

## Comments on The Proposed Anti-Homeless Bylaw Changes and Additions to be considered August 30<sup>th</sup>, 2021 - Prince George, British Columbia (5 pages)

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### Summary

The City of Prince George's proposed bylaw additions is a misdirected and dangerous attempt to address social problems through the use of policing and law enforcement. The enactment of these additions will reduce the ability of the community to address the real needs, safety, and inclusion of homeless and vulnerable people.

In a June 2, 2021 council meeting, Adam Davey, Director of Community Services and Public Safety, presented the council of the City of Prince George with the recommendations of adding a new *Safe Streets Bylaw* and making amendments to the City's existing *Parks and Open Space Bylaw (No. 7370, 2002)*. The stated purpose of the bylaw amendments was to address "ongoing social challenges" with the problem being that of "conflict of use of space issues". It is not at all clear how these changes could possibly resolve these much broader social "challenges". What the by-law will do is to punish and make invisible the most vulnerable and traumatized people who are forced to survive in public spaces.

The approach with this by-law appears to conflate several complex and interconnected social issues relating to the broader opioid and homelessness crises. Narrowly attending to the visible aspects associated with social deprivation would be a misattribution of the city's resources and energy. Notably, the city's report concludes that these bylaw additions "are not solutions", yet suggests they are "tools to assist in providing a safe, clean and inclusive community". This statement raises a fundamental question: a 'safe, clean and inclusive community' for who?

Anti-homeless laws are a pernicious feature of municipal bylaws that target people whose presence is perceived as a threat in public spaces. They disproportionately affect those who are visibly poor, Indigenous, sex workers, and other vulnerable individuals. The effect of these bylaws is to target the presence and survival activities of homeless and vulnerable people in public spaces, including panhandling, loitering, resting or sleeping, sheltering, 'obstructing' and/or causing a 'nuisance' or disorder. These laws are profoundly prejudicial given how Indigenous Peoples are over-represented in homeless and street populations.

Rather than assisting vulnerable members of the city's population by broadening social supports and networks, the city's proposed bylaws would increase the number and enforcement of anti-homeless offences in the city. The report to the city states that, presently, the city enforces the *Parks and Open Space Bylaw* to "remove people from open spaces" if they are found camping, having an open fire or littering, using alcohol, or engaging in a nuisance activity; the city also

enforces its *Highways Bylaw No. 8065, 2008* to “move people and their possessions” who are blocking a highway and impeding traffic, including sidewalks and pedestrian traffic. This begs the question of where people are to go once removed from public spaces, particularly those who are unsheltered and rely on city services in the downtown core. Extending anti-homeless laws in the city, the proposed bylaw additions include offences against panhandling, loitering, laying on/resting on/obstructing sidewalks, and increased place-specific prohibitions on temporary sheltering. Taken together these offences make up a net of prohibition that, like repealed vagrancy laws of the 19<sup>th</sup> century, target people because of their social status and appearance. Historically the application of these laws has been profoundly racist.

### **Homelessness in Prince George**

Homelessness can be defined as people staying without a regular address of their own where they have security of tenure, and includes people staying in agency-run emergency shelters or transitional housing, in self-made shelters or tents, or temporarily with another household (‘hidden homelessness’). Homelessness in Prince George is exacerbated by a lack of affordable or supportive housing, low incomes, and problems surrounding co-occurring mental health and substance use disorders.<sup>1</sup> Homeless populations tend to present significantly higher rates of substance use, addictions, and concurrent disorders.<sup>2</sup>

The most recent (2018) count of Prince George’s homeless population found that a staggering 80% of homeless individuals identified as Indigenous,<sup>3</sup> even though the city’s total Indigenous population is around 10-15%.<sup>4</sup> Of those who were homeless, nearly half identified as female and half had experiences of being youth-in-care of the child welfare system. Nearly half the respondents also said they had been part of the Prince George community for more than 10 years or their entire lives. The total homeless population in 2018 was 160 people, a decrease from 2010

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<sup>1</sup> Diana Kutzner and Stephanie Ameyaw. 2010. “Prince George Homeless Count Report 2010.” Prince George: unbc Computer-Assisted Survey Research Laboratory.

<sup>2</sup> Isabelle Linden, et al. 2015. “Regional Patterns of Substance Use Among the Homeless in British Columbia.” *BC Studies* 184. Available at: <https://med-fom-krauszresearch.sites.olt.ubc.ca/files/2015/12/Linden-et-al.-2015-Regional-Patterns-of-Substance-Use-among-the-Homeless-in-British-Columbia.pdf>

<sup>3</sup> The Homelessness Services Association of BC, Urban Matters, and BC Non-Profit Housing Association. 2018. “2018 Report on Homeless Counts in BC”. Prepared for by BC Housing. Available at: [https://hsa-bc.ca/Library/Report\\_on\\_Homeless\\_Counts/Final-2018-Report\\_on\\_Homeless\\_Counts\\_in\\_BCV4.pdf](https://hsa-bc.ca/Library/Report_on_Homeless_Counts/Final-2018-Report_on_Homeless_Counts_in_BCV4.pdf)

<sup>4</sup> Isabelle Linden, et al. 2015. “Regional Patterns of Substance Use Among the Homeless in British Columbia.” *BC Studies* 184. Available at: <https://med-fom-krauszresearch.sites.olt.ubc.ca/files/2015/12/Linden-et-al.-2015-Regional-Patterns-of-Substance-Use-among-the-Homeless-in-British-Columbia.pdf>

when 361 people were identified as homeless in Prince George. It is important to note that homeless counts may be an underestimation as they do not include a comprehensive count of hidden homelessness.<sup>5</sup>

## **Specific Offences Under Review**

### **Panhandling**

The proposed *Safe Streets Bylaw, No. 9209, 2021* will prohibit begging/soliciting for things of value. This bylaw directly targets homeless individuals because it prohibits an activity directly associated with homelessness and poverty. Panhandling is a survival activity for some unhoused and underemployed people. Often, it is a final resort and measure to protect against homelessness or losing a rental apartment, and panhandling is most often spent on food.<sup>6</sup> Evidence suggests that most people who panhandle would prefer a steady income through a waged job, but many also feel unable to handle conventional jobs because of mental illness, physical disability, or lack of skills.<sup>7</sup> Prohibiting panhandling is not a viable solution to resolving under-employment and reducing homelessness. Instead, it threatens a key source of survival income for homeless and precariously housed individuals.

### **Loitering**

The city's proposed *Safe Streets Bylaw, No. 9209, 2021* will prohibit against 'lingering' or standing somewhere 'without an apparent purpose'. Anti-loitering bylaws are often very vague and subjective, making homeless individuals disproportionate targets because they are more likely to need to use public spaces during the day as private businesses are cost-prohibitive. The effect of these prohibitions is to restrict respite, leaving homeless people with no place to go. Loitering bylaws are disproportionately enforced against homeless people because of the perceived status of homeless individuals and the visibly poor or marginalized as being 'disorderly', in contrast to others who may be doing the same behaviour—that is, lounging or resting in public spaces like parks and public squares—without being seen as a problem.

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<sup>5</sup> SPAR. 2011. "Knowledge for Action Report". Available at <https://www.sparc.bc.ca/wp-content/uploads/2020/11/knowledge-for-action-research-report.pdf>

<sup>6</sup> Rohit Bose and Stephen Hwang. 2002. "Income and Spending Patterns Among Panhandlers". *Canadian Medical Association* 167(5). Available at: <https://www.cmaj.ca/content/cmaj/167/5/477.full.pdf>

<sup>7</sup> Ibid.

Loitering bylaws also conflict with the overarching purpose of public spaces as places for public use and enjoyment by constraining the movement of bodies in those spaces.

### **Laying/Obstructing on Sidewalks**

The city's proposed *Safe Streets Bylaw, No. 9209, 2021* will prohibit sitting, resting, and lying on the city's streets. Similar to anti-loitering bylaws, anti-obstruction laws generally work to remove the presence of homeless individuals out of public view. Often, such bylaws focus on personal possessions that are claimed to interfere with or pose a hazard to the public. On enforcement of such bylaws, homeless people's personal belongings are treated like garbage and disposed of, causing additional loss to the owner. Using legal prohibitions to sweep away potential obstructions/obstructors to sidewalk traffic is a blunt and punitive tool that does not resolve the problem of lack of permanent space for unhoused people and their belongings.

### **Sheltering**

The city's proposed *Safe Streets Bylaw, No. 9209, 2021* and amendments to its *Parks and Open Space Bylaw (No. 7370, 2002)* will increase regulations against camping or the building of tents in public places. Anti-sheltering bylaws rather directly targets homeless individuals by prohibiting them from setting up structures in public spaces which meet their needs for shelter.

Though the bylaw amendment states "implementation of the Safe Streets Bylaw ought to be done in conjunction with the establishment of a preferred location(s) for the homeless population to overnight camp when and [only when] shelter space is unavailable", the bylaw is nevertheless concerning because evidence shows that meeting the needs of homeless individuals for preferred housing and adequate shelter space is rarely achieved. Shelters provided by BC Housing and other local agencies may not be safe or available. Particularly, violence against women in shelters is a common occurrence. Data from 2018 shows that Prince George had 91 beds in 4 shelters, one of which is a women's shelter with 30 beds<sup>8</sup>, while the last homeless count in the city found that at least 160 people experience homelessness in Prince George, nearly half of

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<sup>8</sup> Homeless Hub. 2018. "Shelter Capacity Report". Available at: [https://www.homelesshub.ca/sites/default/files/attachments/Shelter\\_Capacity\\_Report\\_2018-EN%20%281%29.pdf](https://www.homelesshub.ca/sites/default/files/attachments/Shelter_Capacity_Report_2018-EN%20%281%29.pdf)

whom are women<sup>9</sup>. Additionally, housing options in Prince George may not be accessible because of poor local transit, hampering an individual's ability to move from social support to sustainable living and employment.<sup>10</sup>

Furthermore, enforcement of such a provision is complicated as shelter capacity is constantly changing and enforcement officers may not be adequately informed of what is happening on the ground at any given time. General prohibitions on sheltering reinforces homeless people as disproportionate targets of law enforcement. Enforcement officers often do not have adequate training in dealing with homeless populations in a way that is non-threatening and trauma-informed.

### **Concluding Note**

The use of increased law enforcement through by-laws in Prince George against mostly Indigenous Peoples who are homeless or street involved will only cause greater social deprivation and suffering. Policing is a dangerous substitute for the provision of appropriate shelter, medical care, and social support. The evidence is over-whelming that the appropriate starting point for responsible action is well-resourced outreach work, carried out by peers who have a shared experience and background, and can build trust and hope within this population over time.

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(with Elliot Fonarev, Ayush Patel and Cheryl Cheung)

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<sup>9</sup> The Homelessness Services Association of BC, Urban Matters, and BC Non-Profit Housing Association. 2018. "2018 Report on Homeless Counts in BC". Prepared for by BC Housing. Available at: [https://hsa-bc.ca/Library/Report\\_on\\_Homeless\\_Counts/Final-2018-Report-on\\_Homeless-Counts-in\\_BCV4.pdf](https://hsa-bc.ca/Library/Report_on_Homeless_Counts/Final-2018-Report-on_Homeless-Counts-in_BCV4.pdf)

<sup>10</sup>Alex Fraess-Phillips. 2019. "A Profile of Poverty in the City of Prince George". Available at: <https://www.princegeorge.ca/City%20Hall/Documents/Mayor%20and%20Council/Committees%20and%20Boards/Poverty%20Profile%20-%20Final%20-%20Nov%202019%20Update.pdf>