



DOWNTOWN SPOKANE PARTNERSHIP

August 5, 2024

Honorable Council Member Lili Navarrete
City Hall
808 W Spokane Falls Blvd.
Spokane, WA 99201

Dear Council Member Navarrete:

Thank you for the opportunity to provide feedback on the ordinance scheduled for its second reading and vote on Aug. 12, ORD-C36549 "Human Rights of Individuals Experiencing Homelessness." The Downtown Spokane Partnership (DSP) board of directors and our members have shared significant concerns related to the application of this ordinance and the unintended consequences for the City of Spokane.

The DSP firmly believes that no individual should face discrimination while seeking and during employment and supports the existing protections under fair employment law designed to prevent and address any forms of discrimination in hiring. As an organization that has employed individuals experiencing homelessness and/or have been homeless, we especially understand and appreciate the importance of recognizing barriers that can prevent equitable employment opportunities.

However, this legislation reaches far beyond employment in creating a broad new protected class exclusive to the City of Spokane that is applicable to the transitory state of housing status and establishes subjective new standards. We've heard many questions from downtown stakeholders already confused about the policy and its application:

- Is the City attempting to pre-emptively address this issue or has it received complaints of violations that are occurring related to hiring of individuals experiencing homelessness?
- If the basic rights enumerated in the ordinance already exist under anti-discrimination employment law, how does this ordinance change the application in the City of Spokane?
- What is the fiscal analysis of implementing this ordinance? And to enforce its provisions?
- Can a private party bring civil action because of this ordinance?
- How will I know if a person is homeless?
- How will this affect no trespass orders, or the ability to request new orders, if the person is homeless?
- How will this affect the cleanup/removal of abandoned personal belongings if believed to be left behind by a person that is homeless?
- How will this affect the ability of law enforcement to enforce city ordinances that maintain clean, clear and safe public spaces like unlawful camping or sit-lie?
- How could this effect enforcement of prohibitions of public drug use, if that person is homeless? Or, quality-of-life ordinances like noise amplification?



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As written, this ordinance will create uncertainty that could expand perceived liability to public and private property owners. The interpretation and intent of this ordinance can be construed broadly as new protections for all activity associated with being unhoused—by supporters and opponents. While certainly drafted with good intentions, the confusion related to the application of a policy defined by a transitory status will infringe on the rights of everyone to safe, clean and welcoming public spaces.

Over the last few years, we've witnessed first-hand the practical effect of prior decisions and policies that created opportunities for abuse and misuse in interpretation that required clarification from the U.S. Supreme Court, in particular in relation to homelessness. Spokane cannot afford a policy that will make it more difficult, not less, to help the homeless accept shelter, or more importantly, hinder the ability provide critical services to those in need.

The DSP strongly urges you to avoid adopting a policy that could impede the ability of our community to help individuals experiencing homelessness out of fear or uncertainty in how this ordinance could be interpreted. There are too many unknowns in adopting a policy that can selectively be applied and creating a special set of exemptions, privileges and rights for a subjective status only creates confusion in application and uncertainty at a time when Spokane needs to intentionally confront the crisis of homelessness in our community.

The DSP remains committed to working with the city and our partners to focus on the policies that will support individuals out of homelessness and into employment and on the path to regain self-sufficiency. This legislation will not achieve this and for this reason, the DSP urges you to remove this ordinance from consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emilie', with a stylized flourish at the end.

Emilie Cameron, President & CEO
Downtown Spokane Partnership

Cc: Spokane City Council
Mayor Lisa Brown
Downtown Spokane Partnership Board of Directors