



# City of Bloomington Common Council

## Legislative Packet – Addendum

(Issued on Wednesday, 24 February 2021)

Wednesday, 24 February 2021

Special Session at 6:00 pm

Committee of the Whole at 6:30 pm

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

## MEMORANDUM

To: Members of the Bloomington Common Council  
From: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger  
Subject: Ordinance 21-06  
Date: February 12, 2021

In recent months, there has been renewed attention in our community on people experiencing homelessness who are camping in public spaces. Ideally, every person in our community would have safe and accessible housing. Nobody thinks it is ideal for people to sleep in tents, especially during the winter. However, the reality is that some people temporarily lack housing and may be unable to go to emergency shelters. Ordinance 21-06 focuses on finding a short-term solution for these people by ensuring a legal place for them to sleep if they have no other options.

This ordinance proposes adding a new chapter, entitled “Protections for People Experiencing Homelessness,” to Title 2 of Bloomington Municipal Code. The ordinance addresses several areas of concern related to unhoused community members, as described below.

### BACKGROUND

This ordinance is modeled after a 2016 ordinance passed with bipartisan support by the Indianapolis City-Council Council.<sup>1</sup> Over the past several months, we have developed the ordinance while in direct consultation with people experiencing homelessness, the Bloomington Homeless Coalition, area homelessness service providers, and city staff. The Region 10 Continuum of Care Board,<sup>2</sup> also known as the South Central Housing Network, considered a draft of the ordinance at a board meeting, voting to support the ordinance. A letter of support is expected soon, pending review of the final draft of the ordinance. We believe that people with lived experience of homelessness and the professionals working in homelessness services are best suited to inform the issues covered by Ordinance 21-06.

### CONTENT OF ORDINANCE

First, the ordinance sets procedures the city must follow if it displaces people experiencing homelessness from a public park, as it did in the Seminary Park area in December 2020 and January 2021. More specifically, the ordinance specifies the following:

- a uniform approach to how the city provides notice prior to displacing any unhoused person from public parks, including communication with the Bloomington Common Council and the Region 10 Continuum of Care Board;
- the protection and storage of personal property of any displaced person with limits as described in section 2.87.030(f); and
- the need for transitional housing or permanent housing to be available and offered to unhoused persons prior to displacement.

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<sup>1</sup> Title I, Chapter 231, Article V of Indianapolis City-County Code. [https://library.municode.com/in/indianapolis\\_-\\_marion\\_county/codes/code\\_of\\_ordinances?nodeId=TITIORAD\\_CH231DEMEDE\\_ARTVPRHO](https://library.municode.com/in/indianapolis_-_marion_county/codes/code_of_ordinances?nodeId=TITIORAD_CH231DEMEDE_ARTVPRHO)

<sup>2</sup> This is the board sanctioned by the Indiana Housing and Community Development Authority for our region, representing area sheltering agencies that comply with IHEDA standards. <https://www.in.gov/ihcda/4147.htm>

Second, the ordinance addresses a simple, if challenging, question that the sponsors believe it is essential to answer. Specifically, when a person experiencing homelessness is unable to go to a shelter (e.g., if they have been prohibited or if a shelter is full), where are they legally allowed to spend the night? The longstanding de facto answer seems to be nowhere at all, even if in practice the government may at times look the other way while people sleep in parks or in the woods.

We believe that as a matter of human rights and dignity, unhoused residents need a designated area of public space where they are allowed to sleep if unable or unwilling to go to an emergency shelter. This is something other cities provide, and there are at least two possible approaches:

- One approach, which Indianapolis has taken, is to allow unhoused persons to legally sleep anywhere in public space, with some exceptions. Ordinance 21-06 takes a similar overarching approach, but further limits this space to public parks, with some exceptions.
- Another possible approach is to designate specific locations of public property where people experiencing homelessness are allowed to sleep. Section 2.87.030(g) would allow the city to designate such an area or areas, thus limiting where Chapter 2.87 would apply. Any designated space must have access to restrooms and be within one mile of an organization providing prepared meals for people experiencing homelessness.

#### LONGER-TERM SOLUTIONS

We also recognize the importance of working towards better long-term solutions to homelessness. We welcome the renewed focus in the community on implementing evidence-based solutions, such as housing first policies. Specifically, a Housing Insecurity group, headed by Tina Peterson from the Community Foundation of Bloomington & Monroe County and Efrat Feferman from the United Way of Monroe County, is leading community efforts to make homelessness rare, brief, and non-repeating. However, this group has not been tasked with the questions raised above, and the group leaders do not think the group is well suited to address them.

People experiencing homelessness are among the most vulnerable of our Bloomington neighbors. We need a whole-community approach to addressing all aspects of homelessness, including the tragic situation where someone has no bed in which to sleep for the night.

February 23, 2021

Bloomington Common Council,

The Bloomington Homeless Coalition is in full support of Ordinance 21-06. This is a very encouraging Ordinance, and its passing would be beneficial to all residents of Bloomington. In addition to giving our unhoused residents of Bloomington dignity and space, this proposal would ease the trials and tribulations of said populace, give them the ability and chance to make moves to improve their lives instead of constantly worrying about what the City of Bloomington will do, and allow them to breath air as a free people. In addition to this, it would free up City resources previously used to fight against this populace and allow us the time to come together and cooperate on a lasting solution to Bloomington's unhoused issues.

Our members have fought painstakingly to prevent further death and destruction in regards to Bloomington's unhoused populace. This ordinance would aid us, along with other organizations, in several ways. It would provide a space where we would be able to find the most at-risk of our populace, whereas now we do not know where people are hiding to sleep. It would provide a clear path to be followed in the event of an eviction, whereas now the steps to do so are unclear. It would provide an alternative to those unhoused residents in such events as said evictions in the form of temporary or permanent housing to those evicted. And it would prevent the destruction of private belongings that always happen, intentional or otherwise, in the event of an eviction.

The board members of the Bloomington Homeless Coalition encourage the passing of this Ordinance. We would also like to thank the authors; Matt Flaherty, Kate Rosenbarger, and Isabel Piedmont-Smith, and anyone who votes to pass this much needed ordinance.

Bloomington Homeless Coalition  
Harry Collins  
Marc Teller  
Shelby Querry  
Tammie Clark-Meek  
Heather Rose  
Molly Stewart