

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE CREATING A NEW SECTION TO PROVIDE PROTECTION FOR THE HOMELESS (AMENDMENT BY SUBSTITUTION) (AS AMENDED).

SPONSORED BY: COUNCILMEMBERS BILL HOLLANDER, VICKI AUBREY WELCH AND MARY WOOLRIDGE

WHEREAS, the homeless service providers in Louisville counted 6,373 unduplicated homeless people who were served between October 1, 2015 and September 31, 2016, including people who were sheltered (who stayed in emergency or transitional shelter) and unsheltered (who lived only in the streets or in camps);

WHEREAS, the count of unsheltered homeless is likely an undercount due to the difficulty in counting these individuals;

WHEREAS, the total number of homeless people far exceeds shelter beds available in Louisville Metro; and

WHEREAS, the persons experiencing homelessness should be entitled to protection from arbitrary and capricious treatment by local government.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Amends Louisville Metro Code of Ordinances ("LMCO") 131.01(A) as follows:

Definition of terms. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMP or CAMPING. Means the use of public land or public premises for temporary living accommodation purposes by the occupation or habitation of an area, location or property through the use of temporary shelters, recreational vehicles and/or camping paraphernalia, ~~for more than 12 hours, or from sundown to sunrise.~~ In no event may a camp be established in less than 48 hours.

CAMPING PARAPHERNALIA. Means equipment or supplies that are used by a person or persons to facilitate camping, which includes but is not limited to grills, outdoor cookers, lanterns, latrines, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, tarpaulins, canvases, lean-to's, temporary shelters of whatever kind, or other similar type equipment or supplies.

EMERGENCY. Means situations when a failure to act immediately could lead to serious harm to public health or safety.

HOMELESS. Means the definition of "Homeless" set forth at 24 CFR Section 91.5.

PERSONAL ITEMS. Means any item that is reasonably recognizable as belonging to a person and has apparent utility and does not include items that have no apparent utility or in an unsanitary conditions, including but not limited to, identification documents, birth certificates, and other personal documents and effects.

PUBLIC PROPERTY. Means any real property owned or controlled by Metro Government which includes but is not limited to green spaces, open spaces, right-of-ways, public sidewalks, cross-walks, streets, curbs, public alleyways, public passageways, publicly owned commercial lots, publicly owned residential lots, publicly owned vacant lots, publicly owned cleared lots or any other Metro Government owned properties located within the boundaries of Jefferson County, but does not include the public parks owned, leased or and managed by the Louisville Metro Parks Department, property owned, leased or and managed by the Waterfront Development Corporation, property owned, leased or and managed by the Parking Authority of the River City ("PARC"), property leased by Metro and managed by the Kentucky Administrative Office of the Courts, or property owned, leased, or managed by the Commonwealth of Kentucky or its agencies.

RECREATIONAL VEHICLE. Means a motor vehicle, trailer or hybrid trailer that is equipped with amenities and features intended for the owner or others to use for the purposes of leisure activities, camping and/or sleeping, including but not limited to, motor homes, travel trailers, camper vans, truck campers, pop-up campers, teardrop trailers, fifth-wheels, toy haulers or motor homes.

STORE. Means to put aside or accumulate for use when needed, or to put, place, or leave in a location for safekeeping or future use.

TEMPORARY SHELTER. Means a non-permanent accommodation that is intended to be used by a person or persons for protection from the various weather elements while camping which includes, but is not limited to, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, tarpaulins, canvases, lean-to's or other similar types of equipment or structure.

SECTION II: Creates a new subsection of sub section of LMCO 131 as follows:

LMCO 131.02 Protections in the event of displacement.

(A) No department or employee of Louisville Metro Government may displace a homeless person from a camp, until Louisville Metro, through the Department of Public Works and Assets, has given at least twenty-one (21) days' notice to the homeless persons living in the camp and to the Coalition for the Homeless or a like organization; provided, however, that if Louisville Metro, through the Department of Public Health and Wellness, makes a written determination that an emergency exists, it may give whatever notice is reasonable under the circumstances. The displacement must take place by Louisville Metro within 21 days from the date of the Notice expiring, otherwise a new 21-day Notice must be given for the displacement. Notice to the homeless persons shall consist of signs posted in a conspicuous place at the

camp giving the earliest date on which personal property may be removed. The signage shall include a visual symbol or symbols as well as text. Notice to the Coalition for the Homeless or a like organization should be given through a phone call or email requesting verification that it has been received.

(B) Upon receiving the notice described in subsection (a), the Coalition for the Homeless or a like organization will may notify participating service providers, faith-based organizations, street ministries and volunteers to offer the homeless persons to be displaced available assistance, including any available assistance with transitional or permanent housing, and other services. The Coalition for the Homeless or a like organization shall be provided at least three days' notice of the actual date and time when a homeless person is to be displaced so that participating service providers, faith-based organizations, street ministries and volunteers are on site at the time of the displacement to offer assistance.

(C) This section shall not apply to locations where permanent, conspicuous notices are posted that camps are not allowed, and that personal items are subject to be removed immediately and where removal of such items occurs on a regular basis.

(D) Any Louisville Metro employee found to be in violation of this subsection may be disciplined, up to and including termination.

SECTION III: Creates a new subsection of chapter LMCO 131 as follows:

LMCO 131.03 Personal Property Storage.

(A) If a homeless person is displaced from a camp with fewer than twenty-one (21) days' notice under the emergency provision in LMCO 131.02 (A), Louisville Metro must maintain any of the homeless person's personal items found at the camp,

including but not limited to, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of thirty (30) days. Animals found with personal items will be transported to Louisville Metro Animal Services (“MAS”) for impoundment in compliance with LMCO Chapter 91 and state law. The MAS Director will promulgate regulations regarding treatment and release of animals impounded under this section, which shall include a waiver of fees and penalties allowable under the law. The MAS Director is encouraged to consult with a local organization which assists homeless persons and their companion animals in promulgating said regulations.

(B) Notice shall be posted at the site of the camp, providing a telephone number to call to arrange an appointment to pick up personal property. The notice shall be posted in a conspicuous place in the general vicinity, but not more than 30 feet from the location where the property was removed, and shall be laminated or otherwise made to be weather resistant. After thirty (30) days, Louisville Metro may dispose of any unclaimed personal items and remove the notice regarding personal property.

(C) Any Louisville Metro employee found to be in violation of this subsection may be disciplined, up to and including termination.

SECTION IV: This Ordinance shall take effect upon passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approved Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____