



**NAACP**  
*BoulderCounty.org*

September 8, 2020

Mayor Sam Weaver  
Mayor Pro Tem Bob Yates  
Council Member Aaron Brockett  
Council Member Rachel Friend  
Council Member Junie Joseph  
Council Member Mirabai Kuk Nagle  
Council Member Adam Swetlik  
Council Member Mark Wallach  
Council Member Mary D. Young

Via email [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)

Dear Boulder City Council,

I write on behalf of the National Law Center on Homelessness & Poverty (“Law Center”) and the National Association for the Advancement of Colored People Boulder County Branch (“NAACP BCB”) to inform you that recent guidelines released by the Centers for Disease Control and Prevention (“CDC”) state that homeless encampments should not be evicted during the COVID-19 pandemic unless the city can offer individual housing units to people experiencing homelessness, and to urge you to consider repealing or placing a moratorium on the city’s camping ban and the prohibition on using vehicles as dwelling places until such individual housing is acquired. See <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>. This step is necessary to curb the spread of the virus and to protect against avoidable hospitalization and death among both housed and unhoused people. Boulder’s response to those experiencing homeless in the face of COVID-19 should prioritize individual housing units for these individuals.

The CDC guidelines state in part, “[i]f individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.” For people experiencing homelessness, options for following these recommendations are extremely limited since there are too few private housing and shelter options available, even as the pandemic continues to grow worldwide.

Boulder’s camping ban and prohibition on using vehicles as dwelling places makes it even more difficult for those experiencing homelessness to remain safe. Furthermore, Black and Indigenous people are highly disproportionately represented in Boulder’s population of people experiencing homelessness, and are known to “experience [the] highest death tolls from COVID-19.” See <https://www.apmresearchlab.org/covid/deaths-by-race>. Thus, Boulder policies addressing homelessness and housing are also policies that address racial health inequities within the city.

A shelter stay does not constitute housing per the CDC guidelines. Instead, the CDC advises that communities

should not clear any encampments unless they can provide *individual housing units* for those displaced. Otherwise, the CDC recommends that these individuals are allowed to remain where they are. Reducing the number of places a person experiencing homelessness can shelter in place will promote the spread of COVID-19.

Potential solutions to assist those currently experiencing homelessness, such as sanctioned overnight safe parking areas for those with vehicles and sanctioned camps, though far from ideal, are warranted in recognition of the lack of accessible housing.

Enforcing Boulder’s camping ban and prohibition on using vehicles as dwelling places will result in displacing people experiencing homelessness from their private tents and vehicles – where they can self-isolate—potentially creates an opportunity for exposure to COVID-19 and increasing the number of people requiring hospitalization and intensive care. Thus, by reducing the number of options for shelter for people experiencing homelessness, the risk of the spread of COVID-19 is potentially increased.

The Law Center is the only national legal advocacy organization dedicated solely to ending and preventing homelessness. We have published numerous reports, including *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness* <https://nlchp.org/housing-not-handcuffs-2019/>, which includes a section about the negative impact of criminalization policies on public health, and *Tent City, USA: The Growth of America’s Homeless Encampments, and How Communities are Responding* collecting best practices, model policies, and case studies from across the country on how to constructively address homeless encampments. See [https://nlchp.org/wp-content/uploads/2018/10/Tent\\_City\\_USA\\_2017.pdf](https://nlchp.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf).

According to the CDC, COVID-19 primarily spreads from person-to-person, between people within six feet of each other and droplets that are expelled when a person infected with COVID-19 coughs or sneezes. Recent reports indicate that homeless individuals infected by COVID-19 would be twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die of COVID-19 than the general population. See [https://endhomelessness.org/wp-content/uploads/2020/03/COVID-paper\\_clean-636pm.pdf](https://endhomelessness.org/wp-content/uploads/2020/03/COVID-paper_clean-636pm.pdf). To prevent contracting and transmitting COVID-19, people are encouraged to wash their hands properly and frequently, avoid close contact with others, and to stay home if they are feeling sick.

The rationale for the CDC’s recommendations also applies to clearance of vehicle shelters through towing and impoundment which, like tents, represent many unhoused persons’ best options for sheltering in place and social distancing. Moreover, the CDC recommends installing hand-washing stations, portable latrines, and other sanitation services for unhoused people near the areas where they are located outside.

Helping unhoused people to properly shelter in place – even if those shelters are tents or vehicles – will help to “flatten the curve,” decrease the demand for services from hospitals, and enable communities to lift shelter-in-place orders sooner than if people experiencing homelessness are not sheltered-in-place. See Colette Auerswald et al., *For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors During the COVID-19 Pandemic* (2020), <https://publichealth.berkeley.edu/wp-content/uploads/2020/04/For-the-Good-of-Us-All-Report.pdf>.

Transitioning people into individual housing units, such as the many vacant hotel rooms now available, is the best practice and would ensure they would be able to effectively socially distance themselves and have access to adequate sanitation, as well as be easily accessible to health care and other service providers. Communities are recommended to coordinate with local partners and “continue activities that protect people experiencing homelessness, including supporting continuity of homeless services, healthcare, behavioral health services, food pantries, and linkages to permanent housing.” Failing the availability of individual rooms, the CDC states encampments should be left in place, provided with information on COVID-19, encouraged to space out tents, and provided with sanitation facilities. The guidelines also specify that any individual experiencing homelessness who is diagnosed with COVID-19 should be provided with isolation housing so they can recover and not infect others.

With the passage of the federal CARES Act, there is no excuse for not implementing these approaches immediately. The CARES Act specifically sets aside \$4 billion “to prevent, prepare for, and respond to coronavirus, among individuals who are homeless or receiving homeless assistance.” This money would be used to reimburse the city of Boulder for costs associated with responses to coronavirus for people experiencing homelessness. Furthermore, the city of Boulder would be able to “deviate from applicable procurement standards when procuring goods and services to prevent, prepare for, and respond to coronavirus.” The Boulder City Council should work with the city of Boulder’s Human Relations Commission and Housing Advisory Board to affirm these provisions of the CARES Act to financially enable local organizations and service providers to take steps now to respond to this crisis. *See* <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>, 328.

The city of Boulder can look to practices from other communities when crafting its response. For example, California is working to procure hotel and motel rooms to safely isolate people experiencing homelessness and reduce the risk of COVID-19 spread. *See* <https://www.gov.ca.gov/2020/04/03/at-newly-converted-motel-governor-newsom-launches-project-roomkey-a-first-in-the-nation-initiative-to-secure-hotel-motel-rooms-to-protect-homeless-individuals-from-covid-19/>. Washington, DC issued a moratorium on ticketing for emergency no parking violations and for expired license plates, inspection stickers, parking permits, and meters. *See* [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/DP-W-COVID-19-ONE-PAGER\\_040720.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/DP-W-COVID-19-ONE-PAGER_040720.pdf). Washington, DC also prepared portable restrooms and handwashing stations throughout the city near homeless encampments. *See* [https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page\\_content/attachments/COVID%20DHS%20Handwashing%20Stations\\_04032020.pdf](https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/COVID%20DHS%20Handwashing%20Stations_04032020.pdf). The costs associated with pursuing these or other practices as part of Boulder’s response would be eligible for reimbursement under the CARES Act.

These approaches are necessary for the current crisis, but they are also best practice for the long term, from both a public health and fiscal policy perspective. We urge you to follow the CDC recommendations as well as the Law Center’s Encampment Best Practices and Procedures found in the Tent City Report. Only by providing individual housing units will Boulder stop this wasteful and harmful cycle and combat the spread of COVID-19 among people experiencing homelessness. This is not a matter of charity, but of public health. This will not only benefit people experiencing homelessness, but the housed members of your community who will have hospital beds available to them when they need them, instead of having those beds unnecessarily occupied by people who were subjected to increased risk of infection

because they were swept from encampments or their vehicles due to Boulder's camping ban and prohibition of vehicle dwelling.

If Boulder would like, we would be happy to work with you to develop and implement solutions that work for everyone. Please feel free to contact the Law Center at [etars@nlchp.org](mailto:etars@nlchp.org) or 202-638-2535 x. 120 or the NAACP BCB at [secretary.naacpbouldercounty@gmail.com](mailto:secretary.naacpbouldercounty@gmail.com) with any questions or concerns.

Sincerely,

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Legal Director  
National Homelessness Law Center

Gabriela Kioupakis  
Secretary  
NAACP BCB