

Judge: Burlington can remove North Ave. homeless camp

Jess Aloc, Burlington Free Press Published 5:01 p.m. ET Oct. 27, 2017 | Updated 5:42 p.m. ET Oct. 27, 2017



(Photo: RYAN MERCER/FREE PRESS)

Burlington can disband a homeless camp off North Avenue, a federal judge ruled on Friday afternoon.

The Vermont chapter of the American Civil Liberties Union, acting on behalf of three homeless men, sued the city last week, claiming the city's removal of camps violated the Constitution and criminalized being homeless. Judge Geoffrey Crawford granted a temporary restraining order on Oct. 20 blocking the city from clearing the camp, but on Friday denied a motion to further block the city from taking action while the underlying case is decided.

More:

- [Judge: North Ave. homeless men can stay put for now \(/story/news/2017/10/25/aclu-burlington-face-off-court-over-homeless-camp-removals/785760001/\)](#)
- [Evicted homeless campers relocate to neighboring lot \(/story/news/2017/10/24/evicted-homeless-campers-relocate-neighboring-lot/794582001/\)](#)
- [North Ave. homeless campers, ACLU sue Burlington \(/story/news/2017/10/20/north-ave-homeless-campers-aclu-sue-burlington/783936001/\)](#)
- [Sears Lane homeless campers evicted after delay \(/story/news/2017/10/19/burlington-halts-homeless-camp-clearing-due-property-storage-concerns/780011001/\)](#)
- [Homeless campers face eviction, full shelters \(/story/news/2017/10/06/homeless-campers-face-eviction-full-shelters/735619001/\)](#)

In court papers, Crawford wrote that camp residents Brian Croteau, Larry Priest and Richard Pursell, named plaintiffs in the case, have options of moving to other camp sites.

He ruled that the men are not likely to suffer a constitutional violation if the city is allowed to disband the camp because of environmental concerns.

"It is clear that Plaintiffs are not being threatened with prosecution for being homeless or for acting in a manner which a homeless person cannot avoid. They are threatened with the consequences of remaining in a single location when there are options open to them ranging from seeking housing through multiple social agencies to moving to another location on City property," Crawford wrote.

Croteau and Priest testified at a day-long hearing in Rutland on Wednesday, as did several city officials, including the land steward who had made the request to disband the camp.

Friday's ruling does not end the case, although it allows the city to proceed with camp evictions while the lawsuit is ongoing. The city will now have to file a response to the ACLU's complaint.

Get the News Alerts newsletter in your inbox.

This is your **LAST** free article.
\$1 for 3 months. Save 97%.

top of the news.



Jay Diaz, a lawyer for the ACLU of Vermont, said the group will continue to investigate the city's policy and push the case forward. He said they hope to have the opportunity to further lay out facts he said will support the group's arguments as the case moves on.

"City officials talk about compassion, but kicking people out of their life-preserving shelter is dangerous and it is cruel," he said.

He said the ACLU will remain committed to working with the city on behalf of homeless residents.

"We would welcome a conversation to have real guidelines and real policies that support people," he said.

City Attorney Eileen Blackwood said the city was pleased with the judge's ruling.

"It appears the court understood the difficulties the city's in with these issues," she said.

The North Avenue camp was originally slated for removal on Oct. 23. On Friday evening, Blackwood said she did not have an updated date for the planned eviction.

Contact Jess Aloe at 802-660-1874 or jaloe@freepressmedia.com. Follow her on Twitter [@jess_aloe](https://twitter.com/jess_aloe) (http://www.twitter.com/jess_aloe).

Read or Share this story: <https://bfpne.ws/2hgb1Ni>