



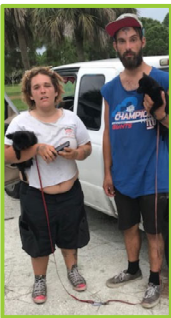
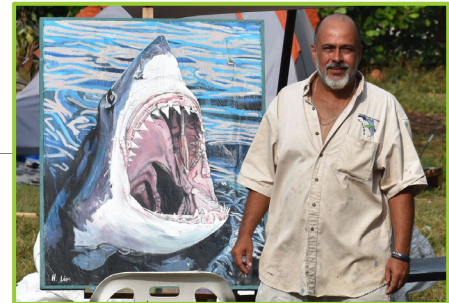
## Homelessness in Parks



Milly



Billy



## HUD Defines Homelessness as Living

1. Outside or other place not meant for sleeping
2. Emergency shelter
3. Domestic Violence Shelter
4. Motel/Hotel paid by a voucher
5. Transitional Housing Program
6. Living with friends and family on an emergency basis



## Homelessness

Affects everyone in the community from the emotional and physical toll it takes on homeless individuals to the financial toll it takes on everyone else. No one is sheltered from its effects.







### **What issues are you facing in your parks due to homelessness?**

Citizen complaints, littering, urinating/defecating in public, public drunkenness, foul language, drug use, prostitution, indecent exposure, undesirable contact with youth, inability to use park areas for intended purposes, and more.

### **What can you do?**

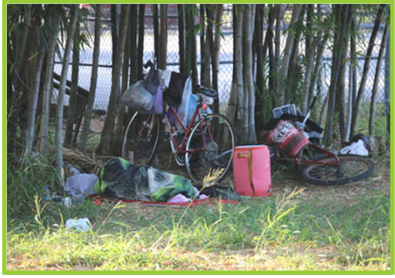
- Why can't you have them thrown out of your parks or arrested?
- How do you find that balance between compassion for the homeless and the tax paying citizen's right to use a park amenity?

It is an extremely complex issue with advocates on both sides just waiting for you to slip up.



Park rules and laws are designed to ensure that all persons are entitled to the enjoyment of their public parks. Personal behavior or conduct, regardless of your residential status, should be your guide in determining if a violation has occurred.

However, local laws and ordinances cannot preempt Constitutional Rights and the courts have ruled that in some cases, arrests for misdemeanors were unlawful if the person committing the misdemeanor was homeless. If housing is not available to the homeless person, the homeless person cannot be arrested for engaging in "life-sustaining" conduct such as sleeping, eating, bathing, toileting, etc.



### **Constitutional Rights – It's not a crime to be homeless**

The last thing you want is to have a Justice Department investigation initiated against your city or county. And recent court decisions over the past decade are the reason so many law enforcement departments are reluctant to take any aggressive action against homeless persons.

**The Landmark Pottinger Case of 1988** – Michael Pottinger, a homeless person, sued the City of Miami for harassment. The courts found that the City's actions of arresting homeless persons for performing inoffensive life – sustaining conduct in public when they have no place to go was:

- Cruel and unusual violating the eighth amendment
- Violation of due process and the fourteenth amendment
- Violates the right to travel/equal protection and the fourteenth amendment
- The seizure of their personal belongings violated the fourth and fifth amendments



#### **GENERAL ORDER**

**564.00**

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fact that he or she is without shelter, and must conduct life-sustaining activities such as eating, sleeping, sitting, congregating or walking in public. "Life-Sustaining Conduct Misdemeanors" are:



**Sharon**

- A. Being in a park after hours
- B. Public nudity necessary to carry on daily necessities of life
- C. Fires in a park
- D. Obstructing sidewalks
- E. Loitering in a restroom
- F. Littering
- G. Camping in a park or other public area
- H. Use of facilities for other than intended purpose (i.e. sleeping on bench)
- I. Building a temporary structure in a park or other public area; or
- J. Trespass on or in "public property" other than a structure or conveyance.



#### When law enforcement can act

If a homeless person is offered shelter and refuses to go, they can be directed to leave your park if after hours, and are subject to arrest if they refuse to leave or return. If it is during normal park operating hours and they refused the help, they can be cited for ordinance violations.



Sister Chris

Many faith-based organizations feel strongly that taking care of those in need is part of their mission, a calling from God. And the courts agree.

**Arnold Abbott v. City of Ft. Lauderdale, 1998** - Involved the feeding of homeless persons on the beach by a faith-based organization. The courts ruled that feeding of homeless is a form of religious outreach and protected by the Constitution.

**The Religious Freedom Restoration Act** - Enacted federally in 1993, repealed and enacted by the State of Florida in 1998. Government cannot burden the exercise of religion or an act that is motivated by religious belief (such as feeding or providing clothing to the homeless).

**Religious Land Use and Institutionalized Persons Act (RLUIPA), 2000** - A law that protects individuals or congregations from unreasonable burdens by government in land use regulations (where they can practice their faith).





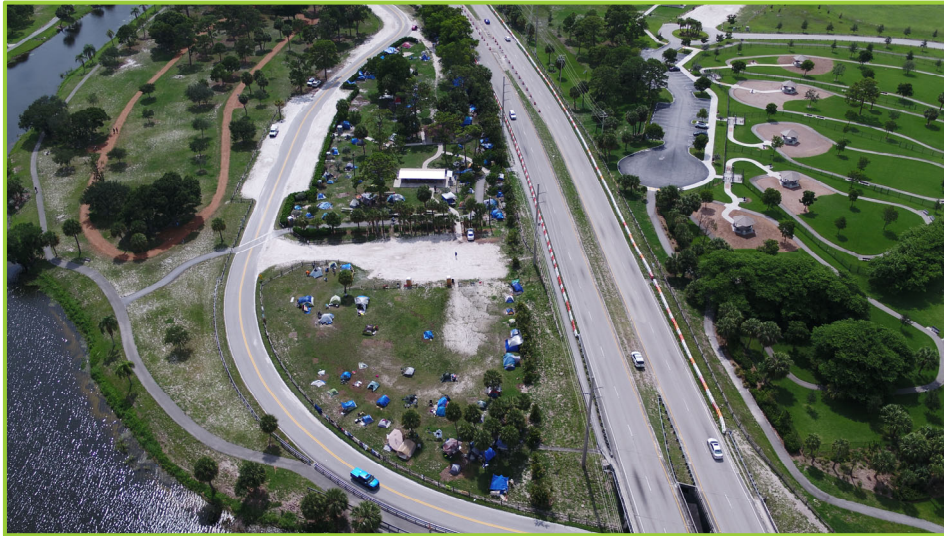
### **Time, Place and Manner**

The government does have the right to determine the time, place and manner in which life-sustaining conduct can occur. If you don't have enough shelter beds for all homeless, do not have another publicly owned property to move them to, you can determine where in your park they can camp or sleep. You can also determine where and when group feedings and clothing/toiletry outreach can occur.

### **Homeless crisis – temporary tent city in John Prince Park**



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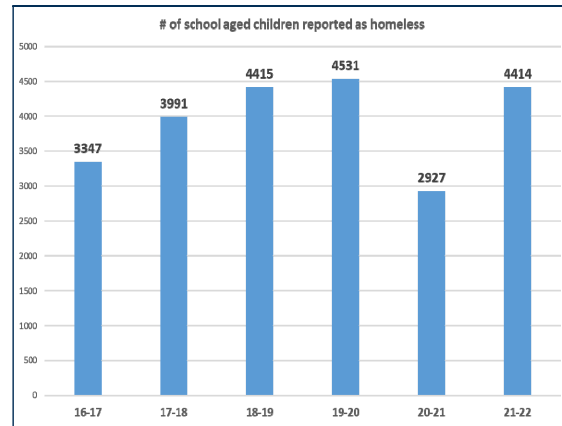
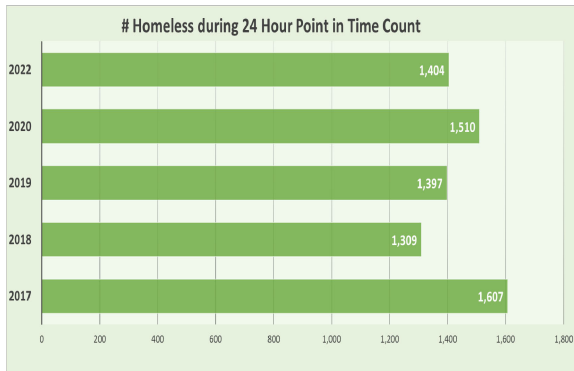


### Homeless crisis – temporary tent city in John Prince Park



## How Many Homeless Individuals Live in Palm Beach County?

### 2022 Point-In-Time Count



### McKinney-Vento Program (School District)

## **Housing Crisis Response**

BCC initiatives to respond to housing crisis, increase local inventory of affordable housing, and assist vulnerable residents:

- \$60M ARPA Response Projects Funding
- \$10M Ad Valorem Allocation
- \$200M Housing Bond to Voters in November
- Housing and Transportation Summit June 2022
- County Housing Dashboard
  - Inventory/mapping of Workforce and Affordable Units
  - County and Municipal Projects

## Homeless Resource Center 2

May 9, 2022



October 5, 2022



October 5, 2022



### Homeless Resource Center 2 in Lake Worth Fall 2023

The new HRC will bring an additional 74 beds of emergency shelter to PBC, as well as provide interim housing for families, youth, and singles

October 5, 2022



October 5, 2022



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Metrics – Fiscal Year 2022	Units
Number of units produced by Workforce Housing Program	300
Number of units produced by all other County programs	162
FY 2021 Workforce/Affordable Total	462
Number of units produced for Very Low Income households	43
Number of homeowner foreclosures prevented	69
Number of households receiving homebuyer/financial education	2,279



Metrics – Fiscal Year 2022	Units
Households unduplicated served by emergency funding	30,783
P2W individuals served through rapid re-housing:	40
Allowable housing cost per reentry client raised by:	\$3,500
Annual net cost avoidance for homeless outreach services per <u>PalmFUSE</u> client:	\$222.39
2022 Point-In-Time count:	1,404

## Parks to Work Program: Retraining Homeless Individuals Through Job Opportunities



- Over 100 participants since the inception of the program
- 40 individuals served with Rapid Re-Housing
- 3 participants received an Emergency Housing Voucher
- Over 12% have maintained employment outside of the P2W program

## What Palm Beach County Parks & Recreation is doing to address homelessness

The Parks and Recreation Department collaborates with various departments and organizations countywide regarding homelessness and housing for individuals.

- PBC Community Services - Hot Team & Lewis Center
- PBC Health Department
- PBC Fire Rescue - Emergency Medical Services
- PBSO
- Organizations providing permitted feeding
- Parks and Recreation has partnered with Health and Veteran's
- Services, non-profit social service providers and Career Source to implement the "Park2Work" Program.



### Parks Maintenance Division staff

- Coordinate resources for individuals living in the parks
- Identify needs and connect with organizations

### Park Rangers

- Patrol parks to greet, assist, answer questions and watch out for patron wellbeing.
- Onsite during permitted feedings 7 days per week
- Provide response to patron complaints

### Parks Maintenance Staff & Park Rangers

- Perform caretaking duties 7 days per week
- Collect, tag and discard abandoned/donated items/belongings





**Questions?**

**Thank You**