

## **Suggestions for Drafting Letters to City Council**

The legality of a given city's anti-camping ordinance may ultimately rest on: (1) whether or not the city has enough shelter capacity for its homeless residents; and (2) the amount of public property included in the city's ban on camping.

If you plan to draft a letter to your city council about a proposed or enacted anti-camping ordinance, we suggest you first do the following:

1. Read our office's Important Case Law and Frequently Asked Questions handout on anti-camping ordinances.
2. Familiarize yourself with the DOJ Statement of Interest in *Bell v. Boise* and the opinions issued in *Everett v. Bluhm* and *City of North Bend v. Everett*. All three are included with these materials.
3. Learn the details of what, specifically, is banned by your city's ordinance. Is camping banned at all nighttime hours, for instance? Is it banned on all public property, or only some public property? Is the practical effect of the ordinance that individuals are unable to sleep outdoors anywhere on public property? The broader the restriction, the more likely it is that the ordinance is unconstitutional.
4. Learn about what shelter options are available to homeless residents in your community. Is there a shortage of shelter beds? If there *are* enough beds, is this the case some nights or every night? Are there limitations on *who* can access a shelter bed? Some shelters only accept families, for instance, while others may only accept single men or single women. Remember, just because *some* shelter space is available, that does not automatically make an ordinance legal. The DOJ has argued that restrictions on who shelters accept may prevent access to shelter for some in the homeless community, even if there are technically open beds.
5. It can be helpful to look at your City Council's prior actions on homeless shelter space. For example, has your city denied permits for additional shelter space? Has your city sanctioned any homeless encampments?

We have enclosed two example letters, both of which were sent by our office to Washington city attorneys, that may be helpful reference points in drafting your own:

1. ACLU-WA and HRAP Letter to City Attorneys (Aug. 19, 2015). This letter was sent to Washington municipal attorneys to explain the significance of the DOJ Statement of Interest. It does not target any specific anti-camping ordinances but provides general information about what circumstances may make anti-camping laws unconstitutional.
2. ACLU-WA Letter to Yakima City Council (Nov. 18, 2016). This letter urges the City of Yakima to reject a proposed anti-camping ordinance. The letter explains that because Yakima has insufficient shelter space and camping is criminalized on all public property, the proposed ordinance is potentially illegal.