

HOMELESS IN PARADISE

July 26-August 1, 2019

PENINSULA PULCHRITUDE - Part 30



WHAT TO DO WITH TRASH LEFT BY HOMELESS PEOPLE?

By Wanda Sue Parrott

PONDERING the growing pile of black trash bags in the 1900 block of Fremont Blvd. led Seaside-Sand City neighbors on Next Door to recently engage in such hypothetical dialogue as:

“If a new homeless encampment is springing up, where’d the people go?”

“Maybe it’s a midtown dump. . .”

“Someone could stumble over it at night. Kids’ll be going back to school next month. It’s not safe. . .”

Similar social media conversations have been more frequent throughout Monterey County since the April 11, 2019, decision by the 9th District Circuit Court of Appeals upheld *Martin versus Boise*, a precedent-setting case involving basic human rights of homeless persons.

The peninsula-wide problem came to the fore in Seaside on July 18, where city council approved an effort to gain control for the good of all: the city, the citizenry, and the homeless.

Thus, Seaside’s actions will again serve as a role model for other communities facing the similar what-to-do question I interpret to be:

The Quandary Municipalities Face

If an entity like a municipality, city or county can’t provide alternative shelter for a homeless person whose basic human needs include sleep, then the unsheltered individual has the right to sleep on public property.

Since April, visible encampments that include tents, shopping carts, trash bags, bicycles and bike parts have openly formed at street level in and near Laguna Grande Park at the Canyon Del Rey-Fremont intersection where Del Rey Oaks, Seaside and Monterey meet.

When individuals move on, they leave more than mere stuff behind; there are needles, syringes, rotting food and human waste.

Will they be back to claim their possessions, or are authorities forced to decide what to do with the debris?

On July 18 Seaside city council approved an amount not to exceed \$100,000 during the 2019-2020 fiscal year for contracted clean up and removal service by a professional private entity whose employees receive their email at “disasterhappens.biz.”

Recipient of the contract is Disaster Kleenup Specialists of Sand City, 831-899-3938. Included in their services will be hauling away of trash, and temporary storage of personal items in a container on the grounds of Seaside City Hall.

Service will be performed on an as-needed basis. More about details of how Disaster Kleenup Specialists perform the pilot project will appear in future editions of this column.

Looking Through A Legal Eagle’s Eye

Retiring Seaside city attorney Don Freeman explained the law in layman’s terms by comparing public property to a private property owner’s space: as one’s home, it is inviolate, unless it is an immediate threat to human health and/or safety.

He said that basic human needs, which include the need to breathe, drink and sleep, are human rights protected by law.

If an individual does not have a private place to sleep, such as his/her own shelter or domicile, then public property can be considered like one’s home in which the same laws apply as would be applicable in an ownership or tenant/landlord relationship.

That is, he/she can sleep here without being arbitrarily kicked out or otherwise forced to move.

Due process of law requires a 72-hour notice be given before a person can be evicted and/or personal possessions seized and moved.

This raises questions like: must a 72-hour notice be placed on apparent trash before it can be moved?

Also, if a trash bag is impounded, for how long must it be stored before its contents can be disposed of if the owner does not claim it as personal belongings?

Working on delicate interpretations of the law is a challenge facing every city on the peninsula. For instance, if homeless persons are allowed to sleep on the public beach, can they camp there from only 7 p.m. until 7 a.m. and then move on?

Or can they pitch their tents on the grass at Windows on the Bay between 7 a.m. and 7 p.m.?

Seaside’s actions will provide a legal eagle view of issues that are growing across the area.

General implementation of Seaside’s new plan takes effect 30 days after council approved the \$100,000; however, it wasn’t necessary to wait until after August 18 to kick off the clean-up effort at 1900 Fremont Blvd.

According to councilmember Dave Pacheco, because an immediate health and safety hazard was posed by the trash at 1900 Fremont Blvd., immediate action was taken to eliminate the problem. By late Friday, July 19, Pacheco’s Facebook announcement broadcast the good news: the mess was gone.

Which leads to a strange coincidence.

Coalition Of Homeless Service Providers Update

On July 11, the Coalition of Homeless Service Providers, formerly of Marina, announced Elliott C. Robinson has been named Interim Executive Officer, replacing former executive director Catherine Thoeni, who suddenly resigned unexpectedly on June 9.

CHSP is the continuum of care provider that administered distribution of HEAP funding with which the Olympia Shelter, opposed by some Seaside residents, will be opened for between 35 and 50 homeless families (mostly women) with children by 2021.

Release of the results of the 2019 Homeless Census & Survey is still pending.

For details, contact info@chspmonterey.org, 831-883-3080.

Address of CHSP's new headquarters is 1942 Fremont Blvd., Seaside.

This is the same block on whose corner the piles of trash bags and other debris had begun to pile up a few weeks ago. . .the same block from which the debris was removed last week.

Just how coincidental is that?

If someone is trying to send a message, what do you think it is?

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homeless woman slumps
plastic fending off cold rain
sleeping open-eyed
is she dreaming death
or is her mind lost in space
flickering like stars
when the sun comes out
she will leave her mess behind
who will clean it up

Photo courtesy of Clip Art/Triple-haiku by Wanda Sue Parrott

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www.cedarstreettimes.com.

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