



TO: Elizabeth Pauli, City Manager
FROM: Council Member Robert Thoms
COPY: City Council and City Clerk
SUBJECT: **Ordinance - Unauthorized use of public property for camping and storage of personal property – April 20, 2021**
DATE: 4/15/2021

SUMMARY & PURPOSE:

An ordinance amending Title 8 of the Municipal Code, relating to the addition of a new Chapter 8.19 designated as “Use of Public Property”, to work in conjunction with the City’s declaration of emergency and the creation of additional shelter that addresses the wide-ranging variety of existing needs to promote the public health, safety, general welfare, and economic health and well-being of the City, its residents, and its visitors by making the areas of City of Tacoma Public Property open to the general public readily accessible, and to prevent the uses of Public Property which interfere with the rights of others to use Public Property for which it is intended and to prevent harm to the health, safety, and welfare of the public.

[Council Member Robert Thoms]

COUNCIL SPONSORS:

Mayor Victoria Woodards, Deputy Mayor Keith Blocker, Council Member Robert Thoms

BACKGROUND:

This Council Member’s Recommendation is Based On:

The City of Tacoma has been operating under a Declaration of State of Public Health Emergency since 2017 to address the health and safety concerns caused by growing encampments. The Tacoma City Council passed Ordinance No. 28430, on Tuesday, May 9, 2017, declaring a state of public health emergency, and has subsequently extended the ordinance several times with the current metric for completion changing from a fixed date until 95% of unsheltered individuals identified during the annual Pierce County Point-in-Time count have access to shelter for three consecutive years. To support efforts to address the emergency, on July 11, 2017, the City Council passed emergency Ordinance No. 28438, which prohibited public property camping. This ordinance had a sunset date of October 9, 2017, which was extended multiple times before sunseting on December 31, 2019. This current proposal is to align updates to the Emergency Declaration with the reestablishment of the public property camping ban.

On April 6, 2021, Mayor Woodards brought forward to the Council Study Session a Council Consideration Request for an Ordinance Amending the State of Emergency related to Homelessness and Committing to participation in the Countywide Efforts to End Homelessness. That requested ordinance would:

- Declare the Mayor and City Council’s support of Pierce County and the Tacoma Pierce County Coalition to End Homelessness in their commitment to protect public health and safety by providing everyone experiencing homelessness a safe and secure space to sleep with resources to address their health and sanitation needs by November 2021, allowing sidewalks, parks, and right of ways to be available for those purposes they were designed to serve.
- Direct the City Manager or her designee to ensure appropriate city staff participation in Pierce County’s Ad Hoc Committee, established to develop a countywide, Comprehensive Plan to End Homelessness over the next six months.



- Amend the declaration of emergency and the emergency authority originally granted pursuant to Ordinance No. 28430 – and as subsequently amended by Ordinance No. 28565, Ordinance No. 28457, Ordinance No. 28477, and Ordinance No. 28637 – to add City Council review of the progress toward meeting the condition to end the declaration of emergency on an annual basis.

While the City continues to seek expanded sheltering options and move forward with coordinated strategic planning efforts as outlined in Mayor Woodards’ proposed ordinance described above, this proposed ordinance’s legislative intent is to align with the new Declaration of Emergency so the City can provide a comprehensive response to public health concerns related to camping and storage of personal items on public property. The purpose of this ordinance to provide for and promote the health, safety, and welfare of the general public and not to create, either expressly or implicitly, or otherwise establish or designate any particular class or group of persons or individuals who will or should be especially protected or benefited or discriminated against by the terms of this ordinance. Additionally, the purpose of this ordinance is to divert calls to the City requesting enforcement of criminal laws to using these calls for service to locate and provide shelter for persons currently experiencing homelessness. The Chief of Police will be authorized to adopt rules, regulations, administrative policies, and procedures for implementing and enforcing this ordinance so that it complies with Constitutional requirements to offer alternate shelter and other policy directives of the Tacoma City Council.

COMMUNITY ENGAGEMENT:

Considerable community engagement has occurred through the development and implementation of the Affordable Housing Action Strategy the 2025 Strategic Plan and during multiple community surveys over the past several years that identified issues related to homeless encampments as one of the top issues facing the City and one for which additional resources should be allocated.

Individual Council Members have heard from community members, local businesses, and organizations about the public health and safety concerns related to encampments throughout the City.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

A greater percentage of the BIPOC population – both individuals and families - experience housing issues such as excessive rents, evictions and homelessness. These communities are at greater risk of negative health impacts associated with living in unauthorized encampments.

Livability: *Equity Index Score:* N/A

Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

The City continues to experience large numbers of individuals and families who are homeless due to such factors as job loss, stagnant and declining wages, family crisis, substance use disorder, economic reasons, mental health issues and loss of temporary housing. Although the conditions for many individuals formerly occupying homeless encampments have been mitigated through temporary emergency aid and shelter, unsanitary and unsafe conditions remain in homeless encampments throughout the City. These conditions continue to create potential for disease transmission within and external to a homeless encampment. The continuing perpetuation of unauthorized and unregulated encampments in the City presents a significant threat to the general public health and safety and



permits a continuous cycle of suffering for those currently experiencing homelessness. In order to better address these health and safety issues, a general public property prohibition against camping is necessary to aid education efforts and encourage individuals to take full advantage of the sheltering services and programs currently being offered and implemented by the City and its partners.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Do not pass ordinance	N/A	Do not address our community's needs.
2. Pass the ordinance as an emergency that is effective immediately	Allow for a quicker response to our community's needs.	Reprioritize staff time from other needs, limit ability for public comment.

EVALUATIONS AND FOLLOW UP:

Updates on the implementation of this ordinance should be included in the monthly homelessness report to City Council.

COUNCIL MEMBER RECOMMENDATION:

Sponsors recommend that the City Council pass the proposed ordinance and implement it in coordination with expanding sheltering options and moving forward with coordinated strategic planning efforts as outlined in Mayor Woodards' proposed ordinance.

FISCAL IMPACT:

The fiscal impact is unknown. However, no new resources will be allocated and the department will be responsible to adhere to their overall levels of appropriation.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. N/A			
2.			
TOTAL			

What Funding is being used to support the expense?

N/A

Are the expenditures and revenues budgeted in this biennium's current budget?

N/A

Are there financial costs or other impacts of not implementing the legislation?

YES

Potential impacts of not implementing the ordinance include cost of providing services to and maintenance of unauthorized encampments and addressing impacts to surrounding communities.



City of Tacoma

City Council Action Memorandum

Will the legislation have an ongoing/recurring fiscal impact?

Unknown

Will the legislation change the city's FTE/personnel counts?

No

ATTACHMENTS:

N/A