





Memorandum

TO: Kevin J. Jackson, Village Manager 
FROM: Ahmad Zayyad, Deputy Village Manager 
BY: Vanessa Matheny, Grants Supervisor
FOR: Village President and Board of Trustees
DATE: July 14, 2023
SUBJECT: **Unhoused Persons and Encampment**

Background

This memorandum provides information regarding the unhoused individuals and the encampments in the Village of Oak Park ("Village"). Village staff is aware of the influx of unhoused individuals within the community and that they primarily congregate at or near public transportation stations. This situation is the result of several factors beyond the Village's control, including actions taken by some of our neighboring municipalities. Such actions include Chicago's decision to remove unhoused individuals from O'Hare Airport. Village staff recognizes that there are issues with the condition of the Metra station in Oak Park and has dedicated staff to maintaining the station on a daily basis.

Village staff continues to work closely with Housing Forward and other local non-profits to ensure individuals experiencing homelessness in the Village have access to available resources. Individuals experiencing homelessness tend to be one of the most difficult populations to connect with services due to such individuals' experience with trauma, mental illness, and substance use. As reported by Housing Forward street outreach staff, it may take months for individuals to be willing to accept services in order to be ultimately housed. Housing Forward and Live4Lali provide case management, emergency shelter, substance use treatment, interim housing, and employment readiness services to homeless individuals.

Village staff also works with the Oak Park Coalition to End Homelessness to stay current on information regarding individuals experiencing homelessness. The Coalition is a group of stakeholders consisting of officials from local taxing bodies, non-profit organizations, local businesses, and community members. Some notable challenges faced in ameliorating this issue are the lack of affordable housing and landlords located in the Village who refuse to rent available units to Housing Forward and to clients of Housing Forward.

Over the past few months, the Police Department has prioritized community engagement and proactive measures to address the needs of the unhoused individuals living in the Village. The Police Department has partnered with Housing Forward and this partnership has already resulted in the successful placement of several unhoused individuals into stable housing.

Police Department patrol officers across all three shifts have conducted hourly checks to prevent loitering, aggressive panhandling, and criminal activities at the Metra station. Their presence has significantly deterred such activities and creates a safer environment. Furthermore, these officers

have made several arrests for possession of controlled substances, warrants, and burglaries in the area of the Metra station, which has contributed to a reduction in drug-related theft activities.

The Village's Public Works Department is cleaning the Metra station multiple times on a daily basis due to the activities of the unhoused persons at the station.

Intergovernmental Collaboration

Village staff hosted a policy discussion meeting on July 13, 2023, with community stakeholders and officials from the Chicago Transit Authority, Cook County, and the State of Illinois. During the meeting, Christine Haley, Chief Homelessness Officer for the State of Illinois, provided an overview of the current state of homelessness at the State level and Housing Forward provided an update on its efforts in the Village.

Annually 120,857 persons are experiencing homelessness in Illinois. Of those experiencing homelessness it is estimated that:

- 18% are people living with a serious mental illness
- 12% are people living with a substance abuse disorder
- 5% are veterans
- 8% are victims of domestic violence
- 6% are young adults ages 18-24
- 5% are parenting youth or children of parenting youth

Currently, the average wait time for access to homeless housing resources in Chicago is 802 days (2.2 years) from the initial point of contact with service providers. The goal is to reach "functional zero," which is defined as a sustainable milestone where a community has measurably solved homelessness. This benchmark includes making homelessness rare, brief, non-recurring, and equitable. This can be achieved in the State by increasing shelter capacity by an additional 4,551 beds, 9,421 rapid rehousing units (short-term rental assistance with support services), and 6,292 permanent supportive housing units (affordable housing units with supportive services).

Housing Forward shared that since January 2023, 69 individuals have received services through Housing Forward's emergency shelters located in Oak Park. The emergency shelter can support 15 beds per evening. In addition to the 15 persons in the emergency shelter, an additional six individuals live in an encampment on North Boulevard, two individuals live at Maple Park, and one individual lives at Scoville Park. The number of persons at these encampments does fluctuate and numerous other individuals, as many as 30, have been located within the encampments at times. At this time, Housing Forward's policy is to not ask individuals to relocate from the encampments. Instead, Housing Forward's two street outreach employees dedicated to the Oak Park community work to engage and build a relationship with the individuals at the encampments and to provide them with assistance to meet their basic needs.

The transitional housing available through the Write Inn, Sojourner House, and the Emergency Shelter at St. Catherine's/Lucy are all at capacity.

Legal Parameters

Village Attorney Paul Stephanides provided what follows regarding the legal parameters governing unhoused persons.

I. Applicable Case Law

The leading federal court cases on the issue of legal tools concerning homelessness involve two different approaches. The first approach is a wide-spread ban against homeless encampments in a municipality. The second approach is to prohibit homeless encampments only in certain areas of a municipality.

In the cases of *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir. 2022) and *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), the Ninth Circuit Court of Appeals held that in the absence of adequate shelter beds, people experiencing homelessness can use tents, sleep in vehicles, or use other forms of protection from the elements without being subject to civil or criminal punishment. In both cases, the court held that the applicable municipalities' custom, pattern, and practice of enforcing anti-camping ordinances, anti-sleeping ordinances, and criminal trespass laws against involuntarily homeless individuals violated the Eighth Amendment of the United States Constitution's Cruel and Unusual Punishment clause. The court in the *Martin* case stated that its holding was a "narrow one," and only applied "so long as there is a greater number of homeless individuals in a jurisdiction than the number of available beds in shelters." *Martin*, 920 F.3d at 615.

The federal district court in the case of *Frank v. City of St. Louis*, 458 F.Supp.3d 1090 (E.D. Mo. 2020), did not follow the holding in the *Martin* case cited above because of significant factual differences. In the *Martin* case, the City of Boise's ordinance was enforced throughout the city. In the *Frank* case, the City of St. Louis prohibited a homeless encampment in a specific part of the city pursuant to a notice and order enacted in response to the COVID-19 pandemic. St. Louis identified the area as especially high risk for the spread of COVID-19. Persons who attempted to inhabit the encampment in the prohibited area were free to sleep in other areas of the city without being in violation of the notice and order.

Furthermore, St. Louis stated in the case that it did not intend to arrest individuals who had been residing at the encampments. Rather, the city's intent was to ensure that those individuals move from the encampments to safer alternative housing options. The notice and order posted at the encampments stated that there was sufficient alternative housing available to everyone that slept at the location.

III. Bill of Rights for the Homeless Act

The State of Illinois enacted the Bill of Rights for the Homeless Act in 2013. The Act provides that the homeless have "the right to use and move freely in public spaces, including but not limited to public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other person and without discrimination on the basis of his her or housing status." 775 ILCS 45/10(a)(1). "Housing status" under the Act "means the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence." 775 ILS 45/10(b).

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Conclusion

The Village Staff will continue to work with its governmental and non-profit partners to explore housing options and assistance for the unhoused individuals living in the Village. At the same time, the Village's Police Department will continue to seek to deter criminal activity at the encampments within applicable law.

Please contact Ahmad Zayyad, Deputy Village Manager, with any questions at azayyad@oak-park.us or 708/358-5770; or Vanessa Matheny at vmatheny@oak-park.us.

cc: Lisa Shelley, Deputy Village Manager
Chief Johnson, Oak Park Police Department
Paul L. Stephanides, Village Attorney