

November 16, 2018

TO: Durango City Council, Staff and Attorney Dirk Nelson

RE: DISCUSSION TO CONSIDER POSSIBLE AMENDMENTS TO THE CITY CODE REGARDING CAMPING, SHELTERING, TRESPASS AND OTHER PROVISIONS RELATED TO THE AUTHORIZED AND UNAUTHORIZED USE AND OCCUPANCY OF PARKS, OPEN SPACE, RIGHTS OF WAY AND OTHER PUBLIC AND PRIVATE PROPERTY.

The City Manager's proposal to amend the above-referenced code raises serious concerns for the safety and health of the homeless population in our region.

- I. Temperatures in the teens require preparation by people living in tents to "winter" their tents. Their tents are the only dwelling they have, if they are fortunate to own a tent. To preserve warmth in their tents, tarps and additional makeshift materials are fashioned in such a way to prevent snowfall melting through tents. Some ingenious methods are used to prevent cold winds entering the shelter they prepare. Many tents have been damaged with every move-on order, which reduces the effectiveness of insulating their only "dwelling" from cold winds. Torn tents require other ways to prevent wind, rain or snowfall from entering the warm space created by tent dwellers.
  - A) Knowing that a homeless person will do everything they can to stay warm on frigid days, the City's proposed amendments expects people to survive without adequate warmth during the daylight time.
  - B) We have no evidence of other cities across the country who are expecting the homeless not to be protected within any "covering" that is created to survive the cold (whether in the day or night).
- II. Will each homeless person be required to line up at the City Manager's doorstep to request "written permission" to "shelter" or "prepare sheltering" on any city's open space?

[Reference: "'Shelter' or 'Sheltering' means a use of property authorized by the written action of the City Manager or other designated officer that allows for temporary overnight sleeping arrangements for a period not to exceed the time between sunset and sunrise of the next day, with or without the use of cover or other protection from the elements."]

- A) CCO has received telephone calls from homeless people over age 50 and including those in their 60s and 70s (some with disabilities). They are complaining the city is harassing them to take down their tents even if it rains or snows after sunrise. The expectation to put tents down by a disabled and/or elderly person is unreasonable and inhumane, especially when officials move them on to 'nowhere'. People in excellent health would challenge any code requiring them to leave their warm tents and to be exposed to the harsh winter months.
- B) Daytime temperatures in the past week has challenged the homeless to sleep on open space where there are no trees or shrubs to break wind. Seasoned campers tell me the best means of protection over their tents is to sidle next to trees and brush. Exposure to winter's bitter cold is causing people to get sick with colds and bronchial problems.

- a. Is the City recognizing this to be a health threat to people who have no access to shelter or affordable housing?
- b. If someone were found frozen to death, is the city not causing harm to lives? It is my understanding that government may be liable for knowing their ordinances are causing physical harm or threat to human life.
- c. We fear the current and amended ordinances may cause injuries or fatalities in the homeless population in our region — especially, to newcomers identified by people who have camped the hills for years.

We are aware of a strategy being planned by major nonprofits to deal with the homeless. However, we are in the midst of winter with inclement weather that threaten injuries and risk to lives of people residing out of doors (primarily due to homelessness). We are seeking your attention to the dangerous burdens the attached proposed amendments creates on people without strong tents, winter-rated clothing or sleeping bags, etcetera.

CCO recently sent an email to local nonprofits and to our supporters to address a great need for winter provisions by our homeless community. However, when I was presented with the proposed amendments yesterday, it came with telephone calls and texts to me from the homeless population expressing their concerns that tents are being damaged each time they are told to move (i.e., evictions from Tech Center area on Wednesday). Many don't want to put their tents down after spending much time and energy to create safe dwelling for themselves to sleep within.

Denver Homeless Out Loud is watching Durango's treatment of the homeless with grave concerns for the great risk of exposures to Durango's frigid wintry temperatures—even in the daytime. Any media coverage in Durango on homelessness is being distributed by DHOL throughout the Denver area and on Facebook. When I visited with DHOL in Denver a couple of weeks ago, I was surprised to learn of their close attention to Durango's adversarial position toward the homeless. Our organization is not as equipped as DHOL to garner community support to people exposed to freezing temperatures this winter.

We need the City's help to insure there is no health risk to our clients by enforcing a code requiring individuals not to remain warm in their tents beyond sunrise—especially during the next few months of winter. We plead with you for the safety and avoidance of health threats to the homeless community in Durango and La Plata County. This is a humane request, especially people who suffer chronic illnesses. One man has already said he “may as well kill himself”, since “nobody seems to care if he lives or dies.” The frustration of one man is also expressed by many of CCO's homeless clients—not to the point of giving up. For this I thank God!!

Thank you for your compassionate regard to this letter.

With sincere respect,  
*Donna Mae*