

Proposal: Campsite Serving Lawrence Homeless
David Tucker

Due to the increasing number of homeless individuals and shrinking support for these individuals, it is the purpose of this proposal to bring to light an effective, economical solution to providing shelter for the city's poor and homeless.

According to last years Point In Time Count, Douglas County has over 300 homeless individuals. The current year's numbers are not yet released, but early estimations bear similar numbers. Lawrence is home to the vast majority of this population in the county. We currently supply emergency shelter beds for 70 unhoused people, less than 25% of the total population. Come May 1st, this number will drop to 31 shelter beds, or about 10%. This leaves 90% of our homeless population without a place to sleep, feel safe, or find warmth.

Currently, Lawrence has a number of ordinances and laws which restrict camping or sleeping on public, park, and business land. This will result in 90% of our homeless population being arrested, harassed, or fined for the simple act of trying to sleep.

The homeless of Lawrence deserve better than to be persecuted for the simple fact of being poor and having nowhere to go. This proposal outlines a plan to help alleviate their suffering. The establishment of a free public camping area where individuals can rest without fear of fines and/or jail time and have access to services is a helpful, if temporary solution. The National Law Center on Homelessness and Poverty has read through this proposal and has issued a letter of support for this measure. The NLCHP firmly agrees that these measures are necessary, and should be temporary.

We have established 2 locations which could suit these purposes: North Bircham Park, and the Eagle Sanctuary located in east Lawrence. Each of these locations are wooded areas a safe distance away from residential areas but close enough to service providers to allow easy access. These are the suggested locations of the proposal and are pending approval of the project. Other locations are also possible, and the proposal is quite flexible regarding the location of the campsite.

The campsite would need to have some services in order to establish sanitation. To this end, portable toilets and trash service would be required to maintain a sanitary area. The cost of these improvements has been researched and totals less than \$2500 a year. Water and food will not be provided, as this area serves as a temporary rest area for people to sleep, not a permanent living situation. Showers, food, and water will be available through the already established services for homeless (LINK, Community center, etc.)

Regular police patrols would also be requested to ensure the safety of the campers and surrounding communities and to curtail illegal activities. After speaking with the Chief of Police, Ron Olin, patrols would need to be irregular due to number of officers. The Chief of police also stated however, that whatever the Commission decides, he will do his best to accommodate.

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The campsite will have regulations and rules, including but not limited to:

Regulations on fires for cooking and warmth

A no tolerance drug and alcohol policy

A no trespassing regulation

A noise and disturbance policy

All campers must maintain their campsite to a minimum level of cleanliness

All campers must cooperate with police and outreach personnel in regards to safety or legal issues

All camp residents must be 18 or over

All campers must have a minimum of case management with outreach personnel.

These regulations will be laid out in a Terms of Use Agreement which all campers must fill out and sign. This agreement will be reviewed every 90 days and includes waiving liability to the city.

Case management will be available for all campers upon request (in addition to a minimum required to stay). This will assist individuals in accessing resources and services, employment opportunities, and encourage traditional housing. It is the hope of this proposal that this temporary living situation can act as a pathway for placing homeless individuals with the support needed to receive and maintain adequate housing. Case management will be provided by city outreach workers. The Lawrence Association of Neighborhoods (LAN) has voiced its support of this proposal, given that case management is a large part of the process.

City outreach workers will help in setting up the camp and managing camp resources. The campers themselves will be responsible for their own actions and the maintenance of the camp, with outreach worker support and advising. City outreach workers will also assist campers who are not eligible for the camp (either because of age or violation of terms of service) with finding alternate supports and shelter.

Full support of the camp has been given from the LCS manager and LCS has pledged to assist campers with finding supports and protection in extreme weather, as would normally be done with any homeless individual. The campsite is planned to provide space for a minimum of 50 individuals and possibly quite a few more depending on the location chosen. The campsite must be at least this large if we are to give those who currently use the services of Salvation Army (closing on May 1st) a place to sleep, as well as other

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homeless individuals who currently have no place to sleep. Individual space will be assigned to each camper to allow for privacy and safety.

The basis of this proposal is rooted in the definitive need among Lawrence's homeless for shelter, of any kind. The ideas within are based both on original solutions specific to Lawrence's needs as well as taking from successful models such as Reno Nevada's city campsite, Dignity Village's tent city, and the Camp Quixotic. Social workers and camp leaders of these other camps have been contacted, and conferred with regarding the different aspects of this proposal, largely resulting in a collaborative effort which has received clear support from all involved.

The homeless of Lawrence deserve better than fines, jail time, and scorn. They deserve a place they can call home while trying to reorganize their life. They deserve a location where those who are willing to help can easily find them. They deserve a hand up, rather than endless plans for future assistance. I heartily encourage you to consider this proposal, and take from it what you best feel could help these vulnerable citizens.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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April 9, 2009

City of Lawrence
City Hall
6 E. 6th St.
Lawrence, KS 66044

To the Lawrence City Commission:

The National Law Center on Homelessness & Poverty (NLCHP) is pleased to have this opportunity to address the Lawrence City Commission as it considers supporting a tent city and eliminating ordinances that criminalize homelessness in order to take a constructive approach to addressing homelessness in its community. NLCHP serves as the legal arm of the national movement to end and prevent homelessness, and has extensive expertise in working with cities to develop positive approaches to ending homelessness.

Lawrence, KS has over 300 homeless men, women and children in its community. Just 2.5 weeks from now the number of available emergency shelter beds will drop from 70 to 31, a ratio of 1 bed for 10 homeless individuals. This leaves more than 270 individuals with nowhere to sleep except for sidewalks, public parks and doorways. Sleeping is a basic life function - subjecting homeless individuals to arrest for sleeping when they have nowhere else to go essentially criminalizes their very right to live. In all likelihood these numbers will only worsen as the housing and unemployment crises escalate over the coming year. Studies have shown that homelessness leads to or significantly worsens physical and mental health problems.

NLCHP respectfully urges the Commissioners to protect the human rights of the homeless individuals in your community by adopting David Tucker's proposal for a free legal campsite for homeless individuals to be supported by the Coalition for Homeless Concerns and the City Outreach Team. The city can further demonstrate respect for human rights by changing Lawrence's anti-sleeping laws so as not to punish homeless individuals for their status. Doing so will not only protect the human rights of homeless individuals but set a humane example for cities throughout the U.S. Other communities have permitted the existence of tent cities and have seen success in managing and providing assistance to the homeless individuals in their communities.

Homeless individuals' right to shelter themselves is based on the core American promise in the Declaration of Independence guaranteeing "life, liberty, and the pursuit of happiness." In 1944, President Franklin Roosevelt declared that the U.S. had adopted a "second Bill of Rights," including the right to a decent home. In 1948, the U.S. signed the Universal Declaration of Human Rights, which recognizes housing as

a human right.¹ Fifty years later, the U.S. ratified the International Covenant on Civil and Political Rights, which has been interpreted as requiring the government to take basic measures to protect homeless persons from exposure to the elements to uphold their right to life.² In 1996, the U.S. participated in the Habitat II conference, which defined the human right to housing and included a provision added by the U.S. delegation that “homeless individuals should not be penalized for their status.”³ The steps the Commission is considering would place Lawrence in this strong American tradition of promoting the basic human rights of its least fortunate residents.

Other cities have either sponsored or permitted the operation of a tent city and have seen great success in helping homeless individuals obtain permanent or transitional housing and employment through centralized services offered at the tent cities. Seattle, Washington allows a nonprofit group to operate two tent cities. The organization provides trash, water, and food preparation facilities and volunteers provide hot dinners. Residents of the tent cities have created their own self-governing structure and take responsibility for ensuring order in their community. The residents enforce their own rules prohibiting engaging in violent or threatening behavior and banning drugs and alcohol from the premises. One resident remarked to reporters that the structure provided by the tent city program has made him a more productive member of society.

A similar arrangement in Ventura, California has been very valuable in helping homeless individuals overcome addictions. Several previous residents have successfully found full-time employment and permanent housing through services provided at the tent city. A city operated program in Ontario, California reports that approximately 30 homeless individuals have graduated to transitional and/or permanent housing through centralized services offered by a nonprofit agency at the temporary housing area. The tent cities promote camp safety through the presence of 24-hour onsite security provided by the city, sponsoring organizations, or the residents themselves. All the cities with which we spoke reported a significant drop in complaints by business owners regarding the loss of business caused by homeless individuals’ activities in their area.

In contrast to this constructive approach to addressing homelessness, the city of Victoria, British Columbia, (Canada) enacted several laws prohibiting sleeping in public places, despite the fact that most individuals had no place to go. This resulted in significant negative news coverage of their city, and several homeless individuals filed a lawsuit against Victoria.⁴ During the proceedings several plaintiffs testified that in addition to a lack of space, the shelters were inadequate for many reasons including personal safety, lack of privacy, theft, or restrictions such as age and gender. As a result, many felt safer sleeping in parks with a small community of trusted friends.

Drawing on the human rights language described above as well as the Canadian Charter of Rights, the Court reasoned that the ability to “provide oneself with adequate shelter is a necessity of life.”⁵ The Court found that prohibiting homeless individuals from sleeping in public places when the number of available shelter beds was insufficient was a violation of their right to life. The right to housing is one that must be “progressively realized” in

¹ Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, art. 25(1), U.N. Doc. A/810 (1948).

² The right to life (Article 6), U.N. ESCOR Hum. Rts. Comm., 16th Sess., International Human Rights Instruments, P 1, U.N. Doc. HRI/GEN/1/Rev. 1 (1994)

³ Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, June 3-14, 1996, U.N. Doc. A/CONF.165/14, at paras. 53-241 (1996) [hereafter *Habitat Agenda*].

⁴ *Victoria (City) v. Adams*, 2008 BCSC 1363.

⁵ *Id.*

accordance with “available resources.”⁶ Given that Lawrence has a similar shortage of shelter beds as that in Victoria and that many cities across the nation are facing temporary – yet severe – budget shortages that may prevent immediate expansion of shelter beds and permanent housing solutions, a tent city is a reasonable first step that can promote the right to life and basic human dignity of the homeless individuals in your community.

By allowing the operation of a tent city and changing the anti-sleeping laws in your community you will demonstrate that Lawrence, Kansas cares about the human rights of its most vulnerable citizens. Although the ultimate goal remains progressively realizing the conditions for adequate housing for all as resources increase, this small improvement in sheltered sleeping quarters will increase protection from the elements, reduce health complications caused by exposure and exhaustion and protect homeless individuals’ right to life. The tent city will also protect the individuals’ property rights, privacy, and basic human dignity by providing a safe place for them to store personal items during the day. We urge the city of Lawrence to join with Seattle, Ontario, Ventura and others in setting the example for the rest of our nation to protect the human right to housing, the right to life, and property rights by creating a tent city for your citizens in need.

Sincerely,

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⁶ International Covenant on Economic, Social, and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976.