

For over three decades as an urban geographer, I have published and written extensively on the topic of spatial justice. Both my expertise and my principles have long been deeply committed to people's right to have a place simply to be, to exist unmolested. In part, this is because I myself spent a portion of my adolescence unhoused, giving me first-hand experience with precarious living. As such, I am predisposed to support any initiative securing a right to occupy and utilize public space. So it troubles me deeply that I must adamantly oppose HB 3501.

My reasons for this are both personal, and ethical.

Personally, I reside with my family and friends in a working-class neighborhood centered upon a small urban park and an adjacent high school. And throughout the entire summer and autumn of 2021, our neighborhood abruptly became a vast encampment that filled our streets with tarps, salvage, a wide array of waste materials, and an unrelenting series of mental health crises. We did our best to help as we could, providing food and water and basic medical assistance to campers in need, and even managed to help transition a handful of campers into permanent housing. But none of us are social workers or addiction counselors and, ultimately, we were overwhelmed. We suffered screaming and fighting at all hours, the use of our sidewalks and yards as shooting-galleries and impromptu latrines, methamphetamine and fentanyl dealt out of a tent half a block from the high school, a commercial building adjacent a row of wooden houses ignited by a tarp-shelter that burst into flames, disabled neighbors forced out into traffic by thoroughly occluded rights-of-way, numerous visitors and residents – my wife included – menaced and stalked by campers wielding edged weapons. I myself was physically assaulted with a hand-carved shiv by a camper high on methamphetamine, for what I can only assume was the affront of walking past his tent while being visibly a member of a religious minority. It was, in short, a months-long nightmare, one that resisted all our best efforts to remedy, and left many of us with lingering damage like hyper-vigilance and chronic sleep disruptions. We don't know how we would have sustained had it been permitted to continue but, mercifully, municipal authorities stepped in – albeit with woeful belatedness – and removed the encampment. And have had to do so again, repeatedly but at far smaller scales, to the present. Given these experiences, our neighborhood regards HB 3501 with palpable dread. We fear that such a bill would permit precisely the nightmare we've already suffered to return, and ensconce itself under protection of law.

Ethically, while I have staunchly advocated my entire professional life for public space and rights of access for all, I have likewise been a staunch opponent of any attempt to appropriate public space for private use, whether through occupation or access obstruction, by anybody. And HB 3501 facilitates such appropriation, effectively permitting the arbitrary conversion of any public space or right-of-way into private shelter. Worse, it does so in such a way as to impose tremendous burdens upon those visiting, and living adjacent to, such spaces, compelling neighbors with no relevant skills or qualifications to contend with everything from mental breakdowns, to open use of dangerous narcotics, to the cleanup of biohazardous wastes. And let us be very clear about the reality of this on the streets – this burden is not born equally by all neighborhoods. Rather, it is those neighborhoods without the resources to insulate themselves with high walls, large yards, or private security that must contend with the worst impacts. Lower-middle-class and working-class neighborhoods like my own.

Space in which to simply be must be a basic human right. But securing it for some by victimizing others under color of law and, in the process, effectively privatizing public space from the bottom-up would be a grotesquely pyrrhic way of establishing that right. HB 3501 does precisely this, while containing no solutions whatsoever to the underlying problems of houselessness, evictions, impoverishment, and lethal street drugs. It is reactive, ham-fisted, slipshod in its formulation, and oblivious to the broad detrimental repercussions it will necessarily impose. It is the opposite of a solution, and must not be passed into law.