

Our Turn: Panhandling rules will add to the burden of poverty

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We have always known Concord to be a compassionate community that does its best to care for all of its people. It has a laudable history of devoting substantial resources to support homeless people and using those resources effectively. It is therefore particularly concerning to see the city proposing an ordinance that will add to the already crushing burdens of being poor and homeless.

At first blush, an ordinance banning “aggressive panhandling” seems reasonable enough. It doesn’t say anything about homeless people, and nobody likes being intimidated into being charitable. There are no statistics about what percentage of Concord’s panhandlers are homeless, but it is safe to say that a disproportionate number are – especially those who day after day stand in the freezing cold, asking for help. Moreover, there is an extraordinarily thin and subjective line between behavior that is intimidating and that which simply makes us uncomfortable. To some degree, the mere approach of a person whose appearance tells us is poor and homeless is – to borrow a phrase from the proposed ordinance – “inherently intimidating.” That, however, is no basis for prohibiting desperate people from seeking charity or the exercise of free speech.

More specifically, while the proposed ordinance purports to focus only on aggressive panhandling, it penalizes solicitations for money in specific places no matter how polite the person doing the solicitation is, or if the request is made by simply holding a sign. The proposed ordinance prohibits any and all solicitation at a bus stop, in a parking lot, or within 20 feet of the entrance or exit to a bank. In such cases, “Please sir, I am cold and hungry, could you spare a dollar for a hot drink” is a public offense, punishable by a fine of \$75 – a considerable sum for someone with no income whatsoever.

More alarming yet, a third offense subjects the person to a fine of \$250 to \$500 and imprisonment for up to 90 days. Even the first offense can lead to jail if, as can easily happen to a homeless person, he or she forgets the court date or can't afford the fine.

The ordinance's definition of "aggressive manner" prohibits any solicitation "within an arm's length of the person," no matter how meek the request for help may be. The definition of "aggressive manner" also encompasses words "likely to intimidate the person into responding affirmatively to the solicitation."

Unfortunately we are living in a time of pervasive fear in which reasonable minds could differ significantly as to what words are "likely to intimidate the person into responding affirmatively." Considering the physical and emotional condition of many homeless people, it seems cruel and pointless to drag them into court because they miscalculated how their words would be perceived by the person they solicited.

It may be that there are times that solicitation on the roads actually creates a threat to the safety of motorists and pedestrians (including the solicitor), but that can be handled with a far less sweeping ordinance. The rest should be scrapped while we see the impact of the soon to be launched Plan to End Homelessness.

Before the Concord City Council votes on the ordinance, we should all ask ourselves whether the thing we are really trying to ban is being forced to confront human suffering face to face.

(Frank Irvine and Ellen Fries live in Concord.)

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