



October 23, 2019

Mayor Joseph Meyer
City of Covington
20 West Pike Street
Covington, KY 41011

RE: Proposed “Emergency Shelter” and “Cold Shelter” Ordinance

Dear Mayor Meyer:

This comes in response to the proposed ordinance that would limit the operation and location of “emergency shelters” and “cold shelters” in the City of Covington.

The Greater Cincinnati Homeless Coalition is an alliance of approximately sixty organizations in Hamilton County and Northern Kentucky working to alleviate and end homelessness and the thousands of people experiencing homelessness and housing instability in our area. We find Covington’s proposed ordinance deeply troubling for several reasons.

Numerous studies and reports show that, throughout the United States, the primary cause of homelessness is a critical shortage of housing affordable to people with low incomes. In fact, the number of people experiencing homelessness increased exponentially beginning in the 1980s when the federal government cut spending on affordable housing while maintaining and even increasing subsidies for housing affordable only to people with higher incomes.

These policies continue, so that from 2017 to 2021 federal spending subsidizing homeownership for people with higher incomes is expected to be 471.69 percent higher than spending subsidizing housing for people with low incomes.¹ Similarly, local governments have increasingly decided to

¹ NOVOGRADAC, MICHAEL, NOVOGRADAC & COMPANY LLP, ONCE AGAIN, HOMEOWNERSHIP GETS FAR MORE TAX SUBSIDIES THAN RENTAL HOUSING (July 2018) (<https://www.novoco.com/periodicals/articles/once-again-homeownership-gets-far-more-tax-subsidies-rental-housing>).

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devote local dollars and tax incentives to development of homes for people with higher incomes at the expense of housing affordable to people with low incomes. These decisions have resulted in the closure and decreased production of affordable housing in cities across our region and country. The consequence of these national and local policies is an affordable housing shortage at crisis levels with a corresponding increase in the number of people thrust into homelessness and suffering the trauma that comes with it.

In order to reduce and eventually end homelessness, local governments must invest in the development and preservation of housing affordable to people with low incomes and not allow public funds and incentives to support developments that close affordable housing and or fail to include any affordable housing.

The most troubling and most problematic element of the proposed ordinance is that it treats people experiencing homelessness, and the shelters, working to keep people alive while searching for housing, as the cause of homelessness and as a threat to the rest of the public, from whom they must be kept separate and out of view.

The ordinance not only characterizes your neighbors as dangerous for being without a home, but it also ignores decades of research, study, and professional experience. Exclusion ordinances like this one are not new. Legislatures have attempted to separate people at least since 1896, and such legislation does nothing but harm the affected communities. Specifically, with respect to homelessness, such ordinances serve only to further marginalize people and organizations providing basic services, to decrease the opportunity for viable solutions, and to cause an increase in crimes targeted against people experiencing homelessness while simultaneously wasting taxpayer dollars by shifting the focus away from what works.

Across the country, such laws criminalizing people experiencing homelessness and direct service providers working with people without homes, have been challenged in public forums and in federal courts. In September 2015, the Department of Housing and Urban Development began requiring local continuums of care,² to explain whether or not their local municipalities are criminalizing people without homes and what is being done to stop it.³ And in December 2015, the Department of Justice issued a statement saying that local municipalities should stop criminalizing people without homes.⁴

Increasingly, federal courts are siding with the fundamental right to live with dignity and not be marginalized or criminalized by exclusion ordinances such as this one. In just the past two years, several different federal courts have ruled against exclusion ordinances criminalizing people experiencing homelessness, to the point where some other municipalities are considering repealing them altogether.

Under Covington's proposed ordinance, emergency shelters would not be allowed "to be located within 1000 feet if a [sic] public or private schools, universities, colleges, student housing, senior

² Continuums of care are the organizations that receive federal funds to alleviate homelessness.

³ United States Department of Housing and Urban Development. (2015). *Notice of Funding Availability for the 2015 Continuum of Care Program Competition*. Washington D.C.: Community Planning and Development

⁴ United States Department of Justice. (2015, December). *COPS Office, Community Policing Dispatch*.

housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parole/probationer home or halfway house.” This would make it nearly impossible for a shelter to lawfully locate within the City, which appears to be the purpose of the ordinance. Excluding shelters while homelessness still exists and is getting worse is like excluding or closing veterans’ hospitals while wars continue.

Furthermore, this location restriction assumes that people without homes will somehow harm the various places listed, and that being without a home makes you dangerous to people *with* a home. The restriction ignores the fact that people who need shelter have children who go to school or child-care facilities, that they attend college, that they have friends and family who live in student or senior housing, and it assumes they have no right to readily access public parks.

That a shelter could not lawfully locate within 1,000 feet of a business that sells alcoholic beverages embodies a common stereotype, in that it assumes most people experiencing homelessness are struggling with addiction, which is not true. The restriction also assumes that if people are struggling with addiction, their proximity to the sale of alcohol will somehow affect the nature of their addiction, which is an unfounded assumption with no basis in fact or reality.

Under the ordinance, a shelter would be permitted to have an outdoor area for people, but it must be “visually separated from public view by a minimum six-foot tall visually screening decorative wall or fence.” This is one of the most offensive provisions. It identifies people without homes as not being a part of the “public”. It assumes that if people *with* homes see people without homes, harm will be done to the people *with* homes, and therefore seeks to remove people experiencing homelessness, and ostracize them from the rest of the public. This attempt to keep the knowledge of each other “out-of-sight out-of-mind” is not only offensive, it also ignores the fact that people experiencing homelessness once had a home, and that those you seek to protect from an imagined threat might at some point be without a home. It is not the role of government to legislate who can interact with whom.

Where else does the City of Covington require an organization to prove it has adequate funding to operate? And how would the City decide how much money is adequate to operate a shelter? That such funds “shall reasonably be expected to be available for the life of the project” shows a misunderstanding of the nature of shelters, given that shelters need to exist as long as homelessness exists, a time frame we unfortunately cannot currently predict.

The requirement that shelters “shall ensure that the maximum stay at the facility shall not exceed 120 days in a 365-day period” assumes, in conflict with common professional experience, that people choose to be without a home. And it assumes that if the amount of time one can stay in a shelter is decreased, one will then choose to have a home. Millions of people in this country, and thousands of individuals and families with children in our area, are experiencing homelessness. It is illogical to assume that so many different people in different locations, are all choosing to go through the same traumatic experience. People don’t choose to be without a home.

It appears whomever drafted the ordinance has no experience with shelters or homelessness, because those with such experience know that generally limiting the amount of time people can stay in shelter does not decrease the overall amount of time people remain without a home. Instead, a forced limited stay can prolong the amount of time without a home, resulting from having been

cut off from needed assistance and increased marginalization. The length of time one spends in a shelter is inversely proportional to the availability of affordable housing. As affordable housing stock decreases, the length of shelter stay increases. Setting an arbitrary limit on a length of stay does nothing to change that.

Under the ordinance, “[t]he service provider shall have a plan to minimize disruption or damage caused by clients’ behavior on properties located within two blocks of the facility.” Is there data to support the assumption that as a standard, people without homes are more likely to cause damage to property than people *with* homes? Are comparable responsibilities foisted upon other establishments? Do bar owners have to clean the streets within a two-block radius of their location? This rule assumes that the actions of people without homes must be subject to the control of other people, different from the rest of the general public.

This is not an exhaustive list of everything wrong with the proposed ordinance. However, it is clear from the language cited, that shelters, service providers, and residents experiencing homelessness have not been partnered with, nor properly included in City Commission or Administrative discussions regarding homelessness or the development of this harmful ordinance. And it is clear from the language cited that the ordinance would classify as a threat, residents experiencing homelessness, and classify as harbors for criminals, the shelters that serve them. The ordinance specifically targets a fluid group of vulnerable people who share the trauma of not having a home and vilifies them in a way that is not only uninformed and without due process, but also unconstitutional.

In 2003, the City of Covington was sued for criminalizing people without homes, and in 2004 the case settled in the plaintiffs’ favor.⁵ In the fifteen years since, case law has been favorable to citizens experiencing homelessness and their direct service providers.

Instead of criminalizing residents experiencing homelessness, the City should be engaging the experts, encouraging and investing in development of affordable housing, and considering ordinances that would address the root causes of homelessness instead of codifying unfounded fears.

The ordinance would do nothing to reduce the number of people experiencing homelessness. It would instead reduce and eliminate services and shelter beds that keep people alive during their struggle to find affordable housing, including low-barrier shelter beds that are available for people most at risk of perishing from cold temperatures. The ordinance would eliminate opportunities to exit homelessness while simultaneously compounding the harm to women, men, and children without homes. The ordinance would push people further to the margins and hamstring service providers such that more residents will experience homelessness for longer periods of time.

The city of Covington needs to choose to not punish or separate people for not having a home nor to ostracize shelters. Instead of spending tax dollars enforcing an ordinance that makes matters worse, the City of Covington has an opportunity to stand on the right side of history and get

⁵ *Ashcraft v. City of Covington*, No. 02-124-JGW (E.D. Ky. September 23, 2003).

actively involved in decreasing homelessness in an effort to end it altogether. The City should take advantage of an opportunity to partner with women, men, and children experiencing homelessness, shelters and other service providers, and together fashion policies that truly promote the health and well-being of our community.

Covington can be a leader in the pursuit of just, equitable, inclusive and viable outcomes while at the same time creating jobs with living wages. Covington can choose to protect the basic rights of people and creatively invest in the development and preservation of housing affordable to people with low incomes and the jobs that would come with it. In your midst there are committed service providers and knowledgeable people experiencing homelessness, who would be more than willing to work with the City in true partnership to develop lasting. You have an opportunity to bring people together instead of legislating them apart. We hope you take us up on our offer to work together.

Sincerely,



Josh Spring LSW

Executive Director

Greater Cincinnati Homeless Coalition

Cc (With draft ordinance attached):

City of Covington:

Michele Williams, Shannon Smith, Tim Downing, Denny Bowman, Commissioners

David Johnston, City Manager

Ken Smith, Director of Neighborhood Services

Kris Knochelmann, Judge Executive, Kenton County

Danielle Amrine, Executive Director, Welcome House

Rev. David E. Hammers, Executive Director, Fairhaven Rescue Mission

Kim Webb, Executive Director, Emergency Shelter of Northern Kentucky

Tammy Weidinger, President & CEO, Brighton Center

Maria Meyer, Parish Kitchen Manager, Catholic Charities, Diocese of Covington

Shaye Rabold, Planning & Technical Administrator, Kentucky Balance of State Continuum of Care

Lisa Beran, Interim Executive Director, Kentucky Housing Corporation

Linda Seiter & Bonita Campbell, Co-Chairs, Cincinnati/Hamilton County Continuum of Care

Kevin Finn, President & CEO, Strategies to End Homelessness

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Planning and Development Services of Kenton County:

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