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Advocate: Law would criminalize homelessness in Arlington

In the wake of a [2015 shooting in Arlington near the Alewife MBTA station](#) involving two homeless men, town officials say residents demanded action. However, a leading advocate for the state's homeless says the town's proposed solution would essentially "criminalize" homelessness in Arlington.

"This bylaw could have unintended consequences for people experiencing homelessness," Kelly Turley of Massachusetts Coalition for the Homeless said.

Town Manager Adam Chapdelaine said residents demanded action after a late-night dispute in the Thorndike Field parking lot boiled over into a shooting that left two men wounded.

"This was the impetus for this article, as town staff were limited in what they could do in response to significant resident concern" about the homeless people that live in the Alewife area, he said.

Numerous communities around the country are enacting laws similar to Arlington's, Turley said, but she argued that they don't properly deal with the problems the homeless population is facing.

"We're not addressing the root problems for homelessness, and there are steps that need to be taken before we criminalize survival techniques," she said.

"We certainly have no intent of criminalizing homelessness, but we also want to be able to actively and humanely manage the issue," said Chapdelaine.

The proposed bylaw will appear as a warrant article at Arlington's annual Town Meeting, planned for April 25, 2016.

Current laws limit options

Town Counsel Doug Heim said the measure, brought before the Arlington Board of Selectmen on Feb. 10, is intended to clarify rules around camping on town-owned land.

"It doesn't state anything about that activity specifically," Heim said about current town laws. "The bylaw proposed tries to clarify an area of ambiguity on what constitutes use of public land in Arlington."

Under the proposed town bylaw, anyone camping without permission would receive an initial written warning to leave by a specific date. If they have not vacated by that date, a written citation is issued with a final date to move. If they do not leave after that, then their personal items would be taken and held by the Police Department for eventual pickup. Private land would not be covered by the measure, Heim said.

"It's not that we want to prevent anyone from safe and reasonably well-planned activity in Robbins Farm Park," he said. "That is just the type of thing the Recreation Department should know about."

There is a distinct difference between creating a campsite and sleeping in a public park, Heim said. If personal items are strewn about and left, that would constitute a campsite.

Heim said the proposed law's ultimate goal is to make sure people are sleeping in places cleaner and more sanitary than the current homeless encampment near Alewife.

Limited results from police outreach

For several years, Arlington has had a policy of trying to help its homeless residents get services. Rebecca Wolfe, the department's Mental Health clinician, provides services and outreach to the town's homeless population, in addition to her other duties helping victims of opiate addiction and domestic violence survivors. [In the wake of the 2015 shooting, Arlington Police and Health Department officials amassed a list of organizations](#) and services that Wolfe could suggest to the town's homeless residents.

Those services, however, are often rejected.

"The department offers to have me come and meet with them [homeless person] to assist in finding resources and services and they [homeless person] refuse and go on their way," she said, describing a typical outreach effort.

Rejection of services isn't uncommon for the homeless population, Turley said.

"People refuse services based on prior experiences or fear, and many people could be dealing with mental health issues," she said.

"Many people feel as if they are targeted because they don't have a home," she added.

Turley said many people living in homeless encampments feel as though they've been kicked out of the system. The state's current measures to solve homelessness, she said, are highly planned but are proving insufficient in the face of costly housing and expensive support services that many homeless Massachusetts residents need.

“We fully understand the sensitivity of this issue and we want to pursue a course that is balanced and appropriate for all involved,” Chapdelaine said. “Ultimately, we want to be able to provide public safety while also referring the homeless to resources and assistance.”

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