

June 30, 2015

FOR IMMEDIATE RELEASE

Contact: Office of Councilmember Linda Maio  
Vice Mayor of the City of Berkeley  
lmaio@cityofberkeley.info / 510.981.7110

**SUBJECT: Regulating Behavior on Public Sidewalks and Spaces on Commercial Streets  
Item #30, Berkeley City Council Agenda, June 30, 2015**

The Berkeley City Council will consider a set of ordinances<sup>1</sup> that will regulate behavior in our commercial districts. This matter was referred by the Council to address inappropriate behavior of some persons, mostly occurring in the Downtown and on Telegraph Avenue.

Berkeley and other cities are experiencing a migrating homeless population that has been virtually thrown away by society. Although a majority of homeless people are working, in services, and/or struggling to make ends meet, some are homeless on our commercial streets *in growing encampments*. Our goal and biggest challenge is *housing first*, for every person. As a humane city, Berkeley funds myriad services. Unfortunately, the growing homeless populations in our commercial districts have presented some behaviors that are inappropriate anywhere.

The four ordinances proposed address sleeping in landscaped planters, asking for money (panhandling) when a person is using a parking meter or kiosk, public urination and defecation, and the amount of personal belongings one can have on the sidewalk.

The intent is not to criminalize homelessness but to establish clarity about certain social rules of behavior for everyone. I plan to support the ordinances with the following provisions:

- A. *Warnings to be issued for the first six months, along with housing and assistance resource information, until the central housing placement center (HCRC) is active, providing intake and housing placement.*
- B. *If a citation is issued under these provisions the citation shall be dismissed if the person enters, in good faith, counseling and housing placement services.*
- C. *Ordinance #4 (below) clarifies existing law on public urination, etc., but must be accompanied by ensuring that bathroom facilities in the Downtown and on Telegraph are available 24 hours per day.*

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**WHAT THESE ORDINANCES DO NOT DO:**

- Prohibit sitting on the sidewalk.
- Prohibit sleeping on the sidewalk after 10 p.m.
- Prohibit persons asking passers-by for money.

*In addition, our parks are open during the day for respite, gathering, sleeping, as are several funded daytime drop-in centers.*

**THE ORDINANCES:**

**Ordinance #1** is self-explanatory. It asks that requests for money cannot be made from someone who is making a payment directly at a meter or parking kiosk. The same has been true for ATM transactions. *Any reference to no soliciting 10 feet from a meter has been removed.*

**Ordinance #2** is self-explanatory. It is inappropriate for persons to lie down in public landscaping planters.

**Ordinance #3** updates and makes more clear the amount of personal belongings one can have on the sidewalk. It regulates the temporary placement of objects on the sidewalk, where they may be located, and for how long. Specifically, it disallows personal baggage, such as suitcases, and or similar items, no piece of which has a footprint of more than two feet, on the sidewalk for more than one hour and these must be able to be readily moved (see page 483, Council Meeting Packet). This section shall apply only from 7:00 a.m. to 10:00 p.m., enabling persons to sleep in these areas with possessions after 10 p.m.

Non-commercial expression (free speech) is exempt and allowable (See BMC Section 14.48.170 and page 490 of the agenda packet).

**Ordinance #4** simply states that the subject behavior, defecating and urinating in public, is unacceptable in our city. However, public toilets are not readily available 24 hours per day. The amendment provided above attempts to address the need for bathroom facilities.

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