

October 14, 2021

To: Alex Diaz de la Portilla, District 1, City of Miami Commission
Ken Russell, Vice Chair, District 2, City of Miami Commission
Joe Carollo, District 3, City of Miami Commission
Manolo Reyes, District 4, City of Miami Commission
Jeffrey Watson, District 5, City of Miami Commission

We ask you to vote “no” on Thursday, October 14th, to the second reading of the proposed anti-encampment ordinance, section 37-16. Unquestionably, this proposed ordinance criminalizes homelessness. It criminalizes “encampment.” This is defined as (1) the use of materials such as fabric or cardboard for structures for human habitation on sidewalks and other public places, (2) the use of heating devices, and (3) the accumulation of personal property exceeding the volume of a 3 foot cube. Engaging in this conduct subjects the person to citation or arrest, and ultimately jail or a fine. Of course, the only people who live in encampments and engage in this conduct are homeless.

Every credible academic or public policy institution that has studied solutions to homelessness has denounced criminalization. Arresting or threatening to arrest or fine unsheltered persons places their lives in further disarray. It also exacerbates the circumstances that cause homelessness and creates greater barriers to emerging from this vicious cycle. No reasonable person can seriously doubt this.

Miami is infamous for being condemned by a federal district court some 30 years ago for harassing, arresting, and summarily seizing and destroying the property of these most vulnerable and powerless residents of our City. The court ultimately approved a consent decree by which the City of Miami committed to respecting the rights of homeless persons and not arresting them for sitting, standing, and sleeping in public spaces if there were no reasonable alternatives. The City committed to following a policy of respecting the property of unsheltered persons and safeguarding it against summary seizure and destruction. The proposed anti-encampment ordinance constitutes a betrayal of this City’s solemn promises to the federal district court.

The homeless shelters in Miami are overcrowded and typically have long waiting lines for entry. Because of tight quarters and strict rules, they simply do not constitute a “reasonable alternative” for many of Miami’s unsheltered population. For some, living in the harsh environment and squalor of the streets is preferred. Empirical data and the substantial reduction of homelessness in other major cities shows that providing transitional and permanent “housing first,” with wrap around services, not criminalization, ends homelessness.

On October 12th, the Miami Herald Editorial Board, with a picture of a former Booker T. Washington math teacher encamped under an I-95 overpass, has condemned the proposed ordinance as a “wrong solution for a problem that has bedeviled the city for decades.” Other Op-Ed pieces in recent weeks have pointed out that investing in criminalization solutions, with the attendant costs to policing, the courts, and our local jail system, is ineffective as well as fiscally irresponsible.

Please make good on the City’s promises to the federal district court that the ineffective criminalization of homelessness as a strategy to end it is a relic from our distant past. We urge you to seek out more progressive, humane, and proven solutions. Vote “no” to the proposed anti-encampment ordinance on October 14th.

Sincerely,

Rossana Artiega-Gomez, President, Greater Miami Chapter of the American Civil Liberties Union of Florida

Kirk Bailey, Political Director, American Civil Liberties Union of Florida

David Peery, Miami Coalition to Advance Racial Equity

Benjamin Waxman, ACLU Cooperating Attorney

Stephen Schnably, ACLU Cooperating Attorney

Anna Neill, ACLU Cooperating Attorney

Arthur Rosenberg, ACLU Cooperating Attorney

Dante Trevisani, Director, Florida Justice Institute

Jeff Weinberger, Director, Oct 22nd Alliance to End Homelessness

Matthew D. Marr, Ph.D. Associate Professor of Sociology, Florida International University

Mara Shlackman, South Florida Chapter of the National Lawyers Guild

Santra Denis, Executive Director, Miami Workers Center

Tamar Ezer, Human Rights Clinic, University of Miami School of Law

Alana Greer, Community Justice Project

Lily Ostrer MD, Regional Vice President of Committee of Interns and Residents/SEIU at Jackson Memorial Hospital

Gretchen Beesing, Chief Executive Officer, Catalyst Miami
Cornell Crews Jr., Executive Director, Community Reinvestment Alliance of South Florida
Armen Henderson, MD, Miami Dream Defenders
Daniel Bergholz, Dade County Street Response Team

cc: Francis Suarez, Mayor, City of Miami
Arthur Noriega, City Manager, City of Miami
Victoria Méndez, City Attorney, City of Miami
William Porro, Director, Department of Human Services, City of Miami
Daniella Levine Cava, Mayor, Miami-Dade County
Ron Book, Chair, Miami-Dade County Homeless Trust
Victoria Mallette, Executive Director, Miami-Dade County Homeless Trust
Eric Bojansky, Biscayne Times,
Joey Flechas, Miami Herald
Anna Kaiser, Miami Herald
Jessica Lipscomb, Miami New Times
Noreen Marcus, Florida Bulldog
Daniel Rivero, WLRN