

RESOLUTION CONCERNING THE DE-CRIMINALIZATION OF HOMELESSNESS IN NEW HAVEN, CONNECTICUT

WHEREAS individuals and families experiencing homelessness in New Haven must fulfill basic needs, including sleeping, bathing, and existing, in public spaces.

WHEREAS city ordinances which could prohibit behaviors essential to those who are experiencing homeless, including those prohibiting loitering, panhandling, occupying and sleeping in public spaces, camping, and creating shelter.

WHEREAS enforcement of city ordinances that are overly broad, such as those prohibiting loitering, disproportionately impact people who are experiencing homelessness.

WHEREAS the "criminalization of homelessness" constitutes both laws that prohibit or regulate behaviors associated with homelessness as well as the practices (such as issuing arrests, citations, warnings, and requests to move along) that are used to enforce such laws.

WHEREAS enforcement of ordinances that criminalize homelessness can lead to devastating consequences for those experiencing homelessness, including arrests, nights in jail, losing work, belongings, shelter, and the interruption of social services.

WHEREAS enforcement of ordinances that criminalize homelessness further entrench homelessness and poverty.

WHEREAS enforcement of ordinances that criminalize homelessness raise risk of challenge under the U.S. Constitution, including the First Amendment, which protects the freedom of speech, the Fourth Amendment, which protects the right to privacy. the Eighth Amendment, which prohibits cruel and unusual punishment, and the Fourteenth Amendment, which requires equal treatment under the laws, as well as under Article First, 4, 5, 7, 8, 9, and 20 of the Connecticut Constitution.

WHEREAS the United Nations ("U.N.") Special Rapporteur on Extreme Poverty and Human Rights stated, "penalizing certain behaviors and actions, which are associated with living on the street such as sleeping, sitting, lying, littering, lodging, camping or storing belongings in public spaces; public drunkenness; public urination; or jaywalking...have serious adverse physical and psychological effects on persons living in poverty, undermining their right to an adequate standard of physical and mental health and even amounting to cruel, inhuman or degrading treatment," and other U.N. bodies including the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the U.N. Independent Expert on the Right to Water and Sanitation have condemned the enforcement of ordinances that criminalize homelessness.

WHEREAS ordinances that criminalize homelessness are counterproductive because they keep people experiencing homelessness in a detrimental cycle of citations, imprisonment, poverty, and homelessness.

NOW THEREFORE BE IT RESOLVED that the Board of Alders of the City of New Haven, Connecticut affirms the rights of those experiencing homelessness and condemns the criminalization of homelessness.

BE IT FURTHER RESOLVED that the Board of Alders calls upon all City officials, employees, and private citizens to respect the rights of individuals experiencing homelessness, to include the review of police protocols and responses to ordinances affecting those who are homeless, with the involvement of the Chief Administrator's Office and appropriate New Haven Police Department personnel in the development of any changes, revisions or recommendations regarding such ordinances.

BE IT FURTHER RESOLVED that the Board of Alders calls upon the Mayor of New Haven to issue a moratorium on the enforcement of laws criminalizing homelessness, pending the aforementioned review of ordinances affecting those who are homeless.

BE IT FURTHER RESOLVED that the City Clerk communicate this resolution to all City Departments, the Courts, the Governor and Attorney-General of the State of Connecticut, and the Connecticut Congressional delegations.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the the Constitution of the United States or of the State of Connecticut or the applicability thereof to any agency, person, or circumstances in held invalid, the validity of the remained of this Resolution and the applicability thereof to any agency, person or circumstances shall not be affected thereby.

Approved unanimously by the City of New Haven
Homeless Advisory Commission on: 09 114
/2017