

November 5, 2009

Honourable Rich Coleman
Minister, Housing and Social Development
Province of British Columbia

Re: Proposed Assistance to Shelter Act

Dear Minister Coleman,

We the undersigned organizations are providers of homeless shelters, legal advocacy and/or community support. We were alarmed to learn that Bill 18, the *Assistance to Shelter Act*, was introduced in the legislature on October 29. We are writing to outline our grave concerns about the practical, ethical and legal implications of this bill, and to recommend against further efforts to pass it into law.

We commend the provincial government's purchase and renovation of single room occupancy hotels, and the government's stated commitment to develop social housing on 14 city-owned sites. After these positive strides toward a solution to the province's homelessness crisis, this proposed legislation represents an unfortunate step backwards.

Rather than relying on coercive methods to force homeless people inside, we call on the government to invest in approaches based instead on trust and relationship-building. Shelter providers and outreach workers, not the police, should be tasked with connecting with our province's homeless residents and offering them the opportunity to come inside. With sufficient resources, a dedicated staff position could be created to do this outreach. This staffer would also be a point of contact for police who, when they encounter a person sleeping on the streets during a cold or otherwise dangerous period, would call on this staff person to come and speak with the individual and offer them an alternate place to go.

Allowing police to use force detain people who are homeless and compel them into shelters is likely to hurt, rather than help, homeless people and will undermine their safety and security. If people fear they will be apprehended by police and taken to a shelter against their will or in an area they're not familiar with, they may retreat into less visible, and by extension less safe, areas of the city. This will have the exact opposite outcome from what the government says it is seeking: it will make deaths due to exposure more likely, rather than less.

We share your desire to avoid tragic outcomes such as the fate that befell Tracey last winter, and Darrell Mickasko the winter before. It is important to point out, however, that Mr. Mickasko had been turned away from emergency shelter the night he died because the shelter was full. Last year, turnaways occurred more than 40,000 times due to insufficient capacity in Vancouver shelters. The coroner's report into Tracey's death explained that she refused shelter the night she died because she feared losing her belongings. Few shelters can accommodate shopping carts like the one in which Tracey carried all her possessions. Police

practice of throwing away homeless people's belongings left unattended illustrates why she would choose not to access a shelter where she could not keep her possessions safe. The coroner's report makes two recommendations: during the winter months, the City of Vancouver should establish programs where street-entrenched individuals can secure their buggies and carts, and the location of these programs should be made available to social service providers and non-profit groups. Notably, the coroner does *not* recommend legislation to allow the police to force homeless people inside.

The HEAT shelters show that low-barrier, accessible shelters draw people to them of their own accord. If shelters are safe, clean, accessible to everyone and capable of storing people's possessions and accommodating their pets, people will choose to seek refuge in them. Many people who have sought shelter in the past have been turned away because the shelter was full. Until long-term solutions to homelessness - construction and funding of new affordable and supportive housing - are in place, the priority ought to be ensuring there are enough shelter beds for everyone who needs them and communicating to the homeless that there are safe places they can go.

There are clear constitutional issues with the proposed bill; you yourself have acknowledged that there is little doubt it will face a Charter challenge if passed. Rather than passing a potentially unconstitutional law and squandering valuable resources to defend its legitimacy in court, invest in providing shelter staff with the resources they need to reach out to vulnerable people on the streets and offer them the opportunity to come inside. This strategy will be far more effective than a coercive, criminalization approach that requires police to act as outreach workers, a role they are ill-equipped to fulfill.

We look forward to your prompt response to these concerns and your immediate retraction of Bill 18. We would welcome an opportunity to meet with you and your staff to discuss these proposals further.

Yours truly,



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BC Civil Liberties Association

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