



June 5, 2023

Anne Helzer
Municipal Attorney
Municipal Attorney's Office
632 West 6th Avenue, Ste. 730
Anchorage, Alaska 99501
Anne.Helzer@anchorageak.gov
Via email and hand delivery

RE: Notices of Appeal of Cuddy Park Campsite Abatement

Dear Ms. Helzer,

The ACLU of Alaska is writing regarding the planned zone abatement of campsites in Cuddy Family Midtown Park and surrounding areas. As you know, AMC 15.20.020.B.15.e allows affected individuals to notice their intention to appeal a planned campsite abatement by notifying the Municipal Attorney's Office in writing. Attached please find thirteen Notices of Intent to Appeal Public Nuisance Determination and Campsite Abatement regarding the planned Cuddy Park abatement.

The Cuddy Park zone abatement notices were first posted on May 24, 2023. Pursuant to AMC 15.20.020.B.15.e, if the Municipality receives a notice of intent to appeal within 10 days, "the municipality shall not remove the personal property until at least 30 days have passed from the date the notice was first posted." The 10th day after the posted abatement was Saturday, June 3; since the Municipal Attorney's Office was not open on Saturday, today, June 5, is the 10th day by operation of law. *See* AMC 21.15.020.E ("If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the municipality, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the municipality."). Since timely notices of the intent to appeal have been submitted, "[a]batement of the campsite area is stayed until the appeal is withdrawn, settled, or a decision is issued and any subsequent appeal rights expire." AMC 15.20.020.B.15.f. **The Municipality may not abate the camp tomorrow.**

Furthermore, and more fundamentally, the Municipality should reconsider its abatement plan of the unhoused persons camping in Cuddy Park because it would violate the United States and Alaska Constitutions. As the appeals will confirm, the Municipality's plan to require campers to vacate the park would constitute a cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution under

well-settled Ninth Circuit law. *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022) hold that cities may not punish unhoused individuals for existing, sleeping, or camping in public spaces when there are not sufficient indoor shelter options available. This is clearly the case today in Anchorage; after the closure of the general-population Sullivan Arena cold-weather shelter last month, there are no low-barrier indoor shelter options available in the Municipality today, and the number of unhoused persons far exceeds the number of available shelter beds now available.

The Municipality has previously recognized that it cannot constitutionally perform campsite abatements in Anchorage when there is no available indoor shelter. At the February 15, 2023 meeting of the MOA's Committee on Housing and Homelessness, MOA Homeless Coordinator Alexis Johnson stated on the record that in the absence of indoor shelter options, "under *Martin v. Boise* we cannot abate other camping areas such as the Chester Creek greenbelt or Davis Park . . . we will not be able to abate other spaces." Since Ms. Johnson's acknowledgement of the governing law in February, things have only gotten worse for Anchorage's unhoused population with the closure of the Sullivan shelter. It therefore remains true today that the city may not constitutionally abate encampments in Anchorage. The attempt to abate Cuddy Park is unlawful, unconstitutional, and unconscionable—especially because the Municipality's apparent motive in abating the campers is to allow a private organization to maximize profits from the rental use of city property. The Ninth Circuit has made clear that Anchorage may not punish its homeless residents by rousting them from their shelters when it has no indoor sleeping options to offer them. It certainly may not do this for the purpose of enriching private parties.

Sincerely,



Ruth Botstein
Legal Director
ACLU of Alaska

Cc: Dave Bronson, Mayor
Mario Bird, Acting Municipal Manager
Alexis Johnson, Homeless Coordinator, Anchorage Health Department
Darrel Hess, Ombudsman
Chief Michael Kerle, Anchorage Police Department

encls: Notices of Intent to Appeal Public Nuisance Determination and Campsite Abatement for Appellees Garrette Anelon; Toni Brant; Kyla Friedenbloom; Eric Garton; Grace Jackson; Kristine Shannon Kasic [partially legible]; Jenni Keyes; Leman Lockwood; Bessi Mae Savage; Ruth Starbuck; Roslynn Vanderpool; Gerald S.K. Williams; and Trevor Williams.

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Garrette Anelson, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: _____

This notice of intent to appeal is not an admission of any violation of law.

Signature: _____

Date: _____

6/5/23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Toni Brant, hereby notify the Municipality of Anchorage that:

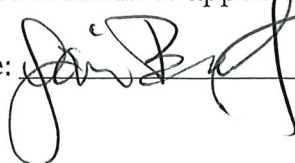
1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.

7. The property that I expect the Municipality not to abate during the 30-day period is: behind Louss, behind the wall

Personal belongings, sentimental belongings, things that are sentimental that cannot be replaced because a loved one has passed away like clothing, jewelry, pictures etc.

This notice of intent to appeal is not an admission of any violation of law.

Signature: _____



Date: 6.5.23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, KYLA FREIDENBLUM, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.

7. The property that I expect the Municipality not to abate during the 30-day period is: TENT, CLOTHING, FOOD, LUGGAGE, PAINTS, BACKPACKS, PROPELLANT ANIRS, BICYCLES, BABY BOOKS, PERSONAL ITEMS, TOIES,

This notice of intent to appeal is not an admission of any violation of law.

Signature: Kyla Freidenblum Date: 05/05/23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Eric Garton, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: the small A-frame shelter
gray ~~match~~ Bed
my Bike
Propan Bottles

This notice of intent to appeal is not an admission of any violation of law.

Signature: Eric Garton

Date: 6-5-23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Grace Jackson, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: personal possessions, propane tanks, pallets, bikes, tent, outdoor furniture, shelves, garbage receptacles, necessities and ect..

This notice of intent to appeal is not an admission of any violation of law.

Signature: 

Date: 6-5-23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Kristina Shamir hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.

7. The property that I expect the Municipality not to abate during the 30-day period is:

Myself & my tent gray tarp 100ft black tarp
blankets shown blue red color
leathers on tent green red white

This notice of intent to appeal is not an admission of any violation of law.

Signature: Kristina Shamir

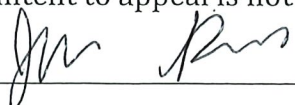
Date: June 5th 23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Jenna Reyes, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: _____

This notice of intent to appeal is not an admission of any violation of law.

Signature: 

Date: 6/5/23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Leman Lockwood, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.

7. The property that I expect the Municipality not to abate during the 30-day period is:

tent, sleeping gear, clothing, shopping cart
orange full of possessions

This notice of intent to appeal is not an admission of any violation of law.

Signature: Leman Lockwood

Date: 6/5/23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Bessie Marie Savage, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
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5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: _____

This notice of intent to appeal is not an admission of any violation of law.

Signature: _____

Date: _____

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Ruth Starbuck, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: Baby stroller of personal items, and
couple backpack of clothing.

This notice of intent to appeal is not an admission of any violation of law.

Signature: Ruth Starbuck

Date: 6/05/23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Roslynn Vanderpool, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
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6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: _____

This notice of intent to appeal is not an admission of any violation of law.

Signature: Roslynn Vanderpool

Date: 07-05-23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Gerald S.K. Williams hereby notify the Municipality of Anchorage that:

- GW 1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
- GW 2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
- GW 3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
- GW 4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
- GW 5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
- GW 6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
- GW 7. The property that I expect the Municipality not to abate during the 30-day period is: the 10 man tent, 12 pallets, tarps, sleeping bags, clothes, and all other personal items.

This notice of intent to appeal is not an admission of any violation of law.

Signature: AWW

Date: 6-5-23

**NOTICE OF INTENT TO APPEAL PUBLIC NUISANCE
DETERMINATION AND CAMPSITE ABATEMENT**

I, Trevor Williams, hereby notify the Municipality of Anchorage that:

1. The Municipality posted a notice stating that it considers a campsite containing my personal property to be in violation of AMC 15.20.020.B.15.b.v.
2. The notice states that it was posted on May 24, 2023 at Cuddy Family Midtown Park, which is located at 201 E 40th Ave, Anchorage, AK 99503. The notice describes the zone abatement area as: "Loussac Library, Cuddy Park, & Old Archive Site: 36th Ave. to S. Municipal Property Line/Denali to B St."
3. The notice states that I have 30 days from the date the notice was posted to appeal to the Alaska Superior Court the Municipality's determination that the campsite violates the Anchorage Municipal Code. The notice also states that written notice to the Anchorage Municipal Attorney's Office is a sufficient notice of appeal.
4. I intend to appeal the Municipality's determination that the campsite violates the Anchorage Municipal Code. I intend to do so before those 30 days have passed.
5. My appeal also will challenge the Municipality's constitutional authority to conduct this zone abatement given the lack of indoor shelter options available in Anchorage for unhoused persons who are currently living in the zone abatement area. Under *Martin v. Boise*, 920 F. 3d 584 (9th Cir. 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir 2022), it is an unconstitutional cruel and unusual punishment for municipalities to penalize unhoused persons like myself for camping, sleeping, sitting, or lying outside on public property when the number of homeless individuals in the city is greater than the number of practically available indoor shelter beds. Since the Municipality shuttered its only low-barrier shelter in the city, there currently are no—or, at best, a vastly insufficient amount of—indoor low-barrier shelter beds available in Anchorage. I do not have anywhere indoors to sleep, which is why I am camping in the zone abatement area.
6. I understand that my providing the Municipality with this notice will have the effect that the Municipality will not abate the campsite until at least 30 days from the date it posted its notice.
7. The property that I expect the Municipality not to abate during the 30-day period is: _____

This notice of intent to appeal is not an admission of any violation of law.

Signature: Trevor Williams

Date: 6-5-23