

## Steven Hagen

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**From:** Rachel Harlow-Schalk  
**Sent:** Monday, November 1, 2021 12:35 PM  
**To:** mayorandcommission  
**Cc:** Thomas Jodoin; Dannai Clayborn; Steven Hagen; Jacob Garcin; Sharon Haugen  
**Subject:** Response to Camping/Homelessness Emails

Good Morning Mayor and Commissioners,  
Commissioner O'Loughlin had requested an email from Thomas that supplied information regarding the City's efforts to address camping and the homeless in our community. The Police Department crafted, Community Development, Transportation, City Attorney and myself provided input on the following responses to citizen inquiries. Please feel free to use these response for the current activities the City is acting upon citywide specific to these two important issues:

Dear XXXXXXXXXXXXX,

Thank you from expressing your concerns in/on xxxxxxxxxxxxxxxxx.

The City of Helena has been working with community partners over the past year to find solutions to the apparent increase in homeless. The Helena Police Department has been working with Good Samaritan's Street Outreach program to house those that have accepted help. They have also worked with God's Love to direct as many homeless to the shelter as possible. However, there is still a large population of our residents that suffer from homelessness. Those suffering from homelessness are living in tents and camper at various locations throughout the city. Being homeless is not illegal and we treat them with respect, dignity, and empathy when we work with them. The City of Helena's response is within the law and handled with human dignity in mind.

There are two types of complaints we receive regarding homeless concerns-those occurring on private property and those occurring on public property. Public property includes public rights of way, public parks, or open space.

Complaints from private property are called in by a property owner or representative. These complaints are responded to by the police and usually result in the homeless person being asked to leave by the police at the property owner's request. There are trespass laws that cover the property owner's right to request the removal and the police to enforce it.

Regarding complaints of homeless citizens on public property that generally involves perceived blight and potentially public health concerns it is causing to the area. There are several considerations that must be made before enforcing city code restrictions against camping in or on public property.

Those complaint occurring on public property are governed by different ordinances. These include camping in a vehicle on a city street, personal items partially blocking a sidewalk, or sleeping on the walking mall or in a park during hours of darkness. Martin v. City of Boise is a 9<sup>th</sup> Circuit Court ruling that dictates when and how police can enforce these ordinances. In addition, issuing a homeless person a citation for violation of these ordinances and prosecuting them does not solve the issue and the cycle continues.

Another consideration is if the person(s) is removed from public property where will they go if they are not housed through Good Samaritan or God's Love. They move to private or public property in another part of the city and the cycle continues.

The Helena Police Department response the past several years has had to be altered due to the Martin v. City of Boise. In the past they have proactively moved every homeless resident camping on public property that was violating an ordinance and issue citations to repeat offenders. This year the police department has strategically

responded to concentrations of homeless populations on public property that are causing a substantial and sustained burden on nearby property owners. In collaboration with God's Love and Good Samaritan Street Outreach police work to house the homeless population that will accept help before removing them from public property, if possible. Those not able to be housed or declining assistance are given time to remove their property. They are also given a warning about violations of city ordinances. After the homeless residents have left the public property, City of Helena Public Works and Parks Departments remove trash and items that are left behind.

In addition, the City of Helena has experienced an increase in the number of vehicles, including RVs, that homeless residents are living in. Aside from violation of the city ordinance prohibiting parking a vehicle for the purpose of camping, many of these vehicles do not meet the requirements of the law to be on city right of way. These residents are warned of the violation of the ordinance and given ample time to remove the RV or vehicle from the city right of way. In rare cases the vehicles are towed due to repeated violations or refusal to remove the vehicle in a timely manner.

There are many root causes for homelessness that Helena and cities around Montana and the nation are struggling to address. We are continuing to work with our community partners, and the City of Helena's Community Development, and the Helena Police Departments in lead to come up with both short- and long-term solutions to homelessness in Helena. The City of Helena continues to work to serve all citizens of our community, including those suffering from homelessness, with respect, dignity, and within the law.



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