

# Are you unhoused or experiencing homelessness in Albuquerque?

If a police officer tells you to leave even after you have shown this flyer, you should follow the order, even if it is wrong. Then you can call 505-652-1481 and leave a voicemail message. Make sure to clearly say and spell your name, give a phone number where you can be reached, and explain what happened.

If City employees seize your property, you can also call the number and leave a voicemail.

On November 1, 2023, a court order began protecting some unhoused people's rights in Albuquerque. In most cases, the police can't cite, arrest, or force you to move if you are on public property outside. In most cases, the city can't take your things. There are some exceptions. You can't be on school property. You can't be on private property. And you can't break other laws.

**Because the order is temporary, these rights might change. Stay updated at [ACLU-NM.org/Unhoused](https://aclu-nm.org/unhoused).**

## What are my rights?

Starting on Wednesday, November 1, 2023, a court order prohibits the city of Albuquerque from forcing you to move, from citing or sending you to jail, and from threatening to cite you or send you to jail for being outdoors on public property if you don't have an indoor place to stay with your belongings. That means if you don't have a house, apartment, trailer, other indoor housing, or an emergency shelter space that you can go to, you have the right to stay outdoors on public property.

## Does the court order have any exceptions about where I can be?

Yes, the court order has two big exceptions.

First, you can't be on any school property unless you have the right to be there as a student, parent, guardian, or staff member. And you can't put your belongings on school property.

Second, the court order says you can't obstruct sidewalks, driveways, medians, alleyways, public rights of way, parking lots, and other public roadways and walkways if the obstruction poses an immediate threat to the safety of any person and the city documents and makes a written record of its findings of the immediate threat to the safety of any person.

## What about my belongings?

If you don't have an indoor place where you can stay with your belongings and you are outdoors on public property, the court order also protects your belongings in many cases.

- The city can't take essential property that you need to survive like food, water, clothing, blankets, and tents.
- The city can take your belongings if it has a valid warrant.
- The city can take your belongings if they are illegal to own, if they are evidence of a crime, and in some emergency circumstances.
- The city can take your belongings that aren't essential for your ability to live if it gives you written notice, a hearing, and an opportunity to get your property back.



**CAUTION: THE INFORMATION ON THIS DOCUMENT MAY CHANGE WITH TIME. FOR THE MOST UP-TO-DATE INFORMATION, PLEASE VISIT [ACLU-NM.ORG/UNHOUSED](https://aclu-nm.org/unhoused)**

## **I know I can't be on school property, but I don't understand obstructions that threaten a person's safety, the second exception in the court order. What does it mean?**

An obstruction is when you or your property blocks people from passing through. If you or your property blocks people in a way that causes an immediate threat to their safety, you can be cited or forced to move. One example is if your property is on a sidewalk next to a busy street and someone would have to walk in the busy street to go around you. In that case, you could be forced to move or charged with a crime if you refuse to move.

## **Can I be on private property? Or can I leave my belongings on private property?**

No, unless you have the property owner's permission, you can't be on private property, and you can't leave your belongings on private property. The court order only protects you and your belongings if you are on outdoor, public property.

## **Can the city enforce other criminal laws against me?**

Yes. The order only protects you from laws that would keep you from staying on outdoor public property with your belongings. The city can still enforce laws against fires, public drinking, excessive noise, drug possession, and other offenses.

## **Is the court order permanent?**

No. The court order is temporary. That means there's no guarantee how long the court order will protect your rights. Keep up to date by checking this page frequently.

## **What if a city employee says I can't be on public property with my belongings?**

You can go ahead and show them this page or the flyer linked below. Laws against trespassing, misuse of public property, being in parks after hours, erecting tents, camping, obstructing sidewalks or alleyways, and other offenses cannot be used against you if you have no indoor place to go with your belongings.

*If you think the police or someone else from the city is violating your rights, you can call 505-652-1481 and leave a voicemail message. Make sure to clearly say and spell your name, give a phone number where you can be reached, and explain what happened.*

**Stay up to date with the latest updates on this case on our website:**



**[aclu-nm.org/unhoused](https://aclu-nm.org/unhoused)**