



July 8, 2022

Dear Council President & Members of the City Council:

On behalf of the Downtown Spokane Partnership (DSP) Board of Directors, we are writing to urge you to reauthorize and support updates to the City's Unauthorized Camping & Sitting, Lying on a Sidewalk Ordinances that will ensure a safe, clean and clear public right-of-way in Downtown.

Unauthorized camping is a significant problem that affects businesses, residents, workers and visitors that frequent Downtown. We appreciate the outreach by Mayor Woodward, Council Member Cathcart and Council Member Bingle to participate in discussions to update and re-establish city ordinances to address the concerns shared by Downtown's residents and businesses daily. Our neighborhood, employees and customers are being impacted.

Sitting, lying and camping on the sidewalks and underpasses of Downtown creates conditions that prevent access, impede business, and render our sidewalks impassable. While the economic impacts to our City have been enormous and essentially too expensive to begin quantifying, it is those who are too often left in the mire of addiction and mental illness and an almost certain early death that suffer most.

As a community partner in your effort to end homelessness, we appreciate the challenge of finding workable solutions. Often, our staff are the boots-on-the-ground in this struggle and as a result, we are all too very familiar with the overwhelming issues hazardous encampments cause in our community. We urgently need policies that address unauthorized camping in Downtown, where a concentration of critical infrastructure, hospitality activities, and pedestrians require additional tools to manage the public space. The reality is that in a compact urban environment like Downtown Spokane, there is no room for people to sit, lie and camp while maintaining access for everyone.

The public right-of-way belongs to the whole community, without being subject to a lack of sanitary conditions or threats to personal safety. The time has come to re-establish dignity in our public spaces; implement and enforce time and place restrictions on where and when individuals can camp on downtown public property; clear encampments that pose health and safety threats; and enforce rules that keep our sidewalks clean. Creating a special set of exemptions, privileges and rights for some to occupy public and private property without complying with laws that apply to others undermines the ability of all citizens to access clean and non-threatening public spaces, while jeopardizing the economic viability of local businesses.

Thoughtful updates and clarifications that include no camping designations for Downtown in the Unauthorized Camping Ordinance and clarifications to enforce the Sitting, Lying on a Sidewalk Ordinance address today's needs while running a relatively low risk of a successful *Martin v. City of Boise* based challenge. In a memo from Tonkon Torp, LLP in February 2022, it clarifies that decision "in no way" requires governments to "allow anyone who wishes to sit, lie, or sleep on the streets...at any time and at any place."¹ Alternatively, allowing the uncontrolled spread of encampments carries its own set of legal risks, including exposure to lawsuits by businesses and residents stemming from economic harms, property damage, constitutional violations, and violation of the rights of individuals under the ADA and related protections for the disabled. Encampments also impose significant costs, from the loss of intended uses of public space to damage to critical infrastructure, reduced urban livability and desirability, and the loss of tax revenue that supports necessary public services for all neighborhoods.

¹ *Martin v. City of Boise*, 920 F.3d 584, 617 (9th Cir. 2019)

We appreciate your continued attention and dedication to finding balancing Spokane’s approach to address homelessness and public safety. We are ready to collaborate with all members of the Council to prioritize good-faith efforts to advance more shelters, establish consistent processes to enforce these ordinances, and will work with you for restored and expanded funding to make sure individuals experiencing homelessness get the housing they need.

The time is right, and the time is now to take action. The Unauthorized Camping & Sitting, Lying on a Sidewalk Ordinances are a critical part of Spokane’s ability to address homelessness and re-establish order in our public spaces. DSP strongly supports maintaining the key protections for Downtown in Mayor Woodward’s proposal that prohibits camping at all times within the Downtown Business Improvement District and Downtown Police Precinct boundary and clarify no Sitting, Lying on a Sidewalk between 6 a.m. and midnight.

If we lose Downtown as a place where people want to work, go for entertainment, recreate or live, we risk losing the momentum we’ve all worked so hard to gain. Providing relief for Downtown does not come at the cost of our neighborhoods, but losing Downtown will cost us all.

We can help those who are most vulnerable in our society while ensuring the health and safety of everyone.

Sincerely,

Emilie Cameron, President & CEO
Downtown Spokane Partnership

Chris Batten, Board Chair
Downtown Spokane Partnership

Katy Bruya, Board Secretary
Downtown Spokane Partnership

Susan Horton, Board Treasurer
Downtown Spokane Partnership

Christopher Varallo, Executive Board Member
Downtown Spokane Partnership

Betsy Cowles, Executive Board Member
Downtown Spokane Partnership

Alicia Barbieri, Executive Board Member
Downtown Spokane Partnership