

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2016
Proposal No. 12, 2016

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to add certain protections for the homeless.

WHEREAS, on January 28, 2015, outreach workers counted 1,666 persons in Marion County who were homeless; and

WHEREAS, based on national research, the number of persons who experience homelessness at some point during the year is three to five times the number counted during a point-in-time count such as the January 28, 2015 count; and

WHEREAS, the estimated number of persons in Marion County who experience homelessness during the course of a year ranges from 5,000 (point-in-time results x 3) and 8,330 (point-in-time results x 5); and

WHEREAS, Marion County has a shortage of shelters that can accommodate individuals and families, victims of domestic violence, and unmarried couples, and the County therefore provides limited help to those experiencing homelessness; and

WHEREAS, there is a shortage of transitional housing as well as permanent housing for those experiencing homelessness; and

WHEREAS, there is also a shortage of emergency shelter space operated by secular entities for individuals and families; and

WHEREAS, the persons experiencing homelessness should be entitled to protection from arbitrary and capricious treatment by local government; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title I, Chapter 231 of the "Revised Code of the Consolidated City and County," is hereby amended by adding a new Article V, to read as follows:

ARTICLE V. PROTECTIONS FOR THE HOMELESS

Sec. 231-501. Purpose and intent.

No person should suffer unnecessarily or be subject to unfair discrimination or arbitrary treatment based on his or her homeless status. It is the intent of this article to lessen the adverse effects and conditions caused by the lack of a home or residence.

Sec. 231-502. Definitions.

For purposes of this Article:

(a) the term "emergency" means situations when a failure to act immediately could lead to serious harm to public health or safety.

(b) the term "homeless" has the definition set forth at 24 CFR Sections 91.5, 582.5, and 583.5;

(c) the term "camp" means a place on public property with temporary accommodations of tents or other structures in which homeless persons have been living.

Sec. 231- 503. Protections in the event of displacement.

(a) If a homeless person is to be displaced from a camp, the city, through the department of public works, must maintain and catalogue their personal items, including but not limited to, clothing, blankets, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of 60 days. After 60 days, if the city has made reasonable efforts to notify the displaced person, the city may securely dispose of any unclaimed personal items. For purposes of this subsection, the

obligations to maintain and catalogue personal items shall be limited to those items that may fit entirely within one 96-gallon container per displaced person.

(b) For purposes of subsections (b) through (d) of this section, the term “city” refers to the department of public safety. Before the city may displace a homeless person from a camp, the city must give at least fifteen (15) days’ notice to the homeless persons living in the camp, to the Reuben Engagement Center, and to the Indianapolis Continuum of Care or similar organizations designated by the city; provided, however, that if the city makes a written determination that an emergency exists, the city may give whatever notice is reasonable under the circumstances.

(c) Upon receiving the notice described in subsection (b), the Indianapolis Continuum of Care or similar organization designated by the city will coordinate the efforts of all participating service providers, faith-based organizations, street ministries, the Reuben Engagement Center, and volunteers to ensure that the homeless persons to be displaced are provided available transitional housing or permanent housing, and comprehensive wrap-around services for which they are eligible, unless the homeless person refuses the assistance. The transitional or permanent housing must be safe, reasonably clean and maintained, and approved by the city.

(d) If there is insufficient available housing and services as described in subsection (c) to meet the needs of all displaced homeless persons in a camp scheduled to be closed by the city, the city must wait until there is sufficient available housing and services before it can close the camp, and in the interim the city will give priority to long-term residents of the camp; provided, however, that if the city makes a written determination that an emergency exists, the city does not need to wait until there is sufficient available housing and services before it can close the camp.

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this 8th day of February, 2016, at 8:30 p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this 11th day of February, 2016.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of February, 2016.

Joseph H. Hogsett, Mayor

