



March 2, 2021

Mayor Greg Mahler, gmahler@sweethomeor.gov
President Pro Tem Diane Gerson, dgerson@sweethomeor.gov
Councilor Susan Coleman, scoleman@sweethomeor.gov
Councilor Lisa Gourley, lgourley@sweethomeor.gov
Councilor Dave Trask, dtrask@sweethomeor.gov

Via email

Dear Mayor Mahler and Councilors,

I write on behalf of the National Homelessness Law Center (“Law Center”) to express concern regarding the planned upcoming closing of the homeless encampment at the Church of Nazarene. Recent guidelines released by the Centers for Disease Control and Prevention (“CDC”) 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.” *See* <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>.

The good news for Sweet Home is that the Federal Emergency Management Agency (FEMA) has recently approved waivers of both its 30 day renewal and 25% match requirements, offering *100% reimbursement* for non-congregate shelter (i.e. hotel or motel rooms) *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 Sweet Home has no fiscal constraint to stop it from offering hotel rooms to people experiencing homelessness for the duration of the crisis.** As the Sweet Home Chief of Police Jeff Lynn said, “[i]f we’re going to do something permanent let’s do it right.” We agree. Sweet Home should not expend substantial effort and resources closing the homeless encampment at the Church of Nazarene and relying on police to spearhead the city’s response only to create another congregate shelter. Instead, the city should focus its efforts on getting its unsheltered population into individual hotel rooms, at no local cost, for the duration of the pandemic, and work to transition them to permanent housing.

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. Our *Housing Not Handcuffs* report in fact highlights Sweet Home’s existing ordinance, with its strong requirement for provision of adequate alternative housing before an encampment is dismantled. The proposed amendments are a step back from that strong example.

According to the CDC, COVID-19 primarily spreads from person-to-person, between people within six feet of each other, and from droplets that are expelled when a person infected with COVID-19 coughs or sneezes. Recent reports project 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. 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.

For people experiencing homelessness, options for following CDC personal health recommendations are extremely limited since there are too few private housing and shelter options available, even as the pandemic continues to grow worldwide. Congregate shelters are not necessarily equipped to truly safeguard against the spread of the virus. This is because congregate shelter settings do not allow for the recommended social distancing, air circulation, and sanitation necessary to stem the spread of the virus. In San Francisco, 144 residents in a single shelter were tested and five were found positive for COVID-19. Less than one week later, 92 of those residents tested positive for COVID-19, along with 10 shelter staff workers. 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>. Displacing encampment residents from their private tents and vehicles—where they can self-isolate—to crowded congregate shelters will create a breeding ground for COVID-19 and rapidly increase the number of people requiring hospitalization and intensive care. Scattering persons with no plan whatsoever 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 “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.

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 be easily accessible to health care and other service providers. As noted above, FEMA is now providing 100% reimbursement for communities providing non-congregate shelter. Sweet Home can look to California and other communities which are procuring 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/>. This presents an opportunity not only to ensure the health and safety of Sweet Home’s most vulnerable residents, but also give an infusion of federal dollars to its ailing hospitality industry.

We appreciate that Sweet Home is working with the Family Assistance and Resource Center Group to direct funds toward a new encampment. However, displacing residents of the homeless encampment at the Church of Nazarene with the intention of transitioning them to another encampment before alternative housing solution is even established is a significant step backwards. We all share the goal of not having homeless persons sleep unsheltered—but the best, most cost-effective, and permanent way to achieve that is to ensure that all who are unsheltered are able to access adequate, alternative housing, not short-term shelter stays that will simply disperse people experiencing homelessness to different public spaces.

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, and take advantage of FEMA’s offer to **get your entire homeless population into safe housing with no local costs**. Only by providing individual housing units will Sweet Home 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 that 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 swept from encampments and subjected to increased risk of infection.

If Sweet Home 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 or 202-638-2535 x. 120 with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Eric S. Tars".

Eric S. Tars
Legal Director