

October 1, 2024

West Warwick Town Council
1170 Main Street
West Warwick, RI 02893

VIA EMAIL

Dear Members of the West Warwick Town Council:

As organizations that advocate for and assist the unhoused population in Rhode Island on a regular basis, and are therefore familiar with the many obstacles, hardships and discriminatory treatment that they face because of their homeless status, we write to express our deep concern and distress over the proposed anti-homeless ordinance that is scheduled for a first reading at tonight's Town Council meeting.

While purporting to recognize the "seriousness of the homelessness plight" and the Town's alleged interest in "attempting to assist those who find themselves" in this "predicament," the ordinance proceeds to engage in a litany of punitive measures against these individuals that do absolutely nothing to assist them.

In that regard, we note that the proposal claims to endorse both the Homeless Bill of Rights and the U.S. Interagency Council on Homelessness (USICH) "19 Strategies for Communities to Address Encampments Humanely and Effectively." However, the ordinance does nothing of the sort; to the contrary, it directly contradicts and undermines the tenets of those two documents. As the USICH strategy memo emphasizes, "Laws that criminalize homelessness are not effective but instead create barriers to housing and support and lead to harmful consequences." While the proposed ordinance also claims it desires to "address appropriate, required services" for the occupants of homeless encampments, it offers no procedures or standards whatsoever for ensuring that any such services will be provided.

The ordinance raises numerous and serious policy and legal concerns. For example, the preamble provides for the issuance of "cease and desist" notices to bar individuals from utilizing "potentially future encampments" in order "to avoid any nomadic movements." But if these individuals are engaged in "nomadic movements" that the Town disapproves of, it will most often likely be due to the implementation of the ordinance itself, not the fault of the individual.

The ordinance also proposes to immediately remove and destroy any personal property left behind by an individual when the Town comes to clear out an encampment. It establishes no process for maintaining the property for a specified period of time before it is destroyed. Numerous court cases have condemned this type of action, which we believe is also directly contrary to the mandates of RI's Homeless Bill of Rights.

To add insult to injury, a provision in the ordinance also creates a “homelessness task force” that is slated to include homeless advocates and individuals to discuss the ordinance’s “corrective action plan.” Besides not being “corrective” in any sense of the word for those individuals who will be subject to the ordinance and its penalties, one might take this symbolic gesture more seriously if the Town had reached out to those advocates and individuals for consultation on the drafting of an ordinance like this in the first place.

Finally, purely on a drafting level, we find the ordinance extremely difficult to follow. Its confusing and repetitive wording, along with its perplexing inventory of dozens of state statutes and uncited ordinances, leave a reasonable person without a clear understanding of exactly what it prohibits. Indeed, the ordinance is so broadly worded, it would appear to subject to penalties a driver who pulled their car over to the side of the road to nap before continuing on their way.

Although we recognize that the U.S. Supreme Court’s recent *Grants Pass* decision may have, regrettably, given municipalities some leeway in punishing homelessness, that decision does not supersede the protections provided by the Homeless Bill of Rights nor does it offer any type of meaningful solution to the problem of homelessness. Criminalizing an involuntary activity does not make it go away, and homelessness cannot and will not be solved by the callous standards embodied in this proposal.

For all these reasons, among others, we urge the Council to table this ordinance and to instead consider more productive, effective, and thoughtful efforts to address this serious societal – not criminal – issue. With all of us sharing the goal of assisting the unhoused, we would be more than happy to discuss with the Council our recommendations in that regard.

Thank you for considering these comments.

Sincerely,

Rhode Island Housing Advocacy Project

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cc: Town Manager Mark Knott (Col.Ret.)
Town Clerk Sarah Rapose
Town Solicitor Timothy Williamson