

HOUSED, ILL-CLEA...

Report

 National
Coalition *for the*
Homeless

October, 2014

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**Share No More:
The Criminalization
of Efforts to Feed
People In Need**

FOOD-SHARING REPORT:

The Criminalization of Efforts to Feed People In Need

A report by the National Coalition for the Homeless

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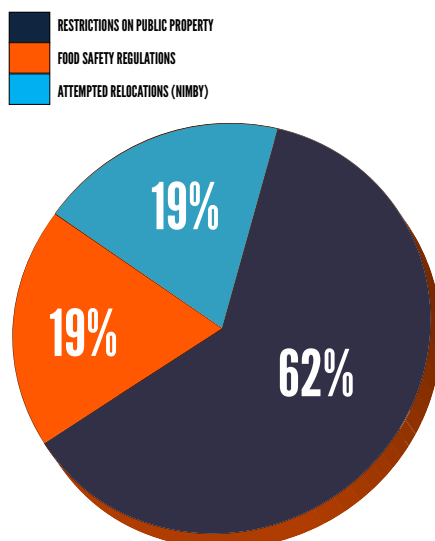
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Executive Summary

In recent years, cities across the nation have established a precedent of criminalizing homelessness and pushing the problem out of sight. One method that has become more popular has been to introduce new legislation, designed with the intention of restricting individuals and groups from sharing food with people experiencing homelessness. Since January, 2013 alone, 21 cities have successfully restricted the practice through legislative actions or the intensity of community pressures to cease distributing food to those in need. Over ten other cities have been found to be in the process of doing the same.

There are many myths and motivations that are frequently circulated regarding the issues of homelessness and food-sharing. These myths have led to some commonly accepted rationales for passing laws that restrict or prohibit food-sharing. One of the most narrow-minded ideas when it comes to homelessness and food-sharing is that sharing food with people in need enables them to remain homeless. In many cases food-sharing programs might be the only occasion in which some homeless individuals will have access to healthy, safe food. People remain homeless for many reasons: lack of affordable housing, lack of job opportunity, mental health or physical disability, and lack of living wage jobs. Food-sharing does not perpetuate homelessness. This perspective and other myths have led to at least 31 cities nationwide taking strides to restrict or ban the act of food-sharing.

GRAPH 1: TYPES OF FOOD-SHARING BANS ENACTED IN 2013-2014



Growing Restrictions by Cities on Food-sharing:

Cities are able to restrict or eliminate food-sharing in various ways. The first is by placing restrictions on the use of public property. In this scenario, individuals and organizations are generally required to obtain a permit, often for a fee, to share food with people experiencing homelessness in a park or other public space. In 2013-2014, 12 cities passed food-sharing laws that required individuals or groups to obtain a permit to distribute food on public property.

The second legislative method used to limit organizations' abilities to share food with people experiencing homelessness is to require groups to comply with stringent food-safety regulations. Since 2013, four cities passed laws that restricted organizations from sharing food on the grounds of food and safety.

The final, and most difficult to measure, method to restrict food-sharing with people experiencing homelessness is through community actions driven by the principle of 'Not In My Back Yard (NIMBY)'. In most cases, business- and home-owners who do not want people experiencing homelessness to be attracted to their communities, place tremendous pressure, and sometimes even harass, the organization responsible for the food-sharing program to cease or relocate their programs. Since January 2013, the National Coalition for the Homeless tracked four cities that utilized community pressure to successfully force an end or a relocation to an existing food-sharing program and seven cities that are in the process of trying to reach a similar end.

While this is a growing concern throughout the nation, there have been some success stories that give hope to coordinated advocacy efforts.

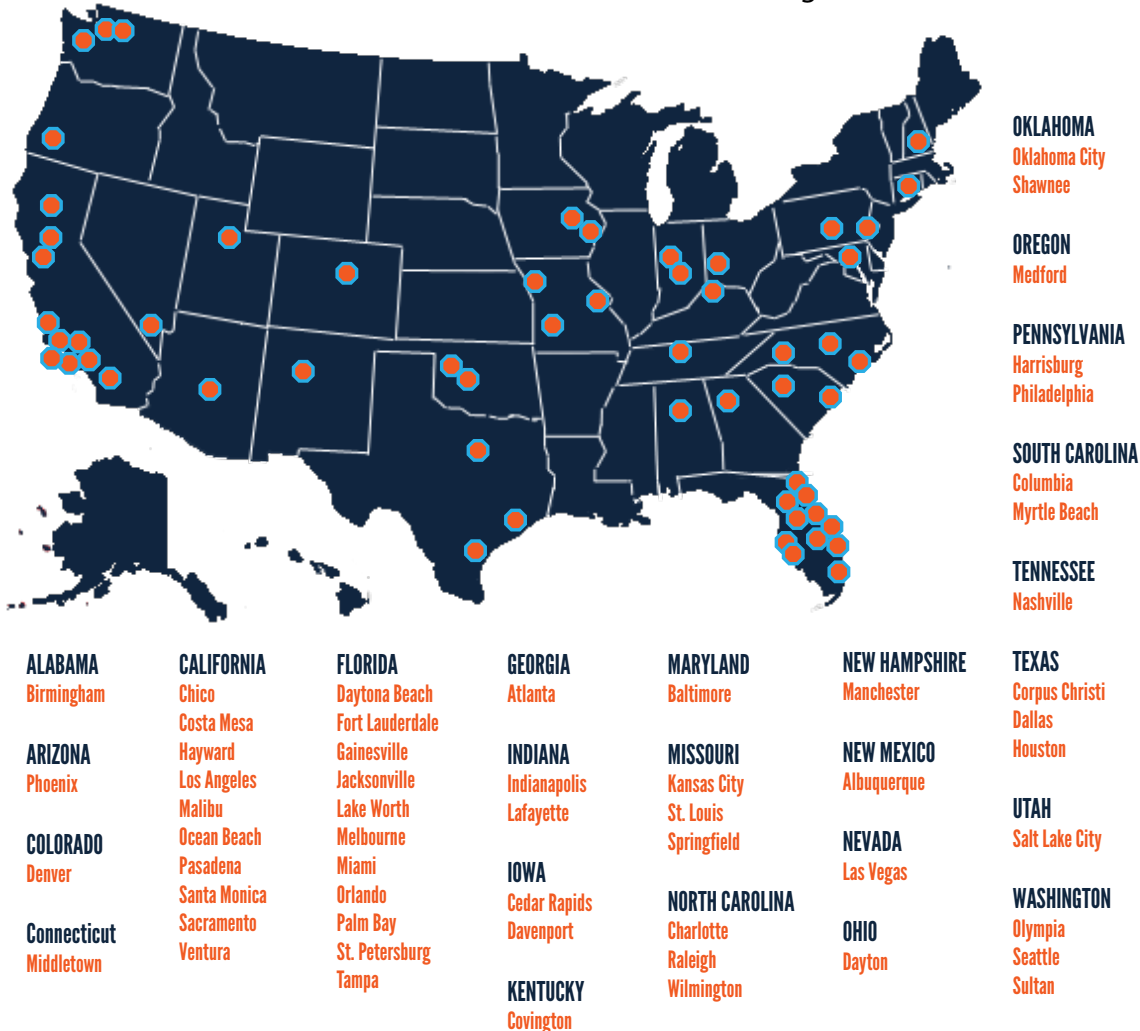
Purpose Statement

The objective of this report is to educate lawmakers, advocates, and the general public about food-sharing laws. As part of its mission, the NCH is committed to creating the systemic and attitudinal changes necessary to end homelessness, which includes addressing unjust stereotypes and biases that victimize people who are experiencing homelessness. Additionally, this report highlights federal, state, and local policy recommendations. This collection of data should allow for readers to have a picture of how cities around the country are responding to the growing problem of hunger in their communities.

Methodology

The National Coalition for the Homeless (NCH) aims to provide an accurate picture of the local response to food-sharing restrictions. This includes restrictions that prohibit individuals and organizations from sharing food in public settings, food safety standard requirements, and increased pressures from the community. Understanding the increase in this type of practice in the past two years, NCH sought examples of success in defeating this type of legislation. Accounts of the incidents were drawn from the media and partner organizations as new evidence and restrictions came to light since January, 2013. The NCH team then verified the reports and compiled the resulting new efforts to restrict food-sharing in this report.

IMAGE 1 U.S. CITIES THAT HAVE ATTEMPTED TO RESTRICT, BAN, OR RELOCATE FOOD-SHARING



While this report only examines cities that attempted to restrict food-sharing practices in 2013-2014, cities nationwide have participated in this practice over time.

Increasing Need for Food Assistance across the U.S.

It is estimated that 1 in 6 Americans go hungry on a daily basis.¹ When one considers just the homeless and extremely low-income populations, hunger is too prevalent to quantify. When an individual does not receive adequate nourishment he or she may suffer severe medical problems, which include anemia, dental problems, gastric ulcers, other gastrointestinal complaints, cardiovascular disease, hypertension, hypercholesterolemia, acute and chronic infectious diseases, and diabetes.² If cities continue to restrict or ban the compassionate act of food-sharing, homeless individuals' physical, mental, and emotional health will suffer and deteriorate over time.

The 2013 Hunger and Homelessness Survey, conducted by the United States Conference of Mayors³ found:

- **83%** (19 of 25) of cities surveyed, in 2013, reported an increase in the number of emergency food requests from the previous year
- **91%** reported an increase in persons requesting food assistance for the first time
- **80%** reported an increase in frequency of visits to food pantries and emergency kitchens each month

With a growing increase of need:

- **78%** of cities had to reduce the number of times a person could visit the food pantry each month
- **66%** had to turn people away due to lack of resources

Despite the growing need for more assistance, cities have chosen to target homeless individuals by restricting their access to food-sharing programs in both private and public spaces.



¹ "Hunger Facts | Feeding America." Feeding America. Web. 10 Sept. 2014. <http://feedingamerica.org/hunger-in-america/hunger-facts.aspx>.

² "Homelessness." Diet.com. Web. 10 Sept. 2014. <http://www.diet.com/g/homelessness>.

³ "United States Conference of Mayors Hunger and Homelessness Survey." 1 Dec. 2013. Web. 16 Sept. 2014. <<http://www.usmayors.org/pressreleases/uploads/2013/1210-report-HH.pdf>>.

Myths and Motivations

There are a number of myths that exist in regard to people experiencing homelessness, which have served as the basis for many new laws that restrict or prohibit food-sharing in public places. Such myths are detrimental to the lives of many homeless individuals. These misguided notions from consultants and high ranking officials have led to the increasing number of cities putting restrictions and bans on food-sharing across the country.

TABLE 1: MYTHS AND MOTIVATIONS THAT PERPETUATE NEGATIVE OPINIONS OF FOOD-SHARING PROGRAMS

MYTH OR MOTIVATION	TRUTH
Myth: Sharing food with people enables the homeless to remain homeless.	
<p>Dr. Robert Marbut, a consultant on homelessness, has traveled to 60 plus communities in 2013-2014 speaking on the dangers of enabling people experiencing homelessness through sharing food. He has stated:</p> <p><i>"If you feed people in parks, or on a street, or drive your car up and give 14 meals out the back of your car, all you're doing is growing homelessness. . . if you want to dramatically change how [a city] deals with the homeless, align your feeding with all the holistic services. And the only place people should ever be fed is where you're in a 24/7 program that's holistic that deals with all the issues."</i>⁴</p> <p>In Chicago, Illinois, Alderman James Cappleman claimed a mobile Salvation Army truck, which provides services to people experiencing homelessness, was providing a disincentive for the homeless to seek permanent solutions to their problems.⁵</p>	<p>Food-sharing programs often represent the only way some homeless individuals will have access to healthy safe food on a given day. Due to illness, disability, or a lack of access to transportation, many rely on food being distributed in areas near them. Individuals do not remain homeless because of food-sharing programs; people remain homeless for reasons such as: lack of affordable housing, lack of job opportunity, mental health or physical disability. With all of the existing barriers that prevent individuals from finding work, earning an adequate wage, affording a safe home, and caring for themselves, remaining homeless is rarely a choice at all.</p>
Myth: There are more than enough existing meal programs and they waste unused food.	
<p>When a community has a meal program, food pantry or food bank, then hunger is being addressed adequately. This belief grows stronger when the general public witnesses individuals/groups sharing food with people experiencing homelessness in public areas. People assume there must be places for low income people to eat three times a day, seven days a week.</p> <p>David Takami, the spokesman for the Seattle Human Services Department expressed this opinion:</p> <p><i>"We certainly appreciate ... their work, but this has been the case where there are a lot of meals served at one time to the same population on the same day. It creates a possible food waste issue, garbage, and in that case a rodent issue."</i></p>	<p>Nationwide, service providers are overwhelmed and often underresourced. With continual federal cuts in the Supplemental Nutrition Assistance Program (SNAP), meal programs nationwide have seen a dramatic increase in clients. As of November 1st, 2013 the SNAP budget was cut by 6%, which has increased meal programs such as Masbia, in Flatbush, Brooklyn, New York clientele by 30%.⁶ As the federal food assistance program continues to be reduced, the need for meal programs, nationwide, will only increase.</p>
Motivation: If you stop feeding them, they will disappear.	
<p>At the end of 2013, Police Captain Paul F. Broxterman from Cincinnati, Ohio stated, <i>"If you want the bears to go away, don't feed the bears."</i>⁷</p> <p>In March of 2014, one of the cities commissioners, in Key West Florida, Tony Yaniz suggested that St. Mary's Soup Kitchen, which serves hot meals daily, should cut back services by stating:</p> <p><i>"WHAT WE'VE GOT TO DO IS QUIT MAKING IT COZY. . . LET'S NOT FEED THEM ANYMORE."</i>⁸</p>	<p>There are many reasons why people are homeless, including the lack of affordable housing, lack of job opportunities, mental health and addiction, and physical disabilities. This is a multi-dimensional problem, and it should be approached in that manner. To make homelessness disappear, cities have to be creative and address all the root causes of homelessness.</p>

⁴ Grant, Andrew. "Volusia Officials Get 'Tough Love' on Dealing with Homeless." News-JournalOnline.com. 10 Jan. 2014. Web. 16 Sept. 2014. <http://www.news-journalonline.com/article/20140110/news/140119875>.

⁵ Brown, Mark. "Brown: Alderman Sees Food Truck as 'Disincentive'" 3 Mar. 2013. Web. 16 Sept. 2014. <http://www.suntimes.com/news/18608648-452/mark-brown-alderman-sees-food-truck-as-disincentive.html>.

⁶ Gnaizda, Matt. "After Cuts to Food Stamps, Demand for Soup Kitchens Swells - The Epoch Times." The Epoch Times After Cuts to Food Stamps Demand for Soup Kitchens Swells Comments. 28 Nov. 2013. Web. 18 Sept. 2014. <http://www.theepochtimes.com/n3/376286-after-cuts-to-food-stamps-demand-for-food-kitchens-swells/>.

⁷ Homeless | Letters to the Editor." Letters to the Editor Homeless Tag. Web. 16 Sept. 2014. <http://www2.cincinnati.com/blogs/letters/tag/homeless/>.

⁸ Filosa, Gwen. "Homeless Summit Gathers Leaders | KeysNews.com." Homeless Summit Gathers Leaders | KeysNews.com. 9 Mar. 2014. Web. 16 Sept. 2014. <http://keysnews.com/node/54013>.

Case Descriptions:

Restrictions on Public Property Use

One tactic used by cities to deter groups from sharing food with people who cannot afford to feed themselves is by restricting the use of public property. One way that cities limit land use is through permit requirements. Local law enforcement agencies argue that groups that share food with people experiencing homelessness often block traffic or leave behind garbage. In this section we will address the 14 cities that have recently introduced or passed laws that require organizations to acquire a permit to use public property.

CITIES WITH PROPERTY USE LIMITATIONS

PENDING APPROVAL - Total: 2

Sacramento, California

Proposed legislation:

Permits are required for activities in a county park

Proposed restrictions:

Required permits cost between \$100 - \$1,250 based on the number of people served.

4 permits will be allocated to one group each year.

Exceptions:

Groups can use picnic areas without a limit on permit frequency.

Effects:

The proposed legislation would restrict individuals who volunteer on a weekly basis.

The proposed legislation would effect the hundreds of people who experience homelessness and depend on the food-sharing program.

Current state of proposed legislation:

Jeff Leatherman, the county's regional park director agreed to reconsider the permit proposal.⁹

Fort Lauderdale, Florida

Proposed legislation:

Written consent and compliance with food-service industry standards are required to feed the homeless population.

Proposed restrictions:

Groups must have written consent from the owner of the property.

Restroom facilities must be available.

Groups must have specific equipment and a procedure in place for hand washing.

The site must be more than 500 feet away from any residential property.

No more than one food service operation license will be issued within any calendar quarter for the same street address.

Effects:

It would be challenging to meet all of the standards in an outdoor setting, therefore, food distributors may be forced to find more remote indoor locations to distribute meals. Indoors, they will be held to the food-safety standards of any food-service establishment. They will likely struggle to repeatedly serve food in a familiar location and face recurring fines each time they fail to comply with the many stringent regulations.

Reactions to the proposed legislation:

Nathan Pim, a volunteer, stated: "It seems harmless on the surface, but they're part of a series of laws that criminalizes activities homeless people need to perform in order to stay a live."¹⁰

⁹ Branan, Brad. "Homeless Advocates Object to Sacramento County's Plan for Parkway Permits - The Sacramento Bee." The Sacramento Bee. 28 Jan. 2013. Web. 16 Sept. 2014. <http://www.sacbee.com/2013/01/28/5144826/homeless-advocates-object-to-sacramento.html#>.

¹⁰ Conti, Allie. "Activists Call Fort Lauderdale's Proposed Ordinances 'Homeless Hate Laws.'" Broward/Palm Beach New Times. 15 Apr. 2014. Web. 10 Sept. 2014. http://blogs.browardpalmbeach.com/pulp/2014/04/proposed_ordinances_would_ban.php.

CITIES THAT PASSED PROPERTY USE

RESTRICTIONS IN 2013-2014 - Total: 12

Houston, Texas

Legislation:

Written consent is required to feed the homeless

Restrictions:

Groups wishing to feed the homeless must obtain permission from the city to occupy public space.

Groups also need permission from the owner to share meals on private property.

If not granted permission, groups serving meals in public places can receive a fine up to \$2,000.

Effects:

The strenuous process to obtain permission will leave the homeless population without food.

If a group's permit is denied, the impending fines could restrict them from food-sharing activities.

If groups are allowed to only share food in one location, homeless individuals who have disabilities or an inability to get to that one location, will be left without food.

Current state of proposed legislation:

In November of 2012, a coalition of 70 groups, was formed to fight the city ordinance. They were able to obtain 34,000 signatures opposing the law.

Nick Cooper, a resident of Houston stated: "A lot of people who used to serve food don't serve anymore. The groups who serve in the streets have largely continued but the individuals who were just going around giving out leftover food, those numbers have gone way down... [w]e have permission to serve in front of the downtown public library, but not for other locations... I drive around and give out bananas or whatever I have to homeless people. Under this law, I could be fined for that."¹¹

Shawnee, Oklahoma

Legislation:

Permits are needed to occupy public space

Effects:

Since permits are not being issued to organizations who share food with people experiencing homelessness in the park- they no longer apply for the permits.¹²

Costa Mesa, California

Legislation:

A plan to demolish picnic shelter in Lions Park was approved

Effects:

The homeless population has abandoned Lions Park and have migrated to the Historical Society building and the nearby condominium complex.

Reaction to legislation:

Councilman Gary Monahan stated: "That picnic shelter, it needs to go [...] as fast as we can get it done."¹³

Author, David Engwicht wrote: "As a person with paraplegia reminded me one day: 'There is an old person or disabled person in every one of us just waiting to get out... How do those on the margin get to contribute their invaluable gifts to society? Or to change the question, how does mainstream society access this diversity of life experience held in store by those on the margins? Almost exclusively through spontaneous encounters... To destroy the spontaneous encounter realm of the city is therefore to rob ourselves and the city of the contribution these people on the margin have to make... The greatness of any city can be judged by how well it integrates those on the margins into community life."¹⁴



¹¹ O'Hara, Mary Emily. "More US Cities Are Cracking Down on Feeding the Homeless | VICE News." VICE News RSS. 8 June 2014. Web. 10 Sept. 2014. <https://news.vice.com/article/more-us-cities-are-cracking-down-on-feeding-the-homeless>.

¹² Keyes, Scott. "Welcome To Shawnee, Oklahoma: The Worst City In America To Be Homeless." ThinkProgress RSS. 8 Apr. 2014. Web. 10 Sept. 2014. <http://thinkprogress.org/economy/2014/04/08/3418314/shawnee-homeless/>.

¹³ Hartman, Pat. "Everybody's Gotta Be Someplace, Part 2." House the Homeless. 2 Oct. 2012. Web. 12 Sept. 2014. <http://www.housesthehomeless.org/everybodys-gotta-be-someplace-part-2/>.

¹⁴ Engwicht, David. Street Reclaiming: Creating Livable Streets and Vibrant Communities. Gabriola Island, BC: New Society, 1999. Print.

IT'S OUR FIRST AMENDMENT RIGHT TO PRACTICE FREEDOM OF SPEECH... THAT'S WHAT WE ARE DOING AND WILL KEEP DOING.

Manchester, New Hampshire

Legislation:

Organizations can no longer share food with people experiencing homelessness on public property in Downtown Manchester.

Effects:

Food-sharing will only be permitted in residential areas .

The homeless population believes it is being singled out. The majority of the homeless population resides downtown. Individuals with disabilities or limited access to transportation will not be able to reach programs that are forced to relocate.

Reaction to legislation:

Homeless woman, Lindsay Deannesolis feels as though she is being discriminated against. She says, "Oh you're homeless. You are going to cause a problem. Not necessarily. Yeah, a lot of us are down on our luck but we're trying. We're trying to find a job."

Bill Sullivan, President of Do You Know Him? Ministries, states that moving to a residential area will only make matters worse. He states, "We can't be in a residential area. We start setting up at 6 o'clock in the morning and we have anywhere between 200-300 people and that's not a quiet group."¹⁵

Chico, California

Legislation:

A permit is required to distribute free meals in a public park.

Restrictions:

Organizations and groups must reapply for permit every three months.

There is a \$40 reservation fee extended for the three-month stint.

Effects:

Difficult application process for individuals and organizations who want to pass out free meals to people experiencing homelessness.

Permits required to share food with people experiencing homelessness are very costly.

If an organization doesn't follow the permit criteria, they could lose their permission to operate in that location.

Organizations or individuals who do not obtain a permit will potentially face heavy fines or jail time.

Reaction to legislation:

Local resident, Dave Blau said, "The park is in crisis... by approving the application... the city was "sanctioning" the homeless and others who gather in City Plaza... City Plaza is full of homeless people ... the situation is out of control."¹⁶ He continued to state that these types of services attract the homeless to City Plaza.

Member of the Chico chapter of Food Not Bombs said, "We feel that we are not a charity, we are feeding people as a protest, and that we're bringing light to social inequality... It's our First Amendment right to practice freedom of speech... that's what we are doing and will keep doing."¹⁷

Olympia, Washington

Legislation:

Organizations can no longer share food with people experiencing homelessness in a public parking lot without obtaining a permit for temporary use, obstruction or a festival event.

Effects of legislation:

Using any lot without permission could result in fines or jail time.

Hundreds of homeless individuals will be left without food each week.

¹⁵ "Homeless Advocates, City Dispute Weekend Meals, Church Group Told They Can't Serve Meals on City Property." WMUR. 17 May 2013. Web. 12 Sept. 2014. <http://www.wmur.com/news/nh-news/homeless-advocates-city-dispute-weekend-meals/20200016>.

¹⁶ Urseny, Laura. "Church Gets Approval to Feed Hungry." Chicoer.com. 8 Oct. 13. Web. 12 Sept. 2014. http://www.chicoer.com/news/ci_24262582/church-gets-approval-feed-hungry.

¹⁷ Smith, Ken. "No Permit, No Problem Food Not Bombs Decision to Feed the Hungry without a Permit Is Deliberate." Newsreview.com. 3 July 2014. Web. 12 Sept. 2014. <http://www.newsreview.com/chico/no-permit-no-problem/content?oid=13915967>.

Reaction to legislation:

Ben Charles, who runs Crazy Faith Outreach, an organization who serves 500+ meals a week to the individuals living on the street states, “We just want to create a sense of community, and that’s all we’re doing.”

A local homeless man, Alex said, “They’ve always helped me, I’m doing a lot better and they’ve been an inspiration.”¹⁸

Dave Ronal, an attorney and director of the Stiles Center for Liberty at the Freedom Foundation said, “We have a young man who is doing his best to fulfill the highest calling for both Americans and Christians to provide for people in need and the government is saying, ‘only on our terms.’ We think that is a huge constitutional problem and that is why we decided to reach out to Charles and try to help.”¹⁹

Lake Worth, Florida

Legislation:

Sharing food with people experiencing homelessness is not permitted by a “large group” in a public park.²⁰

Effects of legislation:

Lake Worth’s homeless population continues to grow. Without a public food-sharing this population has very few options.

Organizations are defying the legislation and continue to pass out meals to the homeless.

Columbia, South Carolina

Legislation:

Organizations who want to distribute food in a city park for an event must pay for and obtain a \$150 two-hour permit 15 days in advance.²¹

Nonprofits may make consecutive reservations on a month-to-month basis.

All facility reservation requests must be submitted and completely paid for by the fifth of each month to reserve all requested dates for the following month.

Effects of legislation:

The high cost to obtain a permit will deter organizations or individuals to share food in the park.

Food Not Bombs joined Christ Central Ministries to consider taking legal action against the city in order to maintain its ability to gather in the parks.²²

Medford, Oregon

Legislation:

Any individuals or organizations that wish to reserve exclusive use of an area for sharing food with people experiencing homelessness are required to obtain a six-month renewable permit through the city and will be required to remove their own trash.

Reason for change:

With the closing of Hawthorne Park, a popular hangout for the homeless, Medford’s City Council designated Railroad Park and a small parking lot as a rotating place for individuals and organizations to share food with people experiencing homelessness

Medford’s Parks and Recreation Department will spend \$900 on portable canopies to provide shade and shelter.

Temporary portable toilets will be placed at Railroad Park.

Medford’s Police Department will increase patrols during the time when individuals or organizations share food with people experiencing homelessness.

To share food in the newly designated Railroad Park, groups must obtain a permit.



¹⁸ Duicy, Luke. “Group Told to Stop Feeding the Homeless in Downtown Olympia.” KOMO News. 3 Oct. 2013. Web. 12 Sept. 2014. <http://www.komonews.com/news/local/Group-told-to-stop-feeding-the-homeless-in-downtown-Olympia-226387301.html>.

¹⁹ Thalen, Mikael. “Church Group Targeted By City For Feeding Homeless.” Storyleak. 5 Dec. 2013. Web. 12 Sept. 2014. <http://www.storyleak.com/wash-church-group-targeted-city-feeding-homeless/>.

²⁰ Thalen, Mikael. “Church Group Kicked Out Of Public Park For Handing Out Thanksgiving Dinners To Homeless.” Infowars. 29 Nov. 2013. Web. 12 Sept. 2014. <http://www.infowars.com/church-group-kicked-out-of-public-park-for-handing-out-thanksgiving-dinners-to-homeless/>.

²¹ Welcome to the City of Columbia. Web. 12 Sept. 2014. <http://www.columbiasc.net/parks-recreation/facilities/specialty-parks/other>.

²² Blake, Mike. “South Carolina City Requires Fees and Permits to Feed the Homeless.” - RT USA. 25 Feb. 2014. Web. 12 Sept. 2014. <http://rt.com/usa/south-carolina-columbia-feed-homeless-696/>.

Hayward, California

Effects of legislation:

Organizations and individuals who share food with people experiencing homelessness can no longer bring minors due to safety issues.

Location change might deter individuals from visiting the local trains and other exhibits.

Reaction to legislation:

Tammy Johnson, head of SOS Ministries, stated her concern about using Railroad Park. She said, "Railroad Park won't work for me... I can't take minors there."²³

Dale Butler, president of the Southern Oregon Live Steamers said, "If the homeless are using our parking lot, other people will say, 'We're scared to come in there... the trains and other exhibits attract hundred of visitors to the park on a given day.'"²⁴

Raleigh, North Carolina

Legislation:

No individuals or group are permitted to serve or distribute meals or food of any kind in or on any city park unless such distribution is pursuant to a permit issued by the Parks, Recreation and Greenway Director

To use the park, a single permit per-day costs \$800.²⁵

Effects of legislation:

A permit cost will restrict the number of organizations and individuals from sharing food with people experiencing homelessness.

Reaction to legislation:

Executive Director of the Shepherd's Table Soup Kitchen said, "It's very disheartening when people are being threatened with jail when they are trying to make the system better."²⁶

IT'S VERY DISHEARTENING WHEN PEOPLE ARE BEING THREATENED WITH JAIL WHEN THEY ARE TRYING TO MAKE THE SYSTEM BETTER.

Legislation:

Groups and individuals are required to obtain a permit and insurance in order to share food with people on public property.

Organizations and individuals will be restricted to sharing food with people experiencing homelessness once a month.

For the first year, the city will not charge organizations and individuals for food-sharing permits. Permit holders will be required to provide a \$500 refundable damages deposit.

Organizations and individuals will be required to get a food-training certificate from Alameda County.

The legislation does not include sharing food with people experiencing homelessness on private property.²⁷

Effects of legislation:

50-100 people experiencing homelessness will not receive food on a daily basis.

Individuals and organizations may have to cut their sharing food with people experiencing homelessness because of the costly refundable damages deposit.

Reaction to legislation:

Robert Goodwill, a gentleman who is experiencing homelessness said, "This is a bad ordinance... it's not going to solve any problems. This ordinance is only going to cause more problems."

Kevin Valley, a volunteer who shares food with people experiencing homelessness says, "Hungry people will do whatever it takes to not be hungry, so be prepared to deal with a soaring crime rate related to shoplifting."

Assistant City Manager Kelly McAdoo said, "The intent was to regulate the time, place and manner where food could be distributed."²⁸

²³ Wheeler, Sam. "Railroad Park Will Be Food Hand-out Site for Homeless." MailTribune.com. 19 Sept. 2014. Web. 1 Oct. 2014. <http://www.mailtribune.com/article/20140919/News/140919648>.

²⁴ Mann, Damian. "Railroad Park Groups Object to Homeless Feeding Plan." - Gate House. 1 Oct. 2014. Web. 1 Oct. 2014. <http://www.mailtribune.com/article/20141001/NEWS/141009986/101033/NEWS?template=printart>.

²⁵ Mehta, Hermant. "Raleigh Police Stop Local Humanists From Distributing Food to Homeless." Friendly Atheist. 28 Aug. 2013. Web. 2 Oct. 2014. <http://www.patheos.com/blogs/friendlyatheist/2013/08/28/raleigh-police-stop-local-humanists-from-distributing-food-to-homeless/>.

²⁶ "Raleigh City Leaders to Meet over Moore Square Food Flap :: WRAL.com." WRAL.com. 26 Aug. 2013. Web. 2 Oct. 2014. <http://www.wral.com/raleigh-city-leaders-to-meet-wednesday-over-moore-square-food-flap/12818647/>.

²⁷ "Parr, Rebecca. "Hayward Tightens Rules on Outdoor Food Handouts." ContraCostaTimes.com. 30 Oct. 2013. Web. 2 Oct. 2014. http://www.contracostatimes.com/news/ci_24420833/hayward-tightens-rules-outdoor-food-handouts.

Daytona Beach, Florida

Legislation:

A permit is required to share food with people experiencing homelessness on public property.

Effects of legislation:

Organizations and individuals who do not have a permit to share food with people experiencing homelessness could face severe fines and possible jail time.

Reaction to legislation:

Police Chief Mike Chitwood stated, "The ordinance is there, so if we catch you, we're going to cite you... If you want to feed people, and you want to do a good, Christian act, we encourage you to coordinate with the social service agencies."

Chico and Debbie Jimenez who run a Christian outreach group, Spreading the Word Without Saying a Word Ministry said, "We both have made a lot of good friends in the park and we are devastated that we are banned the Manatee Park forever... I am heartbroken... We are 'NOT Criminals' and feeding 'Hungry folks' is not a crime."²⁹

Richard Marbut, a consultant on people experiencing homelessness, said, "In order to facilitate graduating from the street, programs must deal with mental/behavioral health, substance abuse, job training/placement/retention and life skills... Providing food in the parks, at street corners, at beaches and behind restaurants acts to exacerbate and promote homelessness."³⁰

**WE ARE NOT CRIMINALS
AND FEEDING HUNGRY
FOLKS IS NOT A CRIME**

CITIES THAT REPEALED PROPERTY USE

RESTRICTIONS IN 2013-2014 - Total: 1

Las Vegas, Nevada

Legislation:

In 2010, gatherings up to 75 people became legal again.

The Parks and Recreation Department have fenced off all but a few sections of Baker Park.

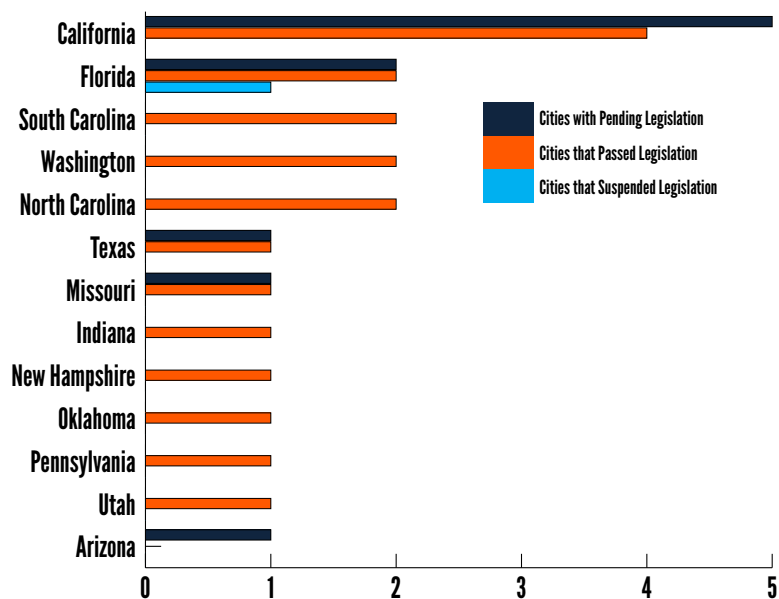
Picnic tables are only open when there is a soccer game which is rare.³¹

Effects of legislation:

Since 2010, more organizations and individuals can share food and assist more people experiencing homelessness. Due to fenced in areas, locations are however, very limited.

The lack of access to tables and shade make it very challenging for organizations, individuals and the ones receiving the direct service to comfortably share food.

GRAPH 2: LEGISLATION STATUS BY STATE



²⁸ Parr, Rebecca. "Hayward Tightens Rules on Outdoor Food Handouts." ContraCostaTimes.com. 30 Oct. 2013. Web. 2 Oct. 2014. http://www.contracostatimes.com/news/ci_24420833/hayward-tightens-rules-outdoor-food-handouts.

²⁹ Keys, Scott. "Florida Couple Fined \$746 For Crime Of Feeding Homeless People." ThinkProgress RSS. 12 May 2014. Web. 2 Oct. 2014. <http://thinkprogress.org/economy/2014/05/12/3436712/daytona-beach-feeding-homeless/>

³⁰ "Dr. Tough Love: Volusia Must Stop Enabling Homeless." NewsDaytonaBeach. 1 Jan. 2014. Web. 2 Oct. 2014. <http://newsdaytonabeach.com/dr-tough-love-volusia-must-stop-enabling-homeless/>.

³¹ Kyser, Heidi. "Whatever Happened to the Homeless Feeding Ban? - Vegas Seven." Vegas Seven Whatever Happened to the Homeless Feeding Ban Comments. 16 Oct. 2013. Web. 12 Sept. 2014. <http://vegasseven.com/2013/10/16/whatever-happened-homeless-feeding-ban/>.

Case Descriptions:

Food Safety Regulations

Five cities have recently attempted to discourage organizations from sharing food with people experiencing homelessness by forcing groups to comply with food safety regulations. Such regulations require the food must be prepared under certain conditions. For instance, many organizations' kitchens do not meet specific standards which disallow them from serving hot meals.

CITIES WITH FOOD-SHARING FOOD SAFETY LEGISLATION PENDING APPROVAL - Total: 1

Springfield, Missouri

Proposed legislation:

Council Bill 2012-323 - A new section of the code would prohibit the distribution of food on Commercial Street and in Downtown without authorization by Springfield-Green County Health Department.³²

Proposed restrictions:

There will be a no-charge authorization form that requests contact and food distribution information from individuals or organizations who want to distribute food.

Effects:

If authorization isn't granted, various individuals and organizations will be restricted from distributing food.

Reaction to legislation:

Volunteer Alvarez says, "It's a lot more sanitary for us to make a meal and take it to them than it is for them to dig through the dumpster... and that happens on a daily basis when they're not able to get a meal."³³

City Manager Greg Burris states, "We're not trying to stop these well-intentioned groups from feeding people. We are only trying to provide food safety to those receiving the food, who are also our citizens and deserve this public health service, and accountability to those providing the food."³⁴

CITIES THAT PASSED FOOD-SHARING FOOD SAFETY REGULATIONS IN 2013-2014 - Total: 4

Salt Lake City, Utah

Legislation:

A food handler's permit is necessary to prepare and serve food.

Pending change to the legislation:

Bill (HB176) would exempt volunteers from needing a food handler's permit instead volunteers will receive some sort of food safety training.

The bill passed the House and awaits final action in the Senate.³⁵

Effects of legislation:

If the pending change in the bill is not passed in the Senate, organizations have the potential to continue to lose donated meals.

This regulation also has the potential to deter volunteers.

Myrtle Beach, South Carolina

Legislation:

A permit is required to share food with people experiencing homelessness in a public park on the grounds of food safety.

Individuals or groups can share food with people experiencing homelessness on private property as long as they have the owner's permission.

Effects:

Individuals or groups who do not obtain a permit will receive severe fines and potential jail time. Acquiring a permit is very costly, which restricts the number of organizations and individuals to apply.

³²⁻³⁴ Wood, Emily. "City Wants to Make Sure Food given to Homeless People Is Safe; Volunteer Groups Object." Ky3.com. 24 Dec. 2013. Web. 12 Sept. 2014. http://www.ky3.com/news/local/city-wants-to-make-sure-food-given-to-homeless-people-is-safe-volunteer-groups-object/21048998_23594688.

³⁵ "Safety Rules Block Meals for Homeless :: The Salt Lake Tribune." Safety Rules Block Meals for Homeless :: The Salt Lake Tribune. 11 March. 2014. Web. 12 Sept. 2014. <http://www.sltrib.com/sltrib/politics/57667287-90/donated-eggert-families-homeless.html.csp>.



Pasadena, California

Legislation:

Hot meals that will be served to people experiencing homelessness must be prepared in approved locations.³⁹

Effects:

Many organizations and individuals can no longer share hot meals with people experiencing homelessness.

Volunteers and individuals who donate meals potentially cease to do so.

Case Descriptions: Community Actions to Relocate Food-sharing Events

The response to food-sharing is not always citywide; oftentimes, community groups will take the initiative to bring one local program to an end, without broader legislative support. A common attitude taken in residential areas is that people do not want to see the homeless go hungry, but they don't want food to be shared where it impacts their daily lives ('not in my backyard' or 'NIMBY'). In at least four cities, community actions have pushed food-sharing out of populated areas in response to local citizens' complaints about the various implications it brings. Since 2013, NCH documented 11 community efforts to eliminate a food-sharing program, though this method is likely implemented in a significantly higher number of locations.

Reaction to legislation:

Susan Dunn, the legal director from the ACLU of South Carolina argued: "That if food safety really was an issue, then what about things like family reunions in parks... there has never been any reports of any of the homeless people getting sick from the food..."³⁶

Dr. Bill Davis, a volunteer food distributor, stated: "You would think that the city would have something better to do with all their staff, facilities and equipment than to pick on people, who they are here to serve, who want kindness to other residents, who are so vulnerable having not enough money for even a home or food."³⁷

St. Louis, Missouri

Legislation:

Individuals and organizations can only serve pre-packaged food to the homeless unless they pay for a permit.

Temporary permit costs \$50 per event, while annual fees can run between \$150 and \$300.³⁸

Effects:

Many organizations are no longer sharing hot food with people experiencing homelessness.

**THERE HAS NEVER BEEN ANY REPORTS
OF THE HOMELESS PEOPLE GETTING SICK
FROM THE FOOD**

³⁶ Liverman, Marc. "Feeding the Homeless in Myrtle Beach Goes to Court Again." Carolina Live. 12 Mar. 2014. Web. 12 Sept. 2014. <http://www.carolinalive.com/news/story.aspx?id=1018232>.

³⁷ Bailey, Issac. "Bill Davis called to help the homeless in the Myrtle Beach area." Myrtle Beach Online. 8 Oct 2014. Web. 8 Oct 2014. http://www.myrtlebeachonline.com/2014/10/08/4526306_bill-davis-called-to-help-the.html.

³⁸ Wicentowski, Danny. "Group Can't Serve Hot Food To Homeless Without Permit, Says STL Health Dept." RFT Blogs. 4 Dec. 2013. Web. 12 Sept. 2014. <http://blogs.riverfronttimes.com/dailyrft/2013/12/homeless_hot_food_permit.php>.

³⁹ Kim, Jed. "No Home-cooked Thanksgiving Donations for Pasadena Homeless." 89.3 KPCC. Web. 12 Sept. 2014. <<http://www.scpn.org/news/2013/11/26/40619/no-more-home-cooked-donations-at-thanksgiving-meal/>>.

CITIES WITH COMMUNITY ACTIONS TO RELOCATE FEEDING PROGRAMS IN PROGRESS - Total: 7

Melbourne, Florida

Local residents' complaints:

Organizations who share food with people experiencing homelessness in public parks are leaving behind problems.

People experiencing homelessness have nowhere to go which can create problems.

Response by organizations:

In response to residents' complaints, organizations have been bouncing from park to park.

Proposed legislation:

Local residents have been encouraging the city council to adopt a large group feeding ordinance (once similar to the City of Orlando).

Ordinance would only apply to group feeding of more than 25 people within certain parks.

If any organization tries to share food with people experiencing homelessness more than twice a year, residents suggest that the city would lower their threshold to 10 individuals instead of 25.

City Council's response:

The Melbourne City Council is reluctant to go to that extreme with a city ordinance against food-sharing.

Their reluctance stems from various reports from the City of Orlando in which their food-sharing policy is in violation of freedom of religion and free speech.⁴⁰

Malibu, California

Local residents' complaints:

The homeless who attend a weekly meal at a local elementary school go to the bathroom outside and leave behind litter.

Local residents have seen an increase in crime.

Local residents are concerned about the mental state of some of the people experiencing homelessness.

Homeless individuals who show up early to the weekly meal pose a security threat to the local residents.

Response by organization:

To deal with the homeless who show up early, the organization has asked volunteers to get there earlier to greet them and staff a table in front on the school.

Proposed legislation:

Local residents propose a new location might be more appropriate for the organization who share food with people experiencing homelessness.

School district's response:

The school district has stationed a security officer on the property.

Reaction to local resident's complaints:

Hollie Packman, co-founder of Standing on Stone, the local non-profit who provides a meal every Thursday at a local elementary school states, "With the number of parents who think this is a horrible idea, there are a number of people who [believe] it's the right...idea."⁴¹

Corpus Christi, Texas

City's complaints:

The city has to clean up trash and litter after groups come and feed in public places.

The city believes that a lack of coordination among groups leads to redundancy.

Proposed legislation:

Legislation would prohibit people from feeding the homeless in public areas the parks and streets and encourage food-sharing efforts to be relocated to approved indoor locations.⁴²

⁴⁰ "City of Melbourne, Florida, Minutes-Regular Meeting Before City Council." 11 Oct. 2011. Web. 12 Sept. 2014. <http://www.melbourneflorida.org/meet/ccarchive/cc2011_1011.pdf>.

⁴¹ Butt, Ameera. "Homeless a Concern at Malibu School." Santa Monica Daily Press. 26 Sept. 2013. Web. 15 Sept. 2014. <http://smdp.com/homeless-a-concern-at-malibu-school/127437>

⁴² Ellison, Andrew. "Some Say City's Homeless Plan Goes Too Far." KRISTV.com. 28 May 2014. Web. 15 Sept. 2014. <http://www.kristv.com/news/some-say-city-s-homeless-plan-goes-too-far/>

Ventura, California

Local residents' complaints:

Ever since a local church started to share food with people experiencing homelessness, residents have found drugs, paraphernalia and people passed out.

There has been an increase in crime.

Proposed legislation:

Relocate a local church's meal program to a more ideal location.

Church's response:

Dave Christensen, one of the pastors at the Harbor Community Church says, "It's their religious right to feed the homeless... it's what Jesus would do."⁴³

Phoenix, Arizona

City complaints:

Food-sharing programs are causing an increase in trash and leaving unsanitary conditions around the neighborhood.

Proposed legislation:

Food-sharing will occur in a designated area that the police will assign.

Organizations must bring trash bags and clean up after they're finished, not just at their location, but in the surrounding streets as well.

City's response:

David Bridge, the managing director of the Human Services Campus stated. "We appreciate people wanting to help... but we want to see if we can suggest some better ways to do it, that maybe don't have such an impact on the community and the neighborhood."⁴⁴

Los Angeles, California

Local residents' complaints:

A local resident, Alexander Polinsky, said, "If you give out free food on the street with no other services to deal with the collateral damage, you get hundreds of people beginning to squat. They are living in my bushes and they are living in my next-door neighbor's crawl space. We have a neighborhood which now seems like a mental ward."⁴⁵

Proposed legislation:

Organizations will be banned from serving food to homeless people in public places.

Homeless individual's response:

Aaron Lewis, a local homeless man said, "People here-it's their only way to eat... the community doesn't help us eat."⁴⁶

Emerson Tenner said, "There are people here who really need this... a few people act a little crazy... don't mess it up for everyone else."⁴⁷

Ocean Beach, California

Local residents' complaints:

The homeless population is becoming more aggressive.

Homeless expect a hand out.

Proposed legislation:

City officials have asked local organizations to stop sharing food with people experiencing homelessness.

Organization response:

Eric Lovett, the executive director of Urban Street Angels said, "We want to help people get off the street."⁴⁸

THERE ARE PEOPLE HERE WHO REALLY NEED THIS

⁴³ Silva, Gina. "Residents Protest Neighborhood Church Feeding Of Homeless." - Los Angeles News. 18 Sept. 2013. Web. 15 Sept. 2014. <http://www.myfoxaustin.com/story/23464576/residents-protest-neighborhood-church-feeding-of-homeless>.

⁴⁴ Ye Hee Lee, Michelle. "Officials Push Programs to Help the Homeless Instead of Food Donations near Phoenix Facility." Azcentral.com. 9 Dec. 2013. Web. 15 Sept. 2014. <http://www.azcentral.com/community/phoenix/articles/20131202homeless-food-donations-best-options.html>

⁴⁵⁻⁴⁷ Keyes, Scott. "Los Angeles Considering Proposal to Ban Feeding Homeless People in Public." Nation of Change, 27 Nov. 2013. Web. 15 Sept. 2014. <http://www.nationofchange.org/los-angeles-considering-proposal-ban-feeding-homeless-people-public-1385563615-0>.

⁴⁸ Sweatte, Natasha. "Local Non-profit Won't Stop Feeding the Homeless in Ocean Beach." San Diego 6. 7 July 2014. Web. 15 Sept. 2014. <http://www.sandiego6.com/news/local/Local-non-profit-asked-to-stop-feeding-the-homeless-in-Ocean-Beach-266132931.html>

CITIES WITH SUCCESSFUL COMMUNITY ACTIONS TO RELOCATE OR SUSPEND FEEDING PROGRAMS

- Total: 5

Lafayette, Indiana

Local residents' complaints:

The free lunch at the Buttery Shelf Eatery, was scaring other local business customers away.

The homeless who receive the free lunch were often fighting, cursing, and leaving trash on the street.

Buttery Shelf Eatery response:

As of September 28th, the Buttery Shelf Eatery no longer serves free lunches due to constant complaining by other surrounding businesses.⁴⁹

Harrisburg, Pennsylvania

Local business complaints:

Deputy Chief Clerk Scott Burford said, "Citizens Bank which rents a space from the county, has complained about its ATM kiosk being turned into a "port-a-john" and said bank workers have been harassed and heckled by homeless people."⁵⁰

Legislation:

Local organizations are banned from feeding people experiencing homelessness in lots near the county courthouse and administration buildings.

Organizations response:

Liesa Burwell-Perry who directs outreach ministries for Glad Tidings Assembly of God, a church that has been serving food to the homeless behind the county building for three years, said, "They're kind of entrapping us because they don't have a solution and we don't know what to do."⁵¹

Seattle, Washington

Legislation:

Organizations must obtain a permit to feed homeless individuals outside.

Outdoor food-sharing will occur in sanctioned locations chosen by the city.

City response:

David Takami, who works for Seattle's Human Services Department said, "The main goal is to get the homeless to eat at outfits that can steer them to services that can help the get off the street."⁵²

Charlotte, North Carolina

Legislation:

Organizations are no longer allowed to share food outside.

However, Mecklenburg County will provide a building so organizations can share food with the homeless indoors.

Organizations must register, follow the rules, and commit to showing up with food regularly.

The county will provide security guards and social workers to connect the homeless to public assistance benefits.

Response to legislation:

Peter Safir, who works with people experiencing homelessness support programs for the county said, "When we started this out, we had no children, so to have 64 in one month is significant. I think it may reflect the fact that we've done is create a safe and compassionate environment."

Will, who is homeless, said, "It starts with the simple things. I'm at a place in life where I can't see past the next meal. What these people are doing is helping me move to that next level, a better life."⁵³

⁴⁹ Chew, Kristina. "Neighbors Shut Down Restaurant's Free Lunches For Homeless." Care2. 5 Dec. 2013. Web. 15 Sept. 2014. <http://www.care2.com/causes/neighbors-shut-down-restaurants-free-lunches-for-homeless.html>.

⁵⁰⁻⁵¹ Goldberg, Eleanor. "Pennsylvania Hands Down Another Controversial Homeless Feeding Ban." The Huffington Post. The HuffingtonPost.com, 23 Sept. 2013. Web. 15 Sept. 2014. http://www.huffingtonpost.com/2013/09/23/homeless-feeding-ban-pennsylvania_n_3975309.html.

⁵² "Seattle Clamping down on Homeless Feeds without Permits." Seattle Clamping down on Homeless Feeds without Permits. 18 Jan. 2013. Web. 15 Sept. 2014. <http://www.king5.com/story/news/2014/08/03/13214720/>

⁵³ Price, Mark. "City Avoids Homeless Loitering by Letting Them Use County Building for Gatherings." Charlotte News Panthers Hornets Sports Banking. 6 Oct. 2013. Web. 15 Sept. 2014. <http://www.charlotteobserver.com/2013/10/06/4370378/city-avoids-homeless-loitering.html>.

St. Petersburg, Florida

Local residents' complaints:

Homeless people are sleeping in their yard.

Homeless people are publicly urinating.

Organization response:

Temporary suspension of weekly food-sharing program.

Reaction to food-sharing program:

Dani Skrzypek, a volunteer at the Unitarian Universalist Church of St. Petersburg, said, "When you're feeding up to 150, that means there is a huge need... many are working people who are paid minimum wage that are trying to pay rent and feed a family. Money is so tight for them; to come and get a meal once a week is a huge help."

An opponent of food-sharing programs, Robert Marbut said, "In most cases, these activities are well-intended efforts by good folks, however these activities are very enabling and often do little to engages homeless individuals."⁵⁴

COMMUNITIES THAT FAILED TO RELOCATE

FEEDING PROGRAMS - Total: 2

Kansas City, Missouri

Local residents' complaints:

The meal programs and the homeless camps lead to an unacceptable level of trash, theft and vandalism.

Lack of sanitation at food distribution points.



Proposed legislation:

Required any person or agency distributing food to get a free permit acknowledging food was prepared and stored according to health department codes.

Required any person or agency distributing food to provide trash receptacles.

Required labeling of containers with the name of the distributor.

Required agencies to provide services that address the systemic causes of homelessness.

City Council response:

Assistant City Manager Kimiko Gilmore said, "It's good work [of the mobile feeding programs]... but we do need to put some controls on it."⁵⁵

Councilman Scott Wagner said, "The ordinance doesn't solve homelessness... what it has done though is raise the conversation to talk about what is it we want at the end of the day. We begin to spark that conversation."⁵⁶

Philadelphia, Pennsylvania

Legislation:

In 2012, legislation outlawed feeding of a large groups of people in city parks.

Organization response:

The ministry, The Chosen 300, sued the City of Philadelphia in federal court, challenging the city's ban on outdoor feeding. They argued the ban violated their rights to free speech and freedom of religion and were able to suspend the legislation.⁵⁷

City's response:

The city created a task force that is meant to develop new solutions. They must complete a status report every 90 days. To date, no solution has been implemented.

⁵⁴ O'Donnell, Christopher. "Church to Revive Potluck for Homeless after Suspension." TBO.com. 16 Sept. 2014. Web. 22 Sept. 2014. <http://tbo.com/pinellas-county/church-to-revive-potluck-for-homeless-after-suspension-20140916/>.

⁵⁵ Hendricks, Mike. "Critics: Homeless Charities Do More Harm than Good." Southeast Missourian. 11 Feb. 2013. Web. 15 Sept. 2014. <http://www.semissourian.com/story/1939955.html>.

⁵⁶ Ziegler, Laura. "Neighborhoods In Kansas City's Historic Northeast Move Beyond City Ordinance." Kansas City Public Media. 1 July 2014. Web. 15 Sept. 2014. <http://kcur.org/post/neighborhoods-kansas-citys-historic-northeast-move-beyond-city-ordinance>.

⁵⁷ Gregg, Cherri. "Philadelphia Gamechangers: Feeding the Hungry And Homeless - CBS Philly." CBS Philly. 15 Feb. 2013. Web. 15 Sept. 2014. <http://philadelphia.cbslocal.com/2013/02/15/philadelphia-gamechangers-feeding-the-hungry-and-homeless/>.

First Amendment Right Defense

Many cities are continuing to adopt policies that restrict or ban organizations from sharing food with people experiencing homelessness. This is especially upsetting to many faith-based organizations. For many faith-based organizations, there is a common belief that anti-food-sharing laws are violating their first amendment right.

The first amendment of the U.S. Constitution guarantees freedoms concerning religion, expression, assembly and the right to petition. It forbids Congress from both promoting one's religion over others and also restricting an individual's religious practices. It guarantees freedom of expression by prohibiting Congress from restricting the press or the rights of individuals to speak freely. It also guarantees the right of citizens to assemble peaceably and to petition their government.⁵⁸

This idea serves as an important precedent for beating food-sharing bans. In Albuquerque, New Mexico three individuals filed a civil lawsuit against the city stating the police had violated their first (the right to exercise their faith freely) and fourth amendment (lack of warrant for unreasonable search and arrest) rights. The three individuals won their case, leaving the city to pay over \$120,000 in settlement. This is precedent for other faith-based groups and their commitments to serve underserved populations.

Albuquerque, New Mexico

Individuals and/or organizations:

Alfonso Hernandez and two others were feeding homeless people when an officer approached them demanding to see a permit.

Violation:

Mr. Hernandez and the others were charged with: inciting a riot, refusing to obey an officer, resisting arrest, and failure to have a permit

Offender's defense:

Each of the individuals filed civil rights lawsuits against the City of Albuquerque claiming their first and fourth amendment rights were violated

Verdict:

The charges were dismissed and Hernandez received a \$45,000 settlement from the civil rights lawsuit. His two partners each received \$40,000.

Reaction to verdict:

Hernandez said, "This should send a message out that they can exercise their faith freely... they don't have to worry about the city hassling them."⁵⁹

Dallas, Texas

Individuals and/or organizations:

Rip Parker Memorial Homeless Ministry and the Big Heart Ministry

Violation:

Noncompliance with the City of Dallas's ordinance regarding food-sharing.

Offenders' defense:

Claimed the city food-sharing restriction ordinance violated their biblical duty to feed and comfort the hungry while spreading the gospel.

Verdict:

After six years, U.S. District Judge Jorge Solis found that the city's food sharing restriction ordinance was in violation of the Texas Religious Freedom Restoration Act

⁵⁸ "First Amendment." LII / Legal Information Institute. Web. 15 Sept. 2014. http://www.law.cornell.edu/wex/first_amendment.

⁵⁹ Lohmann, Patrick. "Homeless Food Case Cost Albuquerque \$120,000." Albuquerque Journal. 12 Aug. 2013. Web. 15 Sept. 2014. <http://www.abqjournal.com/245721/news/homeless-food-case-costs-city-120000.html>.

Reaction to verdict:

Their attorney said, “The ruling means relief organizations throughout the city can continue to provide critical services to its most vulnerable residents.”⁶⁰

Birmingham, Alabama*Individuals and/or organizations:*

The Lord’s House of Prayer – Rick Woods

Violation:

Distributing food without a permit or food truck

Response to violation:

Despite the violation and permits required, Rick Woods plans on continuing to feed and pass out water to the homeless population

Woods, in response to the city’s reaction to the homeless, says: “I’m just so totally shocked that the city is turning their back on the homeless like that... It’s like they want to chase them [homeless] out of the city. And the homeless can’t help the position they’re in. They need help.”⁶¹

Santa Monica, California*Individuals and/or organizations:*

Rabbi Shlomo Cunin of the Chabad West Coast Headquarters was charged \$300 in fines for attempting to feed the homeless.

Violation:

Obstruction of vision (handicap placard hanging in the rear-view mirror)

Parking in a bus zone

In response to violation:

Rabbi Shlomo Cunin believes he was targeted and is going to take his case to court.⁶²

Success Stories

Despite the trend of cities food-sharing restrictions, there are many examples of positive ways hunger is being addressed around the country. These examples include collaboration between cities and local social service providers and alliances to combat hunger among the homeless population.

St. Augustine, Florida: Dining with Dignity

Since November 2010, volunteers from more than 30 local faith-based communities and civic organizations have made meals seven nights a week. Over time, the organization faced increased pressure from local business and city leaders to find a more permanent location to serve their meals. Long time volunteers teamed up with the City Manager to locate and secure a property downtown. Through community partnerships, the organization acquired serving tables, card tables, chairs, a storage shed, a canopy, and solar lighting. Today, Dining with Dignity serves between 60 and 100 people every evening. Since November 2010, the program has served more than 100,000 meals which cost more than \$350,000.⁶³

Miami, Florida: 4MK

Based in Miami, 4MK produces and performs rock, hip-hop, soul and reggae music with lyrics about spreading love. Bellafonte, the founder of 4MK, inspiration came from a man he saw every day on his way home from work. Bellafonte, says,

The goal of 4MK is to get people to feel good about giving and to inspire people listening and watching. 4MK performs every three months doing food flash mobs, performances in public spaces, and random acts of kindness flash mobs. Since its inception in 2012, the flash mob has exploded in popularity with people from London, Mexico, France, and around the U.S. all making an effort to attack poverty.⁶⁴

⁶⁰ Wilonsky, Robert. “Federal Judge Rules That Dallas’ Homeless Feeding Ordinance Violates Ministries’ Religious Freedoms.” City Hall Blog. 28 Mar. 2013. Web. 15 Sept. 2014. <http://cityhallblog.dallasnews.com/2013/03/federal-judge-rules-that-dallas-homeless-feeding-ordinance-violates-ministries-religious-freedoms.html/>.

⁶¹ “Birmingham Food Truck Ordinances Blocking Local Church Groups from Feeding the Homeless.” ABC3340. 29 Mar. 2014. Web. 15 Sept. 2014. <http://www.abc3340.com/story/25108865/birmingham-food-truck-ordinances-blocking-local-church-groups-from-feeding-the-homeless>.

⁶² “Rabbi Believes He Was Targeted By Authorities For Helping Homeless - CBS Los Angeles.” CBS Los Angeles. 25 Mar. 2014. Web. 15 Sept. 2014. <http://losangeles.cbslocal.com/2014/03/25/rabbi-believes-he-was-targeted-by-authorities-for-helping-homeless/>

⁶³ “Meal Program Serves Homeless Community.” StAugustine.com. 8 June 2014. Web. 15 Sept. 2014. <http://staugustine.com/living/sunday-life/2014-06-08/meal-program-serves-homeless-community>.

The Right to Food

In 1996, at the World Food Summit in Rome, participants from the highest level of government from over 185 countries, requested that the right to food be recognized in the 1948 Universal Declaration of Human Rights, and be protected in the International Covenant on Economic, Social and Cultural Rights. The Universal Declaration of Human Rights states that the right to food protects the right of all human beings to feed themselves in dignity, either by producing their food or by purchasing it.

As a result of this proposal many initiatives came into being. In 1999, the UN Committee on Economic, Social and Cultural Rights (ESCR) adopted General Comment No. 12 on the right to food. The ESCR defines the right to food as, the right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. In 2000, the mandate of the Special Rapporteur on the right to food was established by the Commission on Human Rights. They define the right to food as, the right to have regular, permanent and unrestricted access, either directly or by means of financial purchase, to quantitatively and qualita-

tively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures physical and mental, individual and collective, fulfilling and dignified life free of fear. Lastly in 2003, the United Nations Organization for Food and Agriculture developed guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.⁶⁵ The Right to Food has been recognized as an international human right for many years, however, not until November, 19th, 2009 did the United States and the Obama administration join the consensus on the Right to Food.⁶⁶ Many would say the reason for such hesitation by the US government to join the rest of the world is that, since the Cold War, the United States has distanced itself from social and cultural rights. On the domestic level, critics would say that the right to food is not protected by the US Constitution and it doesn't fit with our culture.⁶⁷ With a new position on the right to food, food scarcity and malnourishment will hopefully become part of international domestic conversations.

⁶⁴ Davidov, Shelly. "Feed the Homeless Flash Mob to Hit Downtown, Overturn." Miami NewTimes Blogs. 28 March 2014. Web. 15 Sept. 2014 http://blogs.miaminewtimes.com/cultist/2014/03/feed_the_homeless_flash_mob_to.php.

⁶⁵ "Right to Food - Olivier De Schutter | United Nations Special Rapporteur on the Right to Food." Right to Food - Olivier De Schutter | United Nations Special Rapporteur on the Right to Food. Web. 16 Sept. 2014. <http://www.srfood.org/en/right-to-food>.

⁶⁶ "Explanation of Position by Craig Kuehl, United States Advisor, on Resolution L.30, Rev. 1 - The Right to Food, in the Third Committee of the Sixty-fourth Session of the United Nations General Assembly." Explanation of Position by Craig Kuehl, United States Advisor, on Resolution L.30, Rev. 1. 19 Nov. 2009. Web. 16 Sept. 2014. <<http://usun.state.gov/briefing/statements/2009/132187.htm>>.

⁶⁷ "The United States and the Right to Food." Righting Food. 17 Nov. 2013. Web. 16 Sept. 2014. <http://www.rightingfood.com/united-states-right-food/>.

Policy Recommendations

NCH recognizes that legislation regarding the treatment of people experiencing homelessness is predominately managed at the municipal level and varies greatly throughout the nation. For this reason, it is important for state and local communities to determine what protections are already in place and their goals for proposing civil rights legislation to protect the homeless population. Collaboration is often the most successful manner in which to push change. NCH offers recommendations for coordinating collaborative efforts, and for introducing protective local, state, and federal legislation.

Coalitions and Alliance Formation:

Recommendations:

- Educate the populace about homelessness, malnourishment, and food-sharing restrictions and laws
- Find like-minded groups and individuals to create a strategy for broader public education and lobbying efforts

When it comes to social change, education is always the first step. There are a lot of misconceptions surrounding the causes of homelessness. By presenting the facts and encouraging individuals to be compassionate and open-minded, activists can defeat the stereotypes and myths that lead people to take unjust actions against the homeless population, like food-sharing bans. Without education, this movement of criminalizing compassion will become a pandemic across the US.

State and Local Advocacy:

Recommendations:

- Increase homeless outreach to federal nutrition programs (SNAP, WIC and child nutrition programs)
 - *Participation rates among the homeless population in these programs are relatively low, state and local authorities should increase outreach and enrollment in benefit programs.*
- Increase the number of caseworkers dispatched to shelters and food-sharing programs to assist the homeless population navigate the application process for federal nutrition programs
- Eliminate work requirements that often prohibit people experience homelessness from receiving SNAP benefits
- Add homelessness to the city, county, or state anti-discrimination laws
 - *If cities/counties and states include homelessness to their anti-discrimination act, barriers to receive benefits will be mitigated*
- Cities/counties and states should adopt a Homeless Bill of Rights or a Homeless Protected Class Resolution as promoted by the National Coalition for the Homeless
 - *Passed in Rhode Island, Connecticut, Illinois, and Puerto Rico*

Advocacy at the Federal Level:

Recommendations:

- Expand federal funding for federal nutrition programs
 - *47 million Americans receive food assistance, but without funding, many would go hungry*
 - *The Senate Democratic version of the farm bill would cut SNAP by \$4 billion over 10 years while the House Republican version would slash them by \$40 billion*
- Provide incentives for states that actively expand SNAP benefits to more homeless individuals
- Eliminate barriers such as the work requirement on SNAP applications
- Remove clauses that prohibit people convicted of drug-related felonies from receiving SNAP benefit
- Increase funding to shelters, food-sharing programs, and organizations that provide food to people experiencing homelessness

Conclusion

Since 2013, 31 cities across the United States have attempted to pass new laws that restrict organizations and individuals from sharing food with people experiencing homelessness. Those who do not comply with these restrictions can face hefty fines and possible jail time. Since 2009, the United States aligned with 185 nations to protect citizens from facing hunger. Laws and restrictions of this sort violate that right. These laws also disregard the First Amendment right of religious organizations to exercise their faith and assist their less-fortunate neighbors.

Homeless individuals are susceptible to a large number of health concerns and often require additional assistance to maintain relatively healthy lifestyles. Nutritional support can help them stay out of the emergency health care system and focus on measures to escape homelessness.

Budget cuts and criminalization efforts are misdirected, narrow in scope, and neglect to make long-term policy changes that work to eradicate homelessness.. Limiting access to food will likely leave many hungry and with few alternatives for finding adequate nutrition.



This statue, "The Breadline" by George Segal, is located at the Franklin Delano Roosevelt Memorial in Washington, D.C.

APPENDICES

APPENDIX A: Supplementary Information from the National Law Center on Homelessness and Poverty

APPENDIX B: Sources

APPENDIX C: Index of Cities Cited

Appendix A: Supplementary Information

The National Law Center on Homelessness and Poverty completed a report in 2014 entitled *No Safe Place: The Criminalization of Homelessness in U.S. Cities*. In this report, the organization documented 12 instances of food-sharing practices being restricted that were not included in this report. These cities include

- Baltimore, Maryland
- Cedar Rapids, Iowa
- Covington, Kentucky
- Davenport, Iowa
- Dayton, Ohio
- Denver, Colorado
- Gainesville, Florida
- Indianapolis, Indiana
- Jacksonville, Florida
- Orlando, Florida
- Palm Bay, Florida
- Tampa, Florida

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