

Ready, Fire, Aim: A Discussion of the Proposed “No Camping” Ordinance in Astoria

We were surprised and disappointed by the article in the Wednesday, 9/5, Daily Astorian by Katie Frankowicz. The article is about the meeting of the City Council to adopt an emergency ordinance to ban camping in the wooded areas outside of the central city area, especially targeting homeless people. We have been attending the meetings of the city’s Task Force on homelessness, and do not recall hearing any discussion or recommendations supporting this action. While we acknowledge that many well intentioned people are trying to solve this problem, what we have come to realize is that the problem of homelessness can be seen from two entirely different perspectives.

The “Problem”

The “Homelessness Problem” is actually two high level problems seen from two different perspectives:

1. **The problem of being homeless and trying to survive.** This includes the lack of affordable housing, limited access to social services, receiving tickets when trying to find shelter in the downtown area, locked public bathroom, finding shelter to survive rain and cold weather conditions, and more.
2. **The problem that others have about the presence of homeless people in Astoria.** This includes the health and sanitation issues that can be related to sleeping in doorways, sleeping on sidewalks, camping, unsightly people, bad image for tourists, garbage, pan handling and more.

Homelessness Solutions Task Force

Members of the task force were appointed by the mayor and the Police Chief was appointed to chair the meetings. We have attended several of the mayor’s Homelessness Solutions Task Force (HOST) meetings started in 2017 and our general takeaway is that finding ways to meet the needs of homeless people is a long-term problem with no easy solutions. There appear to be no homeless people serving on the task force although occasionally we have seen one or two homeless or formerly homeless people present at a meeting.

This is the region’s second task force on homelessness. The report from the prior task force, *Clatsop County Ten Year Plan to End Homelessness 2012-2022* by the Clatsop Homeless Coalition, developed a plan to address homelessness. The 2012 report cites statistics estimating 653 homeless individuals

county-wide. The same data source¹ documents an increase of the homeless population to 682 in 2017—a 4% increase half way into the ten-year plan to end homelessness.

From our perspective, the 2012 *Ten Year Plan* made solid recommendations. The coalition identified action items within the areas of: Discharge Planning, Systems of Care, Housing Opportunities, Keys to Housing, Performance Measures, Emergency Response, Recommendations for State Attention, Employment and Income, and Coordinated Entry. For example, in the area of Keys to Housing, an action item was “Educate landlords and property management companies about housing homeless, special needs and vulnerable people, including peer dialogues among landlords who have housed riskier tenants with other landlords who may be interested.” In the area of Emergency Response, an action item was “Define Warming Stations as an emergency response that uses existing resources such as churches or schools and does not direct housing resources to temporary solutions. Existing buildings will not need to be financed and constructed.”

Sixty concrete action items were recommended. From our understanding, none of these were tackled except on a piecemeal fashion. As an example, while the coalition discussed the need for code changes, Astoria’s Development Code still does not include a warming center in any of the city’s zones. Thus the existing Astoria Warming Center (a nonprofit 501c3) is required to apply yearly for a conditional use permit instead of focusing solely on their stated mission “To prevent unsheltered people from dying of exposure in Astoria.” This only existing warming center in Astoria has the capacity to house up to 30 individuals per night (35 in an emergency) for a maximum of 90 nights per year. While the Planning Commission was making some progress on amending the code, that effort is now on hold due to a redirection from the City Council to “higher priorities.”

What has happened to the Coalition’s *Ten-Year Plan*? Not much. Apparently, the group decided not to use it as a “jumping off” point when the mayor’s 2017 Homelessness Solutions Task Force first convened. Instead, they started from scratch. The general consensus of this group seems to be that the problem of homelessness is extremely complex and difficult to solve and will take time. Given the practice of writing tickets for sleeping in public and now making changes to the city ordinance prohibiting camping in the woods, there appears to be little political will to address the “problem of being homeless” and more concern about the existence of homeless people in Astoria. But perhaps another task force could come up with more solutions....

The problem with homeless people existing in Astoria

While solving the problem of being homeless seems insurmountable in the short term, if we shift the perspective, we can see some action! For this side of the overall problem, the city can call it an emergency and act quickly. In a memo from Police Chief Spaulding to the City Council dated September 11th, Chief Spaulding recommended that the Council consider a first reading of an amendment to City Code 5.900-5.925 relating to camping in public places and that the ordinance take effect immediately

¹ See <https://www.oregon.gov/ohcs/Pages/research-point-in-time-homeless-count-in-oregon.aspx>

following the second reading. The first reading of the proposed change to city code occurred on September 17th at the City Council meeting. Here is the sequence of events as we know them:

- At some point city leaders (police chief & city manager) became aware of camps of homeless people in the wooded areas at the outskirts of Astoria.
- **Tuesday, 9/4, City Council meeting.** We reviewed the agenda and couldn't find any mention of an item to discuss camping/homeless. But according to the Daily Astorian, the City Manager and police informed the council about the problem at this meeting.
- **Wednesday, 9/5, Daily Astorian.**
 - Reporting on this meeting, Katie Frankowicz wrote, "They want to dismantle the camps and clean up trash before fall rains and winter storms hit, but worry about displacing people who are already struggling."
 - The city council wants Homelessness Solutions Task Force (HOST) to "link people with services and housing." Note—HOST doesn't meet again until October 8th, which happens to be after the date of the second reading of the proposed change to the city ordinance on camping. Are these two actions even consistent?
 - The police "tagged the sites they found with 24-hour cleanup notices." If the police already have a "tool" (cleanup notices) why the rush to outlaw camping? What about providing trash cans and collection? The city already provides public trash cans in public areas and could extend this service where needed.
 - City Manager "informed City Council of the situation at a meeting Tuesday night." Although, it is not listed as an agenda item.
 - "City Councilor Cindy Price asked that the city talk to county officials about possibly establishing a camping spot or tiny home-type village near a bus line." Will kicking the problem to the county solve the problem? And can they solve it by Fall...?
 - "And Price brought up a point that has also troubled police: If you move people, where do they go? ...Without an established site for people to stay, Price said the city will just move people around 'on an endless chess board.'" One homeless individual has said he would just move deeper into the woods; he has no other place to go.
 - "'Nobody wants to move these individuals out of this area,' Spalding said of the Astoria camps. Police want to do the right thing and take 'a humane approach,' by moving slowly, involving social services and looking for ways to transition people to different housing arrangements." While we appreciate this sentiment, the statement is not consistent with the goal to remove the camps by Fall, nor with the apparent urgency for passing an "emergency" ordinance. Both of these actions are taking the approach of getting rid of the homeless people rather than finding solutions to the condition of their homelessness. Given the consensus at the HOST meetings that the affordable housing shortage will take a long time to solve, apparently there is now justification for more drastic police action to remove the homeless and somehow this will be slow, humane, and inspire social services and landlords to cooperate. We believe this is the wrong tool to use, in spite of good intentions.

- “‘We are not talking about arresting anybody, we are not talking about issuing citations,’ Spalding added. ‘We’re simply talking about removing the encampments from the city property for a variety of reasons — some of them include fire hazards, public health and safety issues in terms of needles and trash and human feces.’” How will the police remove the encampments? If they are not issuing citations, why do they need this ordinance? When we know that the police have acknowledged that the homeless have no other place to go, what do they expect will happen? What makes this a matter for the police, since making new ordinances does not provide any solution? And what about the need for the homeless to have shelter for the coming winter as a matter of survival?
- “‘We want to be sensitive to this and not just displace human beings,’ Spalding said.” How does one sensitively remove a homeless camp when you know there are no adequate places for these folks to go?
- “In August, law enforcement in Clatsop County went only two days without receiving a call or initiating a call about a homeless camp or someone camping in a car. Most days, there were several calls. Hired security and neighbors of Columbia Memorial Hospital frequently report possible camps or suspicious comings and goings near hospital buildings.” So this issue is not new and the police have been aware of these camps for some time. Why is there an emergency now?
- “Kenny Hansen, the Astoria Police Department’s homeless liaison officer, estimates he knows 9 out of every 10 people camping in the woods. When he went out to survey camps with Spalding on Friday, he called out the names of the people who lived there as he approached their tents. ‘Hello! It’s Kenny,’ he called each time.” Kenny has established personal relationships with most of the homeless people. Has there been any effort to include them in addressing the problems with the camps?
- “The offenses they’re guilty of are low level and the police aren’t interested in making arrests. But if camping continues, the messes left behind could go beyond the city’s resources to clean up.” This argument doesn’t make any sense. Messes are “left behind” only when the homeless are forced to move. Why would the homeless leave the place clean when they are being kicked out? If the city is responsible for cleaning up the mess left behind, why didn’t the city find a way to provide a dumpster or cans close to the site while the camp was inhabited? The Park Service regularly solves this problem in isolated areas. If trash and sanitary conditions are the issue, let’s address those issues instead of “re-moving” (as in moving again) the homeless.
- **Tuesday, 9/17 City Council Meeting.** An agenda item was the first reading of the proposed no-camping change to city code. Minutes from the 9/4 city council meeting were not approved at this meeting so there is no public copy available. Therefore the only information we have is from the Daily Astorian.
 - “As used in this ordinance, camping does not include sleeping outdoors by homeless individuals with no access to alternative shelter so long as any tent, shelter and all other personal items such as sleeping bags, tarps and mats are removed from the site within 24 hours of proper notice.” So the problem is solved if the homeless shuffle around every 24 hours?

- “Violation of this ordinance is a Class 8 infraction as defined by ORS 153.310.” The only information we have about ORS 153.310 is that it was repealed in 1999. See https://www.oregonlegislature.gov/bills_laws/ors/ors153.html and https://www.oregonlegislature.gov/bills_laws/lawsstatutes/1999orLaw1051.html.]
- “The City Council finds that unauthorized camping within the City present issues related to the health and safety of its citizens and therefore adopts this ordinance to meet an emergency pursuant to Section 8.3 of the Astoria City Charter. This ordinance shall become effective as soon as it is adopted.” Why is this an emergency all of a sudden? And what problem does this ordinance solve?
- **Wednesday, 9/18, Daily Astorian.**
 - “‘We’re not just saying, ‘Get out of here,’” City Councilor Tom Brownson said. ‘We’re trying to do it in a reasonable and ... humane way.’” So, in effect we are saying “get out of here” nicely?
 - “Police Chief Geoff Spalding agreed. The hope is to deal with camping issues but have a minimal impact on the people camping, he said. However, there are concerns with some of the camps where trash has piled up or where other health and human safety issues might exist, he added.” How is depriving people of shelter, security and perhaps survival a “minimal impact?” This does not solve the problem; it just “re-moves” it. If the problem is trash, then we need to address the trash problem. This involves a different city department and not the police.
 - “Spalding is working with City Attorney Blair Henningsgaard to figure out exactly where the ruling touches on Astoria’s ordinances. The court’s ruling was nuanced, Spalding said. Much of it was specific to Boise and may not apply to Astoria. Illegal camping was considered a misdemeanor in Boise. In Astoria, it is only an infraction and not considered a criminal act.” Actually, in a Los Angeles case in 2006, *Jones v. City of Los Angeles*, Judge Wardlaw of the Ninth Circuit Court of Appeals wrote “The Eighth Amendment prohibits the City from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the City of Los Angeles.” Cities have been trying to wiggle away from this (no sleeping in RVs in Gearhart, etc.). But to say it’s only an infraction (with presumably a fine) and not a citation is irrelevant when the judge in the L.A. case clearly said “The Eighth Amendment prohibits the City from punishing...”² An infraction and potential fine is punishment. In this case, the city reached a settlement among the parties and the opinion was vacated,³ but that does not change Judge Wardlaw’s statement about his application of the Eighth Amendment.

² *ACLU of Southern California Wins Historic Victory in Homeless Rights Case*, American Civil Liberties Union <https://www.aclu.org>.

³ *Portland will not change anti-camping law after ruling*, Daily Astoria September 6, 2018.

In Conclusion

I think we all recognize that this issue is complex with no simple solutions. Many cities have struggled with this problem for years—including “kicking the can down the road.” The current Task Force has many of the key people of Astoria who each have a piece of the solution and who are collectively able to look at the issue from both perspectives. While the process is slow, it is a more collaborative one which will include multiple agencies, strategies and services to meet the needs of the homeless as well as the city. The only emergency is how the homeless will be situated to face the approaching winter.

What we do not want is to declare a political emergency and rush through changes to city code that do not really address the *problem of being homeless* and seem more to be addressing the *problem with homelessness*. Our desire is for Astoria to support all the people involved while finding longer term solutions. For example, instead of telling people where they can't live, tell them where they *can* live, at least until there are better options. Perhaps mark off accessible locations on city property for camping and provide trash service and portable sanitation facilities. Leave these campgrounds in place until longer term solutions are implemented. We need workable solutions to the real problems which Chief Spaulding identified as “fire hazards, public health and safety issues in terms of needles and trash and human feces.’ We could also include the homeless in the conversation of possible solutions. Whatever the direction, we are requesting city leadership to do their part in offering win-win solutions.

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