



Seattle Human Rights Commission

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November 13, 2015

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Seattle City Council
600 4th Ave
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Executive Dow Constantine
King County Council
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Re: State of Emergency on Homelessness

Dear Mayor Murray, Executive Constantine, and City of Seattle and King County Councilmembers,

We, the Seattle Human Rights Commission (the “Commission”), write to share our perspective on the state of civil emergency on homelessness declared by the City of Seattle (the “City”) and King County (the “County”). Homelessness and lack of shelter are violations of basic human rights; therefore, we urgently recommend that more funding be allocated to address this emergency and caution against the unconstitutional enforcement of anti-camping laws.

The Commission believes that this declaration rightly recognizes the need to urgently respond to the growing crisis of homelessness in our city and county. As the Mayoral and Executive Proclamations cite, the January 2015 One Night Count identified 10,047 individuals experiencing homelessness in King County, which included 3,772 unsheltered individuals *after the shelters were filled*. The number of those living outside without access to basic shelter rose a staggering 21% this past year, and 75% (2,813) of these unsheltered individuals were counted in Seattle.¹ More than 45 of these individuals died on the streets of Seattle in 2015.² The Proclamations accurately identify several of the factors that contribute directly to this growing crisis, such as rising poverty and

¹ Between 2013 and 2015, unsheltered homelessness in Seattle and King County increased by 41% and 38%, respectively. For more details, see: homelessinfo.org.

² “Mayoral Proclamation of Civil Emergency.” Nov. 3, 2015.

housing costs, state and federal budget cuts for affordable housing and human services, and disparities caused by institutional racism.

While the Commission supports the City and the County joining other municipalities in calling for a state of emergency on homelessness, the level of response and proposed investments dedicated to addressing this emergency pale in comparison with other municipalities. The City of Portland has dedicated \$30 million to address its homelessness emergency, despite having a budget nearly half the size of the City of Seattle and having approximately 1,800 fewer unsheltered individuals living outside on its streets.³ In comparison, Seattle and King County have respectively dedicated \$5.3 million and \$2 million; an amount severely inadequate to address the dire needs outlined in the Mayor and Executive's Proclamations.

Furthermore, the Mayor's Proclamation calls for an additional shelter capacity of just 100 beds per night, and the Executive's Proclamation calls for an additional 50 beds; an amount thousands of beds short of the number of unsheltered homeless individuals counted outside. Approximately 66% of the proposed new homeless investments will fund homeless prevention and outreach services, while just 17% will be invested in additional shelter capacity, an area in which there is the most urgent need. While all of these investments are important and are part of the solution to homelessness, the amount proposed is drastically insufficient to meet the needs of the thousands of people living outside who *lack access to basic shelter* each night.⁴

The Proclamation also calls for "intervention and other resources to address the public health and safety crisis associated with unauthorized encampments on State property along I-5, I-90, and SR-99, including implementing physical changes to those areas to minimize ongoing and long-term public health and safety risks." The Commission recognizes the need to address legitimate public health and safety hazards along major transportation corridors as cited in the Mayor's Proclamation; however, the state of emergency proclamation must not be used to justify the indiscriminate enforcement of "anti-camping" laws that effectively criminalize homelessness. The Department of Justice's recent statement of interest argues that it is unconstitutional to criminalize individuals who are homeless for sleeping in public spaces when there is insufficient shelter space available. As stated by the Justice Department in its filing, "[i]t should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment... Sleeping is a life-sustaining activity – i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless."⁵ Thus, the state of emergency must not be exercised in a way that violates homeless individuals' civil rights.

³ For information about \$30 million pledge in Portland, see "City, county announce \$30M plan for Portland's homeless." *KGW.com*. Sep. 30, 2015. For City of Portland 2015-16 proposed budget, see: <https://www.portlandoregon.gov/cbo/67462>. For Portland homeless count, see: "2015 Point-In-Time: Count of Homelessness in Portland/Gresham/Multnomah County, Oregon." <https://multco.us/housing-and-homelessness/2015-point-time-report>.

⁴ Article 25 of Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) state that all human beings have a right to an adequate standard of living, including adequate housing and necessary social services, and the ICESCR specifically provides for a "continuous improvement of living conditions." For these reasons, homelessness and the lack of access to basic shelter are violations of human rights.

⁵ See Department of Justice Press Release, "Justice Department Files Brief to Address the Criminalization of Homelessness." Aug. 6, 2015. <http://www.justice.gov/opa/pr/justice-department-files-brief-address-criminalization-homelessness>.

The City and County's recognition of homelessness as an emergency situation is a crucial and noteworthy step. This recognition demands a commensurate level of investment that will adequately address a city- and county-wide emergency of this scale. The Commission strongly urges the City and County to affirm their commitment to human rights by making a far more robust emergency plan investment in order to meet the immediate and dire needs of the thousands of unsheltered individuals in our community.

Respectfully,

Danielle Wallace

Danielle Wallace, Economic, Social, and Cultural Rights Task Force Chair

Jason Poydras

Jason Poydras, Commission Appeals Chair

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