

Northampton debates panhandling ordinance

Posted by [mbrault](#) November 24, 2008 21:14PM



Republican photo/DAVID MOLNAR

Nathan M. Hoefgen-Harvey, right, a Hampshire College student, hands out leaflets opposing Northampton's anti-panhandling ordinance Monday on Main Street in Northampton.

By **FRED CONTRADA**
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NORTHAMPTON - The debate over a proposed solicitation ordinance went on and on at the Public Safety Committee meeting Monday and the end is not yet in sight.

Dozens of people packed Council Chambers to speak out about the measure, which would ban "aggressive" panhandling and restrict all solicitation to certain areas of the downtown sidewalks.

Prior to the meeting, members of the group Poverty is Not a Crime taped off the areas where soliciting would be prohibited and handed out literature maintaining that the proposal is an effort to "gentrify" Northampton by marginalizing the poor. The group then marched through the streets, chanting and holding signs decrying the ordinance.

The Public Safety Committee took up the matter at its meeting but, after hearing several concerns about the language of the ordinance, did not take action on it. Instead, the proposal will come up next at the Committee on Economic Development, Housing and Land Use meeting on Dec. 8 and will perhaps return to the Public Safety Committee in January or February.

If the language of the ordinance has changed appreciably in the meantime, the committee will likely reopen the matter for public comment. The proposal will also go before the Ordinance Committee at some point before it comes before the City Council.

Economic Development Coordinator Teri A. Anderson told the Public Safety Committee that the city has been considering some sort of restriction on panhandling for years at the behest of the business community, although she called solicitation a community concern. Several downtown merchants spoke in favor of the ordinance. Judith Fine, who owns Gazebo, called the proposal "humane and fair" and said she is offended by the suggestion that she is "anti-poverty."

"Downtown business owners are the most generous individuals in the community," she said. "We give and give."

Suzanne L. Beck, the executive director of the Greater Northampton Chamber of Commerce, told the committee that panhandling is the number one concern of the business community regarding the downtown atmosphere.

"I think this ordinance helps to balance the rights of all constituencies," she said.

But opponents of the measure argued that it is not only unfair but unnecessary. Marjorie Hess, who lives downtown, said she has never experienced "aggressive" panhandling.

"The problem is not panhandling," she said. "The problem is poverty, and panhandlers are its victims."

Rachel Rybaczuk, another downtown resident, said that adults should be able to handle requests for spare change without a new law.

"We don't need more intervention by the police on how we deal with each other on a day-to-day basis," she said.

American Civil Liberties Union lawyer William C. Newman said the ordinance, as written is overbroad to the point of being unconstitutional.

"When you're telling someone they can't sit on a bench and solicit a contribution, that's just wrong," he said. "Solicitation is not second-hand speech. It's important speech."

Categories: [Northampton](#)

Comments

stubosox says...

Why not let them beg for money, whole town of Northampton is full of liberal freaks!

Posted on 11/24/08 at 10:20PM

JeffHobbs says...

This one is tricky.

On one hand, you've got the down-on-their-luck panhandlers, and as the article above points out, "Poverty is Not a Crime" and yes indeed "adults should be able to handle requests for spare change without a new law." I would suggest that adults have been handling it just fine for about 40 years now in downtown Northampton so I don't know what might have changed recently to make relations so brittle.

On the other hand, you've got downtown merchants and retail shops paying out some serious money to pay their rents, and in a tightening economy, it's not unreasonable for them to try and wring and wrangle every bit of money they can scrape up, and it's also not unreasonable to say that someone hanging out in front of your store bothering everyone who passes for change is going to make people slightly uncomfortable and perhaps want to avoid your store, the store that you pay out the nose to have in a fancy Main St. location. So thus the proposed law.

There's no easy answer and in my opinion each side makes some solid points. I'd personally like to see more efforts at solving the problems the panhandlers face at the root, finding them jobs and sustainable ways to make a living without panhandling.

Posted on 11/25/08 at 7:14AM

BroDanJim says...

Yes, it is tricky, however, it could be easily remedied without further legislation.

Have a COP walk the Main Street beat as was done for years. Yes, I hear often about how downsized is the police force, well, that is a problem. I am sure that each officer could be assigned this walk every day on a schedule. In fact, it might help out to humanize the force with the folks on Main, both homeless and shop-owner !!

Posted on 11/25/08 at 8:07AM

JoeSpade says...

If I can avoid it, I will not go downtown, no matter how close I live. The experience, on all levels, is not worth my hard earned dollars, which are worth even less in the current market.

Posted on 11/25/08 at 10:34AM

QueenMaryJ says...

Do you think Nathan M. Hoefgen-Harvey is going to live among the poor when he graduates from Hampshire College?

Posted on 11/25/08 at 10:42AM

patsfanct says...

I agree. It's great that this Hampshire College student is learning a valuable lesson but he likely comes from a wealthy family and doesn't deal with the issues downtown. I've respectfully said "No" to the same pandhandlers on a day to day basis when i get my coffee and it's not out of the ordinary for a "few" of those pandhandlers to make a back stabbing comment.

I've also experienced a "few" situations where that same pandhandler is using the money to go to Pops to get alcohol. Or how about that same pandhandler enjoying a cigarette? I can't even afford those. So I'm more for maybe giving the pandhandler a sandwich before i give them a dollar. I want to know where that dollar is going.

The issue of aggressive pandhandling does have an adverse effect on downtown business. And at times, though i'm used it now, it has an effect on my quality of life.

Freedom of speech is important-but so is the right to not be harrassed every day by the same aggressive pandhandler. Unfortunately, a select few are ruining for the rest.

Posted on 11/25/08 at 11:04AM

tasembro says...

Great post, Patsfanct.

My biggest problem is with folks that imply that panhandlers are part of what makes downtown NoHo so cute and bohemian. As if it's a positive attribute that attracts visitors.

That being said, a great idea I heard once was to hand out cards to panhandlers that have information on where they can go for food/shelter/assistance. That would be much more productive than giving them money and thus encouraging them to continue begging.

At the end of the day, panhandlers are choosing to beg for money instead of making any effort to fix their situation. Yes, you may feel warm and fuzzy after giving someone a dollar... but that feeling is about you, because you aren't actually helping that person.

Posted on 11/25/08 at 11:23AM

elmstbetch says...

the problem with these panhandlers is they often ARE aggressive. theyll step in front of you and block your path, yell after you, clog the sidewalks and generally do all they can to make you feel uncomfortable. i feel for them, but it makes running a quick errand long and frustrating.

for instance, one evening i needed to run to CVS to grab a much-needed prescription, and a panhandler sitting near the CVS asked me for money. i told her i didnt have any on me (which was completely true) and i went into the store. when i came out with my prescription in a bag, she asked me for money again, and when i told her again i had no cash on me, she said i "must have money since i just bought stuff in the

CVS."

i want to be able to walk down main street in PEACE. we should be encouraging these folks to get jobs and keep them off the streets, not worrying about their freedom of speech.

ive also wondered where they get the money for cigarettes and the colorful markers and posterboard they use for their signs....

Posted on 11/25/08 at 12:02PM

nemo77 says...

Panhandlers approaching people in the street may not be a crime, but it is a NUSANCE. if someone is playing an instrument, "selling pencils", quietly begging, no problem. I can decide if I want to contribute or not. But if someone is aggressive, it is NOT something I want to respond to. It is too "pushy", and invades MY SPACE.

Posted on 11/25/08 at 12:15PM

Lgriffin says...

Panhandling poses a problem to taxpayers on many levels. You have business owners out sales due to the discomfort of patrons as well as the cost of managing these individuals in shelters or jails. Police officers transport panhandlers to shelters regularly and provide them with the necessary information on assistance.

You may find that panhandlers become more aggressive as the weather becomes colder. Since they cannot enter the shelter when they are drunk or high, many commit crimes to get arrested and this is a vicious cycle. The crimes are often not so petty since they want off the street for a while even if they have to dry out but judges rarely impose serious sentences since they know the deal. These are not just people down on their luck, many have substance abuse problems or mental illnesses. Now, you'll notice that many have stayed in that area since the Northampton State Hospital closed.

What we need are more State Hospitals to address this issue properly. Otherwise we will continue to chase our tails... Now that is a useful cause to start a protest about Northampton!

Posted on 11/25/08 at 12:25PM

biatch1951 says...

I have seen a lot of panhandlers in different cities and agree with patsfanct. I have seen one in Springfield, standing with his sign and he was so drunk he wet his pants standing there. I have seen one in Westfield holding a sign that he will work for food. Work was offered and he got nasty. Later in the day he had a bank bag filled with change, took money to take a bus. I found out later this person lived near me in a beautiful house. There are people who really need the money but people like the ones I saw are frauds and ruin it for people who really need money. I also would prefer to give them food instead of money.

Posted on 11/25/08 at 12:52PM

joeya44 says...

A man who has nothing to lose is a dangerous foe indeed...

A cop to walk the beat as a solution? Novel idea but what law can they use as a tool?

Like I'm going to give my hard earned money to a drunkard...I've seen what happens when you give some beggars hand-outs (blankets, food, et cet)...while once in a while its a "thank you" more often then not its a profane retort lace with violent undertones.

LGriff hit it on the head...some of these people get so drunk/high/desperate that they will resort to any tactic to get what they need. The chasing tails analogy is perfect..

I do not mind people playing instruments, selling trinkets, or just mulling about with a sign....BUT when they become aggressive and that forces me to make a horrible choice for the safety of my family and I...who has more to lose?

Posted on 11/25/08 at 2:09PM

Rockyhill says...

Its easy to solve tell the pan handlers they are going to recieve a job application instead of money or they are going to have their SSI or food stamps taken away. the only reason these folks are doing this is for drugs or alcohol, this has been proven in the past, as for example there was a female panhandler with her dog at the end of exit 18 on rt 91. this woman would pan handle all day then have her boyfriend pick her up in a car at the end of the day and go purchase drugs with the money, this story was verified and once people found out about it they longer gave her money, and she moved on.

Posted on 11/25/08 at 2:36PM

taojones says...

I think the cops are just trying to answer to the complaints from constituents who have invested their money and lives into downtown Noho; investors who are not owners of stock in a company, but in a town; of real businesses and real risk. These are people who help define downtown which is, like it or not, first and foremost an area of commerce. This is what "Main Street" is in this country. Without commerce, there would be no downtown. Parks and human services alone do not constitute a thriving interesting downtown. The business owners are looking for a little wiggle room from the people who provide little to the town but their bottomless needs, endless demands, and cries of injustice. What have YOU done for your town lately?

Posted on 11/25/08 at 4:17PM

49F1 says...

I was looking for a camera and went to Main St, couldn't walk 50 ft without being asked for a cigarette or a \$1, that's last time I went there, I go to Pittsfield now. A much better experience there. even if this

ordinance passes I won't be back to Main St Northampton.

Posted on 11/26/08 at 2:30AM

JeffHobbs says...

Bill Dusty's got an excellent [write up and video of the event here](#).

Posted on 11/26/08 at 6:44AM

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