

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 291, 2014

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 09/22/2014

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Robinson

DIGEST: amends the Code to add certain protections for the homeless

SOURCE:

Initiated by: Councillor Robinson

Drafted by: Fred Biesecker, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: September 18, 2014

CITY-COUNTY GENERAL ORDINANCE NO. , 2014

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to add certain protections for the homeless.

WHEREAS, on January 29, 2014, outreach workers counted 1,897 persons in Marion County who were homeless, an increase of 19% over the 2013 count of 1,599 homeless persons; and

WHEREAS, based on national research, the number of persons who experience homelessness at some point during the year is three to five times the number counted during a point-in-time count such as the January 29, 2014 count; and

WHEREAS, the estimated number of persons in Marion County who experience homelessness during the course of a year ranges from 7,543 (actual numbers from Wheeler Mission and Homeless Management Information System) to 9,485 (point-in-time results x 5); and

WHEREAS, Marion County has ~~only ten emergency~~ a shortage of shelters that can accommodate individuals and families, victims of domestic violence, and unmarried couples, and most of those shelters are in Center Township and the County therefore provides limited help to the homeless in other townships those experiencing homelessness; and

~~WHEREAS, there is an acute shortage of space in the city's domestic violence shelters; and~~

WHEREAS, there is ~~also~~ a shortage of transitional housing as well as permanent housing for those experiencing homelessness; and

WHEREAS, there is also a shortage of emergency shelter space operated by a secular entity for individuals and families; and

WHEREAS, the ~~homeless individuals~~ persons experiencing homelessness should be entitled to protection from arbitrary and capricious treatment by local government, ~~especially when they are displaced as occurred with the Davidson Street encampment in August 2013;~~ now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title I, Chapter 231 of the "Revised Code of the Consolidated City and County," is hereby amended by adding a new Article V, to read as follows:

ARTICLE V. PROTECTIONS FOR THE HOMELESS

Sec. 231-501. Purpose and intent.

No person should suffer unnecessarily or be subject to unfair discrimination or arbitrary treatment based on his or her ~~homeless housing~~ homeless status. It is the intent of this article to lessen the adverse effects and conditions caused by the lack of a home or residence.

Sec. 231-502. Definitions.

For purposes of this Article:

(a) the term "homeless" has the definition set forth at 24 CFR Sections 91.5, 582.5, and 583.5;

(b) the term "camp" means a place on public property with temporary accommodations of tents or other structures in which homeless persons have been living.

Sec. 231-~~502~~ 503. Protections in the event of displacement.

(a) If a homeless person is to be displaced ~~from a camp~~, the city, through the ~~division of community and economic development~~ department of public works, must maintain and catalogue their personal items, including but not limited to, clothing, blankets, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of ~~90~~ 60 days. ~~After 90 60 days, if the city has made reasonable efforts to notify the displaced person, the city may securely dispose of any unclaimed personal items.~~

~~(b) The city may not displace a homeless person or homeless camp unless there is available alternative transitional or long term housing to which the persons can be relocated from public property. The alternative housing must be safe, reasonably clean and maintained, and approved by the city. This subsection does not apply to requests made by private property owners for the relocation of homeless persons from the owner's property.~~

~~(c) All homeless persons displaced by the city must will be provided with individualized, comprehensive, wrap-around services to meet their specific needs by professional outreach workers, unless the displaced person refuses the services. Those services include, but are not limited to, physical and mental health care, substance use treatment, child care, employment, and connection to mainstream resources, and employment programs designed to address the unique needs of individuals experiencing homelessness, including those who may have low levels of formal educational attainment, limited work history, and a history of criminal conviction(s).~~

(b) For purposes of subsections (b) through (d) of this section, the term "city" refers to the department of public safety. Before the city may displace a homeless person from a camp, the city must give at least fifteen (15) days' notice to the homeless persons living in the camp and to the Indianapolis Continuum of Care or similar organizations designated by the city.

(c) Upon receiving the notice described in subsection (b), the Indianapolis Continuum of Care or similar organization designated by the city will coordinate the efforts of all participating service providers, faith-based organizations, street ministries, and volunteers to ensure that the homeless persons to be displaced are provided available transitional housing or permanent housing, and comprehensive wrap-around services for which they are eligible, unless the homeless person refuses the assistance. The transitional or permanent housing must be safe, reasonably clean and maintained, and approved by the city.

(d) If there is insufficient available housing and services as described in subsection (c) to meet the needs of all displaced homeless persons in a camp scheduled to be closed by the city, the city must wait until there is sufficient available housing and services before it can close the camp, and in the interim the city will give priority to long-term residents of the camp.

Sec. 231-~~503~~ 504. Bill of Rights.

No person's rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other resident of this city. A homeless person ~~experiencing homelessness~~:

(1) Has the right to use and move freely in public spaces, including, but not limited to, public sidewalks, public parks, public transportation and public buildings, in the same manner as any other person, and without discrimination on the basis of his or her housing status;

(2) Has the right to equal treatment by all municipal agencies, without discrimination on the basis of housing status;

~~(3) Has the right not to face discrimination while seeking or maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider;~~

~~(4)~~ (3) Has the right to emergency medical care free from discrimination based on his or her housing status;

~~(5)~~ (4) Has the right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to his or her housing status;

~~(6)~~ (5) Has the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to state, municipal and private entities without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act; and

~~(7)~~ (6) Has the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.

Sec. 231-~~504~~ 505. ~~Micro-homes and e~~Engagement center study.

~~The division of community and economic development shall conduct a study of the micro-home program as implemented by the city of Portland, Oregon and submit a report to the Council by June 30, 2015 regarding the viability of a similar program for Indianapolis. The division department of public safety shall also conduct a study of the viability of an engagement center, where public services can be provided for individuals persons who are homeless with mental health and/or substance abuse related challenges, and submit a report to the Council by June 30, 2015.~~

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2014, at _____ p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2014, at 10:00 a.m.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2014.

Gregory A. Ballard, Mayor