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To: ZZ City Clerk External
Subject: Opposing 23-0673

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I am writing in opposition to agenda item 23-0673, "AN ORDINANCE to amend Subsection 32-5 of the Code of Ordinances of the City of La Crosse regarding camping on City-owned property."

This proposal is as absurd as it is cruel.

As we all heard at the Council Planning Meeting on Tuesday, there are currently *zero* shelter beds available. The clearance of Cameron and Burns parks left dozens of people scattered across the city, on sidewalks, in parking ramps, and on private property. Clearing camps does *nothing*. If the goal is to make homeless people go away, all that clearances do is make them someone else's problem. Is that good governance?

Furthermore, this proposal is already rejected by federal caselaw. *Martin v Boise* (summary and full text: https://en.wikipedia.org/wiki/Martin_v_Boise) is a 2018 US Circuit Court ruling which states "...the Cruel and Unusual Punishments Clause of the Eighth Amendment preclude[s] the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter. ...As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter."

Although this was for a different federal circuit court than our own and does not directly have jurisdiction, in 2019 the US Supreme Court declined to hear an appeal, leaving *Martin v Boise* intact as precedent. We on the left as our friends on the other side of the political spectrum, but were this to end up in court it would last about five minutes.

I invite you to read the full ruling or longer summaries, but what it boils down to is this: where, exactly, do you expect them to go? This is the basis of *Martin v Boise*. If someone has nowhere they can be legally, then you have criminalized their *existence*. Simply, that doesn't work. The people who have been sleeping in the parks exist and they will continue to exist. Implementing this ordinance change is essentially making it illegal to be poor.

Camp clearances don't work for their intended purpose and only make survival, much less escape from homelessness, less likely for individuals experiencing homelessness. I encourage you to read stories and data from the Los Angeles Echo Park Lake clearance in 2021 <https://escholarship.org/uc/item/70r0p7q4>. Even when promised housing by the city, fewer than 10% had housing a year later and fewer than one in three were even in shelters. There was apparently almost no outreach to Cameron and Burns residents, according to the several people there I spoke with on Tuesday, May 30th and the morning of the 31st. There were rumors of some barebones outreach on the previous Saturday and one organization, WINN, distributed emergency supplies on Tuesday and Wednesday. That's it. I find it hard to believe that the outcomes for Cameron Park campers were better than those of Echo Park Lake.

When camps are cleared, the residents scatter. They may lose personal documentation, identification, records, and medications. They will be more difficult for social workers to stay in touch with. They will be more vulnerable to theft, malicious destruction of their belongings, and assault. They don't stop having addictions, or mental health issues, or disabilities, or suddenly get jobs. If they are disruptive individuals, they will be disruptive in a different neighborhood. If they have addictions, they'll still have the addiction, but now they'll be far away from anyone who might be able to help them if they overdose. If the goal is murder, I can think of few more effective ways to get away with it than to clear a homeless camp.

I have asked many people who would likely support this ordinance where exactly unhoused people are supposed to go. The only consistent response is "your house" which is a good illustration of the childish unseriousness of supporters of camping bans.

Although I haven't gotten many serious answers to that question, I have seen some other choice comments in the replies to the posts about the park closures on the City, Parks, and various local news Facebook pages. A sample:

"they got water, power and a [explicative]HOUSE to shoot up in."

"The mess made by irresponsible pigs."

"they are the ones making an unsafe situation with drugs and assaults."

"They are going to be doing drugs and committing crimes no matter where they get put."

"drugs are always a choice... They've made their choice. They choose drugs over housing."

"yep, trust the drunks and druggies, let me know how that works out."

"the homeless who are trashing the city parks disgust me. They are not decent humans. If they were decent homeless or not they WOULD NOT DESTROY [sic] PROPERTY."

"All night parties, bonfires in the street with booze and drugs along with thefts and vandalism."

"Just keep kicking them out. Eventually they will get the point"

"Kick them out, kick them out at night from all parks. Put BRIGHT night lights in all parks and they will finally get that it's time to clean themselves up and off drugs get a job or move along."

This is the hateful, irresponsible, dehumanizing attitude that motivates this ordinance change. Vote it down accordingly.

This proposal is especially insulting coming during the same week as the highly promising start of creating a long-term housing plan. There is only one effective way to solve homelessness: provide actual housing. Milwaukee achieved the *lowest per capita unsheltered population in the entire country* because of their Housing First program started in 2015 <https://county.milwaukee.gov/EN/County-Executive/News/Press-Releases/Milwaukee-Recognized-with-Nations-Lowest-Unsheltered-Homeless-Population>

It was very encouraging to see Housing First being put on the table for La Crosse as part of a serious long-term plan to address homelessness, although it's not an immediate solution as it will likely take months or even years to get started. Furthermore, any implementation that depends on private landlords is going to be sabotaged from the start- landlords are overwhelmingly hostile to renting to people with histories with evictions, homelessness, or felonies; landlords will be loath to rent to people whose ability to pay is dependent on a government program; landlords could choose to end participation at the end of any lease period; landlords are routinely neglectful or abusive to tenants, particularly ones who are in a highly vulnerable housing situation or are less able to stand up for themselves, etc. Instead, the City (and County and other government entities, if they like) should consider direct construction, ownership, and operation of housing as part of a larger Social Housing and densification plan. Building new housing is especially critical because of our rising housing prices and housing shortage; the housing that's currently getting built seems to be insufficient in quantity and mostly at the higher end of price, not targeted at people who are housing insecure.

The other half of Housing First, social workers, is something that La Crosse can implement much more quickly. If we have nearly 300 people experiencing homelessness in some form or another, and if each one needs an average of one hour per week of outreach and other assistance (a number which I invented out of

whole cloth solely for this explanation), then we should hire ten full-time social workers. That's something that can be done immediately. If the goal of this ordinance change is to merely manage the encampment locations of homeless people, where's the proposal for more social workers, who would be able to build trust with individuals and encourage them to camp in more manageable locations?

The fact that this proposal to ban necessary life-saving activities is on the table before sufficient outreach worker staffing and emergency shelter acquisition, much less real housing or any actual plan, says a lot about what its supporters think about homeless people- that they're not people, but debris.