



April 3, 2020

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Dear Mr. Fraley,

I write on behalf of Chicago Coalition for the Homeless (“CCH”), the National Law Center on Homelessness & Poverty (“Law Center”), Legal Council for Health Justice, Uptown People’s Law Center, Shriver Center on Poverty Law, South Loop Campus Ministry, ONE Northside, ACLU Illinois, and other signatories to inform you that recent guidelines released by the Centers for Disease Control and Prevention (“CDC”) state that homeless encampments should not be evicted during the COVID-19 pandemic unless the city can offer individual housing units to people experiencing homelessness. We urge you to immediately commit to a moratorium on sweeps at areas where homeless people live—cleanings that require people to move their property and/or be present in order to make sure their property is not disposed of, to comply with these guidelines. See <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>. This step is necessary to curb the spread of the virus and to protect against avoidable hospitalization and death among both housed and unhoused people. These steps are consistent with CCH’s recommendations that we previously shared with you. <https://www.chicagohomeless.org/cch-recommendations-for-a-state-and-local-government-response-to-covid-19-among-people-experiencing-homelessness/>

According to the CDC, COVID-19 primarily spreads from person-to-person, between people within six feet of each other and droplets that are expelled when a person infected with COVID-19 coughs or sneezes. Recent reports indicate that homeless individuals infected by COVID-19 would be twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than the general population. See [https://endhomelessness.org/wp-content/uploads/2020/03/COVID-paper\\_clean-636pm.pdf](https://endhomelessness.org/wp-content/uploads/2020/03/COVID-paper_clean-636pm.pdf). To prevent contracting and transmitting COVID-19, people are encouraged to wash their hands properly and frequently, avoid close contact with others, and to stay home if they are feeling sick.

For people experiencing homelessness, options for following these recommendations are extremely limited. There are too few private housing and shelter options available, even as the pandemic continues to grow worldwide, and congregate shelter settings do not allow for

recommended social distancing, air circulation, and sanitation necessary to stem the spread of the virus. Displacing encampment residents from their private tents – where they can self-isolate – to crowded congregate shelters will create a breeding ground for COVID-19 and rapidly increase the number of people requiring hospitalization and intensive care.

Instead, the CDC advises that **communities should not clear any encampments unless they can provide individual housing units for those displaced.** The rationale for this recommendation also applies to clearance of vehicles through towing and impoundment which, like tents, represent many unhoused persons' best options for sheltering in place and social distancing. In response to the health concerns that put homeless people and city employees at risk, the cities of San Jose and Oakland, California paused sweeping of sites where homeless people live. Chicago should follow suit. <https://www.kqed.org/news/11807409/coronavirus-what-bay-area-counties-are-doing-for-homeless-residents-and-how-you-can-help>

For many years, CCH has been monitoring street sweeps in the City of Chicago. In the past few months, we have witnessed City crews threaten to ticket people for sleeping on the sidewalk in Uptown, force elderly and disabled people to move their property in the middle of the winter for no apparent reason, bulldoze a tent city while seizing tents that looked almost new and recently occupied, and attempt to seize the tent of a homeless man who was present and asserting that the tent belonged to him. Over the years, we have found that the City's sweeps tend to "ramp up" in the Spring and have resulted in the loss of important personal property, essential medications, personal documents, and items necessary for keeping warm and dry.

In response to notices posted for a street cleaning under the Wilson viaduct on March 23, 2020, we contacted Alisa Rodriguez of the City's Department of Family and Support Services ("DFSS"), and were informed by her that homeless people would not be required to move their property during that street cleaning. We appreciate this response, but there have been repeated occasions where DFSS told us one thing about what would happen during a cleaning—for example, that tents would not be thrown away—while the Ward Superintendent or Streets and Sanitation workers would insist that they were taking tents, or simply had not gotten the message. Moreover, the DFSS HOP team is not always present during cleanings, and often arrives well after cleaning crews and police.

Another cleaning notice has been posted in Uptown for Monday, April 6<sup>th</sup>, indicating that the City intends to continue its usual street cleanings activities in areas where homeless people live during the COVID-19 crisis. While trash pick-up is essential and necessary, it should be limited to items homeless residents have placed in trash receptacles or otherwise designated as garbage. Given the City's past unpredictability during cleanings and inconsistent messaging across the many departments involved (DFSS, Streets and Sanitation, Chicago Police, Chicago Department of Transportation, and the Chicago Park District) we require further assurance that people experiencing homelessness 1) will not be required to move, 2) will not be threatened with loss of their property, and 3) will not need to be present or have any contact with City workers during upcoming cleanings.

Moreover, the CDC recommends installing hand-washing stations, portable latrines, and other sanitation services for unhoused people near the areas where they are located outside. While the

City has placed portable handwashing stations at some locations, it did not respond to our requests for portable latrines. As a result, CCH offered to pay for these essential services. We urge the City to act with the utmost urgency in accepting CCH's offer, or take it upon itself to fund this sanitation and humanitarian need. With the passage of the federal CARES Act, which allows for reimbursement of costs already incurred in response to the COVID-19 crisis, there is no excuse for not implementing these approaches immediately.

Chicago should also place an immediate moratorium on enforcement of laws or policies criminalizing homelessness, such as laws against camping, storage of goods on the public way, or sleeping in or residing in one's vehicle, as well as any parking ordinances which may result in people's vehicle shelters being towed and impounded. These laws are always ineffective at reducing homelessness, wasteful of limited public resources, and are often unconstitutional.<sup>1</sup> But, during the COVID-19 crisis, these laws also risk putting more people into jails and detention settings where the risk of COVID-19 spread is also extremely high, which is why many communities are already taking steps to release individuals charged low-level crimes such as the ordinances criminalizing homelessness. See <https://www.prisonpolicy.org/virusresponse.html>.

We urge you to follow the CDC recommendations as well as the Law Center's Encampment Best Practices and Procedures found in the Tent City Report to combat the spread of COVID-19 among people experiencing homelessness. This is not a matter of charity, but of public health that will not only benefit people experiencing homelessness, but the housed members of your community who will have hospital beds available to them when they need them, instead of having those beds unnecessarily occupied by people who were swept from encampments and subjected to increased risk of infection. We hope to continue working with you to develop and implement solutions that work for everyone. Please respond to our requests by contacting Community Lawyer Diane O'Connell at 312-720-1800.

Sincerely,

Diane O'Connell  
Community Lawyer, CCH

Tristia Bauman  
Senior Attorney, NLCHP

Kate Walz  
Director of Housing Justice  
Shriver Center on Poverty Law

Alan Mills  
Executive Director  
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<sup>1</sup> In September 2018, the Ninth Circuit Court of Appeals held in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018) that "the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." It ruled that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." On December 16, 2019, the Supreme Court declined to review the 9th Circuit's decision, leaving the ruling in place, making it the law of the land in the 9<sup>th</sup> Circuit and persuasive precedent elsewhere.

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