

May 24, 2024

RE: Minority Report from the Missoula Working Group

Dear members of the City Council, Mayor Davis, and community members of Missoula,

We are writing to you collectively representing the minority interests of working group members S.J. Howell, Executive Director of Montana Women Vote, Brad Carlson and Tully Sanem from the Unhoused Neighbors Union, Lara Salazar, Chief Executive Officer of Partnership Health Center, Jill Bonny, Executive Director of the Poverello Center, Brendan Running Wolf, All Nations Health Center, Marthe VanSickle, Staff Attorney for the ACLU of Montana, City Councilor Kristen Jordan, Gretchen Hooker, Community Member, and City Councilor Daniel Carlino to present a minority report following the conclusion of the working group sessions. We are called to write a minority report requesting the City take steps promptly to designate safe sites for community members living in tents and vehicles within our city as well as to provide basic services prior to any enforcement or regulatory actions. We recommend that the City use a coordinated approach including partners currently supporting Missoula's unhoused community in order to ensure the most effective use of resources. It is imperative to address the needs of Missoula's community members experiencing houselessness with compassion and practical solutions. We recognize that these solutions require viewing the issues with a new and creative lens.

There is an urgent need for the City to designate safe sites where unhoused community members can reside in tents and vehicles with basic services provided. In fact, the majority of the working group supported the need for safe spaces. It was repeated throughout the working group sessions that 'people need to know where they CAN go' and it made sense to many members to provide services and support before regulatory action.

The services that are needed include trash collection, sharps containers, and access to bathrooms. Many comments and complaints during the working group sessions from community members who are unhoused, as well as businesses, and housed community members outlined the critical need for services and safe sites as well. Community members discussed trash build up, sharps found by children, and lack of sanitary facilities as being central to the impacts of houselessness on the community. Before any regulatory ordinance is implemented, it is crucial that the City takes proactive steps to offer these safe sites and services, acknowledging the inherent dignity and rights of

community members experiencing houselessness while setting the City up for success in supporting housed neighbors and businesses as well.

The City should create policies that do not penalize people for survival activities, but instead recognize the difference between criminality and quality of life activities. Survival activities such as camping, sleeping, noise, and littering are often unavoidable for community members experiencing houselessness. We recommend that if and when the City considers a regulatory policy, they also use creative methods of enforcement and avoid fines and jail which further perpetuate the criminalization of survival.

Punishing community members for quality-of-life offenses not only fails to address the underlying issues but also further marginalizes and stigmatizes those already facing immense challenges. Attempting to address houselessness through criminality deepens social inequities and undermines the principles of justice. Moreover, these measures of penalization are costly for governments.

We urge City Council to consider our minority report and adopt policies that prioritize the safety and dignity of all community members, especially those experiencing houselessness. By providing safe sites as well as services prior to taking action with regulatory mechanisms, the City can solve many of the pressing issues that it is facing while supporting the people most impacted by houselessness, community members who are currently unhoused.

Thank you for your time and consideration.

Respectfully,

/s/ Lara Salazar, Partnership Health Center

/s/ Jilly Bonny, Poverello Center

/s/ Brendon Running Wolf, All Nations Health Center

/s/ Tully Sanem, Unhoused Neighbors Union

/s/ Brad Carlson, Unhoused Neighbors Union

/s/ Gretchen Hooker, Community Member - Westside Neighborhood

/s/ Kristen Jordan, City Councilor

/s/ Daniel Carlino, City Councilor

/s/ Marthe VanSickle, ACLU of Montana

/s/ S.J. Howell, Montana Women Vote

MINORITY REPORT

Missoula Working Group - May 24, 2024

ASPIRATIONAL VISION/GUIDING PRINCIPLES; DESIRED SHORT AND LONGER TERM OUTCOMES; PROPOSED STEPS IN A COMPREHENSIVE STRATEGY

Vision, Guiding Principles and Desired Outcomes¹

1. Houselessness is an issue that impacts Missoulians, and that impacts unhoused Missoulians most. Define the issues that are associated with houselessness and address critical questions related to the issues.
2. Find general agreement on desired outcomes related to the houseless situation.
3. Recommend actionable, incentivizing solutions, minimal regulatory tools, and monitoring metrics that support the safety and accessibility of our community.

Desired short-term outcomes:

The City of Missoula commits to and executes a service-based model of designated campsites for unhoused community members preferably instead of, and certainly *before*, the instatement of any regulatory policy banning camping or penalizing “quality-of-life” offenses such as sleeping, laying, noise, littering, etc.

- Several locations are identified, assessed for viability, and officially designated for approved tent and vehicular camping.
- A comprehensive plan is created in collaboration with partner organizations, including the Poverello, All Nations Health Center, Partnership Health Center, Hope Rescue Mission, and Open Aid Alliance, for the provision of survival-related services at these designated locations, including at a minimum:
 - Trash collection
 - Sharps containers and collection
 - Toilets
- Additional services are recommended to include:
 - Potable water
 - Electricity
 - Charging stations

¹ The Vision and Guiding Principles were provided to the Working Group. We have changed “urban camping” to “houselessness” to reflect that urban camping is not recreational in nature, and instead the term houselessness recognizes that people living through this experience are surviving rather than recreating. We have also reframed the first principle.

- Internet
- 24/7 showers
- Funding is allocated by the city in the form of contracts with service provider partners for the provision of the above-listed services and for management of the designated sites.
- For vehicle camping specifically:
 - Clearly-defined parameters for parking are established; 30-day renewable permits are recommended.
 - City staff continue working closely with RV owners living within City limits to provide trash collection services.
 - We do not oppose guidelines that do not allow parking on blocks with schools, parks, and daycares.²
- Other recommendations for campsites:
 - Population size should be managed, with additional sites open to avoid any one site growing too large and unmanageable.
 - Habitable spaces with reasonable protection from the elements should be allowed.
 - Sites should be in reasonable proximity to necessary services, including shelters and service providers, and are accessible by bus line.
 - Some degree of self-management by residents should be encouraged, with support from service providers. Suggested: an advisory council at each approved site comprised of a minimum of 6 residents and 1 organizer, to help facilitate the group toward encampment safety goals and to address nearby neighborhood and business concerns through liaising between all parties to maintain a shared understanding of community well-being and safety.
 - Clearly-defined, transparent and communicated expectations for camp maintenance and pre-stated rules for residency, including regarding behavior and types of structures permitted, so people aren't penalized or expelled in a way that destroys trust and perpetuates trauma.
- The city dismantles the online complaint form "[Report an encampment](#)," for reporting on unhoused encampments.³

² Any limitations on camping or parking need to be clear, explicit, and not put undue burden on unhoused community members. The prior iteration of a potential ordinance would have made it nearly impossible to find a legal place to sleep in the City. We recommend the City avoid any regulations like that that will likely result in distrust, confusion, or displacement of unhoused community members from nearby services.

³ The current complaint-based system is not mirrored in a complaint based system against housed neighbors. The current system creates bias and differentiates between housed and unhoused community members despite the potential for all community members to cause the concerns listed on the site. We recognize that complaints can still be made through calling law enforcement if the site is removed, but the online system currently in place offers suggestions and is leading. For instance, a party can quickly select

- The city commits to pausing sweeps⁴ during extreme or inclement weather, including poor air quality.
- An ongoing, accessible, transparent and collaborative opportunity for community input into the houseless-policy making process, with significant and proportionate representation by directly impacted community members.

Reasonably achievable metrics/measures for short-term outcomes:

- Measurable increase in folks relocating to safe, designated camping sites where services are provided.
- Measurable increase in diverse shelter and housing opportunities that meet varied identified needs.
- Measurable increase in the capacity of service provider partners due to City-funded contracts to adequately provide services and administer management at designated campsites.
- Measurable increase in representation of unhoused community members in decision-making spaces related to issues of houselessness.
- Measurable decrease in unhoused community members⁵ involved with the criminal legal system. This can be measured by reduced arrests, fewer citations issued, fewer calls to the police and fewer criminal complaints made against unhoused community members.
- Measurable decrease in unhoused community members needing emergency medical care.
- Measurable increase in unhoused community members connected with case management or service providers.
- Measurable decrease in sweeps conducted by the City.
- Measurable increase in the ability of service providers to locate and access unhoused patients and clients for ongoing support with medication, substance use and mental health treatment, housing support, etc.
- Measurable decrease in unhoused individuals experiencing the loss of their belongings.

“Health threat - needles, garbage, and/or human waste” rather than being required to provide a more thorough narrative up front. Noting again here that needles (sharps), garbage, and human waste are the three predominant options on the City’s website for complaints. These are the issues that need to be addressed through services.

⁴ “Sweeps” are the forced disbanding of encampments on public property and the removal of both unhoused individuals and their property from that area. See <https://www.aclu-wa.org/story/encampment-sweeps-what-they-are-and-harm-they-cause%C2%A0>

⁵ When this report calls for a decrease in unhoused community members in any given situation, we want to be clear that this does not mean that for any reason that unhoused community members should be forced to leave Missoula. It means that unhoused community members are provided adequate resources, and given the support they need to have a better quality of life in Missoula.

(Aspirational) Desired long-term outcomes:

- A spectrum of shelter options to support the varying needs of Missoulians experiencing houselessness, including:
 - A range of small, designated campsites to serve the varying needs of a diverse population, including both low barrier and sober campsites, and sites for tents and for vehicles.
 - Low-barrier shelter expansion including the current shelters, like the Poverello, or comparable space if for instance the Johnson Street Shelter is at some point not renewed.
 - Shelter options for diverse populations, including women-only, children aging out of foster care, youth and young adults, veterans, elderly individuals, victims in criminal cases, survivors of domestic violence and human trafficking, 2S-LGBTQIA+⁶ people, spouses, and locations that accommodate pets.
 - Models similar to the Temporary Safe Outdoor Space with varying barrier levels to allow for varying needs.
 - Permanent Supportive Housing.
- More unhoused community members connected with housing through an increase in services, increased stability afforded by having a safe place to camp, and an increase in affordable housing.
- A decrease in criminal legal system involvement of unhoused community members.
- A shift from the City's reliance on security and police to regulate the lives, existence, and activities of people experiencing houselessness.
- Increased and long-term permanent housing options.

Metrics/measures for longer term outcomes:

- The metrics cited for short-term outcomes continue.
- Measurable increase in the rental vacancy rate.
- Measurable increase in the range of shelter options.
- A permanent shift in the City's budget showing a redirection of funds and resources toward providing a range of shelter options and supportive services.
- A measurable long-term decrease in the number of community members experiencing both chronic and temporary houselessness.

⁶ 2S-LGBTQIA+ is an umbrella term meant to refer to people who are Two-Spirit, lesbian, gay, bi- sexual, transgender, queer, intersex, asexual, and all other identities.

- A measurable improvement in the health⁷ of community members experiencing homelessness and a long-term decrease in the mortality rate, including a decrease in the number of unsheltered folks who die during the winter, and an increase in life expectancy.⁸
- A measurable long-term decrease in the number of citations, arrests, and required appearances in municipal court, district court, and in jail by community members experiencing houselessness.
- General public agreement and ongoing support for actions taken, coupled with ongoing public education for those actions.

Strategy and actions intended to support and achieve the City’s vision:

- The City pursues public-private partnerships and collaborates with nonprofit partner organizations to identify, designate, and fund the management of and service provision at approved campsites.
- The City identifies and secures ongoing and sustainable funding to ensure the provision of services at and management of authorized outdoor campsites.
- The City collaborates with partner organizations to offer public education on the causes of and best practices related to houselessness, as well as about the utility of the services provided, particularly about Sharps Containers, with an aim of fostering tolerance, respect, and harmony among housed and unhoused neighbors and reducing and dismantling hateful rhetoric and fear-mongering.
- The City establishes an advisory council of community members, service providers, advocacy groups, and community members with lived experience of houselessness to continue to guide the policy-making process.
- Beyond an advisory council, the City continues to seek out in meaningful and accessible ways the expertise and guidance of community members with lived experience of houselessness.
- In support of the City’s Vision/Guiding Principles and to successfully achieve needed immediate, short and long term outcomes, develop and commit to a 1 to 5 year comprehensive strategy and process addressing the City’s houseless situation. (Taking houselessness into consideration, an overall strategy should include multiple size-controlled designated campsites for tents and vehicles with

⁷ A 2023 report from Harvard’s Joint Center for Housing Studies, focusing on older Americans, noted that many homeless people in their 50s and early 60s suffer from illnesses typically seen in patients 20 years older. See https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Housing_Americas_Older_Adults_2023.pdf

⁸ Studies have found the average lifespan of an unhoused person to be shorter by about 17.5 years than that recorded for the general population. The average age at death of an unhoused male was 56.27 years old (SD 10.38), and 52.00 years old (SD 9.85) of an housed female. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5739436/>

basic services provided; a spectrum of shelter options to meet varying needs, including higher and lower barrier options; communication and engagement with unhoused community members and input by them into the decision-making processes; clearly defined, committed partnerships and coordinated responses; and community funding for long term solutions.)

- A strategy does **NOT** include an ordinance establishing regulations on where unhoused community members can camp or imposing any penalties for quality-of-life offenses *before* designated sites for safe and service-supported camping are created.

A comprehensive strategy could include and be implemented through the following actions:

- Meaningful and Intentional Collaborative Engagement:
 - City staff (administrators, law enforcement, parks, code enforcement) participate in process-focused sessions with service provider teams (CCT, MST, HOT, MPH, volunteer groups, and the respective service provider org. leadership, etc.) and unhoused community members.
 - These sessions would aim to establish clear steps, workflows, responsibilities, and communication plans, ensuring a coordinated response in community camp areas for addressing mental and physical health, substance use, basic needs, and resource connections.
 - Evaluation of funding and costs across the City and Service Providers to have a more accurate picture of the resources needed, and how a more coordinated system can help save on resources.
- Incident Response Coordination:
 - Develop a clear communication process between centers of dispatch, first responders, parks and recreation, code enforcement, city staff and service providers to enable more appropriate responses to incidents requiring social work, resource assistance, or behavioral health support.
- Centralized Resource Communication:
 - Implement a centralized mechanism for tracking available beds and community resources. Provide training to ensure the system recognizes that housing solutions must be offered, not forced, acknowledging that not every solution fits everyone.
 - Explore ways to develop individualized housing “care plans”, including the need and level for supportive behavioral and mental health services, and what type of shelter or housing has been successful. Suggestions include CES.
- Solution Planning and Data-Driven decision-making:

- Develop short, medium, and long-term solutions to address community needs using need data, and health and housing metrics.
- Establish evaluative metrics and tracking methods to measure solution performance.
- Coordinated data and reporting allows for demonstrating impact to the community, funders, and the state.
- Communication with the public:
 - We recommend the City address what is commonly articulated as a hardship of responding to negative feedback from constituents with a united message that conveys facts and storytelling to the housed community which could include:
 - Unhoused people are working people, and/or could be with our support.
 - Unhoused people are or have been taxpayers and have been residents and homeowners.
 - If a housed community member calls concerned, encourage their support in the form of state advocacy, voting, and targeted taxes that can support our unhoused communities. The City and Service providers need people to use their voices at the state and national level to provide resources and care for people.
- Identify and seek City Council approval of City locations (specific and varied) where people can safely camp/shelter (i.e., authorized campsites and safe parking zones) and seek City Council approval of a plan that establishes safe, designated campsites for tents and vehicles, with adequate funding allocated for contracts with service providers to provide basic services (trash collection, sharps containers, toilets) and management.
- Refrain from creating new policies that regulate or penalize quality-of-life offenses.
- Refrain from sweeps during inclement weather.
- Create a method for properly storing the belongings of unhoused community members confiscated in any sweeps.
- Refrain from ticketing people for already existing quality-of-life offenses, or any other measures that drive unhoused community members into the criminal legal system.
- The City should remove the complaint form against unhoused community members from the city's website.
- The city should anticipate emergency needs for the unhoused community in the next year and create a fund to appropriately meet these needs. Long-term solutions addressing housing supply and other support programs won't arrive in one year. Accordingly, the city should plan for unforeseen situations and set

aside money to meet the needs of houseless folks, especially in emergency situations or extreme weather situations. The city should be proactive and imaginative in anticipating future scenarios and plan the amount of the fund accordingly.

- The fund should be flexible and large enough to be used to cover at least three months of an emergency situation, such as providing services at another outdoor camp if next year's population of unhoused Missoulians surges.
- The city can look in the existing budget for funds to re-allocate to create this emergency fund, including by examining the base budget which is carried over from year to year and may include inefficient, unnecessary, or outdated expenditures.
- Seek out and create meaningful opportunities for input, guidance, and advice on the policy-making process from community members with lived experience of houselessness.