

AFFORDABLE HOUSING BOARD (AHB)

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



December 21st, 2024

From: Affordable Housing Board (AHB) Chair John Singleton

To: City Council

Re: Criminalizing Homelessness - City of Grants Pass v. Johnson

The Affordable Housing Board (AHB) advises City Council on matters pertaining to affordable housing issues of concern to the City. As such, and especially in light of the Supreme Court's recent City of Grants Pass v. Johnson decision, we advise that Council seriously consider updates to the City's regulations pertaining to camping, which serve to criminalize unsheltered homelessness.

Though Fort Collins Police Services does not currently arrest individuals or families for camping, we advocate that this policy and the rights of our homeless neighbors be codified and protected in the long term. The City's existing camping ordinances are out of date, discriminatory, and in need of revision, as the current language is so subjective as to make equal enforcement impossible.

In particular, the Board recommends that Council:

- Update Section §17-181 of the municipal code which deems camping on public property in the City of Fort Collins "unlawful." We urge the City to remove any language that results in criminalization or financial punishments for the act of public camping. The City should adopt an approach to protecting public health and safety relating to public camping that does not result in carceral or financial ramifications. The City's current public health and safety policies exist separately and can be enforced when necessary; however, we strongly believe that simply sleeping and existing in public space should not result in punitive measures. Criminalizing or fining individuals for meeting their basic survival needs only serves to exacerbate challenges to obtaining stable housing, which is in direct conflict with the City's 10-year plan to make homelessness rare, short-lived and non-recurring.
- Truncate Section §17-182a of the municipal code to read "It is unlawful for any person to camp or to knowingly permit any person to camp, as defined in §17-181, on private

property within the City, except on the premises of a residential dwelling with the permission of the property owner.”, with no further qualifications.

- Section §17-182b deems sleeping in motor vehicles to be “unlawful.” We propose that the city proactively work to institutionalize a safe and legal means for people to sleep in their cars. Car camping offers a relatively safe form of shelter and stability that also frees up bed capacity in an already insufficient overnight shelter system. The Colorado Safe Parking Initiative, for example, is looking to partner with local governments toward achieving this goal. CSU has also recently formalized a program to provide safe overnight car camping for university staff and students. Options for safe overnight vehicle-based shelter are clearly much-needed in our community, yet unavailable. We encourage the City to take proactive steps in institutionalizing, funding, and/or expanding such programs to help fill the gap and meet this need for the entirety of the Fort Collins community. The Affordable Housing Board’s outreach sub-committee would like to make themselves available for partnership with the city in identifying potential community partners for such initiatives.

Thank you for your consideration.

Respectfully,



John Singleton, Chair

On behalf of the Affordable Housing Board