



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0734

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 3, 2014

TITLE: Ordinance Creating Section 16-31 of the Code Prohibiting Unauthorized
Camping on Public Property within the Downtown

Recommendation

It is recommended that the City Commission introduce on first reading the attached ordinance creating Section 16-31 of the Code prohibiting unauthorized camping on public property within the Downtown.

Background

At the City Commission Workshop on January 29, 2014 concerning the homeless population in the City of Fort Lauderdale, the Commission discussed three (3) proposals from the City Manager for ordinances concerning (1) the public feeding of the homeless population; (2) public behavior; and, (3) solicitation on the sidewalks and public roadways.

As the City Commission is aware, the City of Fort Lauderdale, along with our partners at Broward County, The Fort Lauderdale Housing Authority and the United Way of Broward County are embarking on a "Housing First" model. The concept here is to respond by rapidly housing the homeless population and providing treatment of underlying conditions concurrently, rather than prior to the provision of housing. This type of program has been successful throughout the country. Currently the City has placed sixteen (16) of the most vulnerable individuals into housing through this program.

It is important to consider that while the ultimate goal is to provide a long-term permanent housing solution for the City's homeless population, it is also important to protect the quality of life of our neighbors throughout the City. Studies have shown that activities associated with the homeless population often provide our neighbors with a

diminished sense of safety and threaten the viability of businesses.¹ These activities include panhandling, public intoxication, solicitation in the roadways, sleeping on sidewalks and other public spaces (including spaces that can be viewed from streets and sidewalks), urinating and defecating in public.

In January 2010 the US Department of Justice published a Problem-Oriented Guide focusing on homeless encampments. In that guide they suggest twenty-six (26) different principles and strategies that can be deployed in addressing homelessness and homeless encampments. Those principles and strategies are attached to this memorandum. It is interesting to note that the City of Fort Lauderdale is mentioned specifically in regard to two (2) of these strategies. First, on strategy #21, "Creating a specialized unit", the Fort Lauderdale Police Department is recognized for the successful effort of the Homeless Outreach Team. Second, on strategy #25, "Creating safe zones", it was recognized that the court-ordered placement of four tents was not effective.

This ordinance creates Section 16-31 of the Code prohibiting unauthorized camping on public property within the Downtown. The Downtown is defined as the boundaries of the Downtown Development Authority of Fort Lauderdale (DDA). The Florida Legislature, when establishing the DDA, declared in Chapter 2005-346, Laws of Florida, that the downtown area is a blighted area citing many of the conditions already referenced in this memorandum as diminishing the sense of safety and threatening the viability of businesses.

Under this ordinance it would be unlawful for any person to engage in camping in the Downtown upon any public property, except in any location where camping has been expressly authorized by the City or the agency having the control, management and supervision of the public property at issue. Public property means any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, any park, or other recreation facility, or any other grounds, buildings, or other facilities owned or leased by the City.

In order to issue a citation or make an arrest, the officer must:

¹**Threats to business viability...** Many chronically homeless behaviors, such as sleeping on the streets, panhandling, public excretion or urination, and public intoxication, are threatening or undesirable. In some urban settings, police rate transients and their behaviors as a bigger problem than drugs, car burglaries, public fighting, cruising, or noise. Entertainment districts are particularly vulnerable to transient behavior because of the availability of people with disposable income, park benches, unattended public restrooms, and lax enforcement of laws governing street behavior. The presence of transients creates an environment of lawlessness. During the day, transients sitting in front of businesses can scare away customers.

Illegitimate use of public space. Regular citizens may not use public parks and other facilities because they fear the spaces are controlled by transients. Often the homeless are victimized at night, prompting them to sleep only during daylight hours in parks and other public places. Thus, the park may be laden with individuals sleeping on benches or in picnic shelters during the park's busiest hours. This condition only exacerbates the conflict with legitimate park users. Further, due to the homeless taking over and sometimes vandalizing park barbecues, sinks, and faucets designed for regular park visitors to use, officials may remove these amenities thereby penalizing everyone.

[Chamard, Sharon. Problem-Oriented Guides for Police Problem-Specific Guide Series No. 56: Homeless Encampments. Center for Problem-Oriented Policing, Office of Community Oriented Policing Services, United States Department of Justice. January 2010. pages 9-10.]

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- (1) request or order the person to refrain from the alleged violation; and,
- (2) attempt to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance. If the officer determines that the person is in need of the assistance, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter; and
- (3) advise the person that all of his or her personal property which is not taken to the hospital or public shelter accompanying the person, except that which is of no apparent utility or which is in an unsanitary condition, shall be inventoried and stored by the City for a maximum of thirty (30) days, until reclaimed; and

Additionally, in order to issue a citation or make an arrest, the person who needs medical or human services assistance must refuse to be transported to a hospital or public shelter; and/or the person must not be in need of medical or human services assistance.

Violations of this ordinance will be in accordance with Section 1-6 of the Code of Ordinances; to wit: by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days or by both such fine and imprisonment.

Resource Impact:

There is no fiscal impact to the City.

Strategic Connections:

This item is a *Commission Annual Action Plan* priority, included within the Policy Agenda, advancing the Comprehensive Homeless Strategy.

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- **Goal 3:** Be a community that finds opportunities and leverages partnerships to create unique, inviting and connected gathering places that highlight our beaches, waterways, urban areas, and parks.
- **Objective 5:** Work with partners to reduce homelessness by promoting independence and self-worth through advocacy, housing, and comprehensive services.
- **Initiative 2:** Implement a comprehensive short and long-term strategy

with community partners to address Homelessness

This item also furthers the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community*.

Attachments:

EX 1 - "Responses to the Problem of Homeless Encampments".

Chamard, Sharon. Problem-Oriented Guides for Police Problem-Specific Guide Series No. 56: Homeless Encampments. Center for Problem-Oriented Policing, Office of Community Oriented Policing Services, United States Department of Justice. January 2010. Pages 21-37.

EX 2 – Chapter 2005-346, Laws of Florida

EX 3 - Proposed Ordinance

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