



April 23, 2015

To Su Ryden, Chair; Joe Salazar, Vice-Chair; Mike Foote; Steve Humphrey; Susan Lontine; Patrick Neville; Dianne Primavera; Jack Tate; Dan Thurlow; Max Tyler; Yeulin Willett

Dear Colorado House State, Veterans and Military Affairs Committee Members,

Thank you for considering passage of HB15-1264, the Right to Rest Act, in your committee. In deciding whether or not to vote for this bill, we ask that you keep the following essential truths about it in mind:

1. Enacting the Right to Rest Act will allow Colorado to be proactive by taking the lead in ending the counterproductive, costly, immoral and unjust practice of criminalizing homeless people's efforts to survive in public places. The United Nations, the US Interagency Council on Homeless, the US Conference of Mayors, and other national and international agencies have all declared that the criminalization of homelessness violates human rights and should end--thereby allowing funds currently spent on enforcing these laws and practices to be used for housing and needed services.
2. This bill is about rights, not services or housing. At the first bill hearing on April 15, Denver's Crime Prevention and Control Commissioner, Regina Huerter, testified against the bill on behalf of the City and County of Denver. In her testimony, Ms Huerter provided a long list of services which Denver's Road Home (the city's 10-year plan to end homelessness) has created or is in the process of creating for homeless people. She stated, "We have tried to think of innovative ways to provide those experiencing homelessness with the assistance they need. For us, the work is about coordination and connection to services. We have devoted many resources to meet the needs of those experiencing homelessness." We acknowledge and appreciate the exemplary work of Denver and other municipalities in creating numerous services and housing opportunities for unhoused people. However, that doesn't change the fact that thousands of Coloradans are homeless today in cities and towns that lack adequate shelter for them, and are therefore forced to survive in public spaces. And it doesn't in any way reduce the need for a state law to protect their rights to do so. The Right to Rest Act is about protecting EVERYONE'S human right to exist in and use public space.
3. With regard to the \$68 million in homeless services and housing which Ms Huerter stated had been "leveraged" through Denver's Road Home since its inception, the recently released Denver Auditor's report on that program stated that DRH failed to measure the effectiveness of these providers and programs, and thus is unable to determine how these measures have impacted homelessness. The audit also outlined the potential risks, both to homeless individuals and to the city, created by the Urban Camping Ban. In addition, it faulted the city for failing to significantly improve the shelter system three years after passage of the ban. None of this prevented Denver from not only opposing the Right to Rest Act, justifying this opposition by citing the city's provision of homeless services, but continuing to insist that the urban camping ban is a necessary tool in driving homeless people into services and the shelter system.
4. This bill does not create "special rights" for a select group of people. It aims to protect the right of ALL people to be in public space. Just as legislation was required in the past to end Anti-Okie, Sundown, Jim Crow, and other laws that discriminated against people seen as "undesirable" in

order to push them out of public spaces, so is legislation needed today to prevent people from being treated like criminals for performing necessary life-sustaining acts in public space.

5. This bill is about protecting rights, not about unleashing frivolous lawsuits. No person, business or city that is treating people lawfully and is respecting their human and civil rights needs to fear lawsuits. As is the case with all other state and federal civil rights legislation that has been passed, we can safely trust our judicial system to decide whether a lawsuit is frivolous or justified.

6. The unjust and counterproductive trend of municipalities to enact laws criminalizing homelessness is an issue of statewide concern which requires state legislation to supersede local control. We need to enact the Right to Rest Act to stop the "race to the bottom" that is occurring in Colorado, as each locality issues laws and practices that are more draconian and discriminatory than those of its neighbors, in order to encourage homeless people to go "somewhere else." At the same time, we need to act as a state in providing adequately funded, appropriate solutions to homelessness.

7. In protecting the equal rights of all people to use public places, this bill does nothing to reduce the rights of anyone else in those places, or to compromise the security, peacefulness, sustainability or cleanliness of public areas. It does not prevent the enforcement of laws regarding littering, noise, violence, theft, disorderliness, or any other illegal, disruptive conduct in those spaces.

8. With regard to those who say that "Now is not the time" for this bill, we must ask: If not now, when is the time to protect the equal rights of all to use public space and to divert millions of dollars away from counterproductive measures and towards those that can truly reduce homelessness? And if not you the Colorado State Legislature, then who will act to protect these rights for all Coloradans?

We encourage you to contact us for more information about this bill and to answer any questions you might have.

Respectfully submitted,

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