

Monday, June 15

Contact:

New lawsuit challenges Phoenix's ban on providing food and medical care to people experiencing homelessness

[Phoenix, Arizona] On Monday, June 15, service providers Circle the City and Valle del Sol filed a lawsuit, as well as a motion for preliminary injunction, against the City of Phoenix, the Chief of the Phoenix Police Department, and the Parks and Recreation Department Director. The suit challenges a Phoenix ordinance that effectively bans the provision of medical care and food in the city's public parks. The plaintiffs are represented by the Arizona Center for Law and Public Interest, the William E. Morris Institute for Justice, and the National Homelessness Law Center.

This ordinance, which passed on May 6 despite massive public opposition and went into effect on June 5, directly targets people experiencing homelessness in Phoenix. The ordinance outright bans organizations from giving evidence-based care to people who use drugs, while also **severely restricting providing all forms of medical care and food**. By making only two permits for medical care and food distribution available each month, forcing service providers to go through an arduous application process, and threatening outreach workers with criminal penalties, this ordinance effectively cuts off these services altogether.

This lawsuit, filed in the U.S. District Court for the District of Arizona, asserts that Phoenix's restrictions on medical care and food are unconstitutional and unlawful. The lawsuit claims that this ordinance abridges plaintiffs' First Amendment rights to express their beliefs through giving charitable aid and that it is preempted by Arizona's state laws that affirmatively allow harm reduction programs to operate. While we are glad that St. Herman's Table received a temporary restraining order (TRO) allowing the ministry to continue distributing food to people experiencing homelessness, a broader order is necessary to ensure all organizations can urgently meet needs in our community, continuing to provide critical medical care in addition to food.

"Every day, Circle the City's street medicine teams do life-saving work of providing primary care, behavioral health services, and heat relief to our neighbors who sleep outside," said **Kim Despres** and **Sister Adele O'Sullivan**, CEO and Founder of **Circle the City**. Thousands of people experiencing homelessness in Phoenix and across Maricopa County rely on these services. Circle the City's model of care depends on our ability to provide medical services for patients experiencing homelessness in their own surroundings when they are unable to come to us. In going to our patients who are

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found in parks we are uniquely able to establish relationships that lead them toward healthy living, into treatment, and out of homelessness. The restrictions in this ordinance mean that, without our unique medical support, persons in parks will face preventable illness, suffering and even death. Access to medical care should never depend on whether a person has a home. Circle the City is taking this action because we believe every member of our community deserves the opportunity to access medical care that is provided with dignity, compassion, and respect."

"At Valle del Sol, we believe every person has inherent worth and deserves to be treated with dignity, compassion, and respect," said **Mike Renaud**, President and CEO of **Valle del Sol**. "Our mission calls us to serve those who are often overlooked and to help individuals overcome barriers to health and stability. Harm reduction is one of the evidence-based approaches we use to build trust with people experiencing homelessness, improve health outcomes, and connect individuals to treatment, healthcare, housing, and long-term support. This ordinance directly interferes with our ability to provide evidence-based care and outreach services to people in need. Rather than expanding pathways to treatment and stability, it creates additional obstacles for vulnerable individuals seeking healthcare and support."

"The call to help those in need is a fundamental principle that transcends geographical, social, cultural, and religious boundaries," said **Jared Keenan**, Executive Director of the **Arizona Center for Law in the Public Interest**. "Criminalizing those who are called to provide food and medical aid to our unhoused neighbors will not make our parks safe, clean, and enjoyable – it will do the opposite while endangering the lives of the most vulnerable among us."

"Healthcare is a human right – and everyone should have access to medical care and food to support their basic human health and needs," said **Drew Schaffer**, Executive Director of the **William E. Morris Institute for Justice**. "Sadly, there are thousands of people in Phoenix who are unhoused and vulnerable, facing daily threats to their health and safety as they live and sleep outside. Circle the City and Valle del Sol Community Health meet our vulnerable friends and neighbors where they are, providing them with critical and essential healthcare services. An ordinance that criminalizes medical aid and food distribution to the unhoused community is not the answer. Public leaders must focus on serious solutions that address the foundational causes of homelessness, including the lack of available safe and affordable housing; barriers to fair and equal housing opportunities; inadequate support for affordable and community-proximate healthcare services and supports; and the need for more public investment in anti-hunger programs and services."

“Everybody wants to live in a safe and healthy community,” said **Will Knight**, Decriminalization Director for the **National Homelessness Law Center**. “But instead of investing in real solutions, like housing and support, Phoenix’s ordinance cuts our neighbors off from the medical care and food that keeps them alive, which will inevitably produce devastating results. The Law Center is proud to represent Circle the City and Valle del Sol, organizations that do incredible work caring for our neighbors experiencing homelessness, as they challenge this inhumane and unlawful ordinance.”