

MIAMI-DADE COUNTY

Miami passes ordinance requiring permits to feed large groups of homeless people

Miami city commissioners on Thursday voted 3-1 to pass an ordinance restricting when and where individuals and organizations can feed people experiencing homelessness.

The ordinance, sponsored by Commissioners Joe Carollo and Manolo Reyes, is against “systematic street feeding,” Reyes said. But the ordinance drew opposition from District 2 Commissioner Ken Russell, the only dissenting vote, as well as from the American Civil Liberties Union.

The ordinance requires individuals and organizations to obtain permits for feedings that will attract 25 or more people experiencing homelessness in a public place. Carollo was absent for the vote.

“We are organizing street feeding and making it more efficient,” said Reyes, who represents District 4 on the commission. “We are creating a program that really, if you want to help the homeless, you should be in favor of it, because we are going to have them as a group under a roof and we are going to supply them all of the support that they need.”

The ordinance states that groups of of houseless people tend to “gather, live and sleep” where food distributions take place daily. The ordinance argues this results in “an increase in unsanitary conditions and breeding conditions for outbreaks of communicable disease, which negatively impacts the health, safety, and welfare of surrounding businesses and residents.”

Additionally, in an op-ed published in the Miami Herald, Reyes [argued public feedings produce “harmful side effects,”](#) citing “garbage left on the streets, little attention paid to social distancing measures and volunteers exposed to the potential spread of COVID-19.”

Those who wish to feed large groups of homeless people must obtain a permit at least two days before a scheduled feeding from the Department of Human Services. A person or organization can provide only one feeding per week.

Additionally, feedings are restricted to five “designated feeding locations,” to be determined by the city manager. The ordinance states the locations must be “within easy walking distance to locations where large groups of homeless are known to congregate,” paved and have adequate parking and lighting. Each location may host only one feeding per day.

The ordinance goes into effect in 30 days.

Earlier in the meeting Thursday morning, Narciso Muñoz, of the nonprofit Hermanos de la Calle, said he supported the ordinance and thought it was important for the city to create spaces where people experiencing homelessness could get meals and connect with other social services. Muñoz said the city should also work toward moving people into housing.

“More than food, what the homeless need is housing,” he said. “Not a shelter. A house.”

The ordinance also lays out punishments for those who violate the new rules: a \$250 fine for the first occurrence and \$500 for each following occurrence. Russell said he supported the general idea of the ordinance but was against the included punishment, saying it sent the “wrong message.”

“We’ve talked about this for years. And step one to me is to create the program, not the punishment,” Russell said. “We’re taking the right steps in creating a program but we’re undermining it by creating the stick portion of this at this point.”

Russell proposed approving the ordinance without the section outlining the fines, but was shot down by Reyes.

Attorneys for the American Civil Liberties Union agreed with Russell, arguing in a letter to the commission that the requirements would make it too easy to penalize people or groups who are offering food to a few dozen people.

“The City of Miami should invest in constructive alternatives to end homelessness, instead of punishing unhoused persons and the charitable organizations that seek to feed the poor,” the letter reads.

In the letter, the attorneys criticized the proposal as “simply cruel and inhumane” and said the feeding ordinance “would effectively serve as an unlawful ban on all public food service to the homeless throughout the city.”

“During the current economic crisis and resultant reduction in food services to the poor, it is likely that all organizations that serve food to the homeless would attract at least 25 hungry persons, thus always triggering the operation of the proposed ordinance whenever anyone seeks to feed the poor,” the letter reads. “Given the proposed ordinance’s severe restrictions on the sites, instances and times in which food can be served to the homeless, this ordinance would therefore effectively operate as an unlawful ban on serving food to the vast majority, if not all, of the homeless throughout the entire City.”

Those watching the meeting via YouTube livestream seemed overwhelmingly against the proposal, based on comments in the chat that accompanied the stream. Commenters criticized the proposal, saying it “criminalized” helping the homeless population.

But Ron Book, head of the Homeless Trust, spoke in support of the ordinance Thursday.

“The most selfish and self-serving thing that we can do is hand someone a meal, leaving them to languish in their current circumstances. There is no humanity in that,” Book said. “What Commissioner Reyes’ program is going to do is give us an opportunity to give those people that are civic-minded to coordinate and to help participate in an organized way to sync it with our efforts to get people off the streets.”

Advocates assisting those experiencing homelessness during the COVID-19 crisis [have criticized Book and the Homeless Trust for not providing more housing and testing](#). Book has rebutted arguments that the organization isn’t doing enough to help, citing the trust’s efforts to place people in hotel rooms the organization acquires.

Miami Herald staff writer Joey Flechas contributed to this report.