



SPOKANE CITY COUNCIL

808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

Ben Stuckart
Council President

Breean Beggs
District 2

Kate Burke
District 1

November 15, 2018

Mayor David Condon
808 West Spokane Falls Boulevard
Spokane, Washington 99201

Mayor Condon,

We write this letter to request that you use your authority under Article IV Section 24 of the City of Spokane Charter to promptly announce the suspension of enforcement of Spokane Municipal Code 10.10.026, commonly known as the "Sit and Lie" law. We request enforcement of this ordinance be suspended until the City of Spokane has clearly identified, funded, and made available shelter bed space equally accessible to any individual sitting or lying in the zone set forth in Spokane Municipal Code 10.10.026(D).

Spokane Municipal Code 10.10.026(F) reads, "It is the intent of the city council that homeless individuals subject to enforcement under this section be directed to emergency shelters, community/drug/mental health court, or other interventional services." The City of Spokane currently lacks sufficient shelter space to meet the Council's intent of this ordinance. We are also concerned that current enforcement of this ordinance potentially runs afoul of the 9th U.S. Circuit Court of Appeals decision in *Martin v. Boise*. Although police have reduced their enforcement of Sit and Lie laws in response to *Martin* since the City reduced shelter bed funding on September 1st, there is still a public perception that the law is in force, and there has been at least one arrest and multiple citations issued.

A clear executive order and public announcement regarding the enforcement of this ordinance will provide guidance to our City of Spokane employees, limit liability and will reassure our constituents that the original intent of this law is faithfully executed.

Thank you for your commitment to finding equally accessible, safe shelter options for our constituents. We look forward to continuing our partnership with you and your administration to identify solutions that aid our most vulnerable constituents.

Sincerely,

A handwritten signature in black ink that reads "Ben Stuckart".

Ben Stuckart
City Council President

A handwritten signature in black ink that reads "Kate Burke".

Kate Burke
Council Member, District 1

A handwritten signature in black ink that reads "Breean Beggs".

Breean Beggs
Council Member, District 2