

MADISON STREET MEDICINE

Decriminalizing homelessness in Madison

What MSM has done so far and what else needs to be
done



purpose

Homelessness is a protected class in Madison

"The practice of providing equal opportunities in housing, employment, public accommodations and City facilities is a desirable goal of the City of Madison" Ordinance 39 (Equal Opportunity)

However city ordinances make experiencing homelessness illegal

This presentation will highlight ordinances that MSM has identified as criminalizing the experience of not having a home

MSM's goal is to write reports to encourage alders to remove/review these ordinances

23.07.b: Penalty enhancer for unlawful trespassing

- “No person shall possess or use items commonly associated with sleeping or habitation, including but not exclusively, beds, mattresses, sleeping bags, bedrolls, blankets, pillows, sheets, quilts and comforters on the property of another without the permission of a person lawfully upon the premises.”

- ORDINANCE PROVISIONS
 - unlawful trespassing, specifically lying down/habitation on property of another
 - section b specifies a penalty enhancer for possessing items associated with habitation (sleeping bags, bedrolls, pillows, etc.)
 - \$300 max
- WHAT MSM HAS WORKED ON
 - did open records request and found that the penalty enhancer had not been used in several years
 - wrote [report](#) and sent it to various alders to sponsor the removal
 - still working out where we stand post election

11.03: Motor Bus

Shelter Lawful Use

- “No person shall enter or remain in a bus shelter or at a transfer point except while actually waiting for the arrival of the next scheduled bus routed to the person's destination or except while having business to attend to in connection with waiting for a bus.”

• ORDINANCE PROVISIONS

- can't remain at bus shelter/transfer point unless actually waiting for a bus or in an emergency
- \$200 max

• WHAT MSM HAS WORKED ON

- has not started work with this ordinance but it is next on our list
- we anticipate that this will be harder to repeal

**8.26:
temporary
structure w/o
permit**

- Any temporary structure in a park without a permit will be penalized and will be removed at the owner's expense
- \$200
- “No person, group or corporation may erect, build, maintain or store any temporary structure in any City park without first paying a fee and receiving a permit to erect, build, maintain or store same.”

**8.265: lodging
in parks
prohibited**

- Evidence of lodging includes bedrolls, personal belongings, other items associated with habitation
- \$200
- “It shall be unlawful for any person to lodge, to live in for a time, or to take habitation in any portion of a public park within the City of Madison. **Evidence of lodging shall include but not be limited to bedrolls, mattresses, blankets, cooking utensils, clothing, and other personal belongings.**”

24.12:

Panhandling Prohibited

- Panhandling prohibited
 - in Central Business District
 - at intersections
 - in front of cafes
 - near liquor stores
 - at ATMs
- \$500

24.12:

Panhandling

Prohibited

- at the very least MSM wants to change the upsetting language present in this ordinance
 - "...ensuring that residents and visitors are able to walk unobstructed in this area without being stopped and asked for a handout."
 - "...City has received regular complaints from businesses and residents of the Central Business District on the deleterious effect of panhandling in the area."
 - "The City has determined that a significant number of individuals that request handouts, turn around and use the donated money to purchase alcohol. By eliminating the ability to procure a handout in close proximity to liquor establishments the City in turn hopes to reduce the cycle of abuse."

8.39: Olin Terrace Use Permit


- 6.l.6: structures that must be anchored to the ground (e.g. tents) are prohibited unless otherwise approved during the process of obtaining a permit
- Any structure that will be used for habitation/sleeping are prohibited regardless of method of attachment
- \$300
- “Tents, shelters, structures, or any other equipment that must be anchored or attached to the ground are prohibited unless the placement and method of attachment are specifically approved as a condition of the permit or under a facility rental agreement.”

9.54: Equipment Placement/Permits for Sidewalks/Terraces

- “ No person shall place, set up, construct, or allow to remain a table, easel, case, crate, box, stand, tent, rack, cart, or any other equipment, display or articles of any kind on a public sidewalk or sidewalk area, terrace, street or highway right-of-way, except temporarily while actively loading or unloading such items...”

- Can't set up and display equipment and items (e.g. tables, crates, carts, tents) on sidewalks, terraces, streets

City Policies for review



[Madison Metro Rules](#) (bringing large articles onboard, inappropriate hygiene)

[Library Rules/Behavior Policy](#) (bringing in personal items, sleeping)

[City Park Rules](#) (loitering)

[Monona Terrace Behavior Policy](#) (sleeping, loitering, bringing in excessive personal belongings)

[City County Building Rules](#) (loitering, sitting on stairs)

More info [here](#)

City Policies for review cont.

Madison Motel/Hotel Collective Community

Ban (24 hotels in North and East district, person banned from one hotel banned from all)

State Street and Capitol/East Wash Collective

Community Ban (numerous businesses in these areas, banned from one business, banned from all)

Actions that prohibit sitting/resting in public

(return benches to public spaces, remove hostile architecture)

More info [here](#)