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January 26, 2016

The Hon. Jorge Elorza, Mayor  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

HAND-DELIVERED

Dear Mayor Elorza:

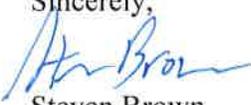
Today, as you know, advocates for the homeless held a news conference to protest a burgeoning problem of harassment of the homeless by Providence police. I am writing to request that you take immediate steps to address one aspect of that problem.

We appreciate the position you expressed in a letter to the RI Coalition for the Homeless that “no one should be targeted or treated differently because of their homeless status.” Unfortunately, it has been the experience of advocates that this position does not match the reality of what is happening in the City. Part of that disconnect is undoubtedly due to the City’s enforcement of ordinances that, on their face and as applied, do in fact directly target the homeless. Two in particular are the City’s bans on so-called “aggressive solicitation” and “loitering on bus line property.” By leading to the harassment and arrest of homeless people, they are clearly part of the problem described in detail at today’s news conference.

More to the point, these ordinances raise significant constitutional concerns by impinging on the First Amendment rights of the homeless and the poor. In recent months, in fact, at least three courts elsewhere have struck down laws very similar to the City’s “aggressive solicitation” ban. *See Thayer v. City of Worcester*, 2015 WL 6872450 (D.Mass. 2015); *Browne v. City of Grand Junction*, 2015 WL 5728755 (D.Colo. 2015); and *McLaughlin v. City of Lowell*, 2015 WL 6453144 (D.Mass. 2015). The unsuccessful defense of these laws has come at great financial expense to those cities.

Under the circumstances, I am writing to request that you advise the Police Department to immediately halt enforcement of these ordinances. This would be an important step in addressing the issues raised today. May I hear from you by February 2nd that all officers have been apprised of the questionable legality of these ordinances and will refrain from charging anybody under them?

Thank you in advance for your prompt attention to this matter, and I look forward to your timely response.

Sincerely,  
  
Steven Brown  
Executive Director

cc: Col. Hugh Clements, Jr.