare by creating an unreasonable
11 inconvenience or hazard.
12 2. INTENTIONALLY ACTIVATES A PEDESTRIAN SIGNAL ON A HIGHWAY OR PUBLIC
13 THOROUGHFARE IF THE PERSON'S REASON FOR ACTIVATING THE SIGNAL IS NOT TO CROSS
14 THE HIGHWAY OR PUBLIC THOROUGHFARE BUT TO DO BOTH OF THE FOLLOWING:
15 (a) STOP THE PASSAGE OF TRAFFIC ON THE HIGHWAY OR PUBLIC THOROUGHFARE.
16 (b) SOLICIT A DRIVER FOR A DONATION OR BUSINESS.
17 B. Obstructing a highway or other public thoroughfare is a class 3
18 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

ATTACHMENT 6



MEMORANDUM

DATE: November 25, 2015

TO: C. H. Huckelberry
County Administrator

FROM: Ursula Nelson *UKN*
Director, PDEQ

RE: PDEQ and RFCD Homeless Encampments Costs

PDEQ has received and addressed an average of 10 homeless encampment complaints each year over the last 18 years. So far in 2015, this number has increased to 22 complaints. In a typical year, investigation, supervision and management costs for dealing with homeless encampments are approximately 10% of the Illegal Dumping Program's budget or \$25,000. However, FY15/16 may be double or triple that amount depending on how many complaints we receive.

PDEQ has conducted an average of 4 homeless encampment remediation projects on public lands each year since the program's inception. That number has increased to between 8 and 10 in recent years. The cost of each remediation project varies depending on the amount of waste to be removed and the location of the encampment. Factors included in the cost are PDEQ staff wages (planning and labor), hourly pay for probationers (DOC Rate), dump truck costs and bobcat loader costs.

Under the terms of the County contract with the solid waste operator, Tucson Recycling and Waste Services (TRWS), they are to provide roll-off dumpsters and waive landfill tipping fees for these cleanups. The average cost of a single day remediation project can range from \$2,000 to \$5,000 depending on the amount of material to be removed and labor costs. Therefore, in an average year we may spend about \$30,000 on cleanups. The total costs adding investigation, supervision and management (\$25,000) to the remediation costs (\$30,000) is approximately \$55,000 annually.

The Regional Flood Control District (RFCD) provided us with information for their costs. RFCD staff has spent 60 hours removing trash and small camps. They have used AAA Landscaping, at a cost of \$11,000, for six larger camps. In addition, four camps are waiting removal of tenants, at an additional cost of \$4,000 to be paid to AAA over the next three weeks. RFCD has removed a total of seventeen camps this year, including the four in progress.

Memo to C. H. Huckelberry
November 25, 2015
Re: PDEQ and RFCD Homeless Encampments Costs
Page Two

In addition to PDEQ and RFCD, there are other County departments involved in the Homeless Protocol including the Department of Transportation (for encampments on their property), the Health Department, Sheriff's Department and Community Services. We do not have information regarding their costs.

I am available at your convenience to discuss this issue.

UKN/vb

cc: John M. Bernal, Deputy County Administrator
Jan Leshner, Deputy County Administrator
Suzanne Shields, Regional Flood Control District Director
Margaret Kish, Community Dev. and Neighborhood Conservation Program Director
Richard Grimaldi, Deputy Director for EQ Division, PDEQ



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

To: Chief Gwaltney, Commander,
Operations Bureau via Chain of
Command

From: Lieutenant Dominguez,
Commander, Foothills Patrol
District

**Re: Request of the County
Administrator re: homeless
encampments**

Date: November 13, 2015

Per our discussion regarding Mr. Huckelberry's request of the Sheriff's Department to remove any and all homeless encampments on Pima County public lands, rights of way or easements in accordance with the Pima County Homeless Encampment Protocol, the Foothills Patrol District will utilize the following plan of action, spearheaded by the Foothills Directed Patrol Unit:

November 13

- Operation plan completed and initial timetable forwarded
- Initial correspondence with County department directors via invitation for meeting
 - Suzanne Shields, Director, Regional Flood Control District
 - Priscilla Cornelio, Transportation Director
 - Chris Cawein, Director, Natural Resources, Parks and Recreation
 - Ursula Nelson, Director, Environmental Quality
 - Margaret Kish, Director, Community Development
 - Neil Konigsberg, Manager, County Real Property Services
 - Danna Whiting, Administrator, Behavioral Health

November 16-21

- Full assessment of encampments
 - Locations
 - Mapping
 - Field interviews and encampment population counts
 - Photo and case information documentation

November 23

- Meeting with County Directors (or their stead) in order to pass information regarding the Sheriff's Department assessment of encampments. The goal in this is to work directly with the County's "stakeholder" in the identified public lands.
- Meeting will include an organized presentation identifying:
 - Overview of locations (photos and mapping)
 - County Department "stakeholder" notification of encampment status
 - DEQ concerns
 - Overview of encampment populations
 - Social Services timeline discussion (Sullivan-Jackson employment, mental health)
 - Official notice to leave takes place at social outreach
 - Dates for trespass enforcement discussion (potentially 24-48 hours from social outreach attempts)

Note: further movement past the assessment and meeting will be determined in relation to the pace of social outreach

Maura Kwiatkowski

From: Suzanne Shields
Sent: Wednesday, November 18, 2015 9:36 AM
To: Chuck Huckelberry; John Bernal
Cc: Maura Kwiatkowski; Juanita Garcia-Seiger; Bill Zimmerman; Eric Shepp; Tammy Jorde
Subject: FW: Ina/ La Cholla area homeless camp update
Attachments: Homeless sites District # 3.pdf

From: Paul Wassmuth
Sent: Wednesday, November 18, 2015 7:52 AM
To: Suzanne Shields
Cc: Bill Zimmerman; Colby Fryar; Debbie Grijalva; Jennifer Lynch; Steve Burklow; Paul La valley
Subject: Ina/ La Cholla area homeless camp update

Suzanne,

Paul La Valley met with PC Sherriff Deputy Ebell yesterday to visit sites located near the La Cholla Boulevard and Ina Road intersection. The sites that were visited were previously identified as locations 9 thru 14 on the attached map.

All of the occupants were offered services of dialing 211, which is the AZ based resource phone number for those with needs of food, shelter, and can also be a connection for outreach programs like Primavera, Tucson Interfaith, or the Salvation Army. All of the occupants at active camps were given a set date to vacate the property. Below is a list of the locations and activities for each site.

Location # 9- no evidence of new activity light trash to be removed later this week.

Location # 10- met with camp resident, offered services of dialing 211, given until 12/10/15 to vacate premises

Location # 11- was vacant and uninhabited removal of light trash this week

Location #12 - met with camp resident, offered services of dialing 211, given until 12/10/15 to vacate premises

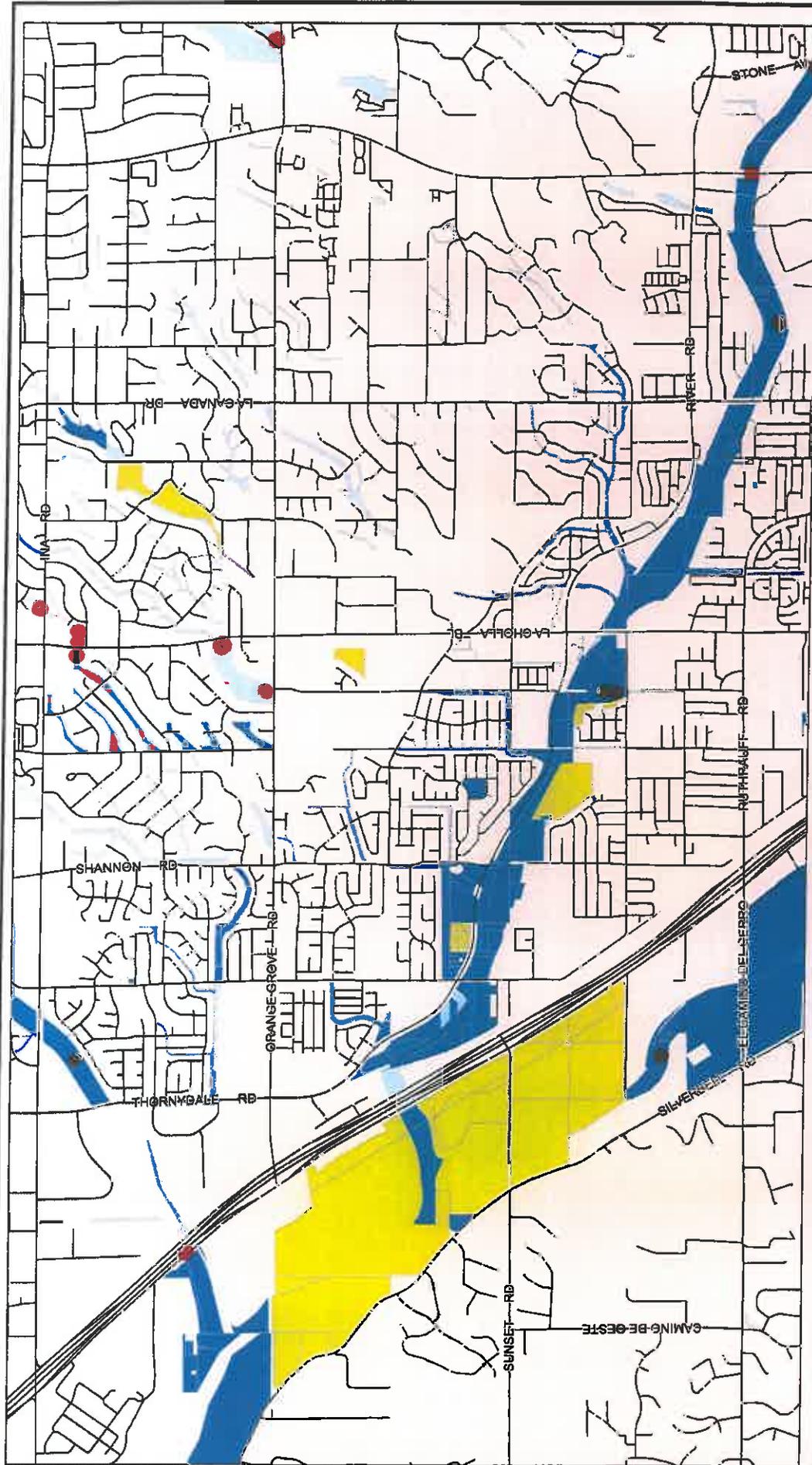
Location # 13- tent has been removed and occupants have vacated, removal of light trash this week

Location # 14- met with camp resident, offered services of dialing 211, given until 12/10/15 to vacate premises

FYI:

I called the 211 number and spoke to a staff person to gather more information about the services provide to folks that are in need of assistance. This is a state wide resource utilizing the callers zip code to locate services closest to the caller. It appeared that there are a number of resources for callers in the Tucson area. There is also a toll free number (1-877-211-8661) number that can be called for assistance. Lastly she gave me a website WWW.211arizona.org as a place to search for specific services and order brochures to distribute to people of need when we make future visits to camps. I went on the web site and ordered 75 brochures which will be delivered to our office in two weeks at no charge. We will distribute these brochures at all future site visits.

Paul R. Wassmuth
Public Works Manager
Regional Flood Control District
97 E. Congress Street 2nd Floor
Tucson, AZ 85701
Phone: 520-724-4674
Fax: 520-724-4626



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This product is subject to the GIS Services Policy and is a Raster-based product.



RFCD Maintained Properties

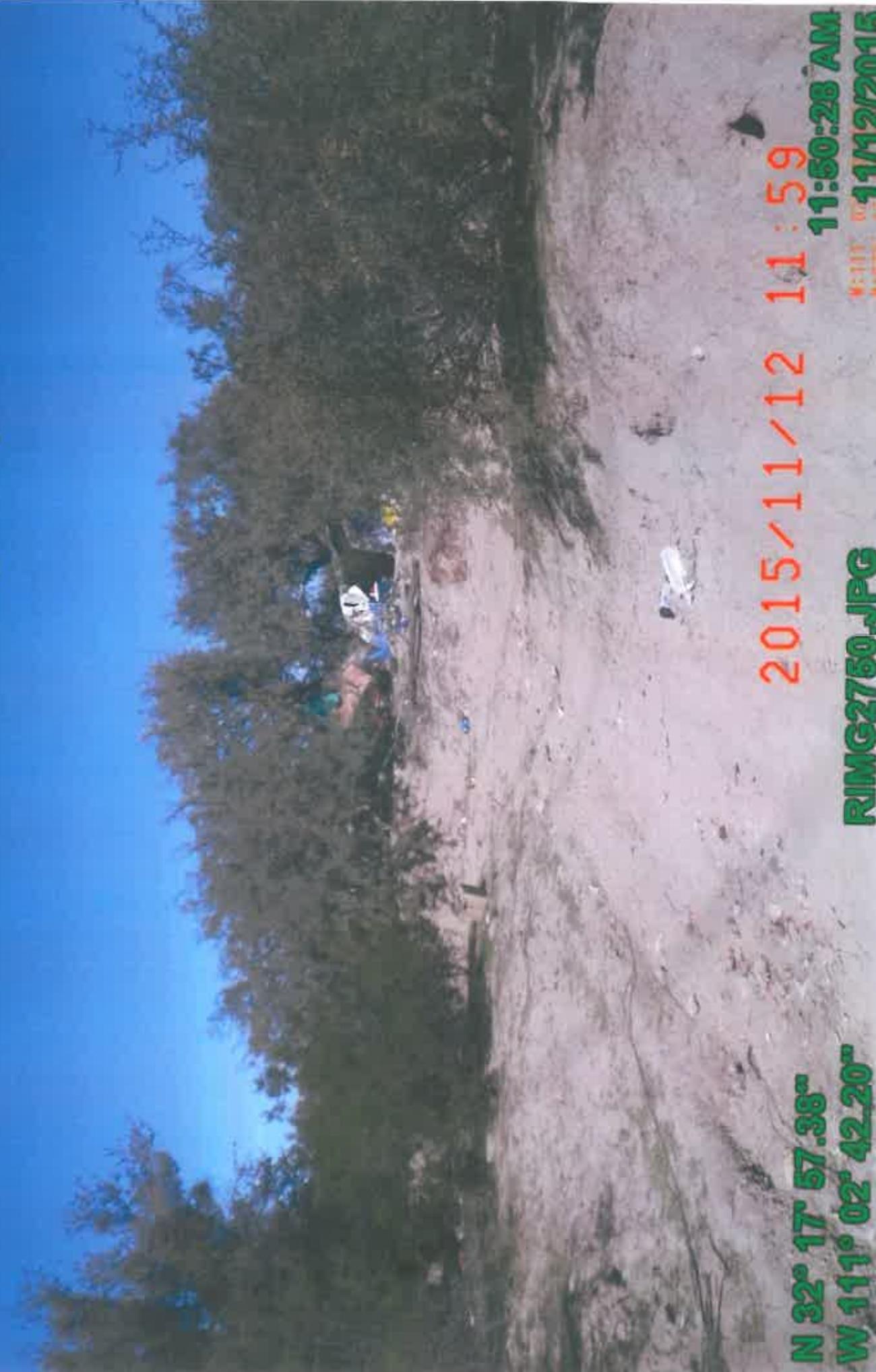
PIMA COUNTY
FLOOD CONTROL
 Pima County Department of Flood Control District
 1000 North Main Street
 Tucson, Arizona 85701-2007
 P: 520-794-8000 FAX: (520) 794-8042
 Web: www.pima.gov

Below is a list of the camps that have been discovered in a recent survey of the identified area which is Ina Road South to the Rillito River and Oracle Road west to the Santa Cruz River. The camp sizes have been identified in three categories as small 1-person, medium 2-3 person, and large would be 3 or more tents or persons.

1. Rillito River south bank under Stone Avenue bridge bike path medium camp 2-3 persons
2. Rillito River, south bank under Oracle Road, temporary small 1 person
3. Rillito River- in river, established camp, site large 3 plus camp sites
4. Rillito River- in river, camp site small 1-3 person
5. Rillito River - in river, camp site small 1-3 person
6. Santa Cruz River- well established camp, large camp 4 or more persons
7. CDO- under I-10 bridge established camp, large single camp site
8. CDO- in river single camp site small 1 person
9. Ina Road and east of La Cholla Boulevard- old site may not be active
10. La Cholla Boulevard south of Ina Road- small 1 person tent **(DC 15-358)**
11. La Cholla Boulevard south of Ina Road (east side of road) small 1 person site **(Road Right of Way)**
12. La Cholla Boulevard large site may not be active at this time **(Road Right of Way)**
13. La Cholla Boulevard (west side) small 1 person tent site
14. Orange Grove Road west of La Cholla Boulevard small 1 person site **(DC 15-363)**
15. Orange Grove Road east of Oracle Road east bank of Pima Wash **(DC 15-344)** camp residences have moved on. Camp cleanup is scheduled for 11/17/15.

Location # 6

**West bank of Santa Cruz river, North of W. El Camino Del Cerro
well established large camp**



**N 32° 17' 57.38"
W 111° 02' 42.20"**

2015/11/12 11:59

11:50:28 AM

V:111 U:0 M:037 T:11/12/2015

RIMG2760.JPG

Location # 10
West of La Cholla Blvd. south of W. Ina Rd.
small one person tent



N 32° 20' 07.81"
W 111° 00' 49.48"

2015/11/10 08:09

8:00:48 AM

RIMG2742.JPG

V:111 0011/10/2015
M:015 2011/10/2015

Location # 12

South of W. Ina Rd, east of La Cholla Blvd.

Large site may not be active

N 32° 20' 06.52"

W 111° 00' 44.39"

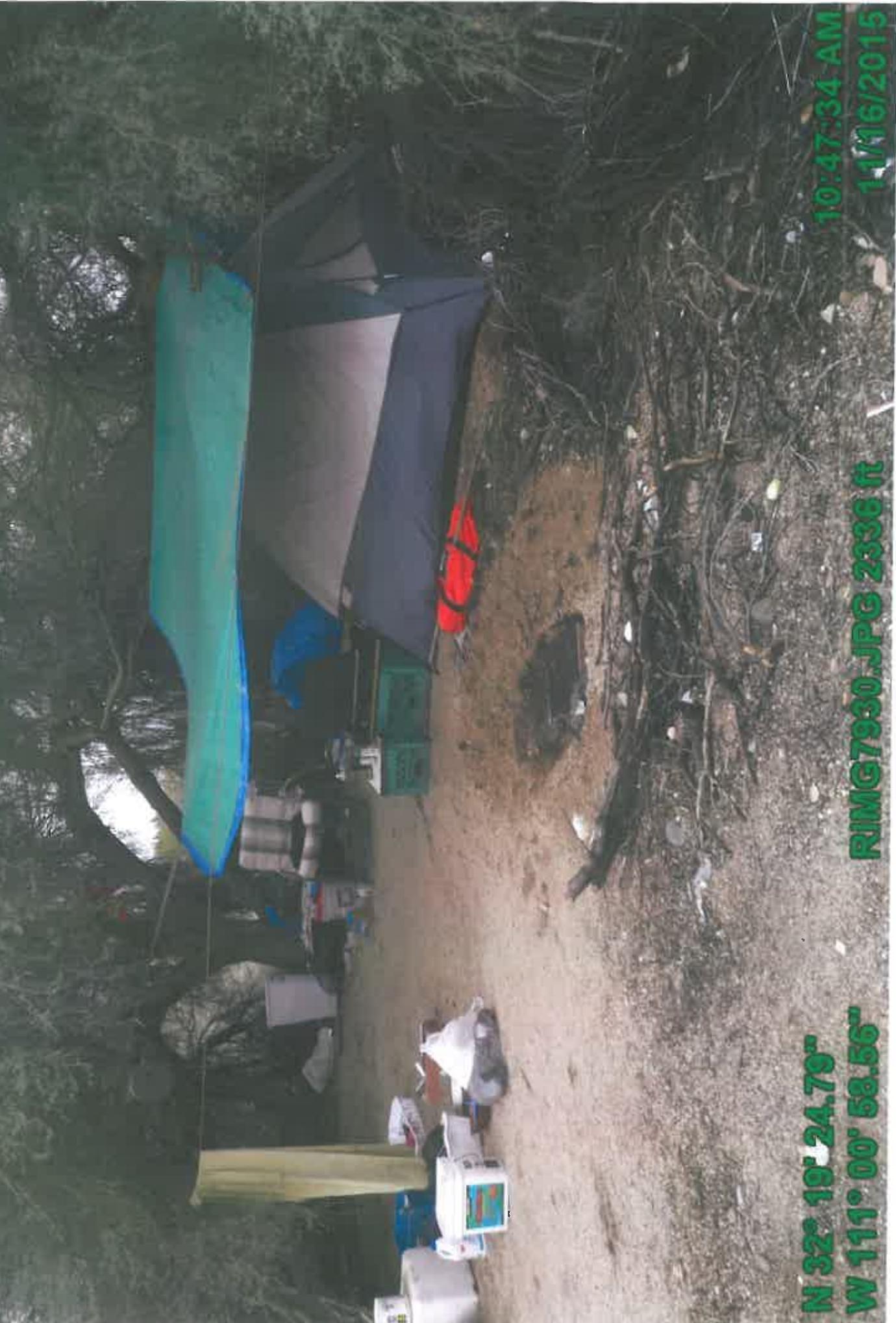
2015/11/13 08:46

8:37:47 AM

11/13/2015

RIMG2754.JPG

DC 15363 Orange Grove Rd. and San Joaquin Ave. (Location # 14)
Site just north of Orange Grove Rd. (Pegler Wash)



N 32° 19' 24.79"
W 111° 00' 58.56"

RIMG7930.JPG 2336 ft

10:47:34 AM
11/16/2015

DC 15344 Orange Grove Rd. and Pima Wash (location # 15)
Main camp trash that was left to be removed

N 32° 19' 24.33"
W 110° 58' 08.44"

RIMG7932.JPG 2515 ft

10:58:46 AM
11/16/2015

DATE: November 16, 2015

TO: C. H. Huckelberry
County Administrator

FROM: Suzanne Shields, P.E.
Director

SUBJECT: Homeless Camps

This memorandum was prepared to provide you with an update on the identification of homeless camps on Pima County property.

Below is a list of camps that have been discovered in a survey last week of the identified area of concern in Board of Supervisors, District 3, which is Ina Road south to the Rillito River and Oracle Road west to the Santa Cruz River (see attached map). The camp sizes have been identified in three categories: a) small, 1-person; b) medium, 2-3 persons; and c) large, 3 or more persons or tents.

1. Rillito River on the south bank under the Stone Avenue bridge bike path (medium, 2-3 persons).
2. Rillito River on the south bank under Oracle Road (temporary, small, 1 person).
3. Rillito River, in the river (large, established camp, 3 plus camps).
4. Rillito River, in the river (small/medium, 1-3 persons).
5. Rillito River, in the river (small/medium, 1-3 persons).
6. Santa Cruz River (well-established, large, 4 or more persons).
7. Cañada del Oro Wash, under the I-10 bridge (large, single, established camp).
8. Cañada del Oro Wash, in the river (small, 1 person).
9. Ina Road and east of La Cholla Boulevard (old site, may not be active).
10. La Cholla Boulevard south of Ina Road (small, 1 person tent; logged as Drainage Complaint #15358)
11. La Cholla Boulevard south of Ina Road on the east side of the road (small, 1 person).
12. La Cholla Boulevard (large, may not be active).
13. La Cholla Boulevard on the west side (small, 1 person tent; this site was cleaned on November 6, 2015).
14. Orange Grove Road west of La Cholla Boulevard (small, 1 person; logged as Drainage Complaint #15-363).
15. Orange Grove Road east of Oracle Road on the east bank of Pima Wash (camp residences have moved on with cleanup scheduled for November 17, 2015; logged in as Drainage Complaint #15-344).

Sites 12 and 13 are encampments along the east side of La Cholla Boulevard south of Ina Road located within the Pima County Department of Transportation's right-of-way. There was a small, 1-person site and one large site that did not appear to be active at this time, but did include solid waste.

Finally, this morning we received information about homeless camps within Pima Wash south of Orange Grover Road behind the Oracle Shopping Plaza. Staff conducted a field investigation and seven encampments were found which are located on private property (see attached map). This

C. H. Huckelberry, County Administrator

Homeless Camps

November 16, 2015

Page 2

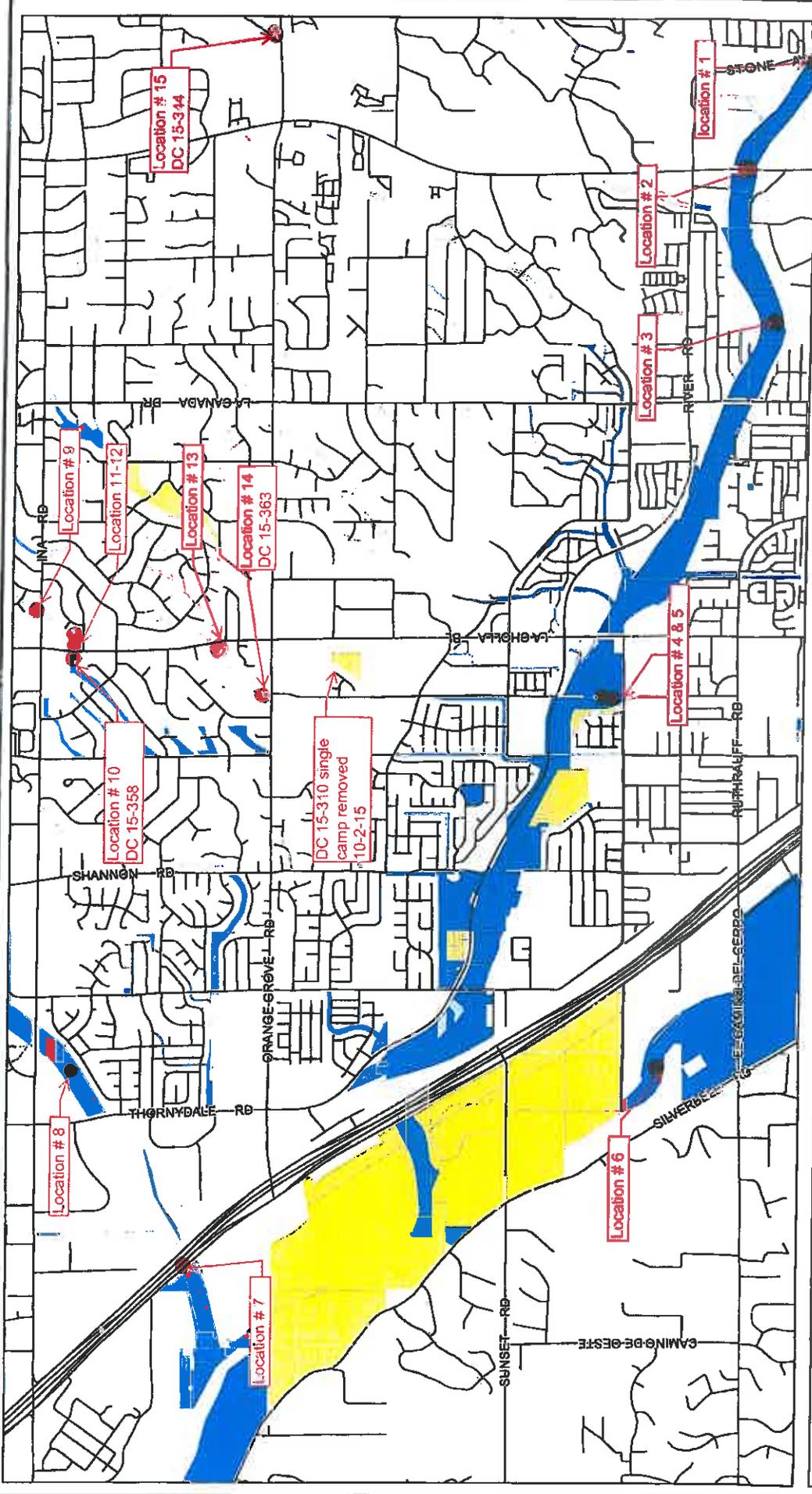
information has been shared with the Sheriff's Department and the Department of Environmental Quality for action.

Please let me know if you need further information.

SS/tj

Attachments

- c: John Bernal, Deputy County Administrator – Public Works**
- Priscilla Cornelio, Director – Department of Transportation**
- Ursula Nelson, Director – Office of Sustainability and Conservation**
- Chris Cawein, Director – Natural Resources, Parks and Recreation**
- Sergeant Gilbert R. Dominguez – Sheriff's Department**
- Bill Zimmerman, Deputy Director – Regional Flood Control District**
- Eric Shepp, P.E., Deputy Director – Regional Flood Control District**
- Colby Fryar, Civil Engineering Manager – Regional Flood Control District**



The information depicted on this map is the result of aerial imagery performed on a variety of dates. The accuracy of the information is not guaranteed. The information is provided for informational purposes only. The City of Pima County Regional Flood Control District reserves the right to change the accuracy of the information at any time without notice.

Legend

- Full
- Full-High
- Flow
- Falls

Scale

0 500 1,000 2,000 3,000 4,000 Feet

North Arrow

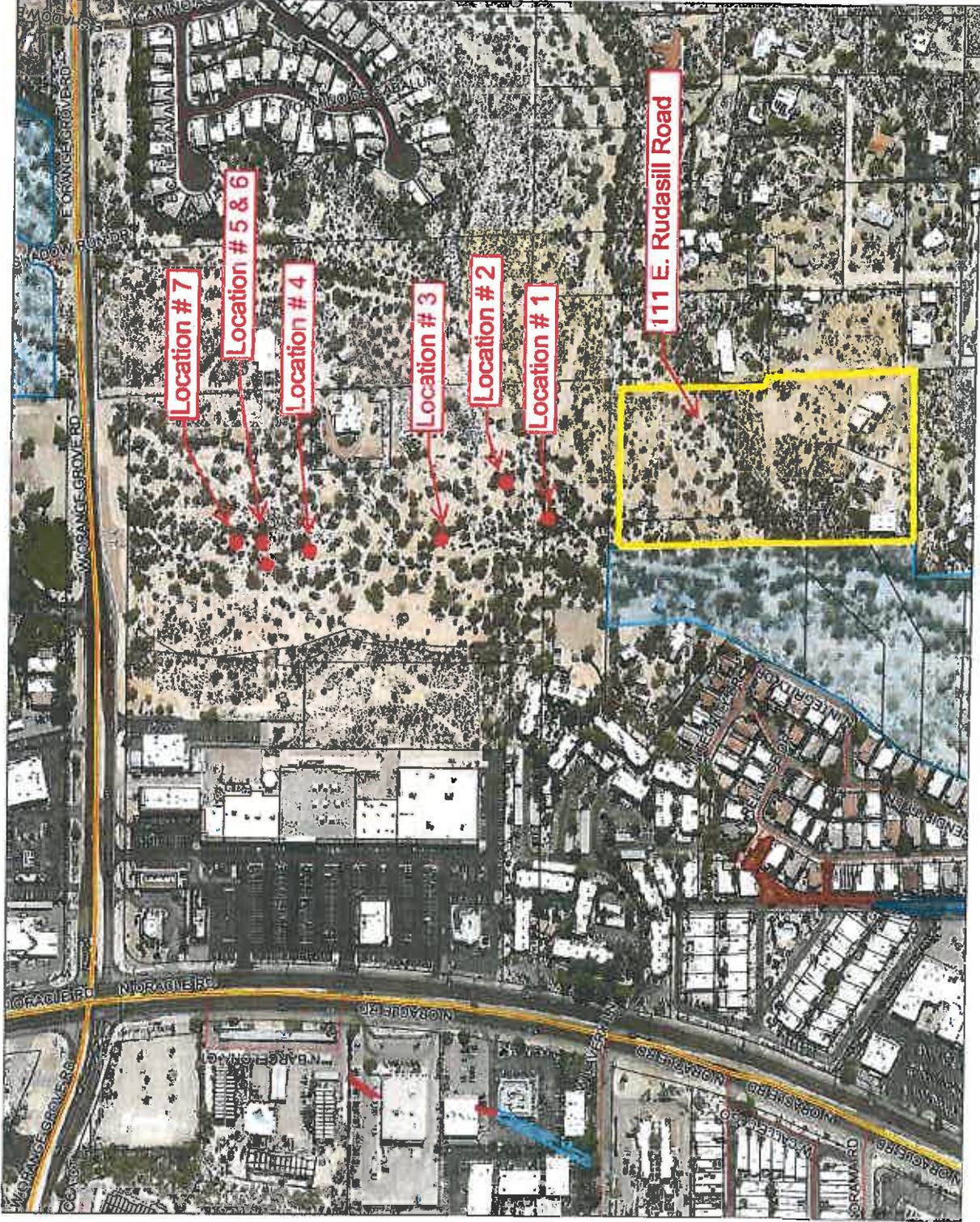
RFCD Maintained Properties

Date: 11/10/15

1 inch = 2,063 feet

PIMA COUNTY
FLOOD CONTROL
 Pima County Regional Flood Control District
 100 E. Congress - 2000 Puyuma
 Tucson, AZ 85701
 (520) 724-6000, FAX (520) 724-6021
<http://www.rcfd.pima.gov>

Orange Grove Road and Pima Wash



SCALE 1 : 4,450



Maura Kwiatkowski

From: Suzanne Shields
Sent: Monday, November 16, 2015 9:14 AM
To: Chuck Huckelberry; John Bernal; Gilbert Dominguez
Cc: Maura Kwiatkowski; Juanita Garcia-Seiger; Priscilla Cornelio; Ursula Nelson; Bill Zimmerman; Eric Shepp; Tammy Jorde
Subject: FW: Information on homeless camp sites District # 3
Attachments: Homeless camp sites.pdf; Homeless camps District # 3.docx

Here are some additional sites we picked up last week

From: Bill Zimmerman
Sent: Monday, November 16, 2015 9:11 AM
To: Suzanne Shields
Subject: FW: Information on homeless camp sites District # 3

Suzanne,

[Map with photos.](#)

Bill Zimmerman
Regional Flood Control District
Deputy Director
97 E. Congress, 2nd Floor
Tucson, AZ 85701
520 724-4600

From: Paul Wassmuth
Sent: Monday, November 16, 2015 9:04 AM
To: Bill Zimmerman
Cc: Colby Fryar; Paul La valley
Subject: Information on homeless camp sites District # 3

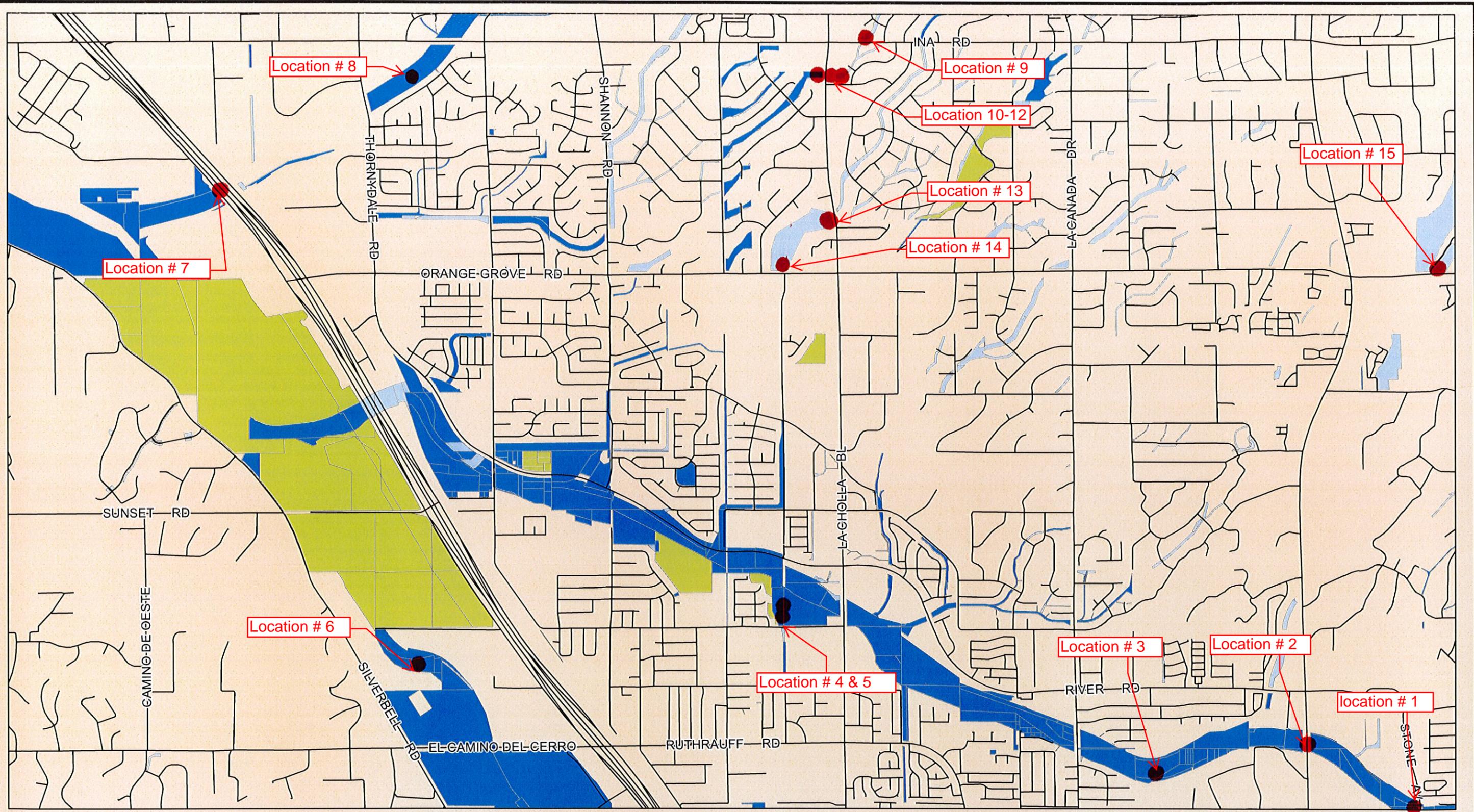
Bill,

I added the aerial, photos, and camp information for a completed inspection.
We only have a few photos to share of actual sites, more photos can be collected if needed.

Paul R. Wassmuth
Public Works Manager
Regional Flood Control District
97 E. Congress Street 2nd Floor
Tucson, AZ 85701
Phone: 520-724-4674
Fax: 520-724-4626

Below is a list of the camps that have been discovered in a recent survey of the identified area which is Ina Road South to the Rillito River and Oracle Road west to the Santa Cruz River. The camp sizes have been identified in three categories as small 1-person, medium 2-3 person, and large would be 3 or more tents or persons.

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7. CDO- under I-10 bridge established camp, large single camp site
8. CDO- in river single camp site small 1 person
9. Ina Road and east of La Cholla Boulevard- old site may not be active
10. La Cholla Boulevard south of Ina Road- small 1 person tent
11. La Cholla Boulevard south of Ina Road (east side of road) small 1 person site
12. La Cholla Boulevard large site may not be active at this time
13. La Cholla Boulevard (west side) small 1 person tent site
14. Orange Grove Road west of La Cholla Boulevard small 1 person site
15. Orange Grove Road east of Oracle Road in culvert small 1 person site in culvert

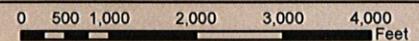
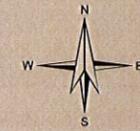


PIMA COUNTY
FLOOD CONTROL
 Pima County Regional Flood Control District
 97 E Congress - 3rd Floor
 Tucson, Arizona 85701-1207
 (520) 724-4600, FAX: (520) 724-4621
<http://www.rfcd.pima.gov>

RFCD Maintained Properties

1 inch = 2,083 feet

- Streets
- FULL
- FULL-GA
- FLOW
- FULLS



Date: 11/10/15

The information depicted on this display is the result of digital analyses performed on a variety of databases provided and maintained by several governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases on the date of the analysis. The Pima County Regional Flood Control District makes no claims regarding the accuracy of the information depicted herein.

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Location # 6

**West bank of Santa Cruz river, North of W. El Camino Del Cerro
well established large camp**



2015/11/12 11:59

11:50:28 AM

N 32° 17' 57.38"
W 111° 02' 42.20"

RIMG2750.JPG

W:111° 02' 42.20"
N:032° 17' 57.38" **11/12/2015**

Location # 10
West of La Cholla Blvd. south of W. Ina Rd.
small one person tent



2015/11/10 08:09

8:00:48 AM

N 32° 20' 07.81"

W 111° 00' 49.48"

RIMG2742.JPG

W: 111° 00' 49.48"
N: 032° 20' 07.81" 11/10/2015

Location # 12
South of W. Ina Rd, east of La Cholla Blvd.
Large site may not be active



N 32° 20' 06.52"
W 111° 00' 44.39"

RIMG2754.JPG

2015/11/13 08:46

8:37:47 AM

W: 111° 00' 44.39"
N: 32° 20' 06.52"
11/13/2015

ATTACHMENT 7



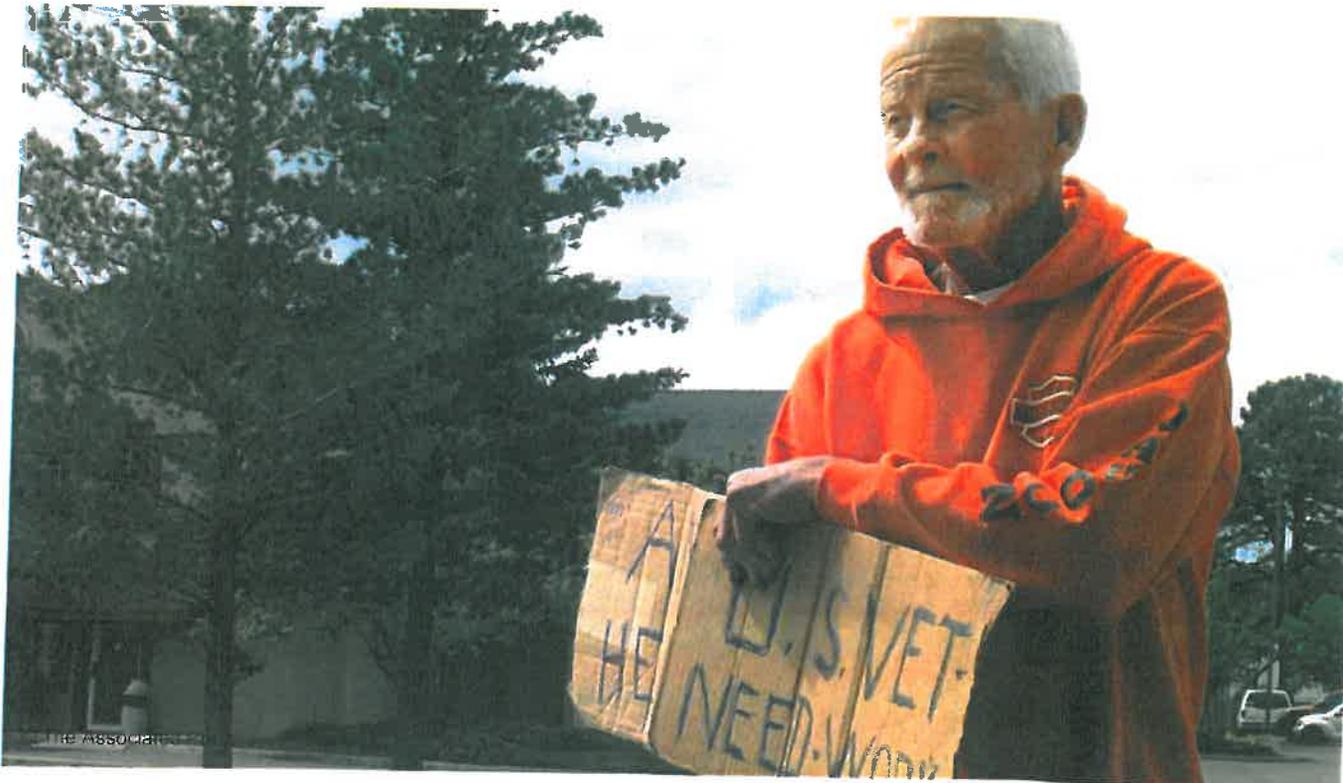
The Pew Charitable Trusts / Research & Analysis / Stateline /
Anti-Panhandling Laws Spread, Face Legal Challenges

STATELINE

Anti-Panhandling Laws Spread, Face Legal Challenges

November 12, 2015

By Teresa Wiltz



A panhandler standing on a corner in Flagstaff, Arizona, asks passersby for help. Cities that have cracked down on panhandling have met resistance in the courts.

Many cities—and even some states—increasingly are cracking down on panhandling, driven in large part by the unlikely combination of thriving downtowns and the lingering effects of the Great Recession.

The number of cities with outright bans on panhandling increased by 25 percent between 2011 and 2014, while the number of cities with restrictions on begging in specified public places, such as near schools or banks, rose by 20 percent, according to a report by the National Law Center on Homelessness & Poverty, an advocacy group.

In Cincinnati, where begging is already banned near ATMs, parking meters and restaurants, the city is considering a ban on panhandling within 50 feet of schools. In July, Tennessee outlawed aggressive panhandling, making it a misdemeanor for panhandlers to touch strangers without their permission, block their path, follow them or make threats. In May, Utah banned panhandlers from soliciting in traffic, and the same month Atlanta outlawed panhandling throughout a swath of downtown.

But panhandling bans have faced legal challenges on First Amendment grounds—and a recent U.S. Supreme Court ruling has provided additional ammunition to opponents who argue such laws trample free speech protections.

In July, in a seemingly unrelated case that did not involve panhandling, the court ruled that the town of Gilbert, Arizona, could not restrict the size of a church's signs advertising its services. In deciding for the church, the court reaffirmed that, in most cases, "content-based" speech restrictions—restrictions based on the content of the message—are unconstitutional. In contrast, "content-neutral" restrictions, such as even-handed restrictions on noise or blocking traffic, generally are allowed.

At least three federal judges have struck down existing city panhandling laws or sent the cases back to the lower courts since the Gilbert ruling, which was cited in some instances, according to Maria Foscarinis, founder and director of the National Law Center.

Supporters argue anti-panhandling laws don't violate free speech protections because they are "content-neutral"—they regulate the manner in which people ask for money, not what they say in asking for it. They liken the laws to restrictions on how close anti-abortion protesters can be to a clinic entrance.

"It's the approach, not what they are saying," said Steven Rahn, assistant corporation counsel for Springfield, Illinois, which lost against a legal challenge to its panhandling laws in August. The city is planning an appeal to the U.S. Supreme Court.

Panhandling laws aren't designed to hurt the homeless, the proponents say. On the contrary, they argue that giving money to panhandlers enables addicts and prevents them from getting the help they need.

But many homelessness advocates say the laws aim to criminalize poverty and homelessness.

"To say we want it to be illegal for somebody who's flat broke to beg for alms—that's going back to 1700s pauper prisons. That's just mean," said Paul Boden, the director of the Western Regional Advocacy Project, a San Francisco-based coalition of groups focused on poverty and homelessness in Western states.

Cracking Down

Anti-vagrancy laws have been on the books since Colonial times, but anti-panhandling laws have spread in recent years. The recent uptick is the result of several factors.

The Great Recession and the foreclosure crisis dramatically increased rates of homelessness, particularly among families, Foscarinis said. At the same time, she said, cities across the country started experiencing a renaissance of development in their downtown districts.

That meant two things: Cheaper housing got pushed out to make way for luxury condos, displacing poor people. And developers leaned on city officials to eliminate visible signs of poverty, Foscarinis said.

"Cities are being pressured to 'do something,'" said Foscarinis, whose law center represented panhandlers in lawsuits filed against Springfield and Boise, Idaho. "The idea is that visible poverty is bad for tourism and bad for business. A lot of cities have chosen a quick fix response, passing a law making it a crime to be poor."

Homelessness advocates say the anti-panhandling laws are just one of several ways cities are criminalizing activities that homeless and poor people rely on to survive, like camping in public, sleeping or sitting in public and sleeping in vehicles. Some cities, such as Fort Lauderdale, Florida, have passed laws forbidding feeding the homeless in public places such as parks.

Between 2013 and 2014, overall homelessness has decreased by just over 2 percent, according to the National Alliance to End Homelessness. In a single night in January 2014, about 578,424 people slept on the street or in a shelter. But that number does not take into account the millions who are living in motels or doubled up on a friend's couch or living in substandard housing, homeless advocates say. Meanwhile, the number of people living in poverty (4.8 million) and the poverty rate (15.8 percent) during that same time remained steady, according to the National Alliance.

Only about half of panhandlers are homeless, the other half of them are just extremely poor, said Susie Sinclair-Smith, director of the Montgomery County (Maryland) Coalition for the Homeless.

Some surveys have shown that panhandlers tend to be relatively young—in their 30s and 40s—single men with limited education and few family ties. Some struggle with alcohol and drug addictions. Some are caught in a cycle: They move from being homeless to having housing but being extremely poor, advocates say.

First Amendment Issues

Municipalities that enact panhandling ordinances are not objecting to poor people asking for money, said Ken Paulson, president of the nonpartisan First Amendment Center. “They are objecting because they believe those who ask for help incessantly and in highly visible places create a nuisance. But it’s not that easy.”

Governments can’t restrict citizens from asking for money, any more than they can prevent citizens from expressing support for a particular political candidate, Paulson said. He acknowledged that some anti-panhandling laws were meant to protect citizens from “aggressive panhandlers who don’t take no for an answer.” But he said other laws bar such behavior without restricting free speech.

“The greatest misunderstanding about so-called ‘panhandling’ is about what it actually is. It is one citizen asking another citizen for help. It’s that basic,” he said. “The notion that government somehow has a right to limit one citizen asking for help is unsettling. That is the essence of free speech. Government really doesn’t have a role in this.”

Many courts have endorsed that view.

Last month, Denver, Colorado Springs and Boulder suspended their panhandling laws after a similar ordinance, in Grand Junction, was ruled unconstitutional by a federal judge. The Grand Junction ordinance banned begging at night, using intimidation tactics, soliciting an “at-risk” person and panhandling on a public bus, among other provisions.

Also last month, a federal judge struck down a panhandling ordinance in Lowell, Massachusetts, ruling that panhandlers “may communicate important political or social messages in their appeals for money, explaining their conditions related to veteran status, homelessness, unemployment and disability.”

In August, a federal appeals court reversed a previous decision upholding the Springfield panhandling law, which prohibited verbal requests for donations in the city’s historic downtown district. After the ruling, the city amended the ordinance to prohibit panhandlers from coming closer than 5 feet in making their requests. Civil rights groups, representing panhandlers, have sued the city to overturn that law, too.

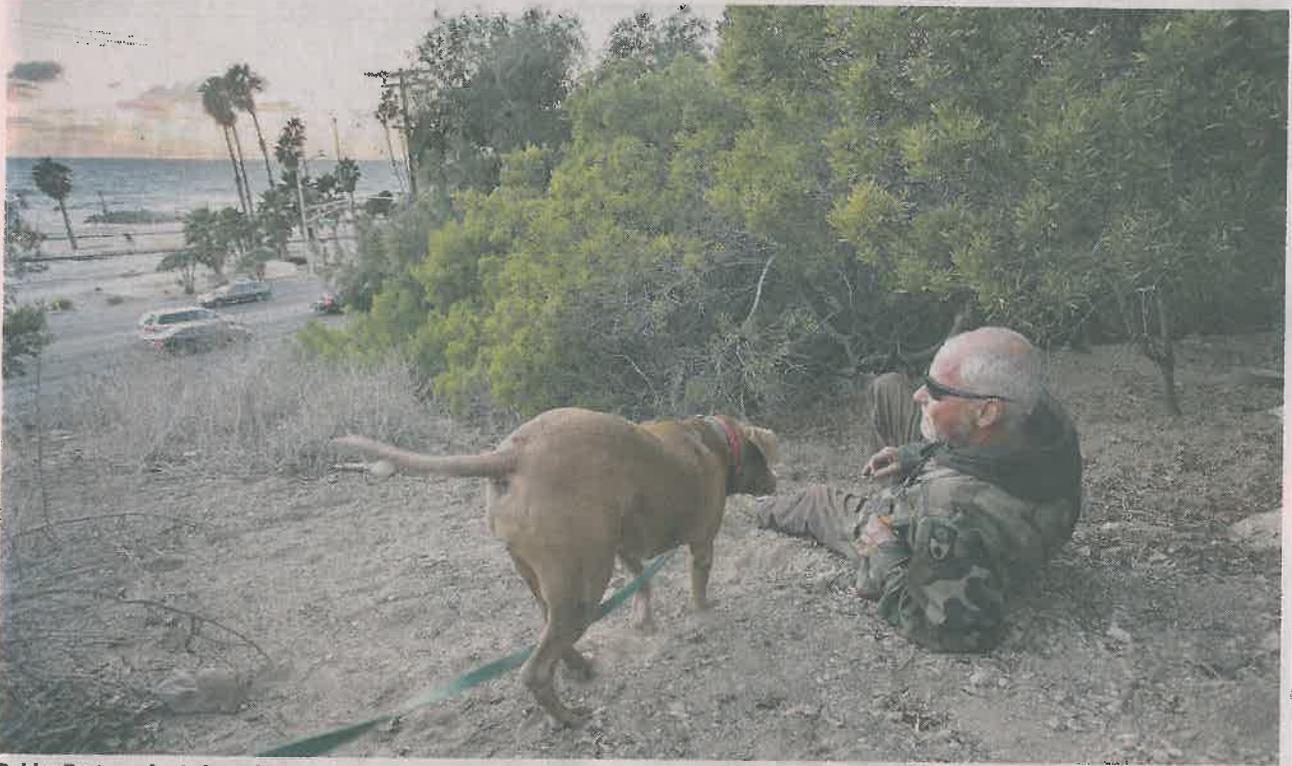
“I had the sense that it was not good for tourism. And local residents were upset by frequently being approached by panhandlers,” said Sam Cahnman, who proposed the Springfield measure as a city alderman in 2007 after businesses complained. His proposal amended an existing ordinance.

Cahnman said he knew other cities, such as Fort Lauderdale, had been able to restrict panhandling in certain locations, like its popular beach strip. He said he wanted to help the homeless, but that prohibiting panhandling in the city’s downtown made sense.

“I thought at the time it was constitutional, and I still do. I hope the Supreme Court takes this case and deals with it head on,” Cahnman said. “We need them to clarify the law on this.”

ATTACHMENT 8

DAVID MCNEW FOR THE WALL STREET JOURNAL



Bobby Foster, who is homeless, watches the sunset last week near his encampment in affluent Pacific Palisades, Calif.

Help for L.A.'s Homeless

By ALEJANDRO LAZO

LOS ANGELES—As dusk became night in this city's posh Pacific Palisades neighborhood, Patrick Hart stepped out of his BMW and walked into a park in search of Bobby Foster, a 58-year-old homeless man who sleeps in a grove.

For about a year, Mr. Hart, a resident of the coastal enclave, has been voluntarily checking in on Mr. Foster and other homeless, as the number of people living without shelter here has grown. Next year, Mr. Hart will be joined by two full-time social workers—funded with community donations of \$125,000 annually.

Mr. Hart, a 67-year-old retired audio engineer, is part of a private effort by homeowners to curb homelessness in Pacific Palisades, where residents have paid for signs restricting public access to the scenic bluffs that overlook the Pacific Ocean, after fires blamed on the homeless threat-

ened multimillion-dollar homes.

Formed last year, the Pacific Palisades task force underscores the growing focus on homelessness in Los Angeles, as outdoor encampments spread from downtown's Skid Row into residential neighborhoods, creating a political crisis in the U.S.'s second-most-populous city after New York.

"We are not just talking about increases in places that previously had large encampments," said Pete White, founder of the Community Action Network, which advocates for more affordable housing in Los Angeles. "We are starting to see encampments all over the city."

The national homeless population declined 2% in 2015 compared with the prior year, according to federal data released this month, with the number living outdoors down 1%. But in Los Angeles County, which includes the city and other growing municipalities such as Long Beach, Burbank and Pasadena, the homeless population has in-

creased 20% during the past year to about 41,000, with a 28% rise in the number of people living outdoors.

The Pacific Palisades' homeless task force estimates there are more than 150 homeless people in the neighborhood, based on an official count earlier this year. About 25,000 people live in Pacific Palisades.

Neighborhoods throughout Los Angeles are struggling with various manifestations of the issue. In San Pedro near the Port of Los Angeles, residents packed a September forum on homelessness, after Councilman Joe Buscaino took aim at a number of tiny wooden homes on wheels built for the growing homeless population by advocates.

Councilman Mitch O'Farrell, who represents Hollywood and the Echo Park and Silver Lake areas, told fellow council members earlier this month that he could name four corners in his district where sidewalks were blocked, "in one instance by a mattress, where

a prostitute turns tricks."

Councilwoman Nury Martinez of the San Fernando Valley showed colleagues slideshows of sprawling encampments, some with as many as 300 homeless, leaving residents "hostage in their own houses," she said.

Los Angeles officials have vowed to spend an extra \$100 million on homelessness and say they will declare an "emergency." But questions remain about where the money will come from and what such a declaration would accomplish.

Mr. Foster is an Army veteran who has been living in Temescal Canyon Park for nearly seven years. He said he wasn't interested in Los Angeles' \$100 million homeless initiative, explaining that he enjoyed living outdoors.

"They want to put us in a homeless shelter with basically 24 people," Mr. Foster said. "I don't want to live in that environment. I have been there before. It is like a damn prison cell."