



TO: Elizabeth Pauli, City Manager
FROM: Council Member John Hines and Council Assistant for Policy Development Claire Goodwin
COPY: City Council and City Clerk
SUBJECT: Ordinance – Establishing Buffers Prohibiting Camping Near Temporary Shelters –
September 20, 2022
DATE: September 7, 2022

SUMMARY AND PURPOSE:

An ordinance establishing a 10 block buffer prohibiting camping and the storage of personal belongings on public property around temporary shelters and punishable as a misdemeanor offense. Current temporary shelters include the Stability Site, the Tacoma Emergency Micro-Shelter Site #3, the Tacoma Emergency Micro-Shelter Site #4, the Mitigation Site at South 82nd and Pacific, the RISE Center Emergency Stabilization Shelter, the Mitigation Site at South 35th and Pacific, and also those located at Altheimer Memorial Church of God in Christ, Bethlehem Baptist Church, and Shiloh Baptist Church. Further, upon occupancy of any future temporary shelters, the 10 block buffer prohibiting camping and the storage of personal belongings around these sites on public property shall apply.

On May 9, 2017, the City Council declared a public health emergency related to homeless encampments.¹ In order to address this emergency and to keep the residents of temporary shelters safe, in addition to protecting the public health and safety of the nearby communities, buffers should be imposed around these locations prohibiting unsanctioned camping. Without buffers prohibiting camping around these locations, the City’s ability to keep the community safe and promote public health in these locations will be negatively impacted. A 10 block buffer around permitted temporary shelters is necessary in order to provide sufficient space and safety measures to ensure the protection of the community, including those staying at these shelters, against the adverse impacts of unsanctioned camping. The City can reasonably accommodate individuals experiencing homelessness within a 10 block buffer of temporary shelters through offerings of shelter beds and is actively working on expanding capacity.

Unsanctioned encampments have a negative impact on neighborhoods and can decrease a neighborhood’s willingness to host a shelter. Buffers around these locations will foster support from community members to host a temporary shelter in their neighborhood.

Creating buffers will also help get individuals experiencing homelessness into shelter by connecting individuals within the buffers with offers of assistance and shelter. Unsanctioned encampments that are too close to temporary shelters threaten the City’s ability to support shelters effectively and to help the individuals living in the shelters.

This legislation is brought forward to compliment work being done simultaneously by the Neighborhood and Community Services (NCS) Department to establish a full continuum of shelter options that better meet the wide variety of needs of those experiencing homelessness. NCS’s work includes a site at 35th & Pacific that utilizes a new model – safe camping – which applies a managed approach to create a secure camping location. This site is anticipated to open in mid-October and will create an additional option for people who may not feel comfortable in a traditional shelter setting. Accordingly, this ordinance includes a delayed effective date of October 31, 2022.

¹ <https://cityoftacoma.legistar.com/LegislationDetail.aspx?ID=3043399&GUID=F905D7CB-E6D6-4DDB-B5C9-071ADB244575&Options=&Search=>



COUNCIL SPONSORS:

Council Members John Hines, Joe Bushnell, and Sarah Rumbaugh

BACKGROUND:

The 2022 Pierce County homeless Point-in-Time count identified 1,851 persons experiencing homelessness in Pierce County, including in the City of Tacoma.² Of this total, 343 individuals were living unsheltered, 1,184 were staying overnight in shelters, and the overnight status of 324 individuals was unknown. These numbers reflect a snapshot of homelessness and are likely an undercount of the population. The actual number of individuals experiencing homelessness is likely much higher and Pierce County’s official estimate for the number of individuals experiencing homelessness in Pierce County currently is 4,300.³ Point-in-time counts are one source of data among many that help in understanding the magnitude of the problem and characteristics of people who are homeless in our community.

Many of the persons living unhoused in Tacoma have been found to camp on public property, leading to a high volume of 9-1-1 calls for service and 3-1-1 requests. Based on these emergency calls and other complaints the City receives through 3-1-1, phone calls, and emails to Council Members and City staff, unsanctioned encampments are inspected and removed on a routine basis. When unsanctioned encampments are removed, 9-1-1 calls for service and 3-1-1 requests are reduced within the vicinity. Three examples demonstrate this (additional details can be viewed in Appendix 1 with specific focus on 9-1-1 calls for service in these areas)⁴:

1. South 8th Street and South Yakima Avenue: From September 21, 2021 through October 1, 2021, an unsanctioned encampment in the vicinity of South 8th Street and South Yakima Avenue was removed. In the eight months prior to the removal, South Sound 9-1-1 received 557 emergency calls for service to the location. In the eight months after removal, 439 emergency calls for service were received. From February 2021 through September 2021, this location received 53 3-1-1 requests related to homelessness. In the eight months following the encampment removal, the City received 4 3-1-1 requests related to homelessness in this location.
2. The Evergreen State College – Tacoma Campus: From October 26, 2021 through November 10, 2021, an unsanctioned encampment on The Evergreen State College – Tacoma Campus between South 6th Street and South 7th Street and between South L Street and South M Street was removed. In the six and one-half months prior to the removal, South Sound 9-1-1 received 292 emergency calls for service to the location and the block to the north. In the six and one-half months after removal, 112 emergency calls for service were received. From April 2021 through October 2021, this location received 61 3-1-1 requests related to homelessness. In the seven months following the encampment removal, the City received 35 3-1-1 requests related to homelessness in this location.
3. East 72nd Street and East I Street: From February 1, 2022 through February 7, 2022, an unsanctioned

² <https://www.piercecountywa.gov/DocumentCenter/View/115932/2022-PIT-Results-Excel-PDF>

³ <https://www.piercecountywa.gov/DocumentCenter/View/115934/PIT-Count-infographic-2022->

⁴ The timeframes used for analysis in the three examples were based on the number of months or weeks from the date of encampment removal to May 2022 when the data analysis was conducted. That period of time was then applied in the prior period before encampment removal.



encampment located along East I Street going south towards East 72nd Street was removed. In the 14.5 weeks prior to the removal, South Sound 9-1-1 received 681 emergency calls for service to the vicinity. In the 14.5 weeks after removal, 448 calls for service were received. From November 2021 through the encampment removal on February 7, 2022, this location received 28 3-1-1 requests related to homelessness. In the three months following the encampment removal, the City received 13 3-1-1 requests related to homelessness.

Individuals experiencing homelessness are a vulnerable population and unsanctioned encampments are not safe locations to live. According to a U.S. Department of Justice report, “the chronically homeless report high rates of child and sexual abuse that occurred before they became homeless. Further, once homeless, the population continues to be victimized at a rate about twice that of the general population.”⁵ The same U.S. Department of Justice report states that “evidence from police case studies shows areas adjacent to transient encampments have higher levels of petty and serious crime unrelated to “routine behaviors,” such as drug dealing and usage, disturbance, theft, prowling, burglary, panhandling, fighting, vandalism, armed robbery, rape, and aggravated assault.”

Moving into a shelter or City-sanctioned encampment would increase the personal safety for individuals leaving an encampment. Encampments pose health and safety risks to those living there and nearby. Other cities have established buffers around sanctioned homeless shelters, including Portland, Oregon⁶ or have designated areas where camping is prohibited, including Everett, Washington.⁷ The City of Los Angeles established buffers around schools and day cares,⁸ while the City of Edmonds, Washington prohibits camping overnight on public property.⁹ To preserve the health and safety of people residing in a shelter and residents living in their homes, the City needs a buffer that prohibits camping near shelters.

Community members have expressed their frustration about unsanctioned encampments in their neighborhoods, near their place of employment, outside of doctors’ offices – in addition, many expressing concern for the houseless individuals’ well-being. One Council Member email inbox dedicated to constituent inquiries and concerns indicated that from January 1, 2022 through July 14, 2022, 158 residents reached out with concerns about encampments or to express their frustration about the negative impacts of encampments on the neighborhood. This totaled 22% of all the constituent emails received in this Council Member’s inbox during this timeframe.

Under *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), the Ninth Circuit Court of Appeals determined that the United States Constitution prohibits the criminal prosecution of homeless individuals for sitting, sleeping, or lying outside on public property, when indoor shelter alternatives are not available. The Court’s decision allows the City to remove individuals who are obstructing right-of-ways, pedestrian and vehicular traffic, or pose substantial public health and safety issues, including environmental damage. The City of Tacoma’s Neighborhood and Community Services Department’s Homeless Engagement Alternatives Liaison (HEAL) team makes daily contact

⁵ “Homeless Encampments.” *Problem-Oriented Guides for Police Problem-Specific Guides Series No. 56*, U.S. Department of Justice - Office of Community Oriented Policing Services, Jan. 2010, https://popcenter.asu.edu/sites/default/files/sites/default/files/problems/pdfs/homeless_encampments.pdf.

⁶ <https://www.portland.gov/ryan/news/2022/2/4/press-release-mayor-wheeler-and-commissioner-ryan-announce-new-administrative>

⁷ <https://www.everettwa.gov/AgendaCenter/ViewFile/Item/11961?fileID=73040>

⁸ <https://abcnews.go.com/US/wireStory/los-angeles-oks-sweeping-ban-homeless-camps-schools-88164095>

⁹ <https://www.king5.com/article/news/local/homeless/edmonds-city-council-camping-ban/281-f9c07323-9acc-4b3c-96f8-a07f32e522f2>



with residents living unsheltered. Though many individuals say yes to offers of help, most individuals refuse. In July 2022, the most recent month with complete data, the HEAL team made contact with 66 individuals living unsheltered, and 12 accepted offers of assistance (18% acceptance rate). Regardless, the City continues to offer assistance.

Temporary shelters are permitted and provide a safer alternative to unauthorized encampments.¹⁰ There are currently nine temporary shelters in Tacoma and the City provides funding for all nine. The City contracts with experienced providers to operate six sites, which at a minimum include fencing, hand washing stations, garbage services, bathroom facilities, electricity, and potable water. For the 2021-22 biennial budget, City Council allocated \$7.6 million to operate temporary and emergency shelter sites in Tacoma and dedicated an additional \$13.3 million in federal COVID-19 relief to emergency shelter.¹¹

The six current temporary shelters include:

1. The Stability Site - 1421 Puyallup Avenue
2. The Tacoma Emergency Micro-Shelter (TEMS) Site #3 - 602 N. Orchard Street
3. The Tacoma Emergency Micro-Shelter (TEMS) Site #4 - S. 69th Street and Proctor Street
4. The Mitigation Site - S. 82nd Street and Pacific Avenue
5. The RISE Center Emergency Stabilization Shelter - 2139 Martin Luther King Jr. Way
6. The Mitigation Site - 3561 Pacific Avenue

In recognition of the need for temporary housing for homeless persons, the City also supports temporary shelters sponsored by faith-based and non-profit organizations. These other temporary shelters are operated by the host organization or by external agencies, are located on property that is controlled by the sponsoring organization, and can operate for up to six months without requesting an extension. Additional requirements for temporary shelters are listed under Tacoma Municipal Code 13.06.080.¹²

The three current temporary shelters which are sponsored by faith-based or non-profit organizations include:

1. Altheimer Memorial Church of God in Christ - 1121 S. Altheimer Street
2. Bethlehem Baptist Church - 4818 Portland Avenue East
3. Shiloh Baptist Church - 1211 S. I Street

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

The Community, Vitality and Safety (CVS) Committee reviewed options and considered multiple strategies for addressing the impacts of sanctioned encampments. This proposal is an extension of the work concluded at CVS on March 24, 2022 and will incentivize many of the Committee's recommendations. These include establishing a variety of shelter types in each area of the city and evaluating large, vacant areas for possible sanctioned encampments. This proposal aims to increase the number of sanctioned shelters in neighborhoods by ensuring that a prohibition of camping surrounds these areas to foster safe and healthy communities for the neighborhood and the shelter residents.

¹⁰ <https://cityoftacoma.legistar.com/LegislationDetail.aspx?ID=3043399&GUID=F905D7CB-E6D6-4DDB-B5C9-071ADB244575&Options=&Search=>

¹¹ https://www.cityoftacoma.org/government/city_departments/neighborhood_and_community_services/homelessness_services/city_authorized_emergency_shelter_sites

¹² <https://cms.cityoftacoma.org/cityclerk/files/municipalcode/Title13-LandUseRegulatoryCode.pdf>



Sponsors have talked with the operators of the temporary shelters and were welcoming of the policy. City Council has heard from countless community members across the city on their requests to prohibit camping near their residence, place of employment, outside their doctor's office, and other places that may be impacted by the presence of unauthorized camping on public property. One Council Member inbox indicated 158 emails from residents upset about unauthorized camping within the first six and one-half months of 2022. Another Council Member received approximately 100 emails related to homelessness in 2022, or 17% of all the constituent emails received in that inbox. The same Council Member spent one hour every week on average with residents and business owners impacted by encampments or with individuals supporting shelter operations in Tacoma. Residents who are currently hosting a temporary shelter in their neighborhood would benefit, and any future community members who might host a site in their neighborhoods. Individuals experiencing homelessness within these sites would also benefit.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: *(Mandatory)*

This proposal promotes the health and safety of residents living near temporary shelters. This proposal also promotes the health and safety of those individuals experiencing homelessness who reside in those temporary shelters. We know that homelessness disproportionately impacts people of color. The 2022 Pierce County homeless Point-in-Time count¹³ found that 52% of individuals experiencing homelessness were people of color even though people of color account for only 34% of the Pierce County population (American Community Survey estimate 2019).¹⁴

Economy/Workforce: *Equity Index Score: Low Opportunity*

Decrease the number of vacant properties downtown and in the neighborhood business districts.

Livability: *Equity Index Score: Low Opportunity*

Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s).

The 10 block radius that would prohibit camping on public property encompasses the downtown core and a number of business districts with the current established sites. Those business districts currently hosting a temporary shelter include: the Hilltop Business District, the Lincoln Business District, the Fern Hill Business District, and parts of the Dome District and South Tacoma Business District. This ordinance will increase the positive public perception of safety and overall quality of life by prohibiting camping and storage of personal belongings on public property near temporary shelters, mitigating the impacts of unsheltered homelessness to nearby residents, business owners, and other community members.

¹³ <https://www.hudexchange.info/programs/hdx/pit-hic/>

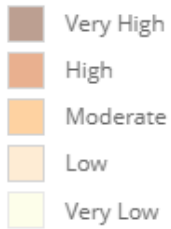
¹⁴ <https://www.piercecountywa.gov/DocumentCenter/View/115934/PIT-Count-infographic-2022->



City of Tacoma

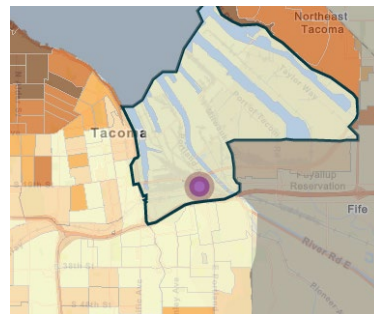
City Council Action Memorandum

Tacoma Equity Index Legend (levels of opportunity)

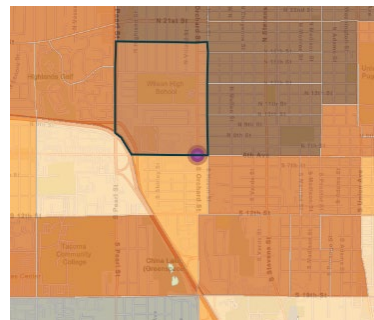


Current Temporary Shelters (9 total)

1. Stability Site – 1421 Puyallup Avenue
Equity Index Designation: Very low opportunity
Council District: 2

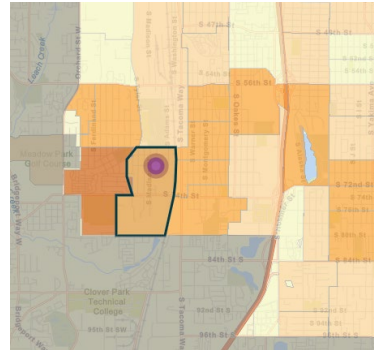


2. Tacoma Emergency Micro-Shelter (TEMS) Site #3 –
602 North Orchard Street
Equity Index Designation: High opportunity
Council District: 1

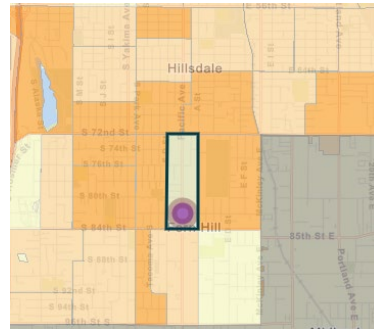




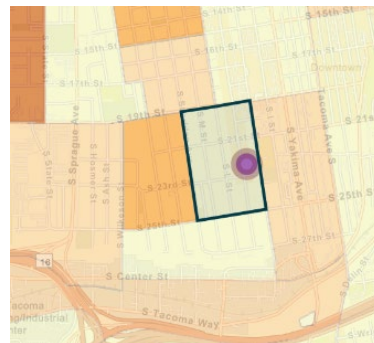
- 3. Tacoma Emergency Micro-Shelter (TEMS) Site #4 – S 69th Street and Proctor Street
Equity Index Designation: Moderate opportunity
Council District: 5



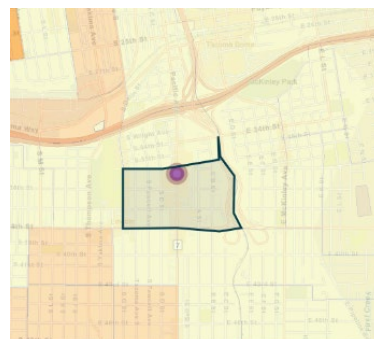
- 4. Mitigation Site – South 82nd and Pacific Avenue
Equity Index Designation: Very low opportunity
Council District: 5



- 5. RISE Center Emergency Stabilization Shelter – 2139 Martin Luther King Jr. Way
Equity Index Designation: Very low opportunity
Council District: 3



- 6. Mitigation Site – 3561 Pacific Avenue
Equity Index Designation: Very low opportunity
Council District: 4

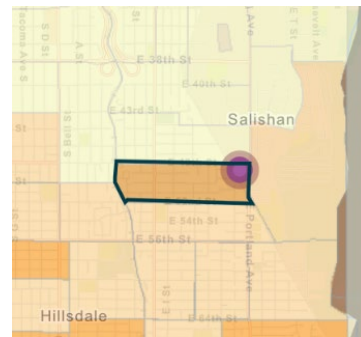




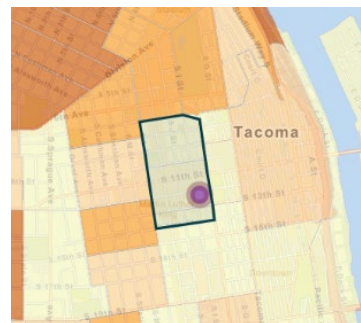
- 7. Alzheimer Memorial Church of God in Christ –
1121 S. Alheimer Street
Equity Index Designation: Very low opportunity
Council District: 3



- 8. Bethlehem Baptist Church - 4818 E. Portland Avenue
Equity Index Designation: Moderate opportunity
Council District: 4



- 9. Shiloh Baptist Church – 1211 S. I Street
Equity Index Designation: Very low opportunity
Council District: 3





ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. No action	Additional dialogue and debate on the topic could be had	Community grows more frustrated; no incentive in place for neighborhoods to support hosting a City-authorized temporary shelter
2. Wait to implement until new City-authorized temporary shelter site is available	More momentum culminating in celebration of the opening of a new site with buffer prohibiting camping	Waiting will stall action
3. Prohibit camping in open green spaces which connect to stormwater system	Less pollution in stormwater system	Does not address the need of the community in terms of unauthorized camping in neighborhoods

EVALUATION AND FOLLOW UP:

Success will be achieved when camping on public property within the 10 block radius from temporary shelters does not occur. Individuals experiencing homelessness within these buffers will be offered shelter and services to be in compliance with the *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019) determination. Long term, this policy may serve as an incentive for neighborhoods and temporary shelter operators to establish new sites.

STAFF/SPONSOR RECOMMENDATION:

The recommendation is to establish a 10 block buffer prohibiting camping and the storage of personal belongings on public property around temporary shelters and punishable as a misdemeanor offense. Current temporary shelters include the Stability Site, the Tacoma Emergency Micro-Shelter Site #3, the Tacoma Emergency Micro-Shelter Site #4, the Mitigation Site at South 82nd and Pacific, the RISE Center Emergency Stabilization Shelter, the Mitigation Site at South 35th and Pacific, and also those located at Alzheimer Memorial Church of God in Christ, Bethlehem Baptist Church, and Shiloh Baptist Church. Further, upon occupancy of any future temporary shelters, the 10 block buffer prohibiting camping and the storage of personal belongings around these sites on public property shall apply.

FISCAL IMPACT:

The fiscal impact of the ordinance is dependent on the number and scale of encampment removals. Fiscal impacts include signage, additional staff time informing the public of the new law, staff time enforcing the law, costs associated with clearing encampments within the buffer areas, and costs associated with the possible increase in the number of new sites that would not have otherwise happened without the ordinance. In 2021, the City spent \$57,000 removing encampments at seven locations.

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



What Funding is being used to support the expense?

Should this proposal be adopted, the costs associated with implementation will be included the 2023-24 biennial budget currently under development.

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

YES

In the 2021-22 biennium, expenses towards encampment removal and establishing shelter sites are established. This proposal may lead to an expansion of these services in the forthcoming biennium.

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

YES

As shown in the number of 9-1-1 calls and 3-1-1 requests the City receives related to unsanctioned encampments, there is a large investment in public resources that goes into responding to community concerns at these locations. Not implementing this proposal would lead to a continuation of community frustration, a similar level of 9-1-1 and 3-1-1 calls, and would maintain the same pace for establishing shelters as currently exists.

For the 2021-22 biennium, the City holds \$827,000 in contracts to address litter, trash, and debris removal from encampments. The City will need to maintain this level of investment in debris removal if another method for addressing encampments is not identified. The City has removed over 1.8 million pounds of debris from encampments since March of 2021.

Will the legislation have an ongoing/recurring fiscal impact?

YES

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

YES, PLEASE EXPLAIN BELOW

It is likely that to accomplish the goals of this proposal, additional staff may be required on the HEAL team.

ATTACHMENTS:

- Appendix 1 – Encampment Removal Service Call Statistics
- Appendix 2 – Map: 10 Block Buffers Around Temporary Shelters by Council District