

# **Food Not Bombs Analysis of the “new draft” ([tinyurl.com/CriminalizingPublicService2](http://tinyurl.com/CriminalizingPublicService2)) for volunteer food sharers.**

## **The new draft of the amendment to the city ordinances will inhibit groups sharing food with the homeless.**

- 1) The draft doesn't achieve any useful or clear policy objectives. The extra expenses that will be incurred are not necessary or useful, and have not been budgeted. The law creates additional work and bureaucracy for various city agencies and homeless food providers without any moral basis.
- 2) It requires volunteer groups to obtain written permission to use public property. Anyone that simply goes to where homeless are to help them without permission would be criminalized. This would prevent the spontaneous giving of food, because obtaining permission will take time. Many of the people that are feeding the homeless, feed extra food from their own meal. It is impossible for them to know prior to their family eating if they will have food left over. This aspect of the law is a violation of 1st Amendment freedoms of assembly, speech, and religion.
- 3) It is entirely unclear how to get this written permission and what the criteria for approval or denial of permission. The permission requirement could be used to re-impose the criteria that were taken out of the draft (ie. yes you can have permission if you agree to meet the following requirements...).
- 4) It requires volunteer groups to obtain written permission to use private property. This would eliminate the element of the 'mens rea' of trespassing which is an essential constitutional protection against those who leave public property and enter private property without realizing it. It is the reason why current laws require property owners to put up no trespassing signs. Not only would this new draft completely change the definition of trespass to include accidental trespassing, it would only effect one category of accidental trespassers: those who do so to share food with the hungry.
- 5) The ordinance is incomplete and vague. It fails to describe the mechanisms under which fines would be incurred. It seems to be written specifically to require expansion later, when public attention has waned.
- 6) Since the 'City of Houston Recognized Charitable Food Service Provider Program' would be strictly voluntary, not only would many groups not bother joining, there is also a strong financial incentive against participation -- the risk of potential fines from Health Service inspections, or improper trash removal. Groups that serve home-cooked food would be unable to join even if they wanted to.

We oppose the proposed charitable feeding ordinance that would regulate a natural expression of human compassion, and will continue to oppose it even if some aspects are softened, because more severe controls can be added later and because regulation of charity to the homeless is an affront to a basic instinct of humankind.