

Memorandum



DATE: March 20, 2015

TO: Honorable Members of the Public Safety Committee: Sheffie Kadane (Chair), Adam Medrano (Vice Chair), Dwaine Caraway, Jennifer S. Gates, Sandy Greyson, Scott Griggs

SUBJECT: **Homeless Feeder Ordinance**

On Monday, March 23, 2015 you will be briefed on the Homeless Feeder Ordinance. The briefing materials are attached for your review.



Eric D. Campbell
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Homeless Feeder Ordinance

Public Safety Committee
March 23, 2015



www.dallaspolice.net

David O. Brown
Chief Of Police

Purpose

- Background Information
- Goals
- Ordinance History
- Training Opportunities

Background Information

Ordinance has recently changed as a result of a ruling in Big Hart Ministries Association Inc., et al. v. City of Dallas, Case No. 3:07-CV-00216-P

Goals

- Foster a safe environment for the homeless and those providing food while ensuring compliance with state law and city ordinances
- Increase awareness of issues surrounding street-feeding to ensure the peace and safety of the providers, the recipients, and the public
- Reduce quality of life violations surrounding street-feeding

Ordinance #26023 - Dated 6/8/05

City Council enacted ordinance to safeguard public health and to ensure provided food is safe, unadulterated, and honestly-presented

Ordinance #26556 - Dated 1/12/07

Section 17-1.6. (a) 5 provided a defense to prosecution for churches, civic, or other charitable organizations to distribute food to the homeless if certain criteria was met.

Ordinance #26556 - Dated 1/12/07

- Feed only in designated areas
- Required to get advanced permission from property owners before feeding on their property
- Provide portable toilets and hand-washing facility for servers
- Attend city-sponsored food safety training class



Ordinance #26556 - Dated 1/12/07

- Furnish equipment for waste and wastewater
- Maintain food in a temperature controlled storage
- Transport food in clean conveyance and served within four hours
- Pre-registration with the city required



Business/Resident Concerns Surrounding Street-Feeding

- Feeding on private property without consent
- Littering in the community / trash disposal
- Blockage of public streets
- Lack of restroom facilities
- Blocking of public sidewalks



Department's Past Response

- Ensure safety of location
- Confirm there is no trespassing on private property
- Identify the feeder group and it's leadership
- Remain at the location to maintain order
- Ensure trash is properly discarded
- Document in an information report only

Advocates Concerns

- Ordinance restrictions prevented feeding operations from occurring at sites with greatest need
- Threat of expensive fines for violations of non-registration
- Adopted policies that were not reasonable to assist the homeless
- Interfered with the right to exercise religion

Court Ruling

- March 2013, District Judge ruled ordinance violated plaintiffs rights under the Texas Religious Freedom Restoration Act
- Ruling prevents government from doing anything that might “substantially burden a person’s free exercise of religion”
- City can still enforce state law regarding littering, trespassing, street blockage and etc.

Ordinance #29595 - Dated 12/2/14

- New Ordinance Effective - **12/13/2014**
- Requires persons furnishing food to the homeless to send a notice to the Director of Code Compliance via mail, facsimile, or electronic mail to:

The Department of Code Compliance
3112 Canton Street, Suite 100
(214) 670-5708 phone
(214) 670-3652 fax

FeedTheHomeless@dallascityhall.com

or via the City's 311 call center

Notice Information

- Give at least a 24 hour pre-notice if anticipated to serve more than 75 people at one location
- Provide notification within 48 hours after serving fewer than 75
- Furnish street address where food was or is anticipated to be served

Notice Information Cont.

- Approximate number of food preparers and servers
- Estimate number of individuals that were or will be served
- Include the name of the individual or organization serving or distributing food
- Document the date and time when food was or will be served or distributed

Provisions for Feeding

- Individuals (or persons from an organization) must attend a free city-sponsored food safety training (offered monthly) class if they have not taken a certified food handler class within 24 months

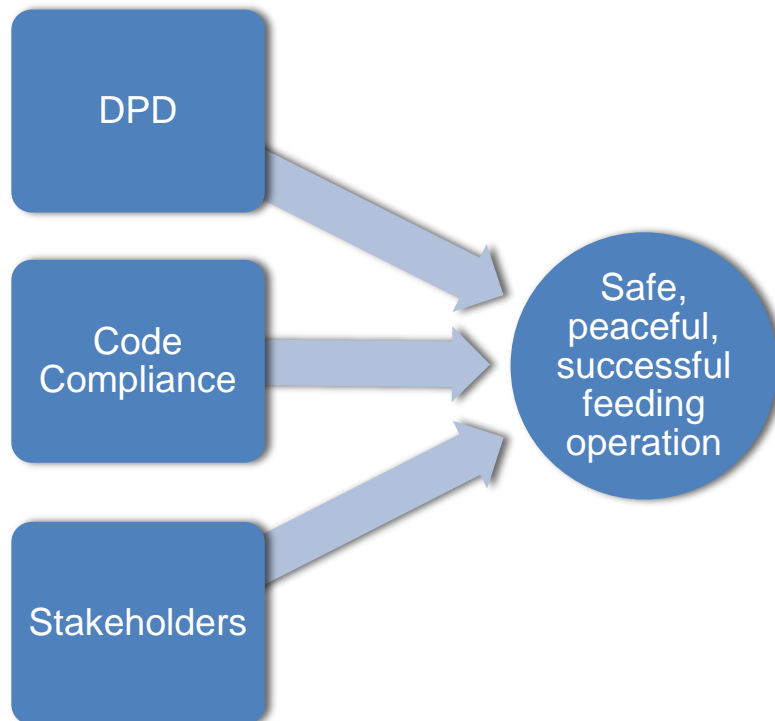


- Transport and serve food within 4 hours of preparation
- Utilize hand sanitizer containing at least 70% alcohol or disposable gloves

Provisions for Feeding

- Supply equipment to collect wastewater, if any
- Make trash bags available to dispose solid waste, trash and or debris from the feeding site

DPD and Code Compliance Partnership



- Created an email notification system that will notify DPD and Code of planned street-feeding
- Dispatch officers to monitor Quality of Life concerns
- Address any food handling issues that may arise
- Take necessary action to ensure a safe feeding

Training Opportunities

- Conduct ordinance training for Central, CBD and Code Enforcement officers
- Meet with Community Stakeholders to discuss their concerns
- Update charitable organizations and or individuals on new feeding provisions
- Provide informational pamphlets regarding frequently asked questions related to feedings



Questions?