

Dear Council:

Over the last few decades, municipalities have adopted new or revised laws to target the presence and survival activities of homeless people in public spaces.

While carefully couched in modern bureaucratic and 'duty of care' language, these laws are the descendants of archaic 'vagrancy' laws designed to protect the prevailing social and economic order and punish people who have no choice but to spend their time in public spaces.

And, because a high percentage of street involved persons are racialized, Indigenous, disabled, LGBTQ2S+, youths and women, such laws are fundamentally discriminatory.

And, unimaginatively similar.

Neo vagrancy laws, like this one, claim to allow shelters, yet severely restrict the times and places where people can set up shelters. Thus, effectively banning shelters for more than a very short period of time.

Common to all such laws, this draft policy codifies a legal means for anyone to complain about street-involved people in public spaces, for any reason that they want. They prohibit vaguely defined behaviours that the public can use to target anyone they find undesirable. Extremely vague terms used in the draft policy - such as "heightened expectation of enjoyment" and "mobility of the public" are completely open to subjective interpretation. Or, so broadly defined as to exclude anyone for any reason. Where exactly in Guelph's public spaces are "children" not welcomed? Or "pets"?

Negative personal experiences with street involved persons (or anyone else for that matter) don't need to represent the facts. Strongly held beliefs about street involved people (or racialized people, or LGBTQ2S+ people, or disabled people - etc. etc.) don't have to correspond with reality. That's why policies are based on facts, not personal experiences and 'gut feelings' While decades of underinvestment and the pandemic created the conditions in our downtown, poverty myths have guided public policy for centuries.

Bad policy often makes good politics.

As elected officials, I appreciate the pressure all of you are under to 'do something' about unimaginably complex social issues, particularly when so many of your constituents, including the working poor, downtown business owners, students and middle class are also struggling. I don't envy your task (or your email inboxes). I'll just say that it is possible to empathize with your constituents – all of them - while also making informed, evidence-based, neutral decisions.

Also, I recognize that your authority to address these issues is limited by legislation. This doesn't mean you are powerless. Far from it. Today, you could be discussing a renovation bylaw; or a vacancy tax; or strategies for financial relief and education for downtown business owners; or a coordinated strategy to lobby the upper levels of government. While our city - like all Ontario cities - is a creature of the province. It doesn't have to be a lapdog.

I could go on, but you already have all the facts you need to reject this policy. You've had them for months. I wish that gave me confidence. In the end, facts don't always matter. Particularly when the most powerless are the most affected. In the meantime, this meeting seems more indicative of bad governance than good policy making.

Sincerely,

David Gibson
Guelph, ON