

PROCLAMATION



City and County of Denver

Proclamation No. 21-1141 Opposition to Initiative 303 and the Extraordinary Taxpayer Liability it Would Create

WHEREAS, in cities all across the U.S., unsheltered homelessness and encampments have grown in visibility and numbers not seen in almost a century, exacerbated by the COVID-19 pandemic, with at least 1,000 people living on the streets of Denver; and

WHEREAS, the voters of Denver and City agencies have recently, dramatically expanded shelter hours and services, hotel and other transitional housing innovations, and funding for permanent housing with services, but permanent housing solutions take time to implement and the people of Denver are frustrated and want the city to do more, better and faster, but managing street homelessness and associated public health and safety risks is far more complicated than a sledgehammer approach can deliver; and

WHEREAS, in July 2021 a signature-gathering effort that would become known as Initiative 303 was deemed sufficient by the Denver Clerk and Recorder after the campaign paid signature gatherers over \$100,000 from a source of unknown origins; and

WHEREAS, Initiative 303 would require the City to enforce the unauthorized camping ordinance (Sec. 38-86.2) within 72 hours of receiving a complaint with no exceptions; and

WHEREAS, unauthorized camping is already illegal in the City of Denver, and the 72-hour requirement runs counter to a federal court legal settlement and a federal judicial order requiring the city to provide 7 days' notice of large-scale encampment cleanups; and

WHEREAS, this initiative would require the city to set up four sanctioned homeless camps, but does not lay out how the public designated camping locations would be acquired or determined and provides no comprehensive service standards; and

WHEREAS, the city already has the legal authority to establish, and has already established, several highly regulated and staffed Safe Outdoor Spaces for unsheltered individuals and has done so with extensive health, mental health, housing, and other services that go far beyond the bare-bones and unfunded approach called for in this measure; and

WHEREAS, this initiative would require the city to allocate millions of dollars more to the Denver Police Department to attempt to comply with the 72-hour enforcement requirement, fails to include material terms but authorizes an award of costs and attorneys' fees for each individual action against the City to enforce the ordinance, and provides for undefined and vague injunctive relief that may bind the City in unforeseen ways; and

WHEREAS, this initiative enables a nebulous and vigilante-like "private enforcement" for any unauthorized encampments after 72 hours with no exception for court orders or processes designed to protect Constitutional rights, that could result in taxpayer liability of millions of dollars; so

NOW THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the Council of the City and County of Denver opposes initiated ordinance 303 on Denver's November 2021 ballot and urges voters to reject Initiative 303 and the extraordinary taxpayer liability it would create.

Section 2. That the Clerk of the City and County of Denver shall affix the seal of the City and County of Denver to this proclamation.

PASSED BY THE COUNCIL October 4, 2021

PRESIDENT