



May 7, 2021

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Via email

Dear Mayor Satya Rhodes-Conway, Deputy Mayor Dr. Linda Vakunta, and Madison Common Council:

I write on behalf of the National Homelessness Law Center (“Law Center”) to express concern regarding Madison’s planned clearance of the temporary encampment at Reindahl Park. In March 2021, we wrote to the Madison Common Council regarding Madison’s clearance of McPike Park. We are writing to remind you of 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. See <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>. We urge you to not conduct sweeps of encampment residents who were not able to be offered individual shelter.

The Law Center is the only national legal advocacy organization dedicated solely to ending and preventing homelessness. We have published numerous reports, including *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.

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 these individuals be allowed to remain where they are and be provided with necessary sanitation facilities.

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. As we noted in our last correspondence, options for following CDC personal health recommendations are extremely limited due to the lack of private housing and non-congregate shelter options available.

We recognize that Madison has taken steps to ensure that residents from the encampment have somewhere to go. We especially appreciate that Madison has identified hotel rooms for approximately 200 people experiencing homelessness and for approximately 100 homeless families. We encourage Madison to continue working to individually house the residents of Reindahl Park, and to work to find permanent housing options for all people experiencing homelessness in Madison.

We are concerned that Madison is moving forward with this closure despite a waiting list for hotel placements and despite a substantial reliance on congregate shelter to meet the needs of people experiencing homelessness in Madison. Unfortunately, congregate shelter facilities often do not meet the needs of people experiencing homelessness, and can even contribute to the spread of COVID-19 because they are not necessarily equipped to truly safeguard against the spread of the virus. 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>.

Fortunately, the Federal Emergency Management Agency (“FEMA”) has recently approved waivers of both its 30-day renewal and 25% match requirements, offering **100% retroactive reimbursement funding for non-congregate shelter 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 funding presents an opportunity to house all people experiencing homelessness in individual hotel rooms at no local cost.

On February 3, 2021, FEMA issued a press release expounding on its previously issued support for communities using non-congregate housing to combat COVID-19. See <https://www.fema.gov/press-release/20210203/fema-statement-100-cost-share>. First, FEMA will offer 100% reimbursement for “all work eligible under FEMA’s existing COVID-19 policies, including increasing medical capacity, non-congregate sheltering, and emergency feeding distribution.” Once FEMA approves a reimbursement request, it will fund the activity retroactively from January 2020 to September 30, 2021. This is a perfect opportunity to apply to take advantage of FEMA’s expanded reimbursement policy to individually house

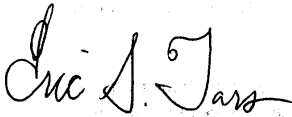
all people experiencing homelessness for the duration of the pandemic at no local cost.

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. 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.

Madison should cease all plans to clear the temporary encampment at Reindahl Park until it is able to provide individual housing options for each resident. Madison should not displace people from individual tents that allow them to individually isolate themselves without anywhere else to go besides a temporary congregate shelter facility.

If you 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 black ink that reads "Eric S. Tars". The signature is written in a cursive style with a large, stylized "E" and "T".

Eric S. Tars
Legal Director