



CITY OF FORT WAYNE

SHARON TUCKER, MAYOR

September 2, 2025

Dear Councilman Jehl and Councilman Myers:

Thank you for your letter dated August 25, 2025, requesting the Administration's assessment of the efficacy of our current solutions to homelessness in our community. The Administration is pleased that Council shares the Administration's commitment to identify and implement solutions and appreciates the opportunity to update you on our current efforts and future initiatives. Our plan is to continue our collaborative work with City Council and other invested parties to address this important issue impacting our community.

*"Homelessness is complex. Its causes are many. So may be the public policy responses required to address it."*¹

A recent Supreme Court of the United States ("SCOTUS") decision addressed ordinances prohibiting camping in public areas under the US Constitution. The Court determined municipalities may enforce ordinances prohibiting sleeping or camping on public property, even when the individual lacks alternative shelter, without violating certain constitutional rights.² This decision, while clarifying the scope of local authority, continues to pose significant challenges for communities across the nation, including Fort Wayne.

In practice, a community's response to homelessness should center on two key priorities that must work together:

1. Clearing and removing encampments from and ensuring public safety in the public space; and
2. Providing adequate alternatives—such as shelter and wraparound services for individuals experiencing homelessness.

The Administration is committed to continuing the pursuit of a multifaceted approach that reinforces our commitment to public safety while offering alternative solutions for the homeless.

Current Enforcement Activities

Presently, the Administration addresses homelessness through enforcement of existing ordinances. The Fort Wayne Police Department ("FWPD") enforces Fort Wayne City Code ("City Code") Chapter 130 and Chapter 97, which prohibit sleeping in a public place and erecting a tent or other temporary structure

¹ *City of Grant's Pass v. Johnson et al*, 144 S. Ct. 2202, 2226 (2024) (Gorsuch, J.).

² *Id.* The Court only addressed whether the ordinance was a violation of the Eighth Amendment's protection against cruel and unusual punishment. The Court declines to address other constitutional violations.

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on Parks property. Violations are prosecuted by the Law Department and punishable by fines.³ While the maximum fine is \$2,500 per day of violation, the Court imposes a modest penalty for such violations.

Encampment Clean-Up and Removal

The Administration prioritizes encampment clean-ups, particularly in the downtown area. Clean-up efforts are coordinated by the Risk Management Department in partnership with FWPD. Since 2024, the City has conducted 30 encampment clean-ups at a cost of more than \$76,000. In 2025 to date, Risk Management has responded to 99 calls to 311 regarding encampments. Carrying out additional clean-ups will require a greater investment of resources and funds.

FWPD provides a 72-hour notice to vacate an identified encampment, consistent with due process requirements. After the notice period, all items are removed and the site is cleaned by a City-hired contractor. In certain circumstances, the City has worked with individuals at encampments who request substance use disorder or mental health treatment. FWPD connects such individuals with the Hope and Recovery Team (“HART”), whose mission is to support community members struggling with mental health challenges, substance use and homelessness.

The Administration has a zero-tolerance policy to drug use and abuse on our streets and in our Parks. FWPD enforcement of our State’s drug laws is a priority.

Future Initiatives

The removal of homeless encampments, while important to ensure public safety and order, will not end homelessness in the community alone if that effort is not coupled with providing essential services to homeless individuals to break the cycle of homelessness. The Administration – through its Manager of Homeless Services— is developing program initiatives to provide greater support for our most vulnerable residents. An update on these developments will be shared with City Council on September 9, 2025.

Since being hired in March 2025, the City’s first Manager of Homeless Services has launched the *Encampment Task Force*, bringing together representatives from law enforcement, mental health providers, nonprofit organizations, street outreach teams, churches, the Parks Department, Risk Management and others to address the homeless situation in the City. The Task Force meets regularly, shares information, and works on ways to relocate individuals from encampments to shelters and to provide other supportive services.

The City participates in a HUD-mandated point-in-time (“PIT”) count of the City’s homeless population every year. Understanding the size and scope of the challenge is essential for creating an effective, targeted plan. In 2024, our PIT count identified approximately 417 homeless individuals. However, we have strong reason to believe the actual number is significantly higher and are currently working towards updating these numbers.

³ Ordinance violations are not criminal; they are civil and are punishable only with fines.

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City leaders are also exploring the feasibility of establishing a low-to zero-barrier day shelter. This is an important first step in moving individuals from encampments or the streets into a stable environment where services such as substance use treatment and mental health care can be accessed. Low-barrier day shelters require minimal qualifications and screenings for entry, while zero-barrier shelters allow people to enter so long as individuals are not violent or actively using substances on the premises.

As a final component of the Administration's comprehensive strategy, the City is evaluating the need for additional overnight shelter beds and permanent supportive housing in our community. These solutions will require significant resources. Currently, the City is pursuing matching funds from the State of Indiana's Opioid Settlement dollars to support more shelter beds for individuals with substance use disorder.

Council Recommendations

The Administration welcomes the opportunity to discuss our current endeavors and additional options with Council as part of our shared effort to address homelessness, including pursuing additional funding through state and federal grant opportunities and revising current ordinances. Included in such efforts is to ensure any homeless legislation enacted by City Council is constitutionally permissible under Indiana and Federal Constitution to avoid unnecessary lawsuits and ensure swift implementation.⁴

*As with any initiative, implementation requires the commitment of resources.*⁵ With the support of City Council in funding these efforts, we look forward to working together to develop concrete and effective solutions that ensure our public spaces remain safe, clean and orderly and provide adequate shelter opportunities for the homeless.

Sincerely,

Malak Heiny, City Attorney
Kelly Lundberg, Deputy Director of Community Development
Amanda Fall, Manager of Homeless Services

⁴ See e.g. City of Los Angeles spending \$1.8 million in legal fees defending a homelessness-related ordinance. *Law Firm in LA Homeless Case Bills the City \$1.8 Million for two weeks' work*, Los Angeles Times, Aug. 8, 2025, available at: <https://www.latimes.com/california/story/2025-08-08/law-firm-hired-by-the-city-in-homelessness-case-bills-1-8-million>

⁵ Governor Gavin Newsom's model ordinance was followed by \$3.3 billion of funding for local communities to invest in housing and treatment options. *Newsom Again Urges Cities to Ban Homeless Camps*, Los Angeles Times, May 5, 2025, available at: <https://www.latimes.com/california/story/2025-05-12/newsom-urges-cities-to-ban-homeless-camps>

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