

## City Manager's Message – January 11, 2016

I have recently had concerns expressed to me from members of the public concerning individuals begging for money at the intersections in various communities, including Birmingham, and wanting to know what the City can do about it. Following a review of the legality of such actions with the City Attorney's office, the following information is being provided to outline the actions the City is legally able to take in this regard.

A U.S. District Court ruling had established that local ordinances prohibiting soliciting (begging) were unconstitutional. The Court determined that the act of begging, whether by speech or expressive conduct is protected under the First Amendment to the United States Constitution. Similar concerns were expressed that this activity has become organized to the point it is operating as a business and should be regulated. In order justify a business operation it would need to involve the sale or exchange of goods or services. The donation of funds to an individual who is soliciting does not meet this test. The State Legislature has also been examining this issue and has been unable to craft a solution to date given the constitutional rights involved.



Joseph A. Valentine, City Manager

While there are limitations the City can take in addressing such concerns, there are actions the City can legally take under existing ordinances should violations occur. For example, if an individual interferes with traffic or blocks a public sidewalk they can be cited. If an individual enters private property for the purpose of begging without the permission of the property owner, they can be removed at the request of the private property owner. Anytime you have a concern for your safety I would encourage you to contact the Birmingham Police Department immediately for assistance. By reporting any such acts or concerns immediately the appropriate law enforcement officers can address a situation in the correct manner.

As a City we strive to be welcoming and inclusive and promote an environment that serves everyone. With the numerous agencies in existence that support the homeless and those in need in our area, you may consider contributing to one of these local agencies rather than to individuals on the street.

In the end, if the reported actions are found to be legal and beggars continue to receive money the issue may continue, but I'm hopeful the above information has been helpful in understanding the role of the City in addressing such concerns.