

RESOLUTION NO. _____

WHEREAS, § 9-4-14 of the City Code generally prohibits sleeping outdoors and sitting or lying down in the right-of-way within an area referred to as the Downtown Business Area and is commonly referred to as the Sit/Lie Ordinance; and

WHEREAS, while this particular ordinance was aimed at promoting safety and passage within highly-trafficked pedestrian areas, § 9-4-14(E) creates an exception to the Sit/Lie Ordinance for medical emergencies or if someone uses a wheelchair or similar device as a result of disability; and

WHEREAS, § 9-4-14 does not contemplate other conditions that provide a similar medical justification for an exemption to the Sit/Lie Ordinance; and

WHEREAS, a recent survey by House the Homeless found a range of medical conditions that could be considered for exemption similar to disability that requires the use of a wheelchair or similar device; and

WHEREAS, the council finds that, given this evidence, it is reasonable to study what other humane exemptions could be included in § 9-4-14; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to work with homeless advocates and stakeholders, including House the Homeless, to consider additional possible medical exemptions to § 9-4-14 of the City Code. The possible exemptions may include, among others:

- Official documentation from local, state or federal agencies stating disability;
- Official documentation from a doctor or a hospital stating disability;
- Waiting in line for health clinics; or
- Utilization of other mobility aides besides wheelchairs like canes, crutches or walkers.

BE IT FURTHER RESOLVED:

The City Manager is directed to return to the Austin City Council Public Health and Human Services Subcommittee with a recommendation for additional possible exemptions to § 9-4-14 of the City Code within 60 days.

ADOPTED: _____, 2010

ATTEST: _____

Shirley A. Gentry
City Clerk