



December 20, 2022

City of Sedalia
ATTN: Planning & Zoning Board
200 South Osage
Sedalia, MO 65301

Dear members of the Sedalia Planning & Zoning Commission,

I am writing to you to follow up on my October 28, 2022 letter on behalf of the National Homelessness Law Center (the “Law Center”) about the proposed ordinance regarding special use permits for services related to homelessness in Sedalia, MO. I was able to attend the December 7, 2022 Planning and Zoning Commission meeting virtually and was glad to hear many of your insightful questions about the proposed ordinance. I am sadly not surprised, however, that it took nearly three hours to discuss, explain, and try to understand the language, meaning, and purpose of the ordinance. Even setting aside the equal protection issues raised by an ordinance that *explicitly targets a specific population of people, rather than rationally regulates similar uses of land*, there are numerous structural issues with the ordinance as written:

1. The proposed ordinance is vague, meaning it is confusing, difficult for the average person to understand, and doesn’t provide sufficient notice of how the ordinance would actually be applied. There are many definitions in the ordinance that could apply beyond the intended meaning – shelter being the most poignant example (“a place that provides protection to those in need to avoid the elements”). We certainly all need shelter for this purpose! But “those in need” is vague, as well as other language, such as “at risk of homelessness”, “facilities” and “like facilities”, “good neighbor issues”, etc.
2. The proposed ordinance is also overbroad, meaning that it affects or regulates way more conduct than a zoning board has the authority to regulate. There are so many parts of this ordinance that go way beyond land use and purport to regulate how a nonprofit organization handles staffing, program rules, eligibility rules, decisions about the types of services they offer, and even who they can invite onto their own property for trainings and services. I am not certain that I have the most updated version of the ordinance so I can’t accurately cite them but many of these are found in “Sec. 64-127(b) - Minimum Standards”.
3. The proposed ordinance also has sections that are “arbitrary and capricious”. i.e., they have no substantial relationship to health, safety, or general welfare. For example, requiring “facilities” (which, again, are very vaguely defined) to be located at least 1000 feet away from schools and daycares...unless they happen to be shelters that are located on the same site as a school or daycare, in which case they must provide for “secure separation”. Why was 1000 feet chosen? What factual relationship does it have to health or safety (especially when some shelters can actually be co-located with a school or daycare)?



I won't reiterate the equal protection claims outlined in my previous letter – I think it is fairly obvious that treating nearly identical businesses/services differently just because an unhoused person uses the business or service, is unlawful.

Over and over during the meeting on December 7th, I kept wondering – what problem is this complicated and convoluted scheme trying to solve? And more specifically, what *land use problem* is this trying to solve? Because it sounds like you currently have several well-respected nonprofit organizations in town providing services to people who are unhoused without great incident. There was a proposal for *one more* – one more organization stepping up to fill a need in the community. Surely this doesn't warrant creating an entire ordinance that will almost certainly lead to a lawsuit.¹

A general fear that laws will be broken or that a nuisance will occur or because some vocal people in the community or working for the city think of unhoused folks as “these people”, rather than just people is not sufficient reason to enact this very targeted and restrictive ordinance. I urge you to reject the proposed ordinance.

Sincerely,

A handwritten signature in black ink that reads "Katie Scott". The signature is written in a cursive, slightly slanted style.

Katie Meyer Scott, Senior Attorney
National Homelessness Law Center

kmeyerscott@homelesslaw.org, p: 202-638-2535, ext. 108

¹ "[b]y crude measurement zoning now produces almost four times as many appellate opinions as nuisance and covenant law disputes combined..." Professor Robert C. Ellickson, [Alternatives to Zoning: Covenants, Nuisance Rules, and Fines as Land Use Controls](#)