

SALEM CITY GOVERNMENT

Downtown stakeholders split on ordinance to restrict sitting, lying on sidewalks

Businesses and proponents of the proposal embrace it as protection. Homeless service providers and advocates worry it would inflict harm on the homeless and sweep them away from services, possibly into more dangerous situations.

By Troy Brynelson — Salem Reporter September 4, 2019
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Robert Stone, of Cheyenne, Wyo., sits outside near a coffee shop in downtown Salem. The homeless Salem resident said he would "probably" be impacted by a proposed ban on sitting or lying down on public rights of way. (Troy Brynelson/Salem Reporter)

Those who provide safety nets for Salem's homeless residents are careful when they talk about a city proposal to ban people from sitting or lying on sidewalks during the daytime.

Their organizations may not be against the idea, but they aren't praising it, either.

"We're not allowed to permit or endorse a particular resolution," said Jimmy Jones, executive director of the Mid-Willamette Valley Community Action Agency. "We do have concerns about what the outcomes might be."

Carefully worded language about the "Sidewalk and Public Space Ordinance" will likely headline the first planned public forum on the ordinance, nearly two months after staff proposed the 7 a.m. to 9 p.m. ban.

The forum will be hosted at Union Gospel Mission of Salem starting 5:30 p.m. Wednesday. The forum aims to teach more about what ordinance does and doesn't do,

and give people a chance to make comments, the city said in a press release last week.

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The ordinance has not yet gone before Salem City Council. Urban Development Director Kristin Retherford said there is "no timetable" yet to put it before Salem City Council.

"We have not put it into an agenda yet," she told Salem Reporter on Friday.

Businesses and proponents embrace the ban as protection. The new law is a needed shield, they say, from the current state of affairs that leads to sleeping transients, human waste and disrupted commerce.

Others, like Jones, worry a new city law would inflict harm on homeless residents, sweeping vulnerable people away from services and possibly into more dangerous situations.

In addition to the sidewalk ban, the ordinance bans makeshift structures at all hours and bans people from leaving personal property unattended on public property for more than 24 hours.

A first violation leads to a warning. A second violation leads to expulsion from a certain area — such as Salem's downtown — although people can still use shelters, day centers and other services. A third violation can lead to a charge of criminal trespass.

Any impact will be felt most starkly in downtown Salem, where tensions flare due to the proximity of both businesses and homeless service providers like The ARCHES Project, HOAP's Day Center and the Union Gospel Mission of Salem.

Jones said homeless residents with the highest needs orbit those centers. He worried the ban will distance them from the center, possibly sending them into residential neighborhoods or to tougher homeless camps.

“If they’re going to be excluded from it, they’re going to be pushed into areas more dangerous for them,” he said. “Their behaviors are probably going to trigger some encounters there.”

The ordinance as proposed allows people, even if they are excluded from downtown, to still access those services. It also allows them to sleep when the ban isn’t in effect – after 9 p.m. and before 7 a.m.

But that caveat doesn’t instill confidence in Jones and other providers. Paul Logan, CEO of Northwest Human Services, worried the ordinance would only open the door for harassment. He suggested an excluded person en route to a service provider downtown could get arrested by an unwitting police officer.

“I don’t think we can fix this problem through ordinances,” he said.



A sign posted outside a former downtown coffee shop on Liberty Street. Current codes already allow business owners to remove

Homeless service providers have been careful to keep their distance from the city proposal, according to Logan. He said they turned down the city's invitation to speak at the forum out of concern it would appear they endorsed it.

"We said 'Wait a minute, that's a mistake,'" said Logan, who won't attend the forum. "Several of us said 'That's misleading. Come on guys.' I'm not here to support the sit-lie ordinance and that would de facto appear I might be."

That was nearly a month ago, Logan said.

Dan Clem, executive director of UGM, said his board has not taken a position on the ordinance, despite hosting the forum.

Clem said he hoped the ordinance didn't lead to over-policing if it passes but said it still wouldn't be resolve downtown businesses' concerns.

"The ordinance is not a Draconian measure, but in fact it's only a small part of what's needed to change their lives and change how downtown works," Clem said.

Owners of Glance Optics and Eyewear at 330 Court Street are willing to take any change no matter the size or shape. Current policies, they said, have already left a mark: a scorch mark from a fire in the store's entryway that appeared this year.

"Our experience with vagrancy around our store, trespassing and damage is the worst now that it has been in 17 years," said co-owner Bob Martinsson.

He said employees have had to clear human waste in that entryway, and customers fear going inside if it means passing by someone sleeping.

“Take a 65-year-old woman. She might turn the corner and say, ‘Oh I don’t know if I want to walk past that person,’ because she’s uncertain,” he said. “Why is a taxpaying, productive resident not feeling safe walking down the sidewalk? That should never happen.”

Martinsson added that he supports the ordinance because it helps businesses, and said he doesn’t hold a personal position about homeless people by and large.

“I can have sympathy for a person’s economic state of affairs and still not want them to negatively impact my business,” he said. “It’s impacting our business.”

Maria Palacio, owner of Olson Florist at 499 Court Street, echoed that sentiment.

“Let me tell you we have all the sympathy in the world for homeless people. We know many of them are veterans some of them are mentally unstable. They are suffering, that is not in question,” she said.

“But unfortunately the situation has become so prevalent that it’s scaring customers because people sometimes – here on the corner of Court and High, at 11 o’ clock, 12 o’ clock – they’re still sleeping on the sidewalk. It’s very difficult. Sometimes they stay by our door and leave all kinds of trash,” she said.

That there are problems downtown isn’t disputed by many homeless, according to Lynelle Wilcox, a social worker and a vocal advocate for people with disabilities, but she said the sidewalk ban is too punitive.

“Consequences already exist” for trespassing, littering, disorderly conduct and other violations, she said. “Even individuals who are homeless agree some behaviors are not acceptable, but there’s already consequences those perspectives.”

Robert Stone, a homeless resident who talked to Salem Reporter, said he would “probably” be impacted by the ordinance because he is often downtown for hours, holding signs protesting fake news and some federal government conspiracies.

But Stone was blunter in his views on the ordinance. He said the city does need to do something, if that means more policing or more services like case management and housing.

“Start getting some housing,” he said. “Go talk to that drunk who makes \$750 a month (in government aid) and ask ‘Why are you on the street?’”

Then he said, “It’s just all organized chaos.”

Have a tip? Contact reporter Troy Brynelson at 503-575-9930, troy@salemreporter.com or @TroyWB.



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