



## City of Tacoma

Deputy Mayor Catherine Ushka

*Position 4*

Re: The Community Vitality and Safety Committees Review of Camping Ban Policies

Mayor Woodards and Members of the City Council,

On November 9, 2021, The City Council sent Ordinance 28756 to the Community Vitality and Safety Committee (CVS) with the request to review this ordinance and policy issues related to creation of a camping ban and restricting the use of public property. We reviewed primary documents, and on December 14, 2021, we submitted to the full City Council a body of anticipated work for completion by the end of the first quarter of 2022. This work is now complete. Below you will find our current conclusions regarding adoption of a camping ordinance as well as additional items we believe should be developed, and a review of the work completed. Many of these items align with staff, City and County work and we agreed that Council's support of this work will be essential to ongoing success of solution throughout our community.

### Current Recommendation:

While Committee members sought to determine clear recommendations to solve unsanctioned camping at this time, and are deeply frustrated by the same concerns we all hear from community, Committee members unanimously recommend that no camping ordinance be adopted at this time. We recommend a full or partial camping ordinance be re-evaluated when sufficient housing or sheltering services are developed. It is important to note that we also agreed that punitive sanctions such as ticketing, fines, or arrest to address unhoused persons are unlikely to be successful now or in the future. Additionally, we recognize that there are grave concerns related to illegal behavior in and around encampment sites, that may or may not involve persons camping there. The Committee agreed that activity considered criminal should be addressed by law enforcement for both housed and unhoused persons throughout the city.

We further recommend that the Council fully support the City of Tacoma's Neighborhood and Community Services (NCS) department's current work, as well as that of Pierce County and the Pierce County Comprehensive Plan to End Homelessness. This includes but is not limited to:

- Expand shelters of multiple types, including very low barrier entry in each area of the city and in multiple areas in the county with comprehensive services toward re-housing and stabilization.
- Establish safe parking alternatives throughout the City of Tacoma.
- Continue and support additional means of keeping people in housing.
- Support and further invest in housing throughout the city, with a particular focus on low income, very-low income, and permanently supportive housing, as well as community land trusts and new and expanded homeownership activities. This work should particularly support

Black families and communities of color that have historically had less access to homeownership opportunities.

- Invest in and develop comprehensive strategies for developing our community partnerships and available workforce for outreach, mental health, and housing services, targeting just in time services for persons experiencing Substance-Related and Addictive Disorders.
- Deploy and fully operationalize the Alternative Calls for Service Plan and Community Safety Office.
- Support Tacoma Police Department, or alternative services, in addressing crime committed by houseless persons, and a focus on addressing criminal activity that preys on houseless persons including drug-dealing, theft, and human trafficking, among others.
- Support Pierce County's goal for 200 adult congregant beds in the county.

Recommended actions:

- Review existing administrative policy and procedure on encampment removals and create a publicly transparent process. When encampment removals are necessary for reasons of health or safety and additional notice is possible, community partners should be invited to provide additional support to encourage individuals to choose shelter or housing options that are available.
- Develop alternative transportation options for unhoused. Currently, Tacoma Fire Department takes a disproportionate number of calls to areas where unhoused are living who need transport for treated and untreated routine medical needs.
- Work with Tacoma Pierce County Health Department on expanding routine medical services to unhoused populations and or implementation of alternative transport options.
- Create programs that provide access to help lines or services for persons victimized by crime in unhoused communities.
- Examine expansion of Mental Health Court and or Community Court concepts and develop non-putative processes for getting persons engaged in these existing access points to services.
- Support partners in developing training programs for volunteers, including Diversity, Equity, and Inclusion (DEI), to positively engage with homeless populations and support their move towards housing, including garbage removal, unsafe structures, propellants, and unsafe fire activity.
- Re-evaluate large areas for possible sanctioned encampments. In this item the Dome area was specifically cited by the local representative due to the larger areas not near homes.
- Develop a clear communication strategy in relation to the benchmarks, goals, and accomplishments – fund and hire outside communications if needed.
- Accomplish short term communication goals around the success of existing sanctioned encampments.
- Develop goals and benchmarks that allows Council and the public to track challenges and progress specific to Tacoma.
- Develop a realistic budget for this work and work with County, State, and Federal Partners to fund the relief necessary to house, treat and stabilize our communities.

CVS further requests that the Council allow us to consider the work outlined above for feasibility and funding and to bring further updates to the full Council on a periodic basis.

Review initial report and work completed:

1. Summary of prior considerations and overview of other municipal camping ordinances

Assistant City Attorney Keith Echterling presented “Comparison of Municipal Approaches to Unlawful Camping” at the January 27, 2022, CVS meeting. Presentation materials can be [viewed here](#). Each of these ordinances depended on fines, tickets, or arrest for enforcement. Each of these cities must be able to offer shelter prior to enforcing camping bans under the Boise decision. If Tacoma were to adopt a similar ordinance, it would not be enforceable until shelter/housing were available for the entire affected population. The Committee discussed suggestions for a partial ban that could be applied on a one for one basis, wherein when a shelter vacancy existed, an individual would be offered shelter, and only fined, ticketed, or arrested if they refused. However, the Committee determined that any application of a vacancy-rate based ordinance would be biased or unequally applied.

2. Update on Divertible /Alternative calls study

City Manager Elizabeth Pauli is presented to CVS on “Alternative Response/Divertible Calls” at the February 10, 2022, CVS meeting. Afterwards, a report from the consultant was distributed to Committee members. Note: the full Council also now has this report. While it is anticipated that having these programs implemented will help address issues related to unsanctioned encampments the report reflects current barriers to implementation related to having enough qualified workforce providers. The City is currently working to find solutions and implement recommendations.

3. GIS Map of Schools parks and city authorized camping sites

This information was requested in consideration of reviewing partial camping bans (no camping within a certain geographic area). The Committee reviewed a map and considered this idea, but ultimately rejected it primarily because a) The city does not have the resources to fully implement it, b) it could and would require punitive measures to enforce, and c) existing unhoused populations would consequently be pushed further into neighborhoods.

4. Reliability of Existing Data on Available Shelter Space in Real Time

NCS Director Linda Stewart presented “Camping Ordinance Update” at the January 13, 2022, CVS meeting. This presentation included the following information:

- The City monitors and posts weekly information about its Temporary and Emergency Shelter locations including current census, number of available beds and exits to housing.
- In addition to being posted on the City website, the link to this information is included in the City Manager’s weekly Council updates.

Real time data in which available spaces are identified and published upon vacancy daily or more frequently does not exist. The committee reviewed this data following up on a suggestion that the City nightly identify and fill any vacant shelter spaces. The committee concluded that

this suggestion is not realistic for three primary reasons. 1) In addition to City sponsored sites, there are multiple shelters in the city which each operate under different organizations. If real time data were available sending staff out to fill each vacancy each night would be beyond the limits of current staffing levels of the City or capacity within the City. 2) If staffing levels were high enough to conduct last minute outreach for evening vacancies, there is no reason to believe they would be successful in filling those vacancies. 3) Implementing a ban that would include offering services to a limited number of people equal to a limited number of vacancies and then penalizing those who may reject the vacancy creates too great of a possibility of bias.

#### 5. Community Volunteer Options

The Committee received a report on community volunteer options available in the community, and do want to help make sure community members are aware of these opportunities. However, most do not include direct engagement with unhoused populations. Committee members are hearing and seeing people directly engage with homeless communities without training now, sometimes inadvertently creating greater resistance to shelter or housing, or adding unneeded items to camps that results in additional excess refuse. Committee members would like to see the City support partners in developing opportunities to train volunteers to effectively, positively, and safely engage with homeless populations to support them in moving to shelter, housing, or acceptance of services.

#### 6. Meeting with Stakeholders and Public input

NCS held a community listening session on December 6, 2021, and CVS held a conversation with 5 stakeholders on March 10, 2022. Additionally, Council Members have received considerable ongoing feedback via email and public comment, both before the process began and currently. Council has previously received a report enumerating input from December 6, 2021, and in that instance and others there are multiple comments from the same individuals. Committee members wished to cite this because the number of comments or contacts does not directly correlate to the number of people who have provided input.

#### 7. Accountability measures

Throughout our work, looking at what tools we have to enforce any ban or restriction has been part of discussion. Other municipalities that have bans use two primary tools: fines or tickets and arrest. These punitive measures are only successful if backed by a law enforcement presence that can compel, including potentially physically compelling, persons from the site. While Committee members, community members, and advocates agree that there are persons for whom these measures or stronger measures like this may be needed, we cannot in good faith recommend implementation of these measures for multiple reasons. These reasons include, but are not limited to: the fact that we do not have the personnel resources to enforce if we did implement them, and that punitive measures for someone being unhoused will create further barriers for housing and further migration of individuals around the City. The barrier to services that is created by greater migration of populations around the city is that it makes it

more difficult for service workers to build the trust and relationships that are frequently the basis of anyone's acceptance of shelter or other services. Committee members also expressed concern that unhoused communities are disproportionately Black, Indigenous, and People of Color (BIPOC), and any enforcement will also have significant disproportional engagement with the legal system. Engagement with the legal system further adds to financial burdens or burdens of record, building substantial barriers to housing access.

8. Other ideas considered and rejected:

Develop camp capacity limits and code enforcement standards. This was rejected because the only tools for enforcement are a combination of law enforcement and code enforcement presence, which the city does not have capacity for and requires the implementation of non-productive punitive measures.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Ushka', with a long horizontal flourish extending to the right.

Catherine Ushka  
Chair, Community, Vitality and Safety Committee