

Colorado Right to Rest Act



Summary

Laws that segregate, make criminals of people based on their status rather than their behavior, or prohibit certain people's right to be in public spaces are not just sad relics from the past. Today, numerous laws infringe on poor people's ability to exist in public space.

The Right to Rest Campaign works to alleviate poverty and homelessness while protecting homeless and poor people from unjust laws and ensuring all people's right to exist in public spaces.

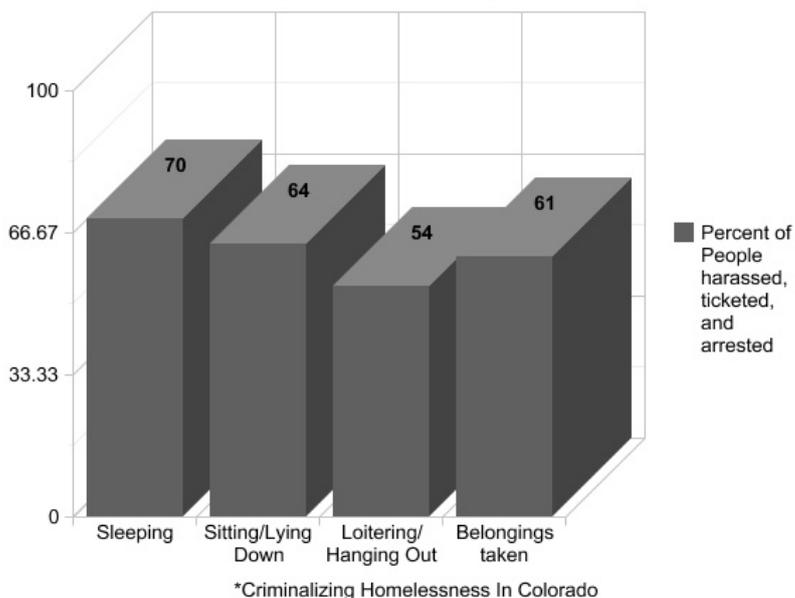
Problem

The criminalization of homelessness is inhumane, ineffective, expensive to tax payers, and violates the constitutional and human rights of individuals experiencing housing instability.

The Right to Rest Act is based on outreach with homeless people in 12 Colorado cities who documented their experiences with local police and private security. Almost three-quarters of survey respondents (70%) reported being harassed, cited or arrested by police officers for sleeping outside, 64% reported the same for sitting or lying down and 54% for loitering or simply "hanging out." These were far and away the top crimes for which homeless people were charged. A sad corresponding fact is that only one quarter of respondents (25%) believed that they knew of safe, legal places to sleep.

To ban rest is not only inhumane, it is costly. The report "Too High a Price: What Criminalizing Homelessness is Costing Colorado" DU Sturm College of Law shows laws criminalizing people for being homeless are widespread in Colorado. Our 76 largest cities have 351 "anti-homeless" ordinances. They are issued at a staggering rate. 30% of all citations in Grand Junction, 36 % in Ft Collins and Boulder issued 1,767 citations from 2010 through 2014. The report found five anti-homeless ordinances cost Denver, nearly three-quarters of a million dollars (\$750,000.00) in 2014 alone.

Based on a survey* of 431 homeless people in 12 Colorado cities.



The criminalization of homelessness is a national problem. Federal agencies have taken strong stances against these criminalization practices. In August 2015 the US Department of Justice's (DOJ's) issued a statement of interest regarding an anti-camping case in Boise. Declaring camping bans and measures that criminalize necessary life sustaining activities are unconstitutional. The US Department of Housing and Urban Development (HUD) requires local "Continuum of Care" providers to explain how their communities are combating the criminalization of homelessness.

Services, such as emergency shelter, do not end homelessness, and should not be used as an excuse or justification for criminalization ordinances. Services do not address the basic need and right to be in public spaces. Often times these services are so severely limited that many people do not even have the option to access them. The use of camping bans—and other such laws criminalizing necessary life-sustaining acts—as a "tool" to connect people to services that often do not exist or do not meet the person's actual need is ineffective and inhuman.

Solution

The Right to Rest Act aims to end the criminalization of rest and accompanying violations of basic human and civil rights for all people. This legislation protects the following rights and prohibits the enforcement of any local laws that violate these rights:

1. Right to move freely, rest, sleep, and be protected in public space.
2. Right to rest in public spaces and protect oneself from the elements in a non-obstructive manner.
3. Right to a reasonable expectation of privacy of your property in public space.
4. Right to occupy a legally parked vehicle.
5. Right to share food and eat in public.

The Right to Rest Act would not affect localities' ability to enforce laws against such things as trespassing on private property, littering, or obstructing passageways. It would simply end the practice of criminalizing people for the simple acts of resting or sharing food in public listed in the bill.

Homelessness, and the criminalization thereof, are of statewide concern. As local jurisdictions are increasingly passing and enforcing such unconstitutional ordinances and rules against necessary rest, a state law is needed to prevent such occurrences.

The solution to homelessness is attainable housing, but this is not being implemented today and meanwhile people who lack a home, and must therefore conduct their survival activities in public space, are being treated as criminals. We must work to correct both wrongs – the criminalization of homelessness and the lack of affordable housing – at the same time.

Endorsements as of January 11, 2017

9to5 Colorado	Garbage Busters
American Civil Liberties Union Colorado	Grand Junction Solidarity Not Charity
American Friends Service Committee	Grand Valley Peace and Justice
American Indian Movement of Colorado	Harm Reduction Action Center Injection
Bayaud Enterprises	Drug User Advisory Committee
Bayaud Homeless Advocacy Council	HerStory Ensemble
Better Building LLC	Human's Against Oppression
Boulder Rights Watch	Illiff School of Theology
Boulder Women's International League for Peace and Freedom	Interfaith Alliance of Colorado
Cities of Refuge	Lean Into Freedom
Clean Bees	Insurgent Theatre
Colorado Cross-Disability Coalition	International Socialist Organization, Denver Branch
Coalition for Compassion and Action	IWW Denver-Boulder General Membership Branch ("We endorse not as an affirmation of the state and its perceived power, but as a stance of solidarity with the poor and workers.")
Colorado Impact	IWW Reno branch
Colorado Jobs With Justice	League of Women Voters of Colorado
Colorado Latino Forum Denver Chapter	May You Have Enough
Colorado Mental Wellness Network	National Coalition for the Homeless
Colorado People's Alliance	Nooch Vegan Market
Colorado Progressive Coalition	Orchid Mental Health Legal Advocacy of Colorado
Colorado Springs Food Not Bombs	People's Access to Homes
Colorado Springs Queer Collective	People Rising Against Poverty
Colorado Coalition for the Homeless	Prax(us)
Colfax Community Network	Right to Life
Communities United Against Mass Incarceration	Romero Theater Troupe
Democratic Socialists of America, Denver	Rocky Mountain Peace and Justice Center
Denver Artists for Rent Control	The Moth Community
Denver Catholic Worker	Warm Cookies of the Revolution
Denver Green Party	Write W.A.V.E Media
Denver Homeless Out Loud	
Denver Welcome Home	
ECO Conscious	
End All Poverty Now	
Fort Collins Homeless Coalition	
Four Winds American Indian Council	



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