



TO: Elizabeth Pauli, City Manager
FROM: Lisa Wojtanowicz, Division Manager, Neighborhood & Community Services
Linda Stewart, Interim Director, Neighborhood & Community Services
Shawn Gustason, Assistant Chief, Tacoma Police Department
Don Ramsdell, Chief, Tacoma Police Department
COPY: City Council and City Clerk
SUBJECT: Emergency Ordinance Amending TMC 11.05.231
DATE: June 23, 2017

SUMMARY:

Neighborhood & Community Services, after careful consultation with Tacoma Police Department, is requesting to make changes to Tacoma Municipal Code 11.05.231, which prohibits vehicle habitation in the City of Tacoma. Vehicle habitation may present a health and safety hazard for both the vehicle inhabitants and the surrounding residents and business, especially in light of concerns such as inadequate sanitation and littering. These changes are being recommended in connection with the state of emergency that was declared by the City Council pursuant to Ordinance No. 28430 in order to mitigate the public health conditions associated with the homelessness crisis impacting the City of Tacoma. These amendments will also improve enforcement capability. Staff is recommending that the City Council, pursuant to the authority outlined in City Charter provision 2.12, find that a public emergency exists with regards to vehicle habitation and that any such amendments will be effective immediately upon approval by the Council.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.

BACKGROUND:

In March 2016, the City Council amended TMC 11.05.231 to provide a clearer definition of “habitation.” Additionally, the City extended the prohibition period from 24 hours to seven days in order to allow for more outreach efforts to connect individuals with available services. Since then, the City has identified some challenges with enforcement, especially with regards to the time limitations and addressing unoccupied vehicles.

In May 2017, the City declared a state of emergency because of the growing public health concerns associated with an increase in the number of homeless and unsheltered individuals in the City, who, on any given night, can be found sleeping in parks, cars, abandoned buildings, under highway overpasses, and in other places not fit for human habitation. The increase of homeless encampments and higher concentrations of individuals living in cars or other areas in places not meant for human habitation is having a significant impact on public health and safety, as there are inadequate sanitation and disposal facilities, which can have a high potential for community health impacts, endangering the health of the occupants as well as the surrounding community and neighborhoods. Conditions experienced by unsheltered individuals may include: accumulation of uncontained garbage that becomes a food source for vermin, vectors (organisms that transmit diseases or parasites) and related pathogens; lack of proper food storage and clean dishes that can facilitate the spread of food-borne disease; lack of sanitary facilities to dispose of human and animal fecal waste; improper disposal of discarded medical and sharps waste; accumulation of combustible materials that can ignite; lack of access to handwashing and personal hygiene; lack of clean water; and the victimization of homeless persons by both sheltered and non-sheltered persons.



ISSUE:

In order to mitigate the public safety, health and welfare impacts and in order to provide greater clarity for both enforcement personnel and those impacted by the ordinance, staff is recommending several changes. These changes do the following:

- Specifies enforcement efforts relate to the improper use of a vehicle, as opposed to penalizing the person. This provides greater clarity for law enforcement and other personnel.
- Incorporates a presumption that the registered owner is responsible for the improper use of the vehicle, which will assist on-scene enforcement efforts if a vehicle is unattended.
- Reduces the time permitted for use at any one location from 7 days to 72 hours. This is intended to lessen the impact on the surrounding communities, as opposed to the current time frame.
- Adds a minimum distance required for an unlawful vehicle to be moved from spot of violation, specifically one-half (1/2) of a mile. This change helps resolve the challenges of an inherent permanent ban, which is impracticable for enforcement purposes.
- Reduces the severity of the penalty from a Class 1 to a Class 3 civil infraction (a reduction from \$250 to \$50), in recognition of the financial burdens created by a monetary penalty. This also helps further the City's equity objectives.

ALTERNATIVES:

Council could choose to accept all of the proposed changes, some of the proposed changes, or none.

RECOMMENDATION:

Staff recommends the Council adopt the proposed changes in order to alleviate the public health and safety impacts caused by vehicle habitations, and which will also provide more clarity and consistency regarding enforcement and continue to provide a safe and healthy City for all of our residents. Staff is recommending that the City Council, pursuant to the authority outlined in City Charter provision 2.12, find that a public emergency exists with regards to vehicle habitation and that any such amendments will be effective immediately upon approval by the Council.

FISCAL IMPACT:

Although the penalty amount is being reduced, the fiscal impact is de minimis because our civil penalties have rarely been issued under previous versions of this ordinance. The maximum that may have been collected from the two civil penalties that have been issued in the last three years is \$500.