David Turch and Associates

WASHINGTON UPDATE

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CITIES PUT ON NOTICE REGARDING HOMELESS POLICIES

Municipal ordinances banning homeless people from sleeping and/or camping in public places are, under certain circumstances, unconstitutional, according to the US Justice Department. In a Statement of Interest filed on behalf of plaintiffs against the City of Boise, Idaho, DOJ argues these types of municipal ordinances effectively criminalize homelessness by banning people from sleeping outside when no other option is readily available to them. Since sleeping is an inherent and necessary function of human life, DOJ's position is enforcing anti-camping ordinances in cases where people have nowhere else to go is in violation of the Eighth Amendment protection clause against cruel and unusual punishment.

The National Law Center on Homelessness & Poverty (NLCHP), the organization that originally filed the lawsuit against Boise, reports in a 2014 survey, that out of a sample of 187 cities: 34 percent had citywide laws banning camping in public; 43 percent prohibited sleeping in vehicles; and 53 percent banned sitting or lying down in certain public areas. These municipal laws, NLCHP argues, criminalize activities that are fundamental to human existence. According to a US Department of Housing and Urban Development (HUD) 2014 Annual Homeless Assessment Report, 42 percent of homeless individuals slept in unsheltered, public locations – under bridges, in cars, in parks, on the sidewalk, or in abandoned buildings.

While the long-term implications of DOJ's position may take years to play out, the short-term impact can be interpreted as a shot across the bow of communities across the nation that confront the social, economic, safety, health and behavioral challenges of homelessness on a daily basis.

FAA RAISES THE ALARM OVER NEAR MISSES INVOLVING DRONES

Close encounters of the drone kind involving commercial aircraft have increased significantly in the past year. According to the Federal Aviation Administration (FAA), pilots reported seeing 650 unmanned aircraft as of August of this year, compared to 238 sightings for the entire year of 2014. For this past June alone, 138 pilots reported seeing drones at altitudes of up to 10,000 feet, up from 16 for the same period last year. Illegal drone operations near wildfires in California, moreover, recently forced the grounding of firefighting helicopter flights.

While the FAA has the authority to regulate commercial drone activity, the agency is barred, under the 2012 FAA reauthorization act, from managing recreational drone operations. The FAA has imposed a five-mile flight restriction for unmanned aircraft around airports and an altitude cap of 500 feet for commercial use and a 400 foot cap for recreational use. Drone operators who violate these flight restrictions can face up to a $25,000 fine and up to 20 years in

jail. Michael Huerta, the FAA Administrator, is working closely with law enforcement to catch would be violators but enforcement is problematic since drone operators do not have to register their unmanned aircraft. With the very real threat of a deadly collision between a drone and commercial aircraft, Congress may have to revisit its policy prohibiting the FAA from regulating recreational drone use, sooner than later.