

Consider Approval of an Ordinance Amending Chapter 8 Offenses and Nuisances

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City Council Meeting
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Summary

- Question
 - Should the city pass an Ordinance prohibiting camping, sleeping, lodging, and soliciting on public rights-of-way, drainage areas, and parks, and further prohibit the same on private property without the property owner's permission?
- Options
 1. Approve
 2. Deny
 3. Other

Best Practices

- Researched homeless problems and programs
 - U.S. Interagency Council on Homelessness / HUD Exchange
 - Cities of Houston, San Antonio, San Diego, Salt Lake City, & Helsinki, Finland
 - Bexar County, Corazon San Antonio, Haven for Hope, Roy Maas Youth Alternatives, South Alamo Regional Alliance for the Homeless
- Most successful are those who embrace “Housing First” - focus on how people can exit homelessness & move as quickly as possible into permanent housing, regardless of drug or alcohol usage
 - Keep in mind that a certain number will refuse
- In addition to housing, provide wrap around services (food, mental and medical health, job skills training, etc.)

US Interagency Council on Homelessness

7 Principles for Addressing Encampments

- Principle 1: Establish a Cross-Agency, Multi-Sector Response to Encampments
- Principle 2: Engage Encampment Residents to Develop Solutions
- Principle 3: Conduct Comprehensive and Coordinated Outreach
- Principle 4: Address Basic Needs and Provide Storage
- Principle 5: Ensure Access to Shelter or Housing Options
- Principle 6: Develop Pathways to Permanent Housing and Supports
- Principle 7: Create a Plan for What Will Happen to Encampment Sites After Closure

Best Practices

- With the right mix of program interventions, well-coordinated local systems, and effective policy, many cities and countries have proven that homelessness can be successfully addressed
- Creating a policy on how to implement the new ordinance
- Working in tandem with COSA, Bexar County, Haven for Hope, CorazonSA, and other local agencies to offer services
- Council may want to budget funds every year to support these agencies in exchange for their assistance in Leon Valley
 - Leon Valley does not have the resources needed right now to provide these programs on a long-term basis
 - Could apply for Federal grants, if staffing was increased

Proposed Ordinance

- At the May 16, 2023 City Council meeting, Council requested changes to the proposed Ordinance
 - Changed title to include a reference to private property
 - Removed the word “annoying” and replaced with “harassing” from section that prohibits harassment in public spaces
 - Removed the word “written” from permission from property owner
 - Added language to protect peaceful protest or promoting a political purpose or personal ideal

Proposed Ordinance

- New title “Use of Public and Private Properties”
- Section 8.15.03 Private property.
 - Prohibits camping, lodging, or sleeping on any private property without first obtaining the ~~written~~ permission of the owner or lessee of such property
- Section 8.15.05 Obstruction of public property.
 - Prohibits standing or sitting on any crosswalk, sidewalk, or any other public street, highway, public park, shopping center, or other property in a manner that would obstruct the free use or passage by the public
 - Prohibits hindering, molesting, or ~~harassing~~ ~~annoying~~ any person or persons in passing along a public street, highway, public park, shopping center, or other property in a manner, or obstructing the entrance of any public building, or public park

Proposed Ordinance

- Section 8.15.05 Obstruction of public property. (continued)
 - Added language “This section is not to be constructed so as to prohibit the First Amendment guarantee of a person’s right to free expression and free association, for persons that may be involved in a peaceful protest or promoting a political purpose or personal ideal”
 - City Attorney states that lemonade stands are already protected due to the nature of the ordinance

Proposed Ordinance

- City Council would still be able to suspend or modify one or more of the regulations as part of a special event or other activity approved by the City Council or City Manager
- Still allows the use of public streets and rights-of-way or public property when a permit has been issued by the City Manager

Recommendation

- Recommend approval of the revised proposed Ordinance
- Strongly recommend partnering with local and regional agencies to provide housing and other support for persons in encampments
- Finalize policy and procedures for the clearing of the encampments

S.E.E. Statement

Social Equity: Cleaning up homeless camps promptly protects all citizens from fire and other dangers and provides the homeless with support and medical/mental health assistance

Economic Development: The removal of homeless camps may encourage businesses to stay in Leon Valley

Environmental Stewardship: The removal of homeless camps reduces the amount of debris and nonbiodegradable refuse from entering our creeks