

HISTORIC VICTORY FOR HOMELESS PEOPLE IN SANTA CRUZ

“A new humanity is beginning. The City has used this law for too long to kick homeless people while they’re down.”

by Robert Norse, Becky Johnson and David Silva

In a historic moment on the afternoon of May 23, the Santa Cruz City Council bowed to more than 15 years of sustained protest to vote to decriminalize sleeping in vehicles or outdoors at night. In an unusual afternoon session with little debate, the City Council voted 4-2 to approve, without amendment, the Sugar-Fitzmaurice revision of MC 6.36.010, which ends the Sleeping Ban in an area covering 35-40 city blocks in two industrial zones on the edge of town.

The measure adds the proviso that all sleepers and vehicle dwellers must be at least 300 feet away from a residence and move at least 500 feet every 72 hours.

The orchestrated victory followed five months of stepped-up protests. These included a mass fasting led by Campaign to End the Sleeping Ban [CESB] activist David Silva, six weeks of tabling on Pacific Avenue, and a sleep-in at City Council [see *Street Spirit*, April, 2000].



Sign of the times. Activist Becky Johnson protests the Santa Cruz sleeping ban.

A prolonged fast, years of protest, and thousands of peaceful arrests finally educated the community and forced the City Council to fulfill its 1998 campaign promises to stop the discriminatory deportation of poor people with no place to sleep but outside.

The pace accelerated in the last two months with a peaceful pie-in-the-pusser presentation by HUFF [Homeless United for Friendship & Freedom] to the City Council member with the worst record on homeless civil rights. That widely reported protest was followed by an hour-by-hour, “Waiting for the Mayor” sit-in in the City Council offices, and a threatened Tent City 2000 at City Hall if the much-rumored “compromise proposal” did not appear on the agenda.

In spite of doubts and delays, Mayor Keith Sugar came through at the last minute with an unusual staff report co-signed by him and by Vice-Mayor Tim Fitzmaurice. Sugar lobbied Katherine Beiers, the swing vote and previous hold-out, to get the crucial item on the agenda with her key support. Both Sugar and Beiers had previously told activists they would not “lead” on the controversial issue; but at the council meeting, Sugar ended up introducing the resolution and Beiers seconding it.

After 25 minutes of council speeches, 90 minutes of public input, and a brief council discussion, the Santa Cruz City Council passed the proposed bill without strengthening or weakening amendments. They are scheduled to return on June 13 for a second reading of the bill. If passed without amendment then, the measure will become law a month later.

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Apprehensive of possible public criticism for restoring the right to sleep to Santa Cruz's 750-1500 homeless people, the council included a provision that would put the proposed ordinance on the November ballot for a citywide vote. If

the new law does not then receive a majority vote from city voters, the current Sleeping Ban will be reinstated.

This oppressive anti-homeless law bans sleeping, covering up with blankets, and camping everywhere in Santa Cruz on public property and on much private property (excepting a few vehicles in church parking lots, business parking lots, and for three days a month, in a residential driveway) on pain of \$54 fine. In a city where fewer than five percent of the homeless populace currently have legal places to sleep, in a surrounding county which also bars sleeping on all public property, the current law lets police harass, interrogate, search, jail, fine, and banish homeless people at will.

Sugar finally convened a closed meeting with Fitzmaurice and Beiers in response to the latest HUFF sit-in and a CESB phone-in ("Call Your Council Member At Home!"). Sugar pointedly excluded HUFF members and homeless people, instead meeting with Silva in the final negotiations. HUFF activists publicly deplored the behind-closed-doors process, but eventually gave the bill a cool but clear "thumbs up."

A decade of protest, including two eight-month-long, 24-hour vigils (in 1990 and 1996), and thousands of peaceful arrests, finally educated the community and forced the council to fulfill its 1998 campaign promises to stop the discriminatory deportation of poor people with no place to sleep but outside.

Silva himself led a five-month, rotating

fast that became progressively more serious. It involved more than 180 people who joined the campaign, calling the City Council to announce they had given up sleep or food for various periods of time.

Silva also led two initiative campaigns to put the repeal of the Sleeping Ban on the ballot. CESB activists are still gathering signatures for the Decriminalization of Sleep/Safe Sleeping Zones Initiative, and planning fundraisers in case the City Council backs down at the second reading or postpones that reading. The recent CESB initiative became the basis of the City Council's Sleeping Ban reform proposal (in weakened form).

The council's May 23rd action is a historic first step in breaking the previously sacrosanct and notorious Sleeping Ban sections of the City's 22-year-old Camping ordinance — cited nationwide as one of the harshest laws in the country.

Current law bans the actual act of sleeping, makes it illegal to have your relative in a vehicle in your driveway, and resulted in tickets and arrests for thousands of homeless people in the last two decades. Sleeping in any buildings other than houses or hotels is a crime, punishable by \$162 fine. The fine was reduced to \$54 by law last spring, though the City Attorney failed to inform the courts until pressed to do so by HUFF activists working with the City's Homeless Issues Task Force in September.

So total is the Sleeping Ban that the City's own Interfaith Satellite Shelter Program (ISSP), which has had homeless people sleeping on the floors of churches for 13 years, is itself illegal in the City (since churches are not considered domiciles under the law).

The new law, if unchanged by amendments at the second reading by the council on June 13, would throw out entirely the Blanket Ban, which now bars covering up with blankets at night. The amended 6.36.010 would establish legal areas to which the police could direct homeless sleepers, giving everyone, in theory, a legal place to sleep within city limits.

For those without vehicles, that would be on thin strips of pavement, unless private property owners granted them access to industrial lots. Private property owners would be free for the first time in 22 years to allow sleeping anywhere on their property, provided the activity does not create a public nuisance or violate zoning laws.

The misdemeanor provision now sets a possible \$1000 fine and/or six months in jail for violating the camping ban twice within 24 hours. It would be completely eliminated, making all violations simple infractions punishable by \$54 or a maximum eight hours of community service.

The law would also set new hours for the Sleeping Ban (9 p.m. to 7 a.m., instead of the current 11 p.m. to 8:30 a.m.) in most of the city where overnight sleeping would still be banned — a time expansion motivated by business owners' concerns.

Camping (that is, using tents or any camping equipment other than a sleeping bag) would remain completely illegal everywhere in Santa Cruz. There has been no campground within city limits since 1998, when Bob's Pinegrove Campground officially closed. The City and the Citizens Committee for the Homeless closed down the one and only free campground, the Coral Street Open Air Shelter in 1995.

All but two members of the public spoke out in favor of the measure during the 90-minute public hearing. Mayor Sugar limited speakers to three minutes apiece (though the normal amount of time for such hearings is five minutes for individuals and 10 minutes for groups). He and his council largely ignored public testimony, dismissing criticism from left and right alike to pass the measure unchanged as written by the City Attorney.

Michael Schmidt, the Chamber of Commerce CEO, received particularly loud applause. Schmidt aggressively lobbied different business organizations, residential groups, and the City Council for safe zones for homeless sleepers — courting groups traditionally hostile to any reform. Opposing the measure at the council meeting was City Council member Michael Hernandez who has stridently supported the existing Sleeping Ban throughout his term. Hernandez launched a last-minute shrill lobbying campaign to mobilize business organizations against the proposed partial sleeping ban repeal, calling it "camping ban repeal," in a fear-tactic that was echoed by the *Santa Cruz Sentinel* and Channel 8 editorials.

A substantive victory for those in vehicles, the measure is also a great symbolic victory for all homeless people. It would finally give teeth to Councilmember Christopher Krohn's resolution of December, 1998, which declared that sleeping was a human right and a human need. Silva suggested that the issue of a human right to sleep was so primary that it not be passed on to voters, but simply be adopted as law by the City Council on June 13 by "dividing the question." Zones could still be voted on in November, suggested Silva, but human rights should not be up for referendum.

Still missing from this reform effort are low-income campgrounds for those on foot, estimated at two-thirds of the city's homeless populace. The Homeless Issues Task Force [HITF], appointed by the City Council, repeatedly asked for abolition of the entire camping ordinance to give homeless people the right to shelter themselves, since the current law does not regulate but bans outright all camping, even survival camping. At a special meeting the next day to consider the HITF recommendations, Mayor Sugar and his council took no action on any of them.

Sugar has made no commitment to campgrounds, saying at one point that "there is no place" for them. Testimony to the HITF identified 11 sites for carparks and seven for walk-in campgrounds.

Since parks remain closed with anti-homeless curfews at night and there are no campgrounds (even those in the County are largely filled up with tourist crowds in the summer), the only legal option for most homeless people will be to sleep on the sidewalk in the industrial zones. If it rains, they will not be allowed to put up a tent.

Sugar also suggested he wants case management, registration, extra police officers, and public facilities in place before a final reading. These onerous and alarming additions should not delay the changes.

Still needed in the bill, say HUFF activists, is a warning provision directing sleepers to safe zones if they are found in prohibited areas. Also necessary are a non-police enforcement mechanism (as is used in Eugene, Oregon), an amendment letting homeless people sleep within 75 feet rather than 300 feet of residences, and an amnesty for all past sleep-

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(Cont. 2)

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ing tickets and warrants. Also vital is a swift and timely June 13th passage with no weakening amendments.

"A new humanity is beginning," said HUFF activist Becky Johnson. "The City has used this law for too long to kick homeless people while they're down."

Protest pressure, Schmidt's advocacy, and Sugar's actions — if the council members hold their course — will create a historic victory for vehicular sleepers and be a strong first step in restoring basic human rights to the entire homeless community.

The right to sleep — so small a thing, and yet so huge when it is denied. "By these reforms," concluded activist Robert Norse, "Santa Cruz will not become a magnet to homeless people from around the country. Rather we will be a beacon to other communities, lighting the road they need to take — to return dignity to the poor and decency to us all."

E-mail the Santa Cruz City Council at citycouncil@ci.santa-cruz.ca.us before their June 13th meeting. Urge them to pass the bill with strengthening amendments, and open up camping areas quickly to take the next step to restore dignity and justice to homeless people. You can also call them at 831-420-5017 and leave a message on their 24-hour message line. For more info call: HUFF (831-423-4833) and the Campaign to End the Sleeping Ban (831-425-4499).