

City of Houston, Texas, Ordinance No. 2025- 605

AN ORDINANCE AMENDING ARTICLE XVI, CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SITTING AND LYING UPON PUBLIC SIDEWALKS; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Article XVI of Chapter 40 of the Code of Ordinances (“Civility Ordinance”) proscribes certain conduct on the sidewalks in the areas to which it is applicable; and

WHEREAS, the terms of the Civility Ordinance may be extended to and made applicable in designated areas in the City by a petition and public hearing process; and

WHEREAS, the Civility Ordinance currently prohibits a person in a designated area from sitting or lying down on a sidewalk or on a blanket, stool, or any other object placed upon a sidewalk, or placing any items of bedding materials or personal possessions on a sidewalk between the hours of 7:00 a.m. and 11:00 p.m.; and

WHEREAS, under the current Civility Ordinance regulations, in existing designated areas throughout the City, the Houston Police Department (HPD) advises that in 2023, 1,035 citations were issued under the Civility Ordinance, and in 2024, 1,512 citations were issued; and

WHEREAS, HPD advises that there were 13,153 calls for service in 2023 and 13,846 calls in 2024, amongst all the designated areas under the Civility Ordinance in the following categories: homeless outreach, narcotics complaints, person down, public lewdness, self-initiated/CIT investigation, suspicious behavior, trespassing, and welfare check; and

WHEREAS, of the 13,153 calls for service in 2023 in the above-mentioned categories, 4,527 of those calls originated from the Central Business District, and 561 of those calls originated from the East Downtown Management District Area, and of the 13,846 calls in 2024 in the above-mentioned categories, 4,693 of those calls originated from the Central Business District and 564 of those calls originated from the East Downtown Management District Area; and

WHEREAS, the Police Department and the Mayor’s Office recommend, as a pilot program, extending the prohibitions in the civility ordinance overnight in specified designated areas to protect public health, welfare, and safety by reserving public sidewalks within the City for their intended purpose and ensuring that public sidewalks are readily accessible and available to residents and the general public at large; and

WHEREAS, the United States Supreme Court's decision in *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520 (2024), held that the Eighth Amendment's Cruel and Unusual Punishment clause does not prohibit the enforcement of generally applicable laws regulating conduct such as camping and sleeping in public places and opined that addressing the causes and impacts of homelessness is a complex public policy issue with discretion reserved to local elected representatives to formulate and test various approaches; and

WHEREAS, the civility ordinance will continue to require law enforcement officers to notify a person engaged in prohibited conduct that they are in violation of the ordinance prior to issuance of a citation, thus allowing the person to instead engage in various supportive services as part of the City's continued holistic approach and outreach to facilitate unhoused persons' access to shelters, housing, and other necessary services; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 40-352(a) and Section 40-352(b) of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

- "(a) It shall be unlawful for any person to sit or lie down on a sidewalk or on a blanket, stool, or any other object placed upon a sidewalk:
 - (1) At any time in the Central Business District, East Downtown Management District Area, and any other designated area defined in section 40-351 if subject to the rules and regulations for enforcement issued in compliance with section 40-354 of this code; or
 - (2) Between the hours of 7:00 a.m. and 11:00 p.m. in any designated area not subject to the provisions of subsection(a)(1) of this section.

- (b) It shall be unlawful for any person to place or deposit any item of bedding materials or personal possessions, including but not limited to any blanket, bag, package, or container of personal possessions on a sidewalk:

- (1) At any time in the Central Business District, East Downtown Management District Area, and any other designated area defined in section 40-351 if subject to the rules and regulations for enforcement issued in compliance with section 40-354 of this code; or
- (2) Between the hours of 7:00 a.m. and 11:00 p.m. in any designated area not subject to the provisions of subsection(b)(1) of this section.”

Section 3. That Article XVI, Chapter 40 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 40-354 that reads as follows:

“Sec. 40-354. Rules and regulations.

- (a) The housing and community development department director or the director’s designee, in conjunction with the chief of police or the chief’s designee and the director of the mayor’s office of public safety and homeland security or the director’s designee, is authorized to promulgate rules and regulations regarding any aspect of the operation of this article, including without limitation, the enforcement and issuance of citations for violations of this article. The rules and regulations shall be consistent with applicable federal and state law, and city ordinances. The rules and regulations shall also take into consideration available resources for housing and enforcement, as well as data on areas where violations are concentrated and the impact of those violations on health conditions and use of the surrounding environment.
- (b) In instances where a law enforcement officer observes an individual appearing to be experiencing a mental health crisis in connection with the enforcement of this article, prior to any enforcement action, the officer may engage appropriate mental health crisis resources such as dispatching a mobile crisis outreach team (MCOT) or a crisis intervention response team (CIRT). Engagement with these or other resources may occur in person or through telehealth services.
- (c) Before implementing any rules and regulations under subsection (a) or any substantive amendments thereto, the housing and community development director or the director’s designee shall publish notice of the rules and regulations on the city’s website and post in affected locations at least 10 days prior to enforcement. Copies of the rules

and regulations shall also be available for inspection in the city secretary's office, and copies may be obtained at no cost."

Section 4. That as soon as practicable after the 180th day after the effective date of this Ordinance, the Chief of Police shall report to City Council on the impact of amendments to the civility ordinance and provide recommendations on further amendments and enforcement.

Section 5. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 6. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED ON 7-16-25

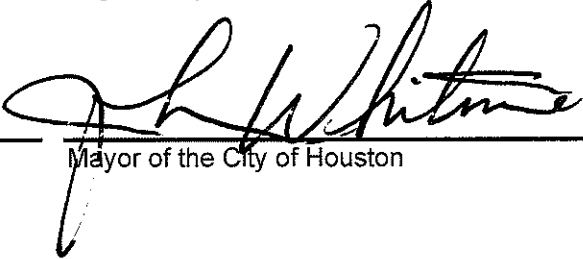
APPROVED ON _____

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is: 7-16-25.

ATTEST:

CITY OF HOUSTON, TEXAS

Signed by:



City Secretary of the City of Houston

Mayor of the City of Houston

PREPARED BY:

DocuSigned by:
Danielle Folsom
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Senior Assistant City Attorney
DRF/kro 7/16/2025
Requested by Larry Satterwhite, Director, Mayor's
Office of Homeland Security
L.D. File No. LD-GC-0000000468

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: 7-22-25

Meeting 7/16/2025

| Aye | No | |
|-----------------------------|---------|------------------------|
| ✓ | | Mayor Whitmire |
| | | Council Members |
| ✓ | | Peck |
| | ✓ | Jackson |
| | ✓ | Kamin |
| ✓ | | Evans-Shabazz |
| ✓ | | Flickinger |
| ✓ | | Thomas |
| ✓ | | Huffman |
| ✓ | | Castillo |
| ✓ | | Martinez |
| ✓ | | Pollard |
| ✓ | | Castex-Tatum |
| ✓ | | Ramirez |
| absent on personal business | | Davis |
| ✓ | | Carter |
| ✓ | | Plummer |
| ✓ | | Alcorn |
| Caption | Adopted | |

Captions Published in DAILY COURT REVIEW

Date: 7/22/2025

MAYOR'S REQUEST FOR EMERGENCY PASSAGE

To the Honorable City Council of the City of Houston:

DocuSign Envelope ID: B5A751C6-C027-4F69-A897-984F734E7D25

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the ordinances set out in the attached agenda for the meeting of the City Council of the City of Houston on the 15th and 16th day of JULY 2025, with the request that all such ordinances, except for those ordinances making a grant of any franchise or special privilege, or requiring multiple readings under state law or the City Charter, be passed finally on the date of their introduction. Other than those items excepted, there exists a public emergency requiring final passage on the date of introduction, and I accordingly request that you pass the same if they meet with your approval.

Signed by:



DATE: JULY 15, 2025

Mayor of the City of Houston

DocuSigned by:



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