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**VIA E-MAIL**

St. Paul City Council

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Re: Proposed Ordinance 21-33

Dear Council Members:

Homelessness and poverty are critical issues facing St. Paul and other major cities across the country. To address these issues, a comprehensive, community-driven approach is necessary. Businessowners and residents in St. Paul agree with addressing the great need for well-equipped facilities in appropriate locations to address homelessness and poverty. However, such facilities must be safely operated and managed in ways that do not exacerbate issues stemming from homelessness and poverty, both for individuals seeking services and businesses and residents in the areas near homeless facilities.

In November 2020, the St. Paul City Council passed a “temporary” emergency ordinance to “temporarily” allow the Listening House organization to operate a day-services shelter at 296 7<sup>th</sup> Street West. The facility, known as “Freedom House,” is a former fire station and was not built, nor is it equipped for, the purpose of providing a wide array of long-term services to people in need. As a result, the City of St. Paul’s admirable goal of helping address the problem of homelessness in the community has fallen short of its desires. The location of Freedom House is not conducive to providing adequate services to those in need, and the significant negative repercussions are unfortunately being felt by both business owners and residents located in its vicinity. While Ordinance 21-33 is not related solely to Freedom House, the experiences of West 7<sup>th</sup> business owners and residents with Freedom House clients and the activities taking place there and in the surrounding area is instructive of how facilities permitted under the proposed ordinance impact the City as a whole.

Currently, the use of facilities to provide daytime services to people experiencing homelessness is not defined in the City's Zoning Code.<sup>1</sup> Such services are allowed as accessory uses in certain situations. The City Council, through Ordinance 21-33, aims to amend Chapters 65 and 66 of the Legislative Code to modify the Zoning Code to allow certain daytime services of the sort provided by Freedom House throughout the city without regard to zoning areas.<sup>2</sup>

While Ordinance 21-33 is not solely directed at Freedom House, there can be no question that the experience of Freedom House since late 2020/early 2021 has informed the discussion surrounding the Ordinance. Unfortunately, the business owners and residents directly and adversely impacted by Freedom House's management have been consistently ignored throughout the process. To be clear, the businesses and residents in the West 7th Street neighborhood appreciate and support the goal of providing services to people experiencing homelessness; however, since Freedom House began providing such services in the West 7<sup>th</sup> Neighborhood, there has been a substantial increase in issues threatening the health, safety, and wellbeing of all members of the community. These issues include an increased presence of trash, human feces, and drug paraphernalia throughout the neighborhood, as well as increased crime, vandalism, property damage, drug use, prostitution and the occurrence of serious and violent crimes such as thefts, assaults and break-ins.

To be clear, the West 7<sup>th</sup> business owners and residents are not opposed to providing services to people experiencing homelessness. But, the way in which the City and Listening House have managed the operation of Freedom House services has directly caused damage to other members of the West 7<sup>th</sup> Community. The West 7<sup>th</sup> business owners and residents have repeatedly tried to obtain cooperation from Listening House and City officials in addressing the issues facing the community, to no avail. While homelessness services are a vital community need, such services must be provided with greater care and oversight in order to have a meaningful community buy-in to the approach.

### **Increased Crime Rate Directly Correlated to Freedom House Operations**

Crime has increased in the West 7<sup>th</sup> Neighborhood as a direct result of the Freedom House. According to Saint Paul Police Department data<sup>3</sup>, crime in the neighborhood in the first five months of 2021 (the first five months of Freedom House's operations) rose dramatically compared

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<sup>1</sup> Comprehensive & Neighborhood Planning Committee Homeless Services Zoning Study, at 1 (Aug. 11, 2021).

<sup>2</sup> While the Ordinance does provide that certain facilities would need a conditional use permit to provide such services, the practical effect of the Ordinance is that such services would be allowed anywhere in the city.

<sup>3</sup> Comprehensive & Neighborhood Planning Committee Homeless Services Zoning Study, at 4, 10-18 (Aug. 11, 2021).

to the previous year. There was a 36% increase in serious crimes near Freedom House and a 78% increase in Quality of Life crimes. Compared to the average of crimes reported between 2016-2020, the year 2021 saw a 23% increase in serious crimes and a 99% increase in Quality of Life crimes. The increased crime cannot be attributed to a general increase in crime due to the pandemic. Citywide, crime has increased in St. Paul during the same time-period by only 3.8%. In addition, the increased crime statistics referenced above relate to only two “grids” (151 and 230).

Studies have recognized that increased crime is directly correlated with organizations that provide services like Freedom House. For example, one theory of criminology reflects that increased crime may occur after a shelter opens due to the convergence of motivated offenders, suitable targets, and the absence of capable guardians.<sup>4</sup> Because of this, police and security presence is necessary to prevent such opportunistic crimes from occurring. Similarly, homeless persons themselves present as easier targets for crimes, thus further increasing the possibility of crime occurring in the areas near a shelter.<sup>5</sup>

Perhaps even more troubling is that residents and businesses have been told by St. Paul Police Department officers that they have been directed *not* to make arrests in the Freedom House area. Residents have witnessed violent activity take place directly in front of police officers who, because of the directions from the City, cannot take action. In order for facilities to safely operate within St. Paul, the St. Paul Police Department must not be prevented from adequately enforcing the law.

**Specific Incidents Threatening Safety, Health, and Wellbeing**

The incidents faced by West 7<sup>th</sup> residents and businesses are numerous and representative of the need for the City to reconsider allowing these types of establishments to be located in any part of the City, with disregard for the prior zoning limitations. From July through September 17, 2021 alone, nearly 100 incidents of physical violence, trash, and other threats to wellbeing have been meticulously documents by residents and businesses. The list includes:

	<b>Date</b>	<b>Description of Incident</b>
1.	July 20, 2021	Unconscious man laid near business front door.
2.	July 20, 2021	Shopping carts left at entrance to business parking lot.

<sup>4</sup> Cohen, L. E., & Felson, M. (1979). *Social change and crime rate trends: A routine activity approach*. *American Sociological Review*, 44(4), 588-608.

<sup>5</sup> Anderson, J. F. (2014). *Criminological Theories: Understanding Crime in America*. James & Bartlett.; Kushel, M. B., Evans, J. L., Perry, S., Robertson, M. J., & Moss, A. R. (2003). *No Door to Lock: Victimization Among Homeless and Marginally Housed Persons*. *Arch Intern Med*, 163(20), 2492-2499.

3.	July 20, 2021	Overflowing trash cans in front of businesses and on streets.
4.	July 20, 2021	Open drug use in front of businesses.
5.	July 20, 2021	Feces and urine odors.
6.	July 20, 2021	Unconscious man in parking lot.
7.	July 21, 2021	Pile of food, clothing, food containers, and bags of rocks in business's front lawn.
8.	July 22, 2021	Shopping cart left in business's parking lot .
9.	July 26, 2021	Two piles of human feces found outside business.
10.	July 26, 2021	Trash and clothing in business's parking lot.
11.	July 26, 2021	Intoxicated individuals trespassed on 7 <sup>th</sup> street property.
12.	July 26, 2021	Bicycle left atop meter parking sign.
13.	July 26, 2021	Knife fight in front of business.
14.	July 28, 2021	Man climbed inside dumpster and removed trash.
15.	July 28, 2021	Group of 8-15 people gathered at business parking lot making loud and vulgar noise.
16.	July 28, 2021	Local employee assaulted by man.
17.	August 2, 2021	Man entered business and began digging through the trash inside, after being asked to leave, he proceeded to dump sand and dirt on the ATM machine.
18.	August 3, 2021	Four individuals loitering at business yelled loudly and threatened to use taser gun.
19.	August 3, 2021	Human vomit covering business's windows.
20.	August 3, 2021	Syringes left outside business.
21.	August 3, 2021	Human feces and clothes used to wipe feces left behind business's dumpsters.
22.	August 3, 2021	Food containers and half-eaten food left behind dumpsters.
23.	August 4, 2021	Broken windows at business.
24.	August 4, 2021	Broken windows at business.
25.	August 4, 2021	Trash and food containers spread from Freedom House to Exchange Street.
26.	August 5, 2021	Multiple men urinated and defecated outside business, business parking lot, and dumpster at Freedom House.
27.	August 5, 2021	Police woke sleeping man at business. Police reported he was wearing a knife around his neck and warned that the man was very angry.
28.	August 6, 2021	Man laid partially in driveway of business, appeared unconscious during Freedom House open hours.
29.	August 6, 2021	Overflowing shopping carts left at business.
30.	August 6, 2021	Woman trespassed onto business.
31.	August 6, 2021	Damage and vandalism reported at business.
32.	August 7, 2021	Homeowners reported that individuals knocked on their doors asking to shower and were sleeping in their yards.

33.	August 7, 2021	Individuals loitering in business and left business's bathrooms a mess.
34.	August 7, 2021	Human feces left behind business dumpster.
35.	August 7, 2021	Syringes left behind business dumpster.
36.	August 7, 2021	Many individuals slept and loitered at business. Police and ambulances continually arrived on scene throughout the day.
37.	August 7, 2021	Upon arriving at business, owner was approached by man from Freedom House who began to urinate. Upon being asked to leave he began to swear and yell at the owners.
38.	August 8, 2021	Individual approached business and threatened and cursed the owners inside.
39.	August 8, 2021	Multiple individuals trespassed on business property back door, appeared to be consuming illegal substances and left trash behind.
40.	August 11, 2021	Trash left behind business and home.
41.	August 11, 2021	Man arrested after looking through van parked at business. Man was carrying drug paraphernalia.
42.	August 12, 2021	Three men loitered in business parking lot. After being asked to leave, one man yelled and urinated in front of business owner.
43.	August 12, 2021	Business employees and customers assaulted by a man.
44.	August 12, 2021	Man screamed and broke pint glasses when refused service without payment.
45.	August 12, 2021	Multiple people loitered at business. Multiple police arrived at scene.
46.	August 12, 2021	Woman changed clothes in business parking lot.
47.	August 12, 2021	Individuals loitered in business parking lot and yelled profanity at other business owners as they walked by.
48.	August 12, 2021	Business owner charged by man with a big stick in his backpack.
49.	August 12, 2021	Inebriated man walks into traffic.
50.	August 12, 2021	Vandalism in front of business.
51.	August 13, 2021	Trash and shopping cart left at business parking lot. Individuals loitering and blocking public sidewalks.
52.	August 14, 2021	Trash and shopping cart left in front of historical building.
53.	August 14, 2021	Man climbed on roof of business and left drug paraphernalia.
54.	August 19, 2021	Two men loitered at business back door and used illegal substance for more than 30 minutes.
55.	August 19, 2021	Man using illegal substance at park gazebo.
56.	August 19, 2021	Men asleep in park gazebo.
57.	August 19, 2021	Individuals bathing at park fountain.
58.	August 19, 2021	Multiple individuals asleep or unconscious in park.
59.	August 19, 2021	Man showed gun to neighbor in park.
60.	August 21, 2021	Man left luggage on top of recycle dumpster at business, later that day, another man came and found luggage and went through it. The man left drug paraphernalia.

61.	August 23, 2021	Tires slashed in Freedom House parking lot.
62.	August 23, 2021	Neighbor reported sleeping man with syringe in park gazebo.
63.	August 24, 2021	Men using illegal substances at back door of business.
64.	August 24, 2021	Man emptied trash container and threw trash into the street.
65.	August 27, 2021	Two men used illegal substances near business parking lot.
66.	August 30, 2021	Man chased waiter with knife outside of business.
67.	August 31, 2021	Two windows smashed at neighboring building.
68.	August 31, 2021	Man from Freedom House hit business window and trashed flower beds outside business.
69.	September 3, 2021	Confrontation between two men, two employees of Freedom House and police.
70.	September 4, 2021	Man unconscious and unresponsive in business parking lot.
71.	September 4, 2021	Man asleep on the corner of 7 <sup>th</sup> and Ramsey.
72.	September 4, 2021	New graffiti by business patio.
73.	September 4, 2021	New graffiti at business's service door.
74.	September 5, 2021	Shopping carts left behind dumpsters at historical building.
75.	September 6, 2021	Individuals loitered at business. Business owners warned by police to beware of where they walk.
76.	September 6, 2021	Outlet broken at business.
77.	September 6, 2021	Trash strewn from Freedom House to neighboring business.
78.	September 6, 2021	Three piles of human feces in business parking lot.
79.	September 6, 2021	Food containers and trash left in business parking lot.
80.	September 7, 2021	Van pulled into business parking lot and blocked entrance. Individuals unloaded several bags of personal belongings.
81.	September 8, 2021	Woman banged on car and building windows as she walked through neighborhood. Woman also exposed herself.
82.	September 9, 2021	Individuals camped out in front of historical building.
83.	September 9, 2021	Confrontation between business owner, Freedom House staff and homeless after business owner chained off access to his property.
84.	September 11, 2021	New graffiti on street light and at several locations at business.
85.	September 12, 2021	A half-exposed man entered business and ran through the building including the kitchen.
86.	September 13, 2021	Van entered business parking lot, blocked entrance, and unloaded multiple individuals and their personal belongings.
87.	September 13, 2021	Multiple individuals trespassed onto historical building and left trash, belongings, etc. behind.
88.	September 14, 2021	Trespasser on business owner property. Individual refused to leave after being asked.
89.	September 15, 2021	Large tent or multiple tents located at Shepard Rd. and Eagle St.
90.	September 15, 2021	Homeless man arrested in front of business.
91.	September 15, 2021	Trash strewn including empty bottle of liquor, food containers, masks and personal belongings.
92.	September 19, 2021	Man trespassed and fell asleep on business's back porch.

93.	September 20, 2021	Two shopping carts left in Freedom House dumpster and a shopping cart filled with trash left in parking lot.
94.	September 29, 2021	Trash strewn on Freedom House roof, including a bicycle left on the flag pole.

For photographs and video links of certain of the above incidents, please see the enclosed list. To be clear, the above list is not exhaustive but some examples of the experiences of the West 7<sup>th</sup> residents and businesses just the past two months alone.

Each and every one of these incidents could be mitigated or prevented with more stringent requirements by the City on the shelter’s operations.

**Freedom House Facilities Are Inadequate For Provided Services**

The Freedom House location is not an adequate facility for providing services to 100+ individuals per day.<sup>6</sup> For example, there are not enough showers, beds, or bathrooms to accommodate such a constant stream of individuals trying to receive services. The location also does not easily allow individuals to access medical or health treatment – critical services of day-shelter outreach.

Likewise, the Freedom House officials do not adequately help individuals using their services leave the area when it closes for the night, thereby indirectly encouraging loitering in the nearby business areas and on private property. The current proposed Ordinance would only exacerbate the problems seen with the management of the Freedom House because smaller, less adequate and unequipped facilities would be used to provide services to large numbers of people.

**Ordinance 21-33 Does Not Address Critical St. Paul Homelessness Issues**

According to Wilder Research’s 2018 study of Minnesota homelessness statistics, the number of Minnesotans facing homelessness without access to overnight or formal shelters is rising at a substantial rate. In 2018 – the latest year of the study – there was a 62% increase in the number of people who were homeless without staying in formal shelters.<sup>7</sup> One cause is the limited availability of overnight shelter space. 32% of people had been turned away from a shelter due to lack of space, and 50% are on a subsidized housing waiting list. This study reflects that there is a dire need for shelter and services tied to overnight housing, as that is a major critical need for the

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<sup>6</sup> The West 7<sup>th</sup> residents and business understand that the zoning change in Ordinance 21-33 would still require Freedom House to obtain a conditional use permit. However, the Freedom House experience is informative for why this zoning change should not be approved.

<sup>7</sup> Wilder Research, 2018 Minnesota Homelessness Study Fact Sheet. May 2019.

Minnesota homeless population. The proposed Ordinance – by removing the requirement that day-service shelters be within ½ mile of overnight shelter or emergency housing locations – will only exacerbate this problem by forcing individuals to travel to areas of the city farther away from overnight shelters in order to receive day services.

### **Suggested Fixes To Ordinance**

West 7<sup>th</sup> neighbors and businesses oppose Ordinance 21-33. Any such facilities should remain subject to Conditional Use Permits. For example, if the Freedom House seeks a Conditional Use Permit, it should be required, among other things, to:

1. Require 24/7 security on the property;
2. Ensure round-the-clock cleanup of the Freedom House property and surrounding area, including, but not limited to, trash in the area and shopping carts and bicycles being left on neighboring properties; and
3. Provide transportation for clients of the Freedom House after use of their services.

The above list is a minimum for any Freedom House Conditional Use Permit and does not represent the full extent of conditions that should be placed on any continued use of the Freedom House property.

If the City Council insists on pushing through ordinance changes relating to service facilities, many changes need to be made. The current language, including the removal of certain conditions and recommendations that were omitted by the Planning Commission, are necessary to ensure that the facilities impacted by Ordinance 21-33 effectively serve the City of St. Paul. Among such possible requirements and conditions that should be considered in any future ordinance debate, include:

1. All facilities should be required to provide security – either private security or through coordination with the St. Paul Police Department – in the immediate vicinity of the shelter. Such security shall be required starting at least one hour prior to the facility's opening time and last until two hours after the last person receiving services from the facility for the day has vacated the vicinity.
2. Facilities should be required to fund the installation of police cameras at strategic locations in the vicinity of any shelter.
3. Conditions regarding standards for collecting litter should be re-instated to the Ordinance.



4. The zoning change should require day-service shelters to be within ½ mile of overnight shelters or other housing options for the homeless.

### **Conclusion**

The West 7<sup>th</sup> residents and businesses are not trying to prevent the procurement of services for homeless individuals in St. Paul. Indeed, they recognize and appreciate the need for the City to provide such services. However, it is critically important that such services are provided in a way that the entire community holds a stake in the outcome. This includes providing for the safety and wellbeing of all neighbors and businesses in any area that could be impacted by the proposed Ordinance and zoning change. Ultimately, the City should not rush through this Ordinance change without considering the economic and social impacts of the zoning change on residents and businesses, particularly in light of the experiences of West 7<sup>th</sup> residents and business with the Freedom House.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

/s/ Aimée D Dayhoff

Aimée D. Dayhoff

Enclosure