



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Spencer Cronk, City Manager

**DATE:** May 18, 2018

**SUBJECT:** Update on Ordinances that may affect Homeless Population

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I write to give you an update City staff's consideration of three ordinances scrutinized in the City Auditor's November 2017 Audit Report entitled "Homelessness Assistance Audit Series: City Policies Related to Homelessness." These three ordinances are: (1) Camping in a Public Area Prohibited (§ 9-4-11); Solicitation Prohibited (§ 9-4-13); and, (3) Sitting or Lying Down on Public Sidewalks or Sleeping Outdoors in the Downtown Austin Community Court Area Prohibited (§ 9-4-14).

As you will recall, the Audit Report recommended three actions with respect to these ordinances. Management generally agreed with each of the recommended actions.<sup>1</sup>

In response to the first proposed action, the City Attorney presented legal advice to Council regarding these three ordinances in a confidential memorandum and at an executive session in March. At that time, I committed to provide Council with a revised Solicitation Ordinance for consideration. The revised ordinance will be on the Council's Agenda in June. We will work with the Chair of the Public Safety Commission to add this item to its June 4 meeting so that the draft ordinance receives Commission review and public feedback before it comes to you.

In partial response to the second and third proposed actions, a team of City staff developed a comprehensive action plan to end homelessness in Austin, and I am proud that Council approved that plan in April.

For next steps, I want to dig a little deeper into the "camping" and "sit/lie" ordinances, to determine how those ordinances are used and enforced as part of the action plan to end homelessness. I am open to your thoughts and suggestions. After I have had the chance to study the ordinances and the data surrounding their enforcement and effectiveness in a more comprehensive way, I will come back to you with suggestions. I intend to do that in the next six months.

xc: Executive Team  
Department Heads  
Assistant Department Heads

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<sup>1</sup> Specifically, these recommendations were for: (1) the City Attorney to review for Council the legal risks posed by the ordinances; (2) the City Manager to work with Council to determine if the ordinances should be revised or repealed; and (3) the City Manager, if the ordinances are not repealed, to implement changes to make the ordinances more effective and efficient.