

A RESOLUTION OF THE DOWNTOWN COMMUNITY COUNCIL URGING THE MUNICIPALITY OF ANCHORAGE TO ASSURE ADEQUATE EMERGENCY SHELTER FOR ILLEGAL CAMP ABATEMENT, EFFECTIVE PREVENTION AND ENFORCEMENT OF PUBLIC NUISANCE AND CRIMINAL LAWS FOR ILLEGAL CAMP ABATEMENT AND PUBLIC ACCOUNTABILITY

Whereas, the community recognizes there has, for many years, been an increasing number of illegal camps on public land in Anchorage and that the nature and magnitude of these camps has changed dramatically for the worse, and

Whereas, the community acknowledges there are a significant number of illegal campers who are involuntarily homeless, and

Whereas, the community acknowledges there are insufficient temporary or permanent housing alternatives for them; and

Whereas the community experiences significant public health and safety risks to persons and public parks, trails, waterways and rights of way as a direct result of illegal camps; and

Whereas there are a subset of unsheltered individuals who camp in or along parks, trails, waterways and rights of way as a matter of choice rather than necessity and that, even after being offered temporary emergency shelter and other services, persist in camping illegally; and

Whereas, the actions of these individuals: 1) place an enormous strain on Municipal staff responsible for maintaining the cleanliness and accessibility of public parks, trails, waterways and rights of way, and 2) create a public health and safety risks for both those living unsheltered in these camps as well as community members who are entitled to use the public parks, trails, waterways and rights of way for their intended use, and 3) impose an unnecessary and entirely preventable financial burden on the community for repeatedly moving, cleaning up, and mitigating wastes resulting from the illegal camps; and,

Whereas current law* prohibits criminally charging indigent, homeless people for sleeping outdoors on public property as long as there are no indoor sleeping alternatives; and

Whereas current law* does not prohibit criminally charging people who do have access to temporary shelter because they have the means to pay for it or because it is available for free but who chose not to use it:

NOW, THEREFORE, THE DOWNTOWN COMMUNITY COUNCIL RESOLVES:

1. The Municipality of Anchorage must diligently engage in compassionate and effective efforts to prevent the development and persistence of illegal camps, assure those who have no alternative are provided one, and enforce laws prohibiting acts that create public nuisances and pose threats to the health and safety of the illegal campers and the entire community - balancing the rights and interests of those in need with the rights and interests of the community at large.
2. The Municipality of Anchorage must assure and/or establish sufficient shelter capacity to meet the legal requirements of current law* so that that no individual is forced to involuntarily camp within the Municipality because they cannot afford a sleep alternative and a free one is not available. The Municipality of Anchorage must further assure, through its licensing, regulatory and/or enforcement powers, that clean, safe shelter space that is responsive to the needs of people with serious mental health and/or substance abuse disorders is available so that campers who need shelter will elect to use.
3. The Municipality must diligently follow the law* by enforcing Municipal criminal ordinances that prohibit camping and other public nuisance activities on public parks, trails, waterways and rights of way and, in doing so, differentiate between those living unsheltered because they lack an alternative and those who either have the means to pay for it or have been offered alternative shelter for free and choose not to use it.

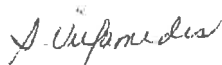
* Martin v. City of Boise, No. 15-35845 (9th Cir. 2018)

4. The Municipality of Anchorage must assure through its enforcement efforts that those needing assistance will be provided access to shelter and information about or access to other resources that will provide a pathway to self-sufficiency and permanent independent living, and that those who have refused shelter are swiftly removed from and face criminal penalties for voluntarily misusing public lands.

5. The Municipality must assure that it collects, compiles, and analyzes data on those camping illegally, all outreach and referral efforts made, and all enforcement activities, sufficient to effectively: 1) count, identify, and define the demographic characteristics of persons camping illegally and the causes or reasons they assure doing so; 2) differentiate between those who need and accept shelter and those who refuse it; 3) define and quantify the contacts made, services offered, and results of Municipal action or those acting on behalf of or in concert with Municipal employees to prevent, eliminate, and mitigate the impacts of illegal camps; 4) define and quantify prevention and enforcement activities, both civil and criminal, undertaken by police, fire, and other Municipal employees so the Assembly and the public may be fully informed about: a) the nature and magnitude of the problem of illegal camping, b) actions taken to prevent, eliminate and mitigate the impacts of it, and c) the costs and results of both the problem and actions taken to address it.

This resolution is effective immediately upon passage.

PASSED AND APPROVED by this 4TH day of December, 2019.



Silvia Villamides, President/Chair
Downtown Community Council

For: 11
Against: 0
Abstain: 0