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Councilor Amanda Chavez, District 4, acchavez@santafenm.gov

Re: Proposed Ordinance *Prohibiting Animals on Medians* (Bill No. 2025-22)

Dear Mayor Webber and Santa Fe City Council members:

We write on behalf of the New Mexico Center on Law and Poverty and the ACLU of New Mexico to express our concerns regarding Santa Fe's proposed ordinance No. 2025-22, banning animals on roadway medians except for the time it takes to cross the street. The New Mexico Center on Law and Poverty works with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty. The ACLU of New Mexico works statewide to protect and defend the civil rights and liberties of all New Mexicans. The National Homelessness Law Center is the only national legal organization dedicated solely to ending and preventing homelessness.

We appreciate the City's stated intent to advance traffic safety and prevent animal mistreatment. However, the proposed ban on animals on medians appears primarily directed at limiting panhandling by unhoused people accompanied by their pets. In practice, this measure may increase rather than reduce traffic hazards and risks causing significant unintended harm to unhoused residents and to the already strained animal-welfare system.

The Ordinance Will Undermine Traffic Safety

This ordinance will not deter many people from standing in the medians with their pets, because they are doing so not by choice, but because of a lack of better choices. People who

panhandle typically stand on medians because it is the safest point of contact with drivers: they remain visible, avoid moving in and out of lanes, and do not need to weave through traffic. Prohibiting animals on medians will not eliminate the need that drives this activity. Instead, people who are panhandling with animals will be pushed onto shoulders, narrow sidewalks, or into the roadway itself, which creates conditions that heighten risk of harm for pedestrians, cyclists, and drivers. No traffic study has proven that civil or criminal penalties such as those in Bill No. 2025-22 improve traffic or pedestrian safety. Indeed, the American Public Health Association condemns criminalization of homelessness as harmful to homeless individuals and contrary to public health. See Am. Pub. Health Ass'n, *Housing and Homelessness as a Public Health Issue* (Nov. 7, 2017), available at: <https://www.apha.org/policy-and-advocacy/public-health-policy-briefs/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>.

People who stand on medians to ask for help need social workers to connect them to housing and services, not police officers who criminalize poverty by giving them tickets and notices to appear in court. And pedestrians, bicyclists, and drivers need a meaningful approach to traffic safety, not an ordinance that was not truly designed with them in mind. Our organizations are available and committed to helping the City pursue solutions that improve safety without causing additional harm to unhoused residents or the animals they rely on for stability and support.

Santa Fe Already Prohibits Animal Neglect and Abandonment

The Santa Fe City Code already prohibits conduct that endangers animals, making an additional median-specific ban unnecessary. For example, the Code provides that animals may not be allowed “upon a public street, alley, easement, city property or other place open to the public... unless properly restrained.” § 5-5.4(C) SFCC 1987. The Code also expressly prohibits abandonment, stating that any person having charge, custody, or ownership of an animal may not abandon it under any circumstances. § 5-8.4 SFCC 1987. These existing provisions already make it unlawful to place an animal in unsafe conditions or to leave an animal unattended in a manner that risks harm. Because these protections exist, an additional median-specific animal ordinance is unnecessary.

The Ordinance Will Increase Pet Surrenders and Strain the City’s Animal-Welfare System

Many unhoused people rely on their pets for companionship, emotional support, and safety. Forcing people to choose between receiving charitable donations from drivers on roadways and keeping their pets will lead to increased surrenders of healthy animals to an already

overburdened shelter system. See e.g. Cormac Dodd, *Santa Fe Animal Shelter Wants to Improve Fundraising as Contract Deadline with City Looms*, *Santa Fe New Mexican* (Mar. 24, 2025), available at: https://www.santafenewmexican.com/news/local_news/santa-fe-animal-shelter-wants-to-improve-fundraising-as-contract-deadline-with-city-looms/article_1897c034-0410-11f0-a834-475d546d0c88.html. This outcome undermines public-welfare goals and places additional demands on City resources. Moreover, separating unhoused people from their pets can be destabilizing and traumatic, complicating efforts to connect them with services, employment, and long-term housing.

There Are Better Ways to Address Panhandling

Numerous communities have created alternatives that are more effective and that lead to better outcomes for all involved, including homeless and non-homeless people, businesses, and city agencies. For example, the City of Albuquerque created the “There’s a Better Way” day labor program that connects unhoused people to services. Philadelphia created a similar day labor program, a social worker co-responder program, and by repurposing a vacant city-owned office space into a day shelter with numerous services, getting rave reviews from nearby businesses.

We can all agree that Santa Fe should be a place where no one is forced to panhandle, but penalizing people who ask for help while standing on medians with their pets is neither lawful nor an effective path toward that goal. Please contact us if you would like to discuss constructive solutions.

Thank you for your consideration.

Sincerely,

/s/ Maria Griego

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