Isiah Leggett
*County Executive*

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

# MEMORANDUM

January 31, 2011

TO: Valerie Ervin, Council President

FROM: Isiah Leggett, County Executive

SUBJECT: Roadside Solicitation

A number of residents and businesses have contacted me to convey concerns about how roadway soliciting impacts on public safety on our roads. At many intersections throughout the County, individuals can be found selling goods, panhandling or soliciting for charity from the medians. Frequently, individuals who are soliciting step off the median or adjacent sidewalk and into the road to collect money, putting themselves and motorists at risk.

Because of these concerns, I convened a Roadway Solicitation Task Force in January 2010 to examine the practice of solicitation on roads located within the County and develop recommendations for practical and appropriate ways to deal with the problem. The Task Force included Councilmember George Leventhal, Delegate Anne Kaiser, Senator Jamie Raskin, representatives from the County Police Department and the County Attorney's Office, as well as representatives from civic, business and non-profit organizations. I am forwarding a copy of the final report issued by the Task Force on November 15, 2010.

In its report, the Task Force noted that roadway solicitation is often hazardous to both panhandlers and motorists, and can potentially undermine the County's comprehensive efforts to promote pedestrian safety. The report noted that, while some panhandlers are homeless, appropriate services exist in the County to serve these individuals, and panhandling can often be counterproductive to addressing homelessness as well as addiction problems.

I have requested that our State legislators who served on the Task Force introduce a bill in the 2011 Session that would authorize the County to establish a permit system for roadside solicitation (i.e., State enabling law). Under the bill, solicitation from a median strip or sidewalk adjacent to a roadway without a permit would be prohibited. This local permit system would augment current State law, which already prohibits solicitation in a roadway. Recently, the Maryland Attorney General opined that content-neutral provisions narrowly tailored to accomplish the County's compelling interest in traffic safety are constitutional.

I hope the Council will support this legislation. Working together we can make Montgomery County roads safer for everyone.

Attachment

cc: Marc Hansen, Acting County Attorney
Tom Manger, Police Chief
Joy Nurmi, Director, East Regional Service Center
Carla Reid, Director, Department of Permitting Services

# Roadway Solicitation Task Force Report

## November, 2010

### Members

*George Leventhal, Montgomery County Councilmember*

*Jamie Raskin, Senator, District 20*

*Anne Kaiser, Delegate, District 14*

*Betsy Davis, Assistant Chief, Montgomery County Police*

*Janet Yu, Wheaton Urban District Advisory Committee*

*Carmen Camacho, business representative*

*Eileen Finnegan, Hillandale Citizens Association*

*Ed Wetzlar, Greater Colesville Citizens Association*

*Sally Kaplan, non-profit representative, Bethesda Cares*

*John Sparks, Montgomery County Career Fire Fighters Association, IAFF Local 1664, AFL-CIO*

*Cliff Royalty, County Attorney's Office*

*Staff: Joy Nurmi, Director, East County Regional Service Center*

# Introduction

A number of residents and businesses have raised public safety concerns about roadway soliciting on Montgomery County roads. At many intersections throughout the County, individuals can be found selling goods, panhandling or soliciting for charity from the medians. Frequently, individuals who are soliciting step off the median and into the road to collect money, putting themselves and motorists at risk. Also, when panhandling is prevalent in an area, it conveys a feeling of disorder in the community, and can lead people to believe that the community is not caring adequately for its vulnerable populations. Concern has also been expressed that because Montgomery County is one of the few jurisdictions in the metropolitan area without restrictions on roadway soliciting, it is becoming a magnet for panhandlers.

Business owners in downtown Wheaton, who are trying to burnish their city's image as a safe place to work, shop and live, have expressed concern that panhandling is a major contributor to the negative perception of crime there. They worry that people will shun the central business district as an undesirable and unsafe place to shop and dine thereby undermining the ability of the small businesses community to thrive in what is already a compromised economy. Because of these concerns, the Wheaton Urban District Advisory Committee (WUDAC) sent a letter to the County Executive in July 2009, expressing concern about panhandling and asked him to convene a task force to explore the best course of action for discouraging roadside solicitation in the County.

In October, 2009, the County Executive appointed a Roadside Solicitation Task Force comprised of residents, business owners, State and County legislators, and non-profit and union leaders to address the issue, and to also determine how the County might best provide assistance to panhandlers who are truly homeless or in need of services.

Starting in January, 2010, the Task Force has met monthly, and heard from a variety of individuals, organizations and County Departments about the causes and effects of roadside solicitation.

# Background

## Regulating Roadway Soliciting

Numerous counties in Maryland have either banned roadway soliciting outright or restricted it in some fashion. Roadside solicitation is currently banned outright in seven counties: Anne Arundel, Carroll, Charles, Frederick, Harford, Prince George's and Washington. Cecil County issues one-day permits (within a one-year time period) for fire companies, religious, fraternal, civic, war veterans, and charitable organizations. Howard County issues permits (limited to four times per year, and charges $100). Baltimore County issues permits (limited to 12 per year, no charge).

There is a Maryland Attorney General's opinion, dated May 15, 2009, which says a full ban on roadway soliciting is constitutional. It states that such a ban is neutral because it tailored to assure safety by fostering "free movement of vehicle traffic on city streets," and would not discriminate because it would not allow anyone to engage in roadside solicitation.

> "Successful solicitation requires the individual to respond by searching for currency and passing it along to the solicitor...The direct personal solicitation from drives distracts them from their primary duty to watch the traffic and potential hazards in the road, observe all traffic control signals or warnings, and prepare to move through the intersection."

But the Attorney General's opinion states that instituting a permitting system that limits the number of permits per year or "singling out certain groups for special treatment" is not constitutional. See Attachment A.

Just recently, in August, 2010, the Attorney General issued an opinion in response to a request from Sen. Jamie Raskin (D-20), indicating that legislation to make it a traffic offense for a driver to make a contribution to persons who solicit funds while standing in roadway, median divider, or intersection, would also be constitutional, for much the same reason that a full ban against soliciting in roadways is constitutional – that solicitation distracts drivers from their primary duty to watch the traffic and potential hazards in the road... See Attachment B.

In Montgomery County, there are the following restrictions on roadway soliciting:

- Maryland Transportation Article 21-506, Pedestrians on roadways, states that where sidewalks are provided a pedestrian may not walk along and on an adjacent roadway, and where sidewalks are not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.
- State law bans minors from roadway soliciting in Montgomery County even on medians.
- County Code prohibits: selling flowers on roadways, aggressive panhandling, or hindering the free passage of pedestrians or vehicular traffic.

Roadway soliciting from medians is not prohibited for adults. As noted above, State law does not allow an individual to step off the median and into the roadway to approach a vehicle while soliciting. For this violation, police can write a traffic citation that carries a $60 fine. However, police indicate that there are challenges with citing roadway solicitors under the Maryland transportation code because it is a "traffic" citation. To issue such a citation, police need an individual's valid ID and address. Because many panhandlers do not have a driver's license or other valid ID, or because they have no fixed address, they cannot be issued the traffic citation. Therefore, police say, current law is limited in its effectiveness to deal with roadway solicitation.

Anecdotally, as reported by a Task Force member who has called the police to enforce this law, the responding officers speak to the solicitor, but no further actions are taken.

Most recently, in 2009, two bills were introduced in the State legislature to place further restrictions on roadside solicitation in Montgomery County. Del. Anne Kaiser (Dist. 14) sponsored a bill (HB 827) to allow Montgomery County or a municipality within Montgomery County to restrict roadside solicitation to fire companies, religious, fraternal, civic, war veterans, and charitable organizations that obtain a permit (Attachment C). Sen. Jamie Raskin (Dist. 20) introduced a similar bill (MC 927-09/HB 834) with additional restrictions that included a requirement for a safety plan and a three-day limit (Attachment D). The bills were supported by the Greater Colesville Citizens Association, Hillandale Citizens Association and the Montgomery Civic Federation. The County Executive and County Council opposed both bills. They were both defeated in the Montgomery County House Delegation.

Council Bill 26-02, Streets and Roads – Soliciting in the Road, was introduced in July, 2002, by then-Councilmember Nancy Dacek. The bill would have prohibited pedestrians from standing in a travel lane, roadway median or intersection, or approaching a vehicle to solicit or sell anything on County roadways. The bill went to public hearing but was not brought to the full Council for a vote. It expired in January, 2004.

Proposed County and State legislation has been perceived as a significant barrier to fundraising by non-profit groups, including the local firefighters union, Montgomery County Career Fire Fighters Association, IAFF Local 1664 (IAFF).

The IAFF adopted their "Fill the Boot" Muscular Dystrophy campaign in 1953. One weekend a year for three days, IAFF members solicit for this charity at intersections around Montgomery County. In 2009, local firefighters raised $254,000 for Muscular Dystrophy, the 4th highest amount raised in the country. In the most recent "Fill the Boot" charity campaign in 2010, IAFF members collected a total of $212,000. Beginning in 2007, an executive order enabled IAFF members to solicit for Muscular Dystrophy while on duty in addition to soliciting off duty, which led to increased collections by IAFF for the "Fill the Boot" campaign in subsequent years. Not all donations for this charity drive are collected through soliciting in intersections.

The Task Force members expressed the view that they believe IAFF's "Fill the Boot" campaign is a desirable activity and worthy cause, but identifying solutions to eliminate roadway soliciting for the remainder of the year is difficult if the goal is also to avoid impacting this charity drive. During the "Fill the Boot" campaign, firefighters do step onto roadway when soliciting, so even under current law they could be cited by police. For safety, IAFF members wear orange safety vests when they solicit. It is a requirement under a general order issued by the County fire chief.

## Public Safety Concerns

Task Force Members discussed public safety issues, notably the distraction to drivers presented by roadway solicitation, the prevalence of solicitors stepping off medians or sidewalks into the roadway, solicitors walking between lanes of traffic, and other unsafe behaviors such as the use of wheelchairs by panhandlers on medians. The practice of church organizations overwhelming an intersection with one or two solicitors at every "leg" of the intersection was discussed as a potential safety hazard and problem for the free flow of traffic. (Task Force Member Eileen Finnegan submitted photos of people soliciting in the roadway, Attachment G).

On October 21, 2010, the Montgomery County Council's Public Safety Committee and Transportation, Infrastructure and Environment Committee held a joint session to discuss pedestrian safety. County police Captain Thomas Didone stated that panhandling in the roadway is a problem in his efforts to educate the public and improve pedestrian safety. In his testimony, Captain Didone said: "I think that panhandling and soliciting on these curbs, which is very problematic, has caused us to accept that pedestrians are in the roadways, anywhere, any shape, any form and we've gotten used to it. We need to do something about that. We need to change that. And as law enforcement and as the fire department, we have to represent that, as well make sure we don't cause people to think that the government doesn't care about [pedestrian safety.] The video of the committees' briefing is on-line at: http://montgomerycountymd.granicus.com/MediaPlayer.php?view_id=6&clip_id=784

## Research on Panhandling

Substantive research on panhandling is sparse. Two of the most comprehensive and recent studies identified, *Panhandling in Winnipeg: Legislation vs. Support Services* (May, 2007: http://www.uwinnipeg.ca/index/cms-filesystem-action?file=pdfs/research/panhandling-in-winnipeg-study-vol1.pdf), and *A Study of Public Solicitation in Austin* (September 2008: http://www.mlfnow.org/assets/articles/2-1-x-a-study-of-public-solicitation-in-austin.pdf), both offer similar conclusions: panhandlers come from a variety of backgrounds and panhandle for a variety of reasons. Both studies relied on self reporting by the panhandlers as interviewed by the researchers. Both studies offered similar findings on panhandlers:

- the vast majority experience a high level of unemployment, and/or infrequent and short incidents of employment because of inability to function effectively in the workforce;
- many have physical or mental disabilities that affect their ability to access employment;
- the majority are homeless but are not accessing government services available to them;
- the majority are middle-age white men;
- the majority are isolated, not connected to family unit; and
- many have substance abuse problems.

The Montgomery County Department of Health and Human Services (DHHS) conducted its own one-day survey of panhandlers in November, 2004, at the request of the Council's Health and

Human Services (HHS) Committee. Five teams of police officers and outreach workers interviewed 32 panhandlers throughout the County. Most were located in Silver Spring, Bethesda or Rockville at busy intersections. The panhandlers indicated that they lived in Montgomery County but were not shelter residents. Two-thirds stated that they were disabled and would accept assistance.

The County Council packet cited Philadelphia as an example of a place where centralized outreach services to homeless individuals and panhandlers had been effective in decreasing homelessness and panhandling. Philadelphia's model used 20 outreach workers (social service workers and police) on the street 24/7.

The full HHS Committee packet can be accessed at:
http://www.montgomerycountymd.gov/Content/council/pdf/agenda/cm/2005/050210/20050210hss-ps01.pdf

At the request of the HHS Committee, Montgomery County DHHS developed a proposal for the Fiscal Year 2006 operating budget to fund outreach services to panhandlers that included:

- Two half-time outreach workers (one worker to supplement existing outreach services under contract with Community Ministry of Montgomery County and the Mental Health Association)
- Seasonal hypothermia outreach services. Outreach workers would travel in a van to offer shelter services to street persons and panhandlers during winter months.

The cost of these services was estimated to be $68,000. However, the full Council did not fund this proposal.

Task Force staff talked to the program manager of Project H.O.M.E. on July 14, 2010, to get an update on this program:

Following the passage by the Philadelphia City Council of the Sidewalk Behavior Ordinance (Bill #970817), which prohibited sitting, lying down or selling goods on certain public sidewalks, the City created the Outreach Coordination Center as a partnership between the City of Philadelphia and Project H.O.M.E. to provide a 24-hour hotline for businesses, police or any other concerned citizens to express concerns for individuals appearing to be homeless.

Project H.O.M.E. currently utilizes 30 – 40 outreach workers from four different non-profit agencies with three to four teams working at any one time. Outreach teams conduct street outreach almost around the clock seven days per week, with additional teams out during summer and winter weather emergencies. The teams work zones on foot. Teams are composed of pairs of "outreach" workers. Currently these workers (which are not social workers) are not teaming with police. Beth Lewis, Project H.O.M.E.'s program manager, indicated that Project H.O.M.E. is hoping to create more multidisciplinary teams that would include health care and social workers. According to Ms. Lewis, the organization does not currently target panhandlers.

It only deals with chronically homeless individuals. Project H.O.M.E.'s homeless hotline receives about 200-300 calls per month.

## Homelessness vs. Panhandling

In March, the Roadside Solicitation Task Force heard from the County's Department of Health and Human Services, and two non-profit organizations that work with homeless individuals and panhandlers during their day-to-day work in the community.

Panhandlers often hold signs indicating that they are homeless and in need of food, shelter or medical care. There is often a perception by the general public that these basic needs and services are not available to panhandlers, that the community is not taking care of those in need. However, in Montgomery County, food, shelter and medical care is available to people in need, either through the County government or a wide variety of non-profit organizations that serve low-income and/or homeless individuals.

As the research cited in this report shows, panhandlers are not always homeless but for the majority of panhandlers who are, the problem is not that services do not exist, but that there are barriers to accessing services.

Many panhandlers refuse to use shelters, either because they do not feel safe there or they do not like the restrictions they must adhere to when in a shelter. Many panhandlers lack identification and therefore cannot receive emergency or rental assistance. Mental health and substance abuse issues were also listed as complicating individual's ability to access services. Some panhandlers who served in the military indicated that they could not access veteran's services because of their discharge status. Lack of transportation is also a significant barrier to connecting with services.

### Homeless Services in Montgomery County

County Health and Human Services (HHS) Director Uma Ahluwalia gave a presentation on emergency and homeless services in the County at the March, 2010, meeting of the Task Force. Currently, there are approximately 52 homeless camps in Montgomery County with approximately 600 people. HHS estimates that approximately half of these individuals have homes but frequent the camps for a variety of reasons, including isolation from their immediate families and to consume alcohol with acquaintances.

Director Ahluwalia indicated that HHS is currently having a great deal of success in preventing homelessness by providing assistance and counseling.

Homeless individuals or families that seek shelter are being placed in shelters or motel space. In Montgomery County all single, homeless adults are evaluated at the Crisis Center before being

admitted to the shelter system. The center is available 24 hours a day for face-to-face interviews to discuss what led to their homelessness.

In an attempt to identify and address the problem at its root, clients are sent to treatment providers who focus on why people become homeless. Three major reasons for homelessness are psychiatric or emotional problems, substance use/abuse, and situational issues (job loss, divorce, etc.).

Clients who successfully participate in treatment and comply with shelter rules are moved upward through the tiers of the homeless shelter system as space permits, with the goal of gainful employment and self-sufficiency.

## Health Care for Uninsured Individuals in Montgomery County

Individuals without health insurance can access primary health care through Montgomery Cares. Montgomery Cares is a County program that provides primary health care to medically uninsured, low-income adult residents of Montgomery County. This program is funded primarily by Montgomery County and helps support a network of independent, nonprofit clinics. The Montgomery Cares program includes a special initiative which focuses on the health care needs of County residents who are homeless.

The County's homeless health program arranges for on-site nurse case manager services at three homeless services locations. Enhanced primary care services are available for homeless individuals who utilize shelter or other services at these three locations. In addition, County staff works closely with discharge planners at local hospitals to ensure that homeless individuals who have been hospitalized are linked with appropriate shelter and follow-up medical care upon discharge from the hospital.

Children in families without health insurance may be eligible for Care for Kids, a Montgomery County-funded program administered by the Primary Care Coalition. The Program offers a solution for needy families by providing a "medical home" for uninsured children where they can receive well and sick care, prescriptions and limited specialty care. Through partnerships with the County's school-based health centers and the County Dental program, and subcontracts with Kaiser Permanente, Community Clinic Inc., private doctors, and other health care providers and organizations, Care for Kids promotes a continuity of care that encourages low-income families to maintain and improve their children's health status.

## Addiction Services in Montgomery County

The Montgomery County Department of Health and Human Services offers various levels of treatment for adults with dependence on alcohol or other drugs. The Department also collaborates with providers in the community to provide continuous and comprehensive treatment for consumers with co-occurring disorders (substance abuse and mental health).

Adult Addiction Services offers assessment, referral and a range of treatment options based on specific needs. All services use an abstinence-oriented approach, including participation in self-help groups and mandatory urine monitoring (drug testing). Priority is given to adult Montgomery County residents. Fees are charged at all treatment programs; however, a sliding fee scale may be available with proper documentation and no one is refused services due to inability to pay. Maryland Medical Assistance (MA) and Primary Adult Care (PAC) are accepted. Bi-lingual staff is available and programs are accessible for persons with disabilities

For information on the full range of addiction services in Montgomery County, go to: http://www.montgomerycountymd.gov/hhstmpl.asp?url=/content/hhs/bhcs/as.asp.

## Interfaith Works

Becky Wagner, the then-Executive Director of Interfaith Works, offered information on her organization's work with the homeless. Interfaith Works is a non-sectarian interfaith coalition of more than 165 member and affiliated congregations representing over 75,000 families of many faiths, working together to meet the needs of the poor in Montgomery County. Interfaith Works' Homeless Services provide shelter, critical case management and therapeutic programs for homeless adults in Montgomery County.

Ms. Wagner emphasized that not all homeless people panhandle and not all panhandlers are homeless. She said that one case worker at Interfaith Works who routinely works with homeless individuals indicated that panhandlers self-report being able to collect approximately $150 per day when soliciting near local Metro stations, the Silver Spring Bus Station or on New Hampshire Avenue.

Ms. Wagner noted that some people panhandle for food, but many are mentally ill or addicted and, as the research showed, most of these panhandlers do not seek services or case management for their problems. Most homeless panhandlers only seek shelter when it's cold. As was also pointed out by Director Ahluwalia, Ms. Wagner noted that in all cases, if a person needs food or shelter or medical care in Montgomery County, it is available, though Interfaith Works or other non-profit or County agencies.

## Bethesda Cares

Sally Kaplan, former President of the Board of Bethesda Cares, Inc. also offered a perspective on panhandling and homelessness. She believes that roadside solicitors fall into three categories: professional panhandlers, vendors and part-time panhandlers who "attach" themselves to an unoccupied intersection. Irrespective of geographic location, panhandlers may have mental health issues, substance abuse issues, physical disabilities and might or might not be homeless.

Bethesda Cares believes panhandling is dangerous to both the panhandler and the driver. They believe it can be a personal safety issue for the driver who cannot "escape" an aggressive panhandler. Bethesda Cares believes that educating the population of Montgomery County is the key to eliminating the problem. Ms. Kaplan noted that children especially pressure their parents to give to panhandlers without understanding what happens to the money they donate. She feels there should be an outreach effort to help children understand that giving money to panhandlers is not necessarily helping them obtain food or shelter.

Bethesda Cares, through their network of 450 volunteers, provides a wide range of services in the county. Its drop-in center on Woodmont Avenue in Bethesda has a full time social worker, full time executive director, part-time psychiatrist, and part-time eviction prevention coordinator. In addition, they operate a clothing closet two days a week, serve lunch six days a week, and serve dinner on Sunday night. They provide referrals to medical and dental services.

The Bethesda Cares website states "Giving change to panhandlers does not solve the problem the person is facing and often can prolong the problem. We don't know what people need just by looking at them. Someone asking for change may need food, housing, addiction counseling, health care or clothing. Panhandling is a symptom. At Bethesda Cares we work together with the person to address their individual problem and move them toward stability."

Director Ahluwalia, Director of Montgomery County Health and Human Services, agrees that education is a key to solving the panhandling problem and suggested to the Task Force that an effective approach would involve services and a comprehensive outreach and educational strategy.

## What Other Jurisdictions Are Doing

### Denver, Colorado

Denver Public Works along with Denver's Road Home, Leadership Denver, the Downtown Denver Partnership, Mile High United Way, rabble+rouser, and OZ Architecture worked together to make the donation meter program a reality. This group coordinated the meter design, decal messaging, printing, installation, and the $1,000 sponsorships for individual meters, which raised $36,000 before the meters were unveiled. On March 5, 2007, thirty-six meters were installed at strategic downtown locations that had significant foot traffic and panhandling issues. Within the first month, 16,411 coins were donated at these various meters totaling approximately $2,000. In September of 2007 another fifty refurbished parking meters were installed in other community sectors throughout the city. These meters also raised $1,000 sponsorships each. It is already evident that the panhandling population is decreasing in the area around the meters, and that there is a significant increase in awareness of the issue within the downtown community.

*Current Status*

With eighty-six existing meters, the project generates in excess of $100,000 per year through sponsorships and donations. The donation meter project, in addition to its benefits for awareness and curbing panhandling, serves as a way to provide some sustainability to Denver's Road Home throughout the Ten-Year Plan to End Homelessness.

## Minneapolis

In response to an increase in panhandling in Minneapolis' downtown commercial center, a number of partnering organizations-including the City government, Hennepin County, the Minneapolis Downtown Improvement District and Heading Home Hennepin: The 10-year Plan to End Homelessness in Minneapolis & Hennepin County-will launch a collaborative public awareness campaign, entitled "Give Real Change." The purpose of the campaign is to better educate the citizens of Minneapolis regarding issues of panhandling and homelessness. It asserts that panhandling is demeaning for everyone involved and negatively affects community livability and local commerce.

"No person wants to panhandle for a living and panhandling is ultimately an ineffective means of escaping poverty for those who do," said Cathy ten Broeke, the Minneapolis-Hennepin County Coordinator to End Homelessness. "Giving to people who panhandle does not address the root causes of their poverty, and as a community, we can and must do better."

Instead of giving to people who panhandle, "Give Real Change" encourages citizens to volunteer their time or donate money to local nonprofit agencies that provide outreach and services to help move people off of the streets and into permanent, stable housing. As Monica Nilsson, Director of St. Stephens' Human Services Street Outreach Team often notes, people do not need a handout, they need a hand up.

Posters will be placed throughout the downtown area encouraging people to contribute online at www.giverealchange.org. Information on how people can be involved in helping to end homelessness will also be provided.

## Cincinnati

Cincinnati.com, June 6, 2010, by Cindy Kranz

"Cincinnati's homeless shelters will now have to discourage their residents from panhandling. City Council on Thursday passed a package of new minimum standards for shelters, including that they must document how they discourage panhandling and how they address residents caught panhandling. Whether shelters meet all the guidelines will be monitored by the Cincinnati/Hamilton County Continuum of Care, a group that oversees shelter funding."

Cincinnati.com , June 16, 2010, by Dan Horn

The city of Cincinnati is headed for another court showdown over its panhandling rules.

The latest fight began Wednesday when advocates for the homeless sued over a City Council recommendation to require homeless shelters to "discourage panhandling." They say the proposal also would create a new oversight process that would allow the city to withhold government money from shelters that accept panhandlers.

The Greater Cincinnati Coalition for the Homeless, along with a shelter and a homeless panhandler, argue in the federal lawsuit that such a policy would be unconstitutional because panhandling is protected by the First Amendment.

## St. Petersberg, FL

The Daily Loaf, June 4, 2010 by Sean Bowes

"Panhandlers have been outlawed in St. Petersburg. City Council members listened as business owners, homeless activists, homeowners and newspaper 'hawkers' voiced their opinions on the ordinance before it passed last night at 10:30 p.m.

The new ordinance states that no one can solicit cars on sidewalks or medians in St. Pete. The ordinance not only affects the poor and homeless; non-profit organizations, charities and hawkers will all be banned. Charities such as firefighters' "Fill the Boot" fundraiser that raises money for "Jerry's Kids" are included in the ban. The fundraiser helps those with muscular dystrophy and other related neuromuscular diseases. St. Petersburg firefighters have collected over $30,000 for MDA in the past."

## Edmonton, Canada

Lindsay Harvey, Global News: Saturday, May 29, 2010

"Since 2008, panhandling complaints in Edmonton have increased by more than 100%, but a new program in our city is hoping to change that.

Police are teaming up with local businesses in the area that have been affected by panhandling to form the "Change your Giving Program." The program encourages people to give money to local charities that help the less fortunate, instead of handing the money straight to them. This is because police say most of the money that's collected through panhandling goes to the drug trade, with this new program, the money will be better used in an organized charity.

The "Change your Giving" campaign has teamed up with the city's 2-1-1 program. You'll be able to phone that number and get a list of charities you can donate to, instead of giving to panhandlers.

### Springfield, Oregon

The CarConnection, By Bengt Halvorson, May 25th, 2010

"A city in Oregon just phased in a novel and effective way of raising money for the homeless: by funneling the change from its parking meters toward the effort.

Through a so-called Change for Change program, Springfield, Oregon has gathered two-dozen meters and isn't officially charging anything for parking. On an honor system, motorists pay for their parking and make a contribution."

### Rapid City, SouthDakota

Rapid City Journal, by Emilie Rusch, April 5, 2010

Rapid City wants its residents and visitors to think twice before giving money to panhandlers around town.

The city and the Rapid City Police Department are launching a public service campaign to encourage people to donate their spare change to local nonprofit agencies that assist the city's homeless residents instead of giving it directly to panhandlers. The announcements will appear on local television stations.

"When you give to panhandlers, oftentimes, that money is used for alcohol or drugs or tobacco," Mayor Alan Hanks said. "Why not give to one of the nonprofits, so you know it will go to people that help them as far as providing food, clothes and shelter?"

In the 30-second public service announcement, police officer Ryan McCandless suggests that residents give that spare change to Cornerstone Rescue Mission, The Salvation Army and Community Food Banks of South Dakota, three local charities that assist low-income and homeless residents in Rapid City. If residents feel threatened by a panhandler, McCandless says in the announcement, they should contact the police.

City ordinance bans "aggressive" panhandling and the solicitation of anyone in a number of specific conditions, including someone in motor vehicle, from within 6 feet of a building entrance or after sunset. Those found guilty are subject to a $200 fine, 30 days in jail or both.

## Montgomery County Efforts to Reduce Panhandling

### Bethesda Meter Program

Ken Hartman, director of the Bethesda-Chevy Chase Regional Services Center, described the Bethesda meter program, which allows people to donate spare change to charitable organizations that serve the homeless by depositing spare change in specially designated

"parking meters" in downtown Bethesda. However, he noted that the money collected through this program is not significant and indicated that many of these meters have been vandalized.

It appears that meter programs range widely in their ability to raise donations from the public. The Daily Iowan reported that nine "donation stations" in Iowa City collected $180 in three weeks, after being installed in June, right before the city's new panhandling law took effect. Denver reports up to $100,000 per year from its 86 meters.

### Silver Spring Meter Program

In Silver Spring, the Parking Meters Program for the Homeless is just getting underway. It is a collaboration between a number of organizations: Shepherd's Table, Downtown Silver Spring management companies (Peterson), the Silver Spring Chamber, and the County's Silver Spring Regional Services Center and Department of Transportation. It is designed to recycle, repaint, and repurpose old parking meters into donation meters. The purpose is to allow people to give their change to charity via the meters.

The meters will be located in safe, convenient and well-lit locations with heavy 24/7 pedestrian traffic. All the collaborating organizations offered recommendations on locations for the five meters in various downtown Silver Spring areas. The meters are being provided by the County's Department of Transportation and the Silver Spring Regional Services Center, and the Shepherd's Table (a program for the homeless in SS) will repaint and install/mount pockets on the meters to distribute educational flyers to the public.

## Liquor Sales and Panhandling

At one of its meetings, Task Force members expressed concerns about the County Liquor store sales of "minis," small inexpensive bottles of hard liquor. Department of Liquor Control Director George Griffin attended the April Task Force meeting to address this concern. He indicated that in fact, most "minis" cost more to purchase per ounce than pints or larger sized bottles. However, on occasion, County liquor stores have done promotions of certain brands and have offered 85-cent specials for minis. He indicated that the Liquor stores could stop such promotions where problematic. He said pints may be more of a problem and noted that DLC could refrain from selling "cheap liquor."

Mr. Griffin also noted that anyone who is concerned that a particular DLC licensee is contributing to a problem in their community can ask DLC to hold a public hearing on the licensee's renewal. If DLC finds that a particular licensee is a "nuisance," it can pull or decline to renew the license.

George Leventhal asked DLC to conduct a 90-day study at County liquor stores to assess who is purchasing minis and cheap liquor, especially looking for signs that the person is homeless or a

panhandler by observing if the person is paying for the liquor with large quantities of coins, is carrying a cardboard sign or is purchasing liquor under $5

DLC reported the following:

1. DLC retail staff is trained to refuse service to anyone who is (in the judgment of the employee) "visibly intoxicated." This authority is provided in State law. Therefore, any person who appears impaired, or who has visited a DLC store frequently during the same day, is turned away.
2. If DLC retail staff observes an individual panhandling in front of a County store, possibly intimidating or disturbing customers coming and going, they are asked to leave the premises, and are not served.
3. Miniatures (50ml) sold at the sales/check-out counter do not appear to be an item bought by the population being studied. Even when the items are sold at a low price ($1 or so), they are single serving items only, and often are for specialty items or new items being introduced to the market (cordials, etc.) Single-serve miniatures are not a target purchase of "panhandlers."
4. "Pint" size bottles (350ml) are more likely to be the size of product purchased by this population because pints are relatively inexpensive and easy to conceal. County DLC stores stock pint bottles behind the check-out counter so that customers must ask the clerk for the item. This policy mandates a face-to-face exchange between the customer and County employee, and gives the employee the opportunity to observe the customer.
5. Some products at the traditional "fifth" size (750 ml) are also relatively inexpensive, and are more economical on a per-ounce cost basis.
6. Customers who may be "alcohol dependent" or "alcohol abusers" (which could include panhandlers), prefer to purchase "ready to drink" items. For this reason, the DLC stores do not sell any chilled beer, and very little chilled wine. DLC stores sell domestic beer only in case quantities, imports and micro-brews in six-packs and do not sell any single beers. DLC stores do not appear to be a source of beer purchases for the targeted population, but licensed (private) retailers are. These businesses are regulated by the County. In terms of distilled spirits, (based on unscientific observation) vodka and gin are probably spirits of choice most likely to be selected by this targeted population.
7. Public health researchers have published numerous studies relating to the substance abuse behaviors of homeless individuals and other at-risk populations. County DLC can access much of this information through the National Alcohol Policy Alliance if requested (Montgomery County is an active participant with both groups).

# Enforcement in Jurisdictions with Roadside Solicitation Bans

## Gaithersburg

The Gaithersburg City ordinance, which prohibits soliciting in the road, is based on the State's road ordinance and is a criminal violation, which carries a penalty of 90 days in jail or a $500 fine. According to City of Gaithersburg Sgt. Scott Scarff, police issue a warning for first violations, conduct a field interview with the individual and take their photo, as many panhandlers do not carry identification. For second violations, police will issue a citation; seize the individual's money or goods (in the case of a vendor) as evidence. They can be arrested and taken to jail for the violation if they have no identification or fixed address. Sgt. Scarff said that Gaithersburg Police put five people in jail last year, and they spent from three to 60 days in jail awaiting trial on the charges. The cost of housing an inmate is $182 per day, according to the Montgomery County Department of Corrections and Rehabilitation.

If Gaithersburg Police encounter a person or group soliciting for an organization, the individuals will be warned. For individuals or groups soliciting for charity, Gaithersburg Police may ask them to provide proof that the charity they are soliciting for is a legitimate 501c3 organization, and officers may run a background check on individuals. If the solicitors cannot prove they are with a legitimate charity, Gaithersburg Police can charge them with theft by fraud.

Sgt. Scarff indicated that Gaithersburg Police work closely with homeless advocates to connect panhandlers who are homeless with services. Gaithersburg City has a full-time employee that conducts outreach to the homeless population. This Homeless Advocate gives referrals and assistance to people on the streets. Federal, state, and county grants as well as contributions from the community fund a portion of this activity.

The Homeless Assistance Program in the City of Gaithersburg is overseen by Jimmy Frazier-Bey, the City's Homeless Advocate. His office is in the Wells/Robertson House located at 1 Wells Avenue. The House is the City's transitional facility for homeless men and women who are in recovery from chemical addiction.

The staff of Wells/Robertson House also tries to assist individuals in active addiction in accessing treatment and related services. A key component to the program is utilizing case management strategies for collaboration and partnering with outside agencies, businesses, and the community to address the myriad of concerns and challenges the residents of the program face.

The facility was developed in response to concerns merchants in Olde Towne Gaithersburg expressed about the alcoholics and addicts on the streets. The City was already helping to fund shelters in other areas of the county that were being used by former residents of Gaithersburg who had become homeless. The City was also helping to fund a local soup kitchen.

A Task Force was formed to survey the street population of the City and explore options. The Task Force recommended hiring a Homeless Advocate to work with the people on the streets. The Advocate was to help people access the services they needed in order to get back into housing. A priority was to get addicts and alcoholics into addiction treatment. The Task Force also pointed out the need for a transitional facility to house the homeless alcoholics and addicts when they completed treatment.

In his first year of operation, the Homeless Advocate admitted 15 men and two women to long-term alcohol/drug treatment programs. As of December, 1998, the Advocate had admitted 104 people into treatment who then went into Wells/Robertson House. Many more have been given other services related to food, shelter, clothing, and basic needs, or placed into treatment.

The Homeless Advocate also liaisons with City merchants to educate them about panhandling and addiction and to help them with problems they may be having with the homeless population. In addition, the program staff receives calls from citizens with concerns about homeless persons, and responds to those concerns.

Frazier-Bey said that he first approaches homeless individuals, tries to gain their trust and build rapport then he assesses them for services that would be appropriate to their situation. He indicated that most of the homeless individuals he deals with are not interested in going to a shelter, typically because they have mental health or substance abuse issues and are uncomfortable around other people or fear for their safety in shelters.

He reported that he is currently seeing many more young people, including women and children who are homeless.

## Anne Arundel

Ann Arundel bans roadway soliciting outright. Del. Pena-Melnyk (D-21, Ann Arundel, Prince George's) attended the June meeting of the Task Force. She said Ann Arundel passed legislation banning soliciting on any highway after a person in a wheelchair was killed while soliciting. She also said that Anne Arundel was experiencing organized groups coming from Pennsylvania to panhandle. Violators in Anne Arundel can receive a traffic citation for $60. If they can't provide identification, the police can take the panhandler to the district station and identify them.

Before introducing the legislation, the Anne Arundel County Executive met with firefighters regarding the "Fill the Boot" charity campaign. He reached out to the owners of shopping centers, who agreed to allow the firefighters to collect outside their stores. Firefighters in Ann Arundel and Prince George's Counties both agreed to change their charity drives to conform to the new law. However, Craig Oldershaw, union president for Anne Arundel's firefighters, indicated to the IAFF representative on this Task Force that firefighters in Anne Arundel County did not voluntarily agreed to support this approach, and instead supported an amendment to the State legislation that would have allowed roadway soliciting by obtaining a permit.

Del. Pena Melnyk said Anne Arundel County engaged in a significant outreach effort before its legislation went into effect in October, 2007. County Executive John R. Leopold launched an information campaign directed to panhandlers. County police officers took part in a four-week campaign by distributing informational flyers about the new law to individuals who were soliciting in roadways. The flyers informed the individuals about where they could receive assistance with food, shelter, or basic needs in the Annapolis area.

The County also undertook an extensive media outreach campaign. In mid-October, County Executive Leopold announced that the legislation had been a success. He said, "...enforcement statistics show that three arrests, eight citations, and seven warnings have been made since the panhandling ban went into effect on October 1...with offenders facing fines up to $500, panhandlers are quickly learning that this is an issue that this County Administration takes seriously."

Del. Pena-Melnyk indicated that this legislation has not been a burden on police. Anne Arundel Police Major Tom Wilson confirmed this. Del. Pena-Melnyk indicated that her constituents in Anne Arundel pushed for the legislation and frequently express appreciation that the panhandling has stopped. In fact, she said there was a great deal of pressure for Anne Arundel to adopt the legislation as most jurisdictions surrounding the County had already adopted such legislation, and that enforcement in those other jurisdictions was pushing the panhandlers into Anne Arundel. She indicated that the panhandlers move to jurisdictions where panhandling is allowed.

Below are the number of calls for service for panhandling that Anne Arundel Police Department received during 2008, 2009 and the first 6 months of 2010. These represent legitimate complaints that turned out to be actual violations, not complaints for panhandling on private property where the law would not apply. Some of these calls were proactively initiated by the officers.

Police started with warnings and then escalated to charging individuals, except in situations where there were extenuating circumstances.

2008 - 98 calls
2009 - 66 calls
2010 - 25 calls in the first 6 months

Del. Pena-Melnyk indicated that Baltimore County will be introducing legislation this coming session.

## Outreach to Advocacy Organizations for the Homeless

The Task Force provided copies of the Task Force report to organizations that advocate for and serve homeless individuals, and invited these organizations to its September 23, 2010, meeting voice their views on the options in this report for dealing with roadside solicitation. The following organizations were invited to participate:

- Action in Montgomery
- Archdiocese of Washington
- Bethesda Cares
- Interfaith Works
- Jewish Social Service Agency
- Maryland Catholic Conference
- Catholic Archdiocese of Washington
- Montgomery County Coalition for the Homeless
- Montgomery County Commission on People with Disabilities
- Montgomery County Commission on Veteran Affairs
- National Law Center on Homelessness and Poverty

Bethesda Cares, the Catholic Archdiocese of Washington, Montgomery County Coalition for the Homeless, and the Montgomery County Commission on Veteran Affairs attended. The National Law Center on Homelessness and Poverty sent comments, which are included below.

**Comments from the National Law Center on Homelessness and Poverty:**

The outreach worker option mentioned in the report sounds like an excellent option. My suggestion for the County would be to try that option to see if it diminishes the panhandling that is of concern before considering anything else. Obviously, there are some funding issues. But, if the county decides to pass a law and enforce it, resources will need to be dedicated to enforcement. One way to possibly address the resource issue is to partner with the business community to raise funds for outreach workers. The DC Business Improvement District (BID) can serve as a positive example of a BID using its own resources (through a small property tax) to help address concerns about street homelessness (first the BID started and funded a day center and now I think they fund outreach workers).

The problem with passing restrictions on panhandling that involve penalties, even if just civil fines, is that people who are panhandling will likely not be able to pay fines and then will end up with similar problems as people with criminal records, creating barriers to accessing housing and employment.

I understand that some concern around panhandling is that there are people who are not homeless who panhandle. Even if this is the case, an anti-panhandling law will inevitably impact homeless people, as some homeless individuals also panhandle. Further, law enforcement may

not enforce the law properly. For example, here in DC, we have an aggressive panhandling law. We have surveyed homeless individuals who have been cited or arrested for panhandling even when they are not technically violating the law.

I admire the process that you all have gone through to examine this issue. It seems to be a truly thoughtful and open process. In fact, I wish a lot of other communities approached decision-making around these issues in the same way!

**Bethesda Cares:**

Bethesda Cares' views on roadway soliciting are contained on pages 8 and 9 of this report.

**Catholic Archdiocese of Washington**

See Attachment E.

**Montgomery County Coalition for the Homeless**

See Attachment F.

**Montgomery County Commission on Veteran Affairs**

The Commission indicated that it does not intend to provide comments.

# Options

Below are a number of options the Task Force has developed that could be adopted either alone or in combination to address the issue of Roadside Soliciting.

- State legislation banning roadway soliciting:
    - Legislation for a total ban on roadway soliciting with a civil fine. Making it a criminal violation would have two drawbacks: potentially giving individuals a criminal record for panhandling thereby impeding their future ability to find employment; and, requiring the County to spend $182 per day and likely more in the future to incarcerate violators who could not make bond.
    - Enabling legislation to allow the County to pass a local law to allow roadway soliciting by permit. Permits could be issued to an individual or group to solicit at a specific intersection for three-day periods, with no limit on the number of permits within a year for any individual or group. The IAFF's Fill the Boot campaign would be able to continue under this scenario.
    - Either legislative option above could include a provision to require a social service outreach component (Philadelphia required such outreach when it passed its sidewalk behavior law**) or an outreach campaign to educate County residents to direct their charitable giving to non-profits that provide services to low-income and/or homeless individuals.

- The County, either alone, or in collaboration with the business community, could develop a comprehensive outreach campaign, which would include Public Service Announcements, media messaging, advertisements on buses, and a web site, and could also include other elements, such as:
    - Expanding the exiting meter programs to other strategic locations throughout the County, especially in urban areas. These efforts are similar to the "Real change, not spare change" program being utilized in other jurisdictions to discourage residents from giving to panhandlers.
    - Installing signs in medians on County roads to educate and discourage people from giving money to panhandlers. Montgomery's Department of Transportation (DOT) said it could place signs at locations where panhandling was prevalent, but said that signs would likely only be effective if part of a larger outreach campaign. State Highway Administration (SHA) would likely not allow signs along State routes.
    - Adopt a "Change Your Giving" campaign, which directs people to contribute to local homeless charities through "311" rather than giving directly to panhandlers (this could be included on DOT signs).
    - Adopt a "Give Real Change" campaign, which encourages citizens to volunteer their time or donate money to local nonprofit agencies that provide outreach

Attachment A

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General

DAN FRIEDMAN
Counsel to the General Assembly

SANDRA BENSON BRANTLEY
BONNIE A. KIRKLAND
KATHRYN M. ROWE
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

May 15, 2009

The Honorable Martin O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

***Re: House Bill 933***

Dear Governor O'Malley:

We have reviewed House Bill 933, entitled "Prince George's County – Roadside Solicitation of Money or Donations – Permit Program," for constitutionality and legal sufficiency. While we generally approve the bill, we write to discuss severable portions of the bill that we believe violate the First Amendment. We also suggest ways that Prince George's County should implement the bill to avoid violating the First Amendment.

House Bill 933 amends Transportation Article § 21-507 to authorize Prince George's County to enact "a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle." The bill specifies the contours of the permit program that Prince George's may enact and states that at least 15 days in advance of soliciting, a permit applicant must give the County the following information:

1. The name, address, and age of each person who will solicit;
2. The name and address of the employing or sponsoring person, agency, or entity;
3. The exact location where each solicitor will be assigned;

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4. The purpose of the solicitation;
5. The time frame and duration of the solicitation;
6. The name, address, and telephone number of a contact person who will be able to provide additional information to the county;
7. Any other information required by the County.

The bill also limits the duration of a permit to 24 hours and limits applicants to no more than four permits per year.

As explained below, it is our opinion that the provisions of the bill that require applicants to give the name and address of every person who will solicit is unconstitutional. In addition, we believe that applicants may not constitutionally be limited to four permits per year.

The First Amendment to the U.S. Constitution states that "Congress shall make no law ... abridging the freedom of speech." The First Amendment applies to state and local governments through the Fourteenth Amendment. *Stromberg v. California*, 283 U.S. 359 (1931); *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Jakanna Woodworks, Inc. v. Montgomery Co.*, 344 Md. 584, 595 (1997)(citing *Central Hudson Gas v. Public Service Comm'n*, 447 U.S. 557, 561 (1980)). Moreover, "the freedoms protected by Article 40 the Maryland Declaration of Rights have been interpreted by [the Court of Appeals] to be co-extensive with the freedoms protected by the First Amendment." *Id.* Charitable solicitations are protected under the First Amendment. *United States v. Kokinda*, 497 U.S. 720, 725 (1990); *Secretary of State of Maryland v. Joseph H. Munson Co., Inc.*, 467 U.S. 947, 959 (1984); *Schaumburg v. Citizens for a Better Env't*, 444 U.S. 620, 632 (1980). Specifically, regulation of roadside solicitation implicates First Amendment concerns. *Sun-Sentinel Co. v. Hollywood*, 274 F. Supp. 2d 1323 (S.D. Fla. 2003).

The First Amendment analysis begins by determining the nature of the forum at issue. *Eanes v. State*, 318 Md. 436, 447 (1990). The forum here is a public forum. "Public streets are the archetype of a traditional public forum... ." *Frisby v. Schultz*, 487 U.S. 474, 480-481 (1988). The Supreme Court in *Frisby* noted that its decisions "identifying public streets as traditional public fora are not accidental invocations of a 'cliché,' but recognition that '[w]herever the title of streets and parks may rest, they have

immemorially been held in trust for the use of the public.'" *Id.* (quoting *Hague v. CIO*, 307 U.S. 496, 515 (1939)). In a public forum, the government may restrict speech if the restriction is content neutral, narrowly tailored to serve a significant government interest and "leave[s] open ample alternative channels for communication of the information." *Warren v. Fairfax Co.*, 196 F.3d 186, 190 (4th Cir. 1999)(quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)). Moreover, because House Bill 933 requires government permission before a person may engage in free speech, it must also be examined under the doctrine of prior restraint. *The Pack Shack, Inc. v. Howard Co.*, 377 Md. 55, (2003). A regulation that imposes a prior restraint must provide for narrow, objective and definite standards to guide the licensing authority. *Shuttlesworth v. Birmingham*, 394 U.S. 147, 150-151 (1969). "A scheme that places 'unbridled discretion in the hands of a governmental official or agency constitutes a prior restraint and may result in censorship.'" *FW/PBS, Inc. v. Dallas*, 493 U.S. 215, 225-226 (1988)(citations omitted).

> Even content-neutral time, place, and manner restrictions can be applied in such a manner as to stifle free expression. Where the licensing official enjoys unduly broad discretion in determining whether to grant or deny a permit, there is a risk that he will favor or disfavor speech based on its content. We have thus required that a time, place, and manner regulation contain adequate standards to guide the official's decision and render it subject to effective judicial review.

*Thomas v. Chicago Park District*, 534 U.S. 316, 323 (2002).

A total ban on roadside solicitations from persons in vehicles would be constitutional. Such a ban would be content neutral because it would not allow anyone to engage in roadside solicitation. Moreover, a ban on solicitation from persons in vehicles would be narrowly tailored to assure "free movement of vehicle traffic on city streets." *ACORN v. Phoenix*, 798 F.2d 1260, 1268-1269 (9th Cir. 1986).

> [S]uccessful solicitation requires the individual to respond by searching for currency and passing it along to the solicitor....The direct personal solicitation from drivers distracts them from their primary duty to watch the traffic and potential hazards in the road, observe all traffic control signals or warnings, and prepare to move through the intersection.

*Id.* at 1269. Hence, a roadside solicitation ban prohibiting all persons standing in the road from soliciting from occupants of vehicles would be constitutional because it is content-neutral and narrowly tailored to address the government's substantial interest.

On the other hand, creating a permitting process where the government chooses who may engage in roadside solicitations raises constitutional concerns. "With respect to noncommercial speech, the city may not choose the appropriate subjects for public discourse." *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 515 (1981). Further, it is well established that the State may not single out certain groups for special treatment. *Sun-Sentinel Co*, 274 F. Supp. 2d at 1528-1530; *Bischoff v. Florida*, 242 F. Supp. 2d 1226 (D. Fla. 2003). "[A] law permitting communication in a certain manner for some but not for others raises the specter of content and viewpoint censorship ...." *City of Lakewood v. Plain Dealer Publishing Co*. 486 U.S. 750, 764 (1988).

House Bill 933 does not grant any discretion to County officials about whether to grant a solicitation permit. The bill sets out objective registration criteria and thus County officials will perform a pure ministerial function in determining whether these requirements have been met. As a result, "no discretion exists in the official 'to engage in invidious discrimination against disfavored ....'" *United Food & Commercial Workers Union Local 442 v. City of Valdosta*, 861 F. Supp. 1570 (M.D. Ga. 1994)(citation omitted). Therefore, the bill is not an unconstitutional prior restraint.

In contrast, the provision requiring applicants to disclose the name of every individual who intends to solicit is not constitutional because the provision does not appear to be narrowly tailored to meet the public safety purpose of the legislation. The regulation must serve the affected substantial government interest "in a direct and effective way." *Ward*, 491 U.S. at 800; *The Pack Shack*, 377 Md. at 183 (stating that there must be a "relevant correlation" between the required disclosure and the harm the government is trying to prevent). Moreover, "[i]ncluded within the panoply of protections that the First Amendment provides is the right of an individual to speak anonymously." *Independent Newspapers, Inc. v. Brodie*, 407 Md. 415, 440 (2009). In the *Brodie* case, however, the Court recognized that "[t]he anonymity of speech, however, is not absolute...." *Id.* at 441. The regulation will be upheld if there is a relationship between the governmental interest and the compelled disclosure of every person associated with the effort. *Watchtower Bible & Tract Soc'y v. Village of Stratton*, 536 U.S. 150, 166 (2002)(declaring unconstitutional an ordinance that required the disclosure of the name of every person who was going to be soliciting for the group); *NAACP v. Alabama*, 357 U.S. 449, 466 (1958)(declaring as unconstitutional in violation of the First Amendment a state law that required an organization to produce its

membership list). We do not believe that the requirement of disclosure of identity of the solicitors satisfies this requirement.

Additionally, the limitation on applicants in House Bill 933 to four permits a year, in our view, is not narrowly tailored. To be constitutional, the restriction must be tailored so that it does not "burden substantially more speech than necessary." *Ward*, 491 U.S. at 799. A regulation will meet this standard if it "targets and eliminates no more than the exact source of the 'evil' that it seeks to remedy." *Frisby*, 487 U. S. at 485. The government may not regulate "expression in such a manner that a substantial portion of the burden on speech does not serve to advance its goals." *Ward*, 491 U.S. at 800. Nevertheless, the regulation "need not be the least restrictive or least intrusive means" of furthering the government's interest. *Id.* at 798.

It is unclear how the public safety purpose is served by limiting persons to no more than four permits per year. There is no limitation on the number of persons any organization can have soliciting under its permit, thus there could be large numbers of solicitors on any day. *See Local 32B-32J v. Port Authority of New York*, 3 F. Supp. 2d 413 (S.D.N.Y. 1998)(declaring unconstitutional a regulation that limited the number of persons who could solicit in a bus terminal because the Port Authority did not show how the limit was narrowly tailored to address its congestion concerns); *Napa Valley Publishing Co. v. City of Calistoga*, 225 F. Supp. 2d 1176 (N.D. Cal. 2002)(finding that regulation limiting the number of newspaper racks on any given block to eight was not narrowly tailored to support the City's concerns about aesthetics, pedestrian circulation and safety). Further, the public safety purpose of House Bill 933 could be addressed by a more narrowly tailored regulation that limited the number of solicitors who could solicit each day and at each location, or by requiring a group to wait for a second permit at a particular location until all other applicants had an initial opportunity to solicit there. *Thomas*, 534 U.S. 316 (stating that a regulation that was narrowly tailored to increase the utility of limited space and maximize the benefit for the community was constitutional); *Wolin v. Port of New York Authority*, 933 F.2d 83 (2d Cir. 1968)(finding that the Port Authority "may set approximate and reasonable limitations on the number of persons who may engage in such activities at any specific time," but officials drawing these regulations should be "mindful that the plaintiff has a constitutionally cognizable interest in reaching a broad audience"); *SEIU v. City of Houston*, 542 F. Supp. 2d 617 (S.D. Tex. 2008)(determining that a limit of four permits per day is constitutional because it addressed the City's concerns about traffic disruption); *Brown v. City of Pittsburgh*, 543 F. Supp. 2d 448 (W.D. Pa. 2008)(finding a regulation relating to a buffer zone outside a health clinic constitutional because, among other things, it did not place limits on the number of speakers).

Moreover, although the statute on its face does not distinguish between applicants, in our view, the impact of this provision may favor large organizations - who could have dozens of volunteers who solicit on a single day – over smaller groups or individuals who, to raise sufficient funds, need to engage in solicitation more frequently. The result is that more speech is burdened than is necessary to meet the government's public safety interests. *New Jersey Env'tl Federation v. Wayne Township*, 310 F. Supp. 2d 681 (D.N.J. 2004)(declaring solicitation ordinance unconstitutional because limitation of permit requirements to certain organizations did not support the purported justification for the limitation and there were numerous other ways the city's safety interest could be served); *Kokinda*, 497 U.S. at 736 (finding that regulation prohibiting solicitation in entrances to post office was content neutral because it did not discourage any group from engaging in free speech while favoring others); *New Jersey Freedom Organization v. City of New Brunswick*, 7 F. Supp. 2d 499, 510 (D.N.J. 1997)(stating that distinctions among groups contained in the city ordinance had no "logical relationship" with the city's asserted interests and thus the ordinance was unconstitutional). Therefore, because the yearly limitation on the number of permits a person may receive is not narrowly tailored to fit the County's public safety concerns, it our view, this provision is likely to be found unconstitutional.

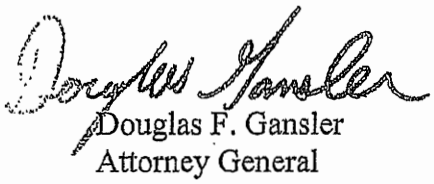
Nevertheless, it is our view that while the requirements for applicants to provide identifying information and limiting applicants to four permits per year may be unconstitutional, they are severable from the remainder of the legislation. Article 1, § 23, Annotated Code of Maryland, provides that the "finding by a court that some provision of a statute is unconstitutional and void does not affect the validity of the remaining portions of that statute, unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent." The remaining provisions of House Bill 933 can stand alone and be executed by Baltimore County without violating the constitution.

If you choose to sign House Bill 933 and the County Council of Prince George's County subsequently decides to enact a permit program, we suggest that the local law contain narrow, objective, and definite standards to guide and adequately limit the discretion of the officials who will be making decisions about the permits. *Shuttlesworth*, 394 U.S. at 151. To be constitutional, the standards must be limited to the public safety purposes of the legislation. For example, Prince George's County could identify locations that it determines to be too dangerous to allow any solicitation, or it could institute a "first come, first served" basis to limit the number of solicitors at any location on any given day. Such narrowly defined standards would advance the government's interest while ensuring that permit decisions are ministerial tasks, and thus, substantially

reduce the likelihood that such decisions will made on the basis of reasons unrelated to public safety, or based on value judgments about the applicants. But, as explained above, the standards should not require an applicant to disclose the identity of the solicitors. Similarly, applicants should not be limited to four permits a year, at least without a substantial showing that this limit is narrowly tailored to the public safety needs of the County.

In accordance with the foregoing, therefore, it is our view that there is no constitutional bar to signing this legislation.

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/SBB/kk

cc: The Honorable Douglas J. J. Peters
The Honorable Gerron S. Levi
The Honorable John P. McDonough
Joseph Bryce
Karl Aro

Attachment B

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General

DAN FRIEDMAN
Counsel to the General Assembly

SANDRA BENSON BRANTLEY
BONNIE A. KIRKLAND
KATHRYN M. ROWE
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

August 25, 2010

The Honorable Jamie B. Raskin
122 James Senate Office Building
Annapolis, Maryland 21401-1991

Dear Senator Raskin:

You have asked for advice concerning a proposal for legislation under which it would be a traffic offense for a driver to make contributions to persons who solicit funds while standing in a roadway, median divider, or intersection. You have also asked whether such legislation could be enacted for individual counties, and whether it could be enacted by local jurisdictions rather than by the General Assembly. It is my view that a content-neutral restriction on giving money in response to roadside solicitation could be upheld if it is narrowly tailored to the achievement of the compelling interest in traffic safety. It is also my view that local jurisdictions do not have the authority to enact this legislation for themselves, but the General Assembly could give them this authority or could enact provisions for individual charter counties without violating the requirements of Maryland Constitution Article XI-E, § 4.

In the past, this office has analyzed various restrictions aimed at roadside solicitation, and has concluded that content-neutral provisions that are narrowly tailored to the accomplishment of the State's compelling interest in traffic safety do not violate the First Amendment. For example, a provision that simply bars solicitation by a person standing in a roadway, median divider or intersection is clearly constitutional. *See* Bill Review letter on House Bill 392 of 2009, dated May 15, 2009. A regulation that is not content-neutral, in that it applies only to some solicitors, or imposes requirements unrelated to traffic safety, however, raises substantial constitutional questions. Letter to the Honorable Douglas J.J. Peters and the Honorable Gerron S. Levi, dated March 10, 2009 (bill that allows roadside solicitation by nonprofit organization but not others raises a "strong possibility" that bill would be found unconstitutional); Bill Review letter on House Bill 392 of 2009, dated May 15, 2009 (bill requiring that all solicitors be identified in application and that limited permits to twelve a year was of doubtful constitutionality).

It is my view that the same analysis would apply to a law placing the prohibition on the person making a contribution in response to a solicitation rather than to the person making the solicitation. Like the solicitation of a contribution, the making of a contribution is protected by the First Amendment. *Abood v. Detroit Bd. of Educ.*, 431 U.S. 209, 234-235 (1977); *Buckley v. Valeo*, 424 U. S. 1, 22 (1976). A law that prohibited a person from making any contribution to a person

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410-946-5600 · 301-970-5600 · *Fax* 410-946-5601 · TTY 410-946-5401 · 301-970-5401

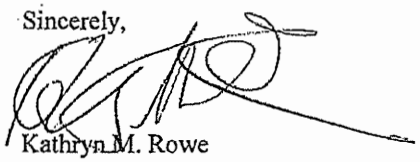
standing in a roadway, median divider or intersection would clearly serve the State's compelling interest in traffic safety. As noted in *ACORN v. Phoenix*, 798 F.2d 1260, 1268-1269 (9th Cir. 1986):

> successful solicitation requires the individual to respond by searching for currency and passing it along to the solicitor. Even after the solicitor has departed, the driver must secure any change returned, replace a wallet or close a purse, and then return proper attention to the full responsibilities of a motor vehicle driver. The direct personal solicitation from drivers distracts them from their primary duty to watch the traffic and potential hazards in the road, observe all traffic control signals or warnings, and prepare to move through the intersection.

Therefore, it is my view that a simple prohibition on contributions to solicitors who stand in a roadway, median divider or intersection would be constitutional.

Transportation Article § 25-101.1(a) and (b) provide that the provisions of the Maryland Vehicle Law are statewide in their effect, and that no local authority or political subdivision may "make or enforce any local law, ordinance or regulation on any subject covered by the Maryland Vehicle Law." In the event that anyone was still confused, § 25-101.1(c)(2) and (3) further provide that "[a]ll public local laws, ordinances and regulations that are inconsistent or identical with or equivalent to any provision in the Maryland Vehicle Code are repealed," and the "charters of all political subdivisions of this State are modified to prohibit the political subdivision from making or enforcing any ordinance or regulation in violation of the Maryland Vehicle Law." While there are exceptions to this limitation, none would permit regulation of roadside solicitation, or the prohibition of interaction with roadside solicitors. As a result, local governments may not regulate on this subject, and, since it is expressly withheld from the express powers of charter counties, the General Assembly is free to regulate for individual charter counties without violating Maryland Constitution Article XI-A, § 4.

Sincerely,



Kathryn M. Rowe
Assistant Attorney General

KMR/kmr
raskin02.wpd

# HOUSE BILL 827

R5 9lr0618

By: Montgomery County Delegation
Introduced and read first time: February 11, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Montgomery County – Solicitation by Adults of Money or Donations from Occupants of Vehicles – Adoption of a Permit Program

MC 920–09

FOR the purpose of authorizing the Montgomery County Council or the governing body of a municipal corporation in Montgomery County to enact a local law to require an adult or an adult representative of certain organizations to obtain a certain permit before standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; prohibiting an adult from standing, or causing, encouraging, allowing, or petitioning a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle, if a certain permit is required under a local law enacted under this Act and the permit has not been obtained in accordance with the local law; defining a certain term; and generally relating to the solicitation of money from occupants of vehicles in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

(g) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(2) IN THIS SUBSECTION, "QUALIFIED ORGANIZATION" MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', OR CHARITABLE ORGANIZATION.

[(1)] (3) (I) [In Montgomery County, a] A child under the age of 18 years may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

[(2)] (II) This [subsection] PARAGRAPH shall be enforced by the issuance of a warning that informs the offender of the requirements of this [subsection] PARAGRAPH.

(4) (I) THE MONTGOMERY COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY ENACT A LOCAL LAW TO REQUIRE ADULTS OR ADULT REPRESENTATIVES OF QUALIFIED ORGANIZATIONS TO OBTAIN A PERMIT BEFORE THE ADULT OR ADULT REPRESENTATIVE MAY STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.

(II) IF A PERMIT IS REQUIRED UNDER A LOCAL LAW ENACTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A PERSON WHO HAS NOT OBTAINED A PERMIT IN ACCORDANCE WITH THE LOCAL LAW MAY NOT:

1. STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE; OR

2. CAUSE, ENCOURAGE, ALLOW, OR PETITION A PERSON TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

# HOUSE BILL 834

R5 9lr0863

By: Montgomery County Delegation
Introduced and read first time: February 11, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

**Montgomery County – Solicitation of Money or Donations from Occupants of Vehicles – Prohibitions and Exceptions**

**MC 927–09**

FOR the purpose of prohibiting, in Montgomery County, an adult from standing, or causing, encouraging, allowing, or petitioning a person to stand, in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle, subject to a certain exception; authorizing the Montgomery County Council or the governing body of a municipal corporation in Montgomery County to enact a certain permit program to allow adults and adult representatives of certain organizations to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring a local law authorized under this Act to include a requirement that an applicant for a certain permit submit proof of a certain safety plan; requiring a certain local law to provide that a permit issued under this Act only be effective for a certain time period; defining a certain term; and generally relating to the solicitation of money from occupants of vehicles in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Transportation**

21–507.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

(g) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(2) IN THIS SUBSECTION, "QUALIFIED ORGANIZATION" MEANS A FIRE COMPANY OR BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS', OR CHARITABLE ORGANIZATION.

[(1)] (3) (I) [In Montgomery County, a] A child under the age of 18 years may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

[(2)] (II) This [subsection] PARAGRAPH shall be enforced by the issuance of a warning that informs the offender of the requirements of this [subsection] PARAGRAPH.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN ADULT MAY NOT:

1. STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE; OR

2. CAUSE, ENCOURAGE, ALLOW, OR PETITION A PERSON TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE.

(II) 1. THE MONTGOMERY COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY MAY, BY LOCAL LAW, ENACT A PERMIT PROGRAM TO ALLOW ADULTS AND ADULT REPRESENTATIVES OF QUALIFIED ORGANIZATIONS TO STAND IN A ROADWAY, MEDIAN DIVIDER, OR INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE.

2. IF THE COUNTY COUNCIL OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE COUNTY ENACTS A LOCAL LAW ESTABLISHING A PERMIT PROGRAM AUTHORIZED BY THIS SUBPARAGRAPH, THE LOCAL LAW SHALL:

A. REQUIRE AN APPLICANT FOR A PERMIT TO SUBMIT PROOF THAT THE APPLICANT HAS A PLAN FOR ALL ADULTS PARTICIPATING TO SAFELY SOLICIT MONEY OR DONATIONS AT THE PROPOSED LOCATION; AND

1 B. PROVIDE THAT A PERMIT IS EFFECTIVE FOR A
2 PERIOD OF NOT MORE THAN 3 DAYS DURING THE CALENDAR YEAR.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.

Attachment E

**Testimony of the Catholic Archdiocese of Washington**
**to the Roadside Solicitation Task Force**
**September 23, 2010**

The Archdiocese of Washington is grateful to the Roadside Solicitation Task Force for the opportunity to offer our perspective on the age-old practice of roadside solicitation, popularly known as panhandling. Like so many other issues related to poverty, the problems presented by roadside solicitation are complex and present no easy solution.

We believe that it is a primary responsibility of the county to provide a social safety-net for the basic needs of the poor and vulnerable that, when unmet, some county residents attempt to fulfill through solicitation. Where safety-net programs offering food, clothing, and shelter to the county's poor are lacking or inadequate, they must be bolstered; where they are sufficient yet underutilized, we must publicize their availability and make them more readily accessible.

This is both a moral and a practical imperative. We base this on our understanding of the principle of Catholic Social Teaching that "human life is sacred and that the dignity of the person is the foundation of a moral vision for society."* We also believe that all human beings live in solidarity with one another. Catholic Social Teaching emphasizes that "We are one human family whatever our national, racial, ethnic, economic, and ideological differences. We are our brothers' and sisters' keepers, wherever they may be."*

Thus, the dignity of every individual demands that he or she not suffer for want of the most fundamental human needs, and the problem of solicitation will be easiest to solve when its scope is minimized by providing for these needs. For these reasons we endorse the approach taken by the city government of Philadelphia, where a concerted outreach to poor and homeless people was the spearhead of its efforts to reduce "undesirable sidewalk behavior."

The social outreach efforts of Catholic Charities of the Archdiocese of Washington and the efforts of the Department for Charity and Justice of the Archdiocese point to the reality of the biblical admonition that "the poor you will always have with you" (Matthew 26:11). Roadside solicitation by the poor and vulnerable may be reduced but will most likely never be eliminated. As such, efforts to combat poverty, while essential, may not be enough.

It is right and proper, and indeed paramount, for the county to ensure that solicitation is safe for all involved—both for those soliciting and those they solicit. The challenge is to regulate the practice without levying punitive penalties that would simply compound the problems that those soliciting already face. In this case perhaps the best approach is to emphasize discretion in the enforcement of applicable laws, noting that fining a person for roadside solicitation may often do less to solve the problem than referring that person to a social service provider. That said, law enforcement officials need sufficient legal authority to remove roadside solicitors if they pose an immediate threat to the public's safety or their own.

In accordance with the Attorney General's opinion, the Archdiocese strongly discourages the task force from recommending any regulations that would discriminate among solicitors. In fact, the mere requirement that permits be obtained would tend to discriminate against the poor and vulnerable, for whom the task of obtaining a permit would be a far greater burden than it would be for charitable groups. However, if the county does opt to require permits for this practice, guidelines for issuing those permits must be strict and rigid, allowing no opportunity for the exercise of bias in their application. While undoubtedly the "Fill the Boot" campaigns and other fundraising efforts do much good for our community, First Amendment principles prohibit the government from preferring the speech of a firefighter to the speech of a homeless person.

Perhaps a superior strategy to requiring permits would be to prohibit solicitation in certain zones and allow it in others. High-density commercial areas such as downtown Wheaton, where roadside solicitation may disadvantage local businesses, could be zoned as solicitation-free. Such a regulation would bear more equally on all individuals and groups who seek to raise money this way. Still, the county would need to be cautious when imposing a zoning requirement, since defining the zones too broadly could disproportionately affect the poor, homeless, and vulnerable who often lack the means to live in or to travel to areas of lower-density development.

**Anthony Bosnick**
**Director, Department for Charity and Justice**
**Archdiocese of Washington**
**P.O. Box 29260**
**Washington, DC 20017**
**301-853-5340**
**abosnick@adw.org**

**Testimony endorsed by:**
**Catholic Charities of the Archdiocese of Washington**
**Justice and Advocacy Council of Montgomery County**

**Themes of Catholic Social Teaching*, accessed 9.22.10:
http://www.usccb.org/sdwp/projects/socialteaching/excerpt.shtml

I want to thank folks for their work and their thoughtful product.

As you know, this is a complicated problem with no easy solutions.

And with usual Montgomery County way, I appreciate that the report doesn't seek a total ban on roadside solicitation with criminal charges. However, I believe we have to be realistic about the unintended consequences of a civil penalty for people with no money.

I'm not clear about what you think legislation would entail in terms of a penalty for failing to pay the fine. Our folks don't have the money so will they end up with criminal records for failure to pay, creating additional barriers for them to enter housing or gain employment. That's not what we want and it would certainly make our job as providers more difficult.

And I have to ask whether one of the intentions of this effort would be to "step up" enforcement of existing aggressive panhandling laws and enforcement of any new policy. And what would the penalty be if we enacted a license system and someone didn't have a license—would it be a civil penalty or a criminal penalty and again, what would failure to pay look like?

And if we focus on banning panhandling in medians, are we prepared to deal with locations folks may move to – libraries, shopping centers. I think experience in other jurisdictions would show that people don't magically disappear – they tend to find a new place.

I support educating the community but think we should be mindful of jurisdictions that have launched costly anti-panhandling media campaigns with very limited results – like San Francisco.

And since it was the business districts that brought the problem forward, I think you need to bring them into the solution. In DC, it is the Business Improvement District funds outreach workers. It would be great to see that type of buy in and support.

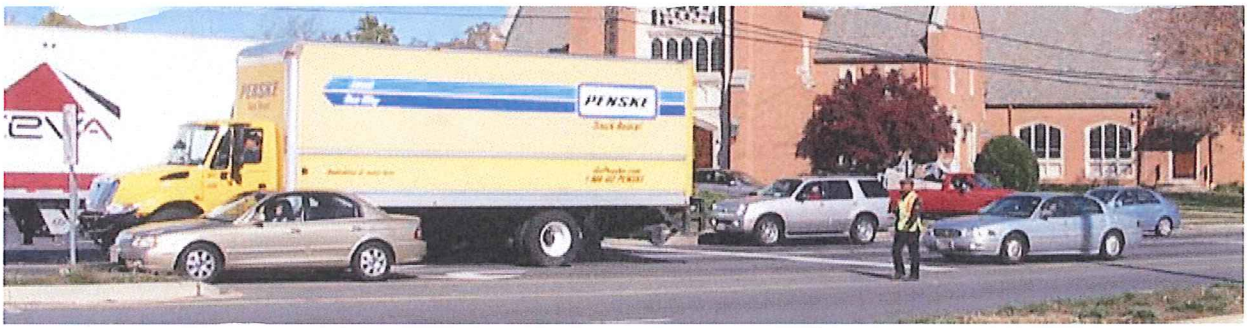
This is a tough problem and as a homeless advocate I want to be clear that we would support efforts but want to make sure they are not unfairly targeted people who are homeless or who appear to be homeless and not the school pep club.

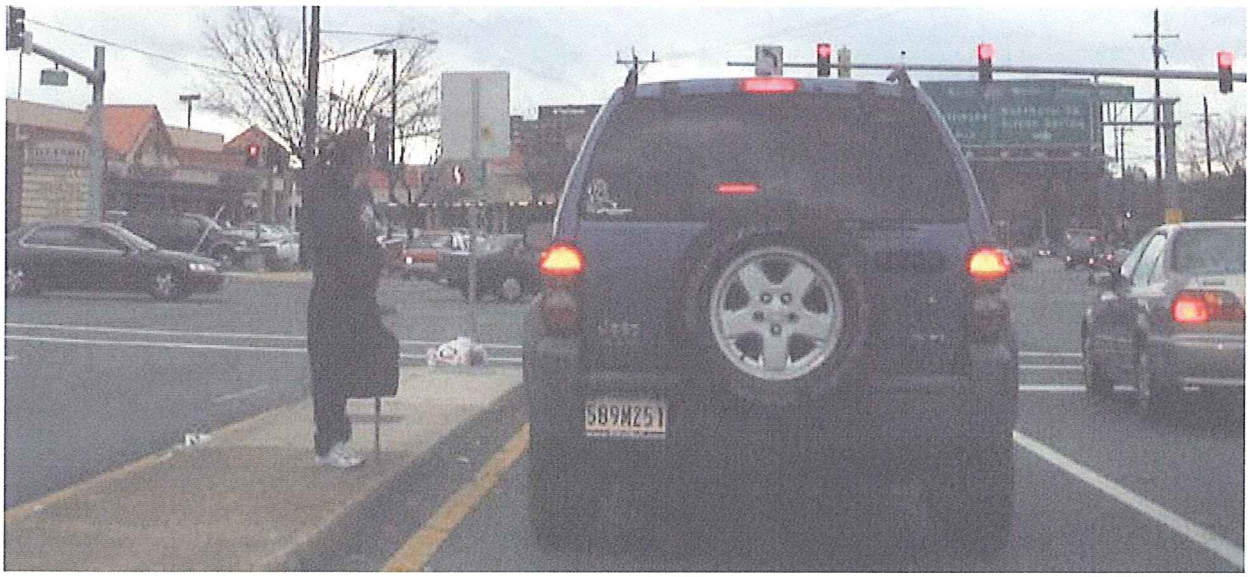
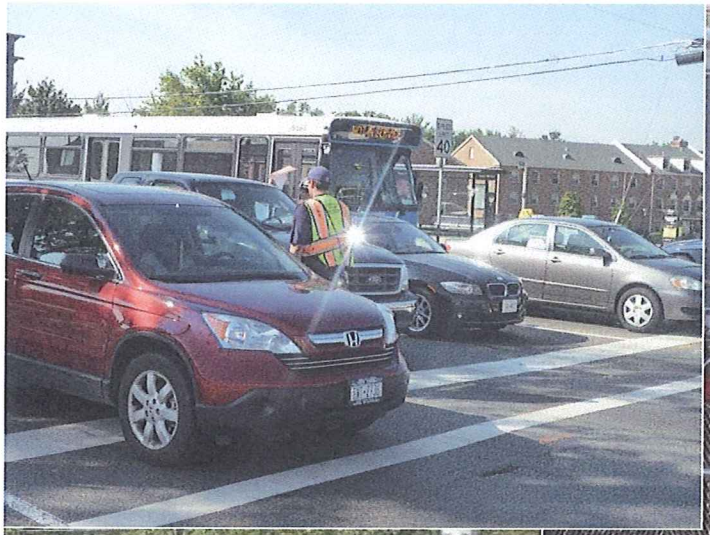
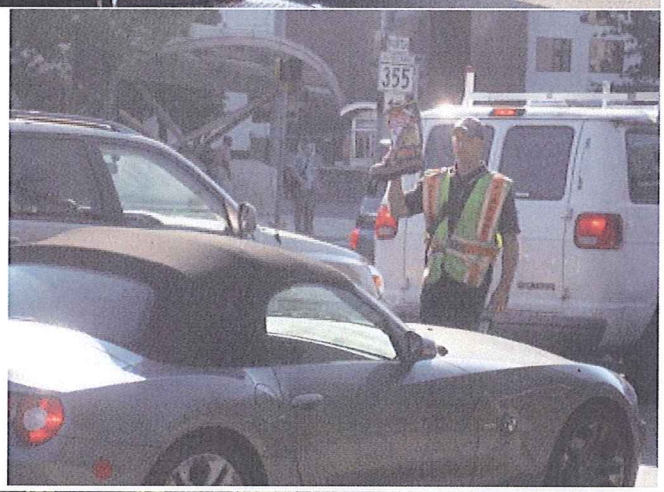
I support the outreach worker option. Is it worth piloting it to see if just outreach results in any significant decrease? While staffing it would have $$ associated with it, so would enforcement if we enacted a law so I think it is worth a try. I think we also have to be realistic about the employment options for some of these folks and understand why panhandling is a consistent source of income. The government can provide the shelter and the food and the treatment but they aren't giving them money every day.

Sharan London ,Executive Director
Montgomery County Coalition for the Homeless

**Attachment G**

# Photos of Roadway Solicitation in Montgomery County

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