

# **Victory for the Unhoused: Ontario Justice Stikes**

## **Down Decades-Old Anti-Panhandling Law**

Under the guidance of Ontario Superior Court Justice Robert Centra, the Safe Streets Act was repealed on almost all counts. The act, originally implemented by Governor Mike Harris in 1999, prevented unhoused people from soliciting donations in any public space in any manner deemed uncomfortable for those being solicited.

Justice Robert Centra repealed the act on all counts except “squeegeeing and panhandling in roadways”, according to Jacques Gallant of the Toronto Star. Centra declared the act unconstitutional, as it violates freedom of expression. The act also unfairly targeted multiple kinds of solicitation that did not “necessarily interfere with the safe use of public spaces” (Gallant 2024).

Justice Centra’s argument for his decision claimed that “the mere presence of a homeless person soliciting gifts from persons doing certain things at a prohibited site does not, on its own and without more, pose any danger or impediment to the safe use of public space (Gallant 2024).” Soliciting charity from people is not threatening, and is one of the few options available for many unhoused people.

Centra claimed that solicitation has social value even if it makes people uncomfortable. As long as potential panhandlers are harming no one, they should be allowed to continue soliciting help.

The Safe Streets Act does little to address the underlying issues causing homelessness. It worsened the problem by making it harder for unhoused persons to get employed and break the cycle of street to prison most are confronted with.

Fiscally, the act was expensive to implement and had no lasting impact on reducing the unhoused population. Between 2000 and 2010, the Toronto Government issued 67,000 tickets equating to

over 4 million dollars in fines. Only 8,000 dollars have been paid so far. This supports the argument that penalizing unhoused people only makes things worse.

### **Implications of the Decision**

Justice Centra's decision is a decisive victory for unhoused persons, as it sets a precedent for legal challenges involving anti-panhandling legislation in Ontario and the rest of the West. Specifically the Johnson vs Grants Pass case seeking to overturn Martin vs Boise, an earlier verdict granting certain protections to unhoused persons in Oregon. In striking down the Safe Streets Act, Centra reaffirms the argument that the freedom to ask for charity is a right that should not be removed from unhoused persons.

### **Impact on the United States**

Robert Davis, writing for *invisiblePeople*, discloses a similar set of regulations being strengthened in Augusta, Georgia. The ordinance in question prohibits aggressive panhandling and was first passed in 2006. In May of 2021, officials proposed expanding the ordinance from specific areas of downtown Augusta to all of Richmond County. The expansive and loose language contained within it has drawn criticism for its potential to criminalize innocent exercises of free speech.

The penalty for violating this ordinance is either a \$1,000 fine or 60 days in jail. As examined above, imposing fiscal penalties on unhoused people does nothing to solve the problem of homelessness. What it does do is increase the financial burden on the unhoused, making it even more difficult for them to break poverty cycles.

The proposed legislation from the Augusta Board of Commissioners seeks to expand an ordinance that already violates the First Amendment, as asking for charity should fall under freedom of speech. This violation restricts unhoused peoples' ability to communicate and seek relief from their struggles. As a result, the ordinance should be deemed unconstitutional and overturned.

Cynthia Griffith, writing for *invisiblePeople*, argues that overturning protections for homeless people removes cities' accountability for reducing homelessness while allowing the unhoused to be fined and assigned criminal backgrounds (Griffith, "Housing Experts Weigh in on Johnson vs Grants Pass Case", 2024). Enforcing these laws is expensive and potentially a waste of police resources. It does little to address systemic issues contributing to a disproportionate amount of unhoused people being forced to earn a living any way they can.

Current anti-panhandling legislation attempts to strip the unhoused of any legal protection. This indicates that authorities are unwilling to address what truly causes homelessness and are content to blame the victims of homelessness rather than the issues causing it. The current uptick in anti-panhandling legislation and challenges to anti-panhandling legislation depict a dangerous set of assumptions being made by city officials in many places. Dehoused people have rights and should be treated as human beings, regardless of their resident status.

### **The moral of the story**

Any attempt to criminalize panhandling violates the basic rights of unhoused people. People should not be punished for making others uncomfortable while seeking assistance. Panhandling is one of the only ways unhoused people can attempt to improve their situation, bolstering their human dignity. Any attempt to restrict this silences an already suppressed class of people. Anti-panhandling laws not only discriminate against the unhoused, but they also are not effective at preventing homelessness.

### **What we can do about it**

Whether in Ontario or Oregon, the fundamental question surrounding unhoused legislation asks if people should be legally penalized for lacking a place to live. Criminalizing the unhoused is not a sustainable solution to homelessness, especially as the economy continues to worsen for all Americans. We would do well to remember that most people are one or two missed paychecks

away from being unhoused themselves. Next time you see an unhoused person, treat them with compassion and help them find a little human dignity.