



February 24, 2021

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Via email

Dear Mayor Indya Kincannon, Deputy Mayors, and members of the City Council,

I write on behalf of the National Homelessness Law Center (“Law Center”), ACLU of Tennessee, Councilwoman Amelia Parker, and the undersigned community groups to express concern regarding Knoxville’s clearance of encampments during the COVID-19 pandemic and 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 pandemic unless the city can offer individual housing units to people experiencing homelessness. 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. This also furthers the city’s goal of breaking the cycle and shifting from short-term crisis management into planning for long-term, systemic solutions for homelessness.” See [https://www.knoxvilletn.gov/UserFiles/Servers/Server\\_109478/File/CommunityDevelopment/homelessness/KnoxvillesPlanToAddressHomelessness.pdf](https://www.knoxvilletn.gov/UserFiles/Servers/Server_109478/File/CommunityDevelopment/homelessness/KnoxvillesPlanToAddressHomelessness.pdf)

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.” As such, 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 individuals are allowed to remain where they are and provided with necessary sanitation facilities. Knoxville’s policy regarding encampments, as outlined in the city’s FAQs on Homelessness, is not in compliance with the CDC guidelines as it only selectively quotes the CDC and fails to uphold current public health directives by referring individuals living in encampments to congregate shelter. See [https://knoxvilletn.gov/government/city\\_departments\\_offices/housing\\_and\\_neighborhood\\_development/office\\_on\\_homelessness/homeless\\_faqs](https://knoxvilletn.gov/government/city_departments_offices/housing_and_neighborhood_development/office_on_homelessness/homeless_faqs)

The Federal Emergency Management Agency (FEMA) is now providing 100% reimbursement for communities providing non-congregate shelter to individuals and families experiencing homelessness. In addition, FEMA recently approved waivers of both its 30 day renewal and 25% match requirements for the duration of the pandemic. See <https://nlihc.org/resource/fema-changes-policy-approve-non-congregate-shelter-reimbursement-duration-emergency>, <https://nlihc.org/resource/new-executive-order-addresses-urgent-health-and-housing-needs-people-experiencing>. **This means communities have no fiscal constraint to stop them from offering non-congregate shelter to people experiencing homelessness for the duration of the crisis.**

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). Furthermore, people living in congregate settings, including those in nursing homes and facilities for individuals with disabilities, comprise less than 1% of the U.S. population, but nearly 50% of coronavirus deaths. See <https://www.aclu.org/news/disability-rights/covid-19-deaths-in-nursing-homes-are-not-unavoidable-they-are-the-result-of-deadly-discrimination/>. Using FEMA reimbursement funds to provide hotel rooms for people experiencing homelessness would allow members of this vulnerable population to follow the CDC personal health recommendations of washing their hands properly and frequently, avoiding close contact with others, and staying home if they are feeling sick, thereby reducing the level of contraction and transmission of COVID-19 and its variants in the community. Hotels could also be used as a location for ensuring those experiencing homelessness have access to and receive the vaccine when it is available.

Displacing encampment residents from their private tents and vehicles – where they can self-isolate – to crowded congregate shelters can create a breeding ground for COVID-19 and increase the number of people requiring hospitalization and intensive care. Scattering persons with no plan for rehousing also potentially increases exposure of both housed and unhoused residents alike. Thus, at a minimum, helping unhoused people to properly shelter in place – even if those shelters are tents or vehicles – will help to lower the amount of community spread, decrease the demand for services from hospitals, and enable communities to lift restrictive public health orders sooner than if people experiencing homelessness are not sheltered-in-place. Ultimately, however, 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 accessible health care and other service providers.

We all share the goal of a Knoxville without homeless encampments—but the best, most cost-effective, and permanent way to achieve that is to ensure that all who live in those encampments are able to access adequate housing. The use of hotel rooms during the pandemic presents an opportunity for cities to take a huge leap forward in their plan to end homelessness. All on the federal dime, Knoxville could potentially transform the lives of many in the community experiencing homelessness by providing them months of dignified, stable shelter and protection from a global pandemic. The FEMA reimbursement funds offer Knoxville critical dollars that could be directly invested immediately into a struggling hospitality industry or used to acquire buildings that could be converted into transitional or permanent supportive housing. Knoxville officials owe it to your community to bring these federal dollars into the city, allowing the city to be able to close encampments not only in the short-term but also potentially the long-term if COVID relief funds are properly leveraged.

Knoxville can look to practices from other communities when crafting its response. For example, towns all over the United States have procured hotel and motel rooms and invested in hotel conversions to safely isolate people experiencing homelessness and reduce the risk of COVID-19 spread. See <https://pew.org/37zwe4s>. 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/DPW-COVID-19-ONE-PAGER\\_040720.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/DPW-COVID-19-ONE-PAGER_040720.pdf); and [https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page\\_content/attachments/COVID%20DHS%20Handwashing%20Stations\\_04032020%20%281%29.pdf](https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/COVID%20DHS%20Handwashing%20Stations_04032020%20%281%29.pdf). The costs associated with pursuing these or other practices as part of Knoxville's response would be 100% eligible for reimbursement under the CARES Act and subsequent relief legislation and policy. **If the city administration wants to reject free federal money that could safely shelter its entire homeless population, and instead spend its own taxpayer dollars to put people experiencing homelessness into unsafe congregate shelters or jails, it should explain to its citizens why it believes that is a better choice.**

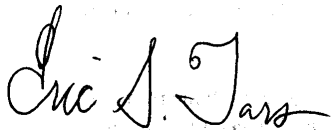
These approaches are necessary for the current crisis, but they are also best practice for the long term, from both a public health and fiscal policy perspective. We urge you to follow the CDC recommendations as well as

the Law Center’s Encampment Best Practices and Procedures found in *Tent City, USA: The Growth of America’s Homeless Encampments, and How Communities are Responding*, through which the Law Center shares 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).

We hope you will draw on our experience and make use of the Law Center’s Encampment Best Practices. Any “solution” which does not meet the actual needs of those living in the encampments—including where they can find a safe place to be, day and night, with their belongings—will result in those individuals needing to improvise their own solutions, and most likely, Knoxville will not like those solutions any more than they like the current ones. Only by providing a better alternative for these individuals that actually meets their needs will Knoxville stop this wasteful and harmful cycle.

As noted above, **Knoxville can end unsheltered homelessness tomorrow by offering non-congregate shelter to people experiencing homelessness for the duration of the crisis, entirely on federal dollars.** We urge you to abandon policies that punish people experiencing homelessness and immediately start working to secure hotel rooms and conduct outreach to unsheltered residents. If Knoxville would like, we would be happy to work with you to develop and implement solutions that work for everyone. Please feel free to contact us at [etars@nlchp.org](mailto:etars@nlchp.org) or 202-638-2535 x. 120 with any questions or concerns.

Sincerely,



Eric S. Tars  
Legal Director  
National Homelessness Law Center



Hedy Weinberg  
Executive Director  
ACLU of Tennessee



Amelia Parker  
Knoxville City Council At-  
Large Seat C Representative

Signatories, in alphabetical order:

Annoor Kitchen  
Black Coffee Justice  
City Council Movement  
Community Defense of East Tennessee  
Democratic Socialists of America – Knoxville  
East Tennessee Harm Reduction  
East Tennessee Party for Socialism and Liberation  
First Aid Collective Knoxville  
I AM the Voice of the Voiceless  
Jobs with Justice of East Tennessee  
Martha’s Tent

Mercy’s Angels Medic Collective  
NAACP - UTK  
National Lawyers’ Guild – UTK Chapter  
National Society of Black Engineers – UTK  
Progressive Student Alliance - UTK  
Rescue and Restoration  
Sleeves4Needs  
Socially Equal Energy Efficient Development (SEED)  
Statewide Organizing for Community eMpowerment (SOCM)  
Students for Migrant Justice - UTK

The National Homelessness 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).

The American Civil Liberties Union of Tennessee (ACLU-TN) is freedom's watchdog, challenging government abuse of rights and fighting for fairness in our laws and their enforcement. We are dedicated to translating the guarantees of the Bill of Rights into reality for all Tennesseans, moving our state forward as we work to protect and promote justice and equality.