

Not Even the Crumbs

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Mayor Beiers had dropped her bombshell on February 1 by announcing that she had decided over the weekend, having "lost sleep over it," that she could not support amending the ban on sleeping in any way other than lowering the fines. Beiers, representing the fourth vote on a slim council majority, was needed to undo the Sleeping Ban. And without her support, Keith Sugar and Christopher Krohn did nothing to continue to advocate for the human right to sleep.

After months of public hearings, a small plate of crumbs from the table of one of the wealthiest cities in America was proposed. The hours in which sleeping would be illegal would be shortened from 9 1/2 hours each night to four hours. Businesses could have up to two vehicles parked at night with written permission. The fines would be reduced from the whopping \$162 it currently costs to \$54.

Ludicrously, one proposed mitigation allowed a person to sleep at night — as long as they used no blankets whatsoever.

But at the first reading on February 23, Mayor Beiers, apparently after another sleepless weekend, withdrew even her token support for shortening the hours in which sleep is illegal in Santa Cruz. "I know I proposed this, but I find I cannot support it," Beiers announced without explanation. Krohn's motion for Beiers' original proposal failed on a 5-2 vote.

In the end, the hours in which sleeping is banned stayed the same: a grueling privation to anyone who is homeless, but convenient to homeowners wishing to make complaints at a reasonable hour. Nine and one-half sleepless and uninsulated hours each and every night of the year, including Christmas.

One homeowner had testified, "You mean I would have to set my alarm clock, get up and make a complaint?" She needn't have worried. Had she attended the task force meetings, she would have known that Lt. Jeff Locke of the Santa Cruz Police Department had assured residents that a complaint made at any time of the day would be investigated. Police simply would wait until the offending hour before taking action.

So many solutions had been shown to the City Council Task Force — real solutions which had worked in other communities, and which would have given the council a reasonable alternative to their Draconian ban on sleeping and camping. The council refused to even consider any of these seven solutions that would decriminalize sleeping:

(1) The Sleeping Ban Repeal Initiative, which would legalize sleeping in appropriate zones of the city away from the Boardwalk and residential neighborhoods.

(2) The Florida *Pottinger* Guidelines, which require a shelter bed to be available before a homeless person can be given a ticket or harassed (currently in force in Miami since October, 1998).

(3) The "Safety From the Trollbusters" proposal by Attorney Kate Wells, which would have authorized the City Council to immediately set up safe zones under Park and Recreation regulations in Harvey West or the San Lorenzo Benchlands.

(4) The Santa Barbara Sleeping Ban Distinction, which legalized sleeping (from 1986-9) and allowed homeless people to carry no more bedding than can be back-packed, with real camping still a crime.

(5) The Santa Monica Vehicle Occupancy Law, which allows police to warn any occupied vehicle in a residential neighborhood parked between midnight

and 5 a.m. to move along.

(6) The Santa Cruz County Zoning Approach, which criminalizes sleeping only in "no-camping zones" and allows emergency roadside resting in a vehicle throughout the county.

(7) The Santa Cruz Community Action Board's Resolution, which holds there can be no enforcement of the Camping Ordinance until there is adequate shelter space for all homeless residents.

The council had many alternatives available, yet Sugar, Krohn, and Beiers rejected all of them. They put forth their own pathetic, do-nothing cosmetic changes, and wouldn't even support those when they came before the full council.

The biggest crumb, about as satisfying as a donut hole to a starving man, was the winter shelter exception clause, which stated that if the winter armory was full, the city attorney would be directed to drop all charges for violations of the sleeping ban or the ban on using bedding. Since technically, the Armory has never been full — nor, if current practices continue, is it likely to be full soon — this clause would serve only to protect the city from its potential liability in the winter months by narrowly complying with the recent court decision in the Eichorn case [see related story by Robert Norse].

Since the council was not offering this exception in the remaining eight months of the year when shelter space dips to only 28, it would never be used. How Santa Cruz expects to comply with the Eichorn decision the other eight months of the year has not been addressed.

Hotly contested was the possibility of letting someone park an RV in their driveway and live in it. No one marveled at the possibility of creating 20,000 units of affordable housing overnight with the

stroke of a pen. Fitzmaurice jumped into the void to suggest limiting the stay to 72 hours in any one month, and Beiers easily supported that "with the written permission of the landlord and tenant. And, of course, extension cords are prohibited."

On the plus side, Mayor Beiers, Sugar, and for the first time, a council majority publicly discounted the "magnet theory" which has long been used by the right-wing to claim that if criminal charges for sleeping are lessened or adequate services are provided, homeless people from all over will be drawn to the city.

Keith Sugar countered Councilmember Mike Rotkin's broken-record defense of the magnet theory by exclaiming, "In all these task force meetings I put out a call for evidence to support the magnet theory. There is nothing out there to suggest there is any validity to the magnet theory."

The council also voted to exempt sleeping and blanket ban tickets from rising to misdemeanors. Also passed was a provision to limit community service for a sleeping ban bust to eight hours per ticket.

Activists, not satisfied with these changes, have vowed to focus on the courts and drag every future citation into a full trial using the Eichorn necessity defense citing inadequate shelter.

With a second reading scheduled for March 23, these paltry changes to the repressive ordinances may be whittled down even further. For, in the area of human rights for homeless people, public officials either take a strong advocacy plan or they posture and run bureaucratic evasions of the issues. There is no "moderate" position on basic human rights.

As civil rights attorney Kate Wells told the City Council and the community: "If this was Rosa Parks, she'd be allowed to sit in the next to the last seat from the back of the bus."