

June 9, 2022

Via email

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supportive housing first implementations. Love Huntsville believes that housing is a human right and will be continuing its policy and advocacy efforts until housing solutions are established for all those that desire to have a place they call home.

Vote Huntsville is a grassroots, local focused, voter centric organization that strives to make voting simple and painless by being your one-stop-shop for anything and everything related to voting. We are committed to battling voter suppression and empowering every voter in our city.

Alabama Arise is a statewide, member-led organization advancing public policies to improve the lives of Alabamians who are marginalized by poverty. Our membership includes faith-based, community, nonprofit and civic groups, grassroots leaders and individuals from across Alabama.

Huntsville Bail Fund is dedicated to addressing the disproportionate harm of pretrial detention on marginalized communities in Madison County, Alabama. Huntsville Bail Fund helps our neighbors secure their freedom, by providing direct aid and advocacy to arrested individuals and their families. Our mission is to fight back against a system that criminalizes the marginalized, and promote solutions that reduce jail populations and improve community safety.

North Alabama Peace Network (NAPN) is a diverse and welcoming group of individuals who seek to create a peaceful, just and sustainable world through action and education by emphasizing our common humanity, promoting non-violence, and working to remove the root causes of war and injustice.

NHLC is a national legal advocacy organization dedicated solely to ending and preventing homelessness. NHLC has over 30 years of experience in policy advocacy, public education, and impact litigation. Since 2006, NHLC has tracked laws criminalizing homelessness in 187 cities across the country and documented the failures and costs of those policies in numerous national reports, including (s)-1(ne)p-1(s)op(l)-2(e)-1(l)5(C)ot

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only be conducted as part of a plan to rehouse people living in encampments, developed in coordination with local homeless service providers and public health partners.”⁵ Otherwise, the CDC recommends that encampment residents be allowed to remain where they are and be provided with necessary sanitation facilities: “[i]f individual housing options are not available, **allow people who are living unsheltered or in encampments to remain where they are.** Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”⁶

The proposed eviction also runs counter to the May 25, 2022, notice published by the USICH, the only federal agency with the sole mission of preventing and ending homelessness, which outlined forthcoming guiding principles on unsheltered homelessness,⁷ including that **“removing encampments without providing access to low-barrier shelter and a range of housing options does not work”**.⁸ In that notice, USICH emphasizes that shelter space alone is not an adequate solution to encampments and that cities must identify long-term, permanent housing solutions:

There are many reasons a person without a home may stay outside rather than in a shelter: Local shelters may be full, or the individual may not meet requirements for sobriety and other mandates. They may not want to be separated from family members, partners, or pets. Or they may fear having their belongings lost or stolen. Creating safe, inclusive indoor spaces that address these concerns is crucial. Forcing people to move into a shelter or moving them from place to place without a clear pathway to housing only dissolves trust and leads to personal setbacks.⁹

USICH emphasized the need for municipalities to have a comprehensive plan to address unsheltered homelessness in general and encampments specifically. Such planning requires “strong cross-department, all-of-government, cross-sector, community-wide communication and coordination.”¹⁰ And, most importantly, it noted that “[p]eople experiencing homelessness need to be at the table, developing sustainable solutions to unsheltered homelessness.”

The City of Huntsville has announced no viable public plan for whether—and how—it will meet the housing needs of the Derrick North Encampment residents. However, prior evictions raise serious concerns and suggest a troubling pattern of disregarding unhoused residents’ health and

people left their belongings while providing little notice, and scant resources for residents to safeguard or transport their possessions to another secure location.¹¹

Moreover, without long-term, housing-oriented solutions, people often have nowhere to go after camps are disbanded, perpetuating concerning cycles of insecurity. When the City evicted residents from the Mill Street Camp, for example, some of its residents simply moved to the Cleveland Avenue Camp and were ultimately displaced again when that camp was cleared.¹² Evictions can exacerbate pre-existing health conditions and can even lead to death.¹³ The possibility of such devastating consequences highlight the need for long-term housing solutions.

Additionally, the Derrick North Camp currently has many disabled residents who have limited mobility and other special health needs, but the City has announced no special accommodations for assisting those residents with their move in the event that the Camp is closed. An eviction without a proper accommodation plan could result in the loss of critical medicine and devices upon which those disabled individuals rely for their day-to-day survival.

Existing shelter infrastructure in Huntsville falls short of the growing need of people without housing and cannot stand in for permanent, long-term housing. For instance, Huntsville's existing shelter infrastructure does not provide adequate resource for families and couples, often resulting in family separations for those who seek shelter.¹⁴ And individuals required to register as sex offenders often cannot access the City's existing shelter infrastructure, leaving them with no alternative shelter options.¹⁵

housing, health, and holistic burdens of being houseless and homeless.”¹⁷ In conjunction with that Task Force, the City’s Department of Community Development has started drafting a 3-year Plan

insufficient alternatives. *See Joel v. City of Orlando*, 232 F.3d 1353, 1359 n.3 (11th Cir. 2000); *see also McArdle v. City of Ocala*, 519 F. Supp. 3d 1045, 1053 (M.D. Fla. 2021) (denying City’s summary judgment motion as to plaintiffs’ substantive due process claim that the City was using its open lodging ordinance to arrest and incarcerate unhoused people for sleeping or resting while awake because they were homeless; also denying the City’s motion for summary judgment and concluding that it would violate equal protection “if no inquiry of the availability of shelter space is made prior to an individual’s arrest” for camping on public property).

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Huntsville should follow in the footsteps of its sister city, Montgomery, and focus on a housing-first approach to homelessness that prioritizes long-term solutions. Myriad models offer strong initial guideposts for such an approach. For instance, advocates at NHLC have established six key principles and best practices for municipalities considering this exact constellation of policy concerns.²⁰ Those principles and best practices include, in part, that

- (1) All people need safe, accessible, legal place to be, both at night and during the day, and a place to securely store belongings—until permanent housing is found;
- (2) Delivery of services must respect the experience, human dignity, and human rights of those receiving them;
- (3) Adequate alternative housing must be a decent alternative; and
- (4) Law enforcement should serve and protect all members of the community.

Until it can fully realize those principles, Huntsville should place a moratorium on evicting the encampment residents of the Derrick North encampment. It is our understanding that the City owns the majority of the land that this camp is on, and this camp location should remain an open and safe option for our citizens who are experiencing homelessness until unconditional permanent supportive housing is provided. This is the last large camp in Huntsville on publicly owned land. By closing this camp, the City will leave no option for many residents but to camp illegally, which furthers the criminalization of homelessness. At least two other camps on City-owned land have been closed in the last year, with people permanently displaced, and yet the vacated land remains open and unused. These closures resulted in the unhoused people with whom we work reporting an increase in negative health consequences, losing the progress they had made towards getting housed, and further destabilized a vulnerable community.

We urge the City to cancel the eviction of the Derrick North camp until suitable, ethical, and permanent solutions are provided to our unhoused community. We ask that the City develop and publish short term and long-term plans that provide rapid rehousing, transitional housing, permanent supportive housing, and affordable housing. These camp closures do not help end homelessness and instead stack up more barriers that this community must face. Huntsville should develop a proactive approach to support its vulnerable citizens that are struggling to secure stable housing, instead of continuing the pattern of punishing and criminalizing these citizens.

We are happy to discuss this matter with you further. Please feel free to contact us at tia@lovehsv.org or 256-337-3015.

Sincerely,

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