

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL
Regular Meeting: June 28, 2018

Item Number: **032**

Management Services

Approve an ordinance amending City Code Section 9-4-13 relating to prohibited solicitations.

Lead Department	Management Services.
Fiscal Note	A fiscal note is not required.
For More Information	Assistant City Manager Rey Arellano
Council Committee, Boards and Commission Action	The Public Safety Commission June 4, 2018.

Additional Backup Information:

The purpose of this RCA is to request City Council approval of an ordinance amending Chapter 9-4-13 of the City Code (Solicitation Prohibited).

In November 2017, the City Auditor released the report “Homelessness Assistance Audit Series: City Policies Related to Homelessness” to evaluate whether three City ordinances align with the City’s efforts to achieve desired outcomes for people experiencing homelessness. The audit reported that:

“City ordinances that limit or ban camping, sitting or lying down in public spaces, and panhandling may create barriers for people as they attempt to exit homelessness because they can lead to a criminal record or arrest warrants [and]...other U.S. cities have faced lawsuits challenging the enforcement of similar ordinances. In some of those cases, rulings against the

cities have been based on conditions that also appear to exist in Austin.”

The proposed ordinance is intended to mitigate legal risk to the City, eliminate the prohibitions against non-aggressive solicitation, and also leave the prohibition against aggressive solicitation in place in areas where people face greater risks from the behaviors associated with aggressive solicitation. The proposed changes do not affect the ability of officers to enforce other laws that also might prohibit behaviors commonly associated with aggressive solicitation, including assault and disorderly conduct.

The Public Safety Commission reviewed the proposed ordinance on June 4, 2018 and provided feedback on all three existing ordinances.