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**ACLU AND NLCHP FILE LAWSUIT CHALLENGING BOISE'S NEW
ANTI-SOLICITATION ORDINANCE**

City ordinance infringes on constitutionally protected speech and will disproportionately discriminate against struggling Boiseans

Boise, ID—Today the American Civil Liberties Union of Idaho (ACLU) and the National Law Center on Homelessness and Poverty (NLCHP) filed a legal challenge to Boise's new Anti-Solicitation Ordinance (ORD-34-13) approved by the City Council on Tuesday, September 17, 2013. The lawsuit was filed in U.S. District Federal Court for the District of Idaho.

“This ordinance is nothing more than the government telling us what we can say and where we can say it,” said Richard Eppink, Legal Director for the ACLU of Idaho. “Not only does it offend the Constitution by banning protected free speech and expression in public areas in Boise, but it also unfairly burdens struggling families in our community who need help. Military veterans, individuals with disabilities, and the least among us, who are forced to pray for alms in the streets, will be pushed out of view.”

Joining the ACLU of Idaho in this lawsuit is the NLCHP, which is already involved in an ongoing lawsuit against the City of Boise to protect homeless persons from being harassed for sleeping in public when they have no alternative.

“We are proud to stand with the ACLU of Idaho in filing this case to protect homeless persons from further criminalization for simply asking for help,” said Eric Tars, Director of Human Rights and Children's Rights Programs with the NLCHP, “It is unfortunate that Boise's City Council has chosen to further attempt to punish homeless persons rather than pursue more constructive and cost-effective alternatives that preserve the basic human rights of its most vulnerable residents.”

The ACLU of Idaho is the chief plaintiff in the lawsuit and is joined by Larry Shanks and Troy Minton. Larry Shanks is a street musician who lives in his camper in the city of Boise and is learning to play for donations on the streets of Boise. Troy Minton is a Boise resident who lives in his truck. He solicits money on the streets and sidewalks of Boise to raise money for gas so that he can travel to jobs he gets through temp agencies.

The ACLU of Idaho is a plaintiff because it relies on private donations to carry out its mission.

“The best time for a fundraiser to ask for money could occur anywhere,” said Monica Hopkins, ACLU of Idaho Executive Director and a certified professional fundraiser. “This includes the downtown area where soliciting would be made illegal in the most popular places. The new ordinance would turn fundraising downtown into a pitched battle against big brother—you would always have to be looking around and worrying whether you’re in the wrong place to open your mouth and ask for a contribution.”

Larry and Troy both live in their vehicles and are considered homeless. If the new ordinance takes effect, seeking donations from Boise residents will be almost impossible to do as they may suffer from discriminatory enforcement. The ordinance expands and builds upon an official City campaign, called “Have a heart, Give Smart,” that specifically discourages direct donations to families and individuals in need.

“The truth is I don’t like to panhandle, but it’s something I have to do in between jobs to survive” said plaintiff Troy Minton. “People yell at me. They tell me to get a job and frequently shout insults at me. I am concerned that I will be targeted in the downtown simply because I look or dress differently.”

The lawsuit seeks to strike down the new city ordinance as unconstitutional. It also seeks a preliminary injunction to halt the ordinance from ever taking effect. The ordinance is currently scheduled to take effect January 2, 2014.

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