

# **Proposed Amendment to Strengthen the City Solicitation Ordinance**

## **Overview and Request**

The Downtown Austin Alliance is seeking support for an initiative to strengthen the City of Austin's Solicitation Ordinance to ban panhandling downtown at all times.

Panhandling has a significant negative impact on everyone who lives, works and visits downtown Austin. It is detrimental to the success of Austin's visitor and convention economy, disruptive to downtown social service agencies, contributes to the continuation of the cycle of drug and alcohol abuse, creates the perception of a lack of safety, and exposes the public to potential harassment, intimidation and fear.

The DAA anticipates approaching the Mayor and City Council Members for their support after it has obtained substantial community support for this initiative. The DAA's objective is to have letters of support in-hand by September 11, 2009, and to then approach the Mayor and Council.

## **How You Can Help**

It is critical that every organization in favor of this initiative submit a letter addressed to the Mayor and Council Members stating their support.

Letters should be addressed to the Mayor and City Council Members by name and printed on the respective organization's letterhead. A signed original should be sent to: Downtown Austin Alliance, C/O Bill Brice, 211 East 7<sup>th</sup> Street, Suite 818, Austin, TX 78701, or faxed to 477-7456, or emailed to [bbrice@downtownaustin.com](mailto:bbrice@downtownaustin.com).

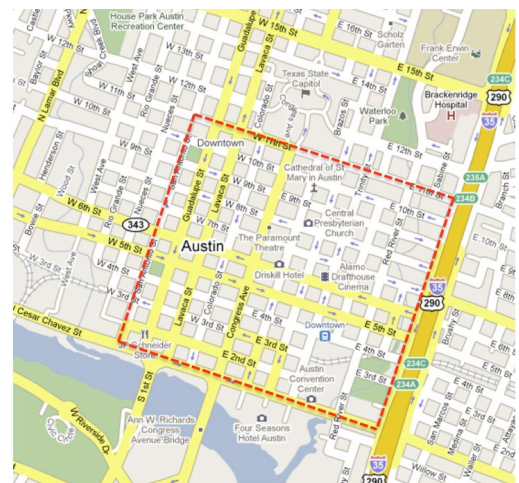
## **Ordinance Overview**

Austin's current ordinance that regulates panhandling (Austin City Solicitation Ordinance 9-4-13, originally adopted in 1992) allows non-aggressive panhandling but includes restrictions on the time, place and manner in which solicitation may legally occur.

In December 2005, Austin City Council amended the Solicitation Ordinance to make panhandling illegal between the hours of 7 p.m. to 7 a.m. in the downtown business district – basically banning the activity at night.

The DAA, along with many organizations, recognizes that the current ordinance does not achieve the desired effect of reducing the act or the negative effects of panhandling. Panhandling is a significant problem downtown, and is now more frequent and more aggressive than it ever has been.

The City Ordinance must be amended to make panhandling an offense at any time in the central downtown area within the outer-most boundaries of San Antonio Street, Cesar Chavez, West Frontage Road and 11<sup>th</sup> Street.



## **DAA Action**

The DAA worked with private legal counsel to understand measures other cities have taken to address the negative effects of panhandling. Findings show that other cities have successfully implemented ordinances that ban panhandling in defined areas where specific interests, such as convention and visitor industries are at stake.

In July 2009, the DAA's Board of Directors passed two motions that originated from the DAA Security and Maintenance Committee, which includes representatives from the business community, ARCH/Front Steps, Caritas of Austin, the Downtown Cluster of Churches, ECHO, property owners/managers, and others. Motions, which were both unanimously approved at the Committee level, include:

1. Moving forward to generate community and Austin City Council support behind amending the existing Solicitation Ordinance to ban panhandling downtown.
2. Approving the allocation of funds to partially underwrite a "Responsible Giving" public awareness campaign.

## **Organizations Supporting this Initiative**

To date, organizations supporting this initiative include:

- RHI Participants: Through the East Sixth Street Responsible Hospitality Institute's (RHI) Hospitality Zone Assessment process (November 2008 to present), approximately 80 representatives from businesses, hospitality organizations, community organizations, city and county departments and social service agencies identified the act of panhandling as one of the top public safety concerns negatively affecting the health and vitality of the East Sixth Street Historic Entertainment District.
- Austin Convention and Visitors Bureau
- Austin Hotel and Lodging Association
- BOMA Austin (Building Owners and Managers Association)
- Caritas of Austin
- Downtown Austin Alliance
- Downtown Austin Neighborhood Association
- Downtown Austin Community Court Advisory Council
- Front Steps (Austin Resource Center for the Homeless managing organization) Board of Directors
- Hilton Austin
- Kelly Engineering Resources
- Sixth Street Austin
- Texas Association of Realtors

## **Q&A:**

### **Q. Does this action create enforcement against individuals who are poor or homeless?**

A. This action focuses on behavior, not enforcement against any type or class of people, and many people who panhandle are not homeless.

### **Q. Does the proposed change infringe on one's Constitutional right to free speech?**

A. The DAA respects everyone's Constitutional rights. However, solicitation is threatening to many people, especially visitors. This proposed action would not outlaw solicitation, but it would limit the time, place and manner in which solicitation is permitted and would improve public safety.

### **Q. Don't many people need to panhandle to purchase food and other basic necessities?**

A. While this is true in some cases, there is a high concentration of social service agencies and services located downtown that are available to those who need them – particularly food service. It is also the case that many people use panhandled funds to purchase alcohol and/or illegal drugs. Many social service providers refer to panhandling as an “enabling behavior” that allows people to sustain life on the streets and avoid accessing services and treatment they need.

**Q. Will banning solicitation downtown push the activity into surrounding neighborhoods?**

A. People typically solicit in high-traffic areas, especially where there is a high concentration of pedestrian activity, not in residential neighborhoods and low-density areas.

**Q. How will the proposed ordinance amendment alter the Austin Police Department’s enforcement?**

A. While Texas State Statute dictates that panhandling is a ticket-only/non-jail offense, the proposed change will make the ordinance clearer for APD to enforce and to request and receive voluntary compliance.

**Q. Why were these boundaries chosen?**

A. These boundaries include areas most frequented by our tourists and conventioners such as the East 6<sup>th</sup> Street and Congress Avenue Historic Districts, the Convention Center, many prominent hotels, the Warehouse District and Second Street District. The suggested boundaries also include the area where numerous downtown social service agencies are located.