

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**TAMMY KOHR, EUGENE STROMAN,
and JANELLE GIBBS, on behalf of
themselves and all others similarly situated,
and ROBERT COLTON,
*Plaintiffs,***

v.

**CITY OF HOUSTON,
*Defendant.***

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CIVIL ACTION NO. 4:17-cv-1473

DECLARATION OF MARC EICHENBAUM

I, MARC EICHENBAUM, declare under penalty of perjury that the foregoing is true and correct:

1. My name is Marc Eichenbaum. I am over 21 years of age and competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am the Special Assistant to the Mayor for Homeless Initiatives. I have served in this role and in a similar capacity for 4 years. As part of my job duties, I coordinate housing and shelter opportunities, as well as other social services, for homeless individuals throughout the City of Houston. I am a liaison between the City and over 100 organizations serving the homeless community, including various shelters and social service agencies.

3. Section 21-62 of the City of Houston's Code of Ordinances was not designed to punish homeless people. Rather, it was passed to stop the accumulation of property in these encampments. The City also wanted to make sure that the tents or other structures in these areas as they could pose structural barriers where trash and vermin could accumulate. The ordinance does not prohibit people from sleeping on the streets. It does not prohibit people from having blankets or sleeping bags to shelter themselves from the elements.

4. Before the ordinance was enacted, the City reached out to several shelters throughout the City to try to increase occupancy at these shelters to accommodate any homeless person that a police officer or my office would bring to the shelter to ensure that if someone wanted to be off the streets, they could be. The shelters agreed to take the individuals that we brought to

them, regardless of their usual hours of occupancy. However, this agreement was made in conjunction with the ordinance. If the ordinance is enjoined, the agreement would not be in place and the we may not be able to help homeless individuals access shelters “after hours”.

5. I have also worked with the Coalition for the Homeless and an array of other groups as part of The Way Home Initiative to help offer services and find housing for the homeless population in the City. Houston is leading the nation and doing more to help the homeless than ever before. Through the Way Home, over 11,000 homeless individuals have been placed into supportive housing in less than six years. One of the plaintiffs in this lawsuit, Eugene Strohman signed a lease to his apartment a little over a week ago. The City’s goal is to try to help as many of the homeless people of Houston to get off the dirt and under a roof—to find housing, both temporary and permanent so that people can stop living on the streets and out of the elements.

6. However, finding a permanent housing solution for the homeless population takes time. In the meanwhile, the City has tried to find a way to preserve the dignity of the homeless population while also trying to manage the public health nuisance that has manifested in these encampments. The City has spent thousands of tax-payer dollars to clean just two of the encampments in the area. Approximately sixteen tons of waste was collected from the two encampments; one near Wheeler and one near Chartres. As there is no running water or toilet facilities in this area, the homeless use buckets and sometime defecate in these areas. Human feces and urine were removed from these sites. The homeless individuals returned to these locations after the cleanups. After cleanup at the first location—Chartres—the conditions have returned to pre-cleaning conditions, if not worse.

7. The ordinance was designed to help people move off the streets and into shelter. The City has even offered to store, free of cost, the homeless individual’s possessions while at the shelter.

EXECUTED on August 18, 2017.


MARC EICHENBAUM