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## Land Use, Transportation & Infrastructure Committee Summary Minutes

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**Tuesday, April 24, 2012**

**10:30 AM City & County Building, Room 391**

**Members Present:** Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman

**Members Absent:** None

**Others Present:** Brooks, Brown, Kniech, Ortega

**Committee Staff:** Gretchen Williams

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### Bill Requests

**BR12-0241 Adopts an ordinance to prohibit unauthorized camping on public or private property; defines camping; and sets forth specific procedures for enforcing the prohibition.**

*Councilman Brooks*

Councilwoman Robb provided the schedule of discussions of the proposed bill.

- April 3: Land Use, Transportation & Infrastructure Committee
- April 17: Health, Safety, Education & Services Committee
- April 19: Homeless Commission
- April 24: Land Use, Transportation & Infrastructure Committee
- April 30: First Reading at Council with a 2-hour courtesy public hearing

Invited speakers, representing various organizations and interests, addressed the Committee:

- Josh Davies: President, Lower Downtown Neighborhood Assoc. The Board voted unanimously to support the legislation.
- Susan Powers: Lives and works downtown and develops affordable housing units. It is a difficult issue because no one thinks it is OK for people to have to live and sleep outside in the most prosperous country. But the economic health of downtown is at risk.
- Terrell Curtis: Executive Director, The Delores Project, which shelters homeless women and transgendered individuals. As of the latest census, there are approximately 800 homeless women in metro Denver, 400 or so in

Denver, and there are only 158 shelter beds designated for single women each night. Delores must turn away women every night, and it has a waiting list of over 100 women on Deloris Project. Women will be driven even further into hiding if this law is adopted. There are simply not enough beds or services.

- George Cassidy: Denver County's Veterans Services. Each year the county serves between 600-900 homeless vets. The vast majority is Viet Nam Vets; many have become professional hobos after 30-40 years on the street. Most Veteran programs are for younger people and not geared to these guys who need to retire from being on the street. In the debate about this proposed law, both sides are correct.

David Broadwell, Assistant City Attorney, said the language will be codified in Chapter 38, Offenses, Miscellaneous Provisions. It is based on codes adopted by other cities that have been upheld in court in other cities. The ordinance contains special provisions for assistance to the person prior to any actual arrest, which unique ordinance language. Other cities incorporate requirements for assessment and assistance in standard operating procedures rather than in ordinance.

Councilwoman Kniech asked Mr. Broadwell how strictly this ordinance can legally be enforced when no shelter beds are available. She stated that she has prepared an amendment that would put this limitation in the ordinance.

Mr. Broadwell replied that all parties will have to be very careful not to criminalize people who are truly down and out and have no alternatives.

Councilwoman Robb asked Michael O'Flaherty, Zoning Administrator, to talk about the zoning code's regulations regarding shelters.

Mr. O'Flaherty said the made the following points:

- Denver has one permanent shelter, the Denver Rescue Mission, with routine capacity of 200.
- He and the former director of Denver's Road Home (DRH) determined last fall there was an emergency situation. Under the zoning code, the Administrator may waive some rules for permanent shelters in life-threatening emergencies (usually low temperatures). He allowed the Rescue Mission to have 300 beds through June 2012.
- Zoning code limits the number of permanent shelter beds to 950 per council district. Council District 9 is highest with 830; next highest has about 250; numbers drop off quickly after that.
- The shelter ordinance was amended in 2005, capping beds per shelter at 200. Some shelters were already permitted for more than 200, and the amendment allows those to increase to 350. The Rescue Mission was permitted after the amendment, so is limited to 200 permanent beds.
- The code contains various provisions for temporary and permanent shelter in a church, non-profit or government building.

Councilmember Ortega said the Homeless Commission met last week and moved to ask the Mayor and Council to postpone this measure for four weeks so that groups have time to work together and make sure the details are in place before implementation because we need to get the details worked out on the front end.

Bennie Milliner, Denver's Road Home (DRH), made the following points, some in answer to specific questions from Councilmembers:

- The 41 members of the Homeless Commissioners are appointed by the Mayor and are advisory to the Mayor.
- The Homeless Commission's Shelter Sub-committee meets every two weeks with the shelter providers. Today's meeting will focus on issues that came out of the Commission meeting last week.
- DRH funds part of the Crossroads shelter's operations and has requested an emergency provision to keep those beds open beyond May 1.
- The Dolores project provides shelter beds for women, and it currently has funding issues that limit the number of beds.
- At this time, DRH has no plans for youth beds.

Councilwoman Montero said District 9 has an overabundance of beds. At 850 beds and cap is 950. Ballpark and RiNO (River North Neighborhood Organization) worked with DRH to agree on an increase in the number of emergency beds. Yesterday, the Mayor's office said the Crossroads contract would continue, and this was decided without neighborhood involvement. That conversation should have taken place first. She added that the Homeless Commission asked for an additional four weeks to study the camping ban, and that seems reasonable.

Regina Huerter, Director, Crime Control & Prevention Commission, reported on a study of the of the 500 people who most often came through the system over the last five years:

- There were 1800 various types of cases.
- Of the 500, 91% were homeless.
- The top 100 of the 500 were all homeless.
- The system spent \$2.3 million on those 100, or an average of \$230,000 per person per year.
- The majority was males with addiction issues, average age of 48, and most had been on the streets a long time. Ten were veterans.
- We need to provide wrap-around services and experiment to see how we can best help them.
- We have \$350,000 and other leveraged funds for resources and services, not including shelter.

Councilman Brooks said he and the Mayor agree that there needs to be time for out-reach and to finalize details before implementation. He is suggesting that implementation begin 30 days from today.

Councilwoman Susman supported the extension before implementation, and she appreciated Mr. Cassidy's statement that both sides are correct. However, this situation has more than two sides – it is like a stream. The Homeless Commission is at the end of the stream. This proposal works on some of the issues upstream, such as jobs, tourism and the economy. We have to jump in the stream at all different places.

Councilman Lopez said this issue belongs in Health, Safety, Education & Services Committee and that he is disappointed it was done politically. It would be thrown out the window if in HSES. When are we going to talk about ways to prevent homelessness? When are we going to talk about putting a shelter in Cherry Creek? We need more time.

Councilwoman Montero said some people may think that the four week delay is to try to kill the bill, but it isn't. She has been working on this issue since she was an aide to Councilwoman Ortega. The good news is that there are people in the community who know what they are doing. We are now planning to do the same thing and expecting different results. She wants a delay so she can talk with the Police and Human Services about how this will be done. We need a plan. She is not in favor of this; she wants conversations with service providers.

Councilwoman Shepherd said we have heard from downtown business interests and downtown residents. We have not heard from one single homeless person. It looks like everyone here has made up their minds. The final vote is scheduled for two days after the InterNeighborhood Cooperation (INC) discussion. We regularly hold things in Committee that are half-baked. And this bill is half-baked. This bill is not going to solve the problems we are trying to solve, and we need more thoughtful conversation.

Councilwoman Kniech said she does not think we are going to have a flood of arrests. We can find common ground on the service. We need to combine this with Housing First and increase our odds of success. We have the best chance to have firm plans and funding commitments. We have no state or city dollars going into building low-income housing – only 1 of 5 cities do not have that. If we delay and put all the pieces in place we improve the odds of success.

Councilman Brooks said he is aware there are holes in our plan to end homelessness, but the City cannot solve all the problems of every individual. We need to organize in our own districts. Councilwoman Kniech is correct, and we need to organize our budget discussion and get on with anything that needs to be on the November ballot. We must provide housing and an opportunity. The new schedule gives us 30 days for a plan, which is what the Homeless Commission asked for.

Councilwoman Susman suggested we need to find some dollars to study the

impacts of this ordinance.

Councilman Brown said this process has not been rushed. We are trying to address a 24/7 and seasonal problem. We have to deal with it.

Councilwoman Ortega said an important component should be an annual report from Police and Denver's Road Home. We are seeing a decline in available low-income housing. The SRO (single-room occupancy) hotels SRO hotels have been lost and not replaced, and the Housing Task Force has no clear policy. This has a clear correlation to the number of people sleeping on the streets. We have not talked about the role of and need for outreach workers. We should focus only on the downtown area.

Councilwoman Robb asked if an annual reporting requirement should be included in the ordinance.

David Broadwell, Assistant City Attorney, said if the report is to become a part of the ordinance, he needs more direction about what that report contains.

Councilman Lopez said homelessness is not just an issue in Council District 8 and 9; District 3 has it as well. It is largely policies we are failing to implement that are making more people homeless. If we want to help, we need to look at policies.

Councilwoman Robb agreed that one of our failures was not publishing a housing plan and planning for affordable housing. District 10 has several wonderful providers. Golden Triangle residents do not want to delay implementation, and that neighborhood took the jail and has Denver CARES. Moving this item out of Committee today does not preclude other discussions and work.

Councilwoman Lehmann said the proposed ordinance has brought to light and has caused thinking on the problem. It's shown us we need to work harder on other options along with this.

Councilman Nevitt expressed concerns about building a report into the ordinance. These reports tend to become pro forma, or bureaucratic silliness. Council can call the people responsible to discuss and ask questions that need to get discussed.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, to file the bill with one change to write in the implementation date of May 29 carried by the following vote:

AYES: Nevitt, Lehmann, Robb, Susman(4)  
NAYS: Lopez, Montero, Shepherd(3)  
ABSENT: (None)  
ABSTAIN: (None)

