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SUBJECT: Overview of Options to Address Camping in the City
DATE: November 18, 2021

PRESENTATION TYPE:

Informational Briefing

SUMMARY:

This memorandum and accompanying materials provide the Community Vitality and Safety Committee a variety of potential options that could be employed to help address the presence of persons camping throughout the City in various locations. On November 9, 2021, the City Council referred Ordinance No. 28756 to review options to address camping in the City. Multiple versions of Ordinance No. 28756 (addressing the "Use of Public Property") have received input and recommendations from City Council members, stakeholders, and staff. Currently, there are three separate forms Ordinance No. 28756 could take, which will be part of this presentation along with a discussion on the pros and cons of various alternatives. The briefing will also discuss the City's Encampment Removal Policy.

BACKGROUND:

In May 2017, the City declared a State of Public Emergency related to homelessness. Unsanctioned encampments, as well as the storage of personal property associated with encampments on public property, have continued to grow throughout Tacoma. The City had an ordinance that addressed Unlawful Camping under Tacoma Municipal Code ("TMC") 8.12.180; however, that law expired on December 31, 2019. The City does not have a current law expressly prohibiting unlawful camping or storage of personal property on public property.

ISSUE:

The increase in camping and storage of personal property associated with encampments on public property in the City of Tacoma continues to be an issue. Such actions pose public health, safety, and welfare risks to not only those persons currently experiencing homelessness, but also the surrounding community, and the City of Tacoma as a whole. These activities have severely strained the services provided by our first responders (Fire, Police, and NCS staff). Cities do have a variety of legal options to consider, ranging from geographic to timeframe limitations, and enforcement could include civil and/or criminal penalties. All enforcement strategies and applications must comply with both the state and federal constitutions. Legal alternatives will be discussed at this briefing.



In addition, there will be presentation on the City's administrative Encampment Removal policy. The policy was adopted in 2017 and addresses how and when an encampment will be removed. The policy will be updated to address how and when those areas will be remain clear, once the encampments are removed.

ALTERNATIVES:

In lieu of enacting new legislation specifically prohibiting public camping and storage of private property on public property, the City could maintain its current approach, which employs the housing first model and pursues encampment cleanups utilizing a combination of staff resources and input. While the City's current approach does attempt to return public property to its intended use and does provide services outreach to those currently experiencing homelessness, the current approach lacks a specific citywide prohibition on camping or storing private property on public property.

Additionally, the City could prohibit camping and storage of private property on public property only at certain and times and places. For instance, such conduct could be prohibited between certain hours, with public property camping and property storage unaffected outside of those specific hours. The City could also limit the geographic reach of such prohibition and restrict such conduct only in certain corridors, sectors, areas, or on certain property types. A time frame and geography limitation could also be combined, *i.e.*, conduct is prohibited in the downtown area between 7pm and 9am. Considerations on geographic and timeframe limitations could include which areas of the City are most impacted; which hours of the day or night see the most community impact; how to best ensure equitable application; where are services most accessible; and any special concerns in allowing encampments in given areas, *i.e.*, close to schools or parks?

These alternatives each carry pros and cons. For instance, a citywide prohibition allows clear application for enforcement, but may disproportionality affect certain areas of the City. A timeframe limitation would allow camping and storage of public property to occur at some times, but not others, which could necessitate increased staff and resource time in ensuring compliance at the appropriate times. A timeframe and geographic limitation used in concert may unintentionally allow encampments to increase in areas outside of the ordinance's application.

With respect to the City's Encampment Removal Policy, the City could choose not to make any changes to address how long for which an encampment area needs to stay clear. The City may also consider what length of time, and what factors go in to deciding how long an area is to remain clear.

FISCAL IMPACT:

This is an information briefing only. There is no fiscal impact.

RECOMMENDATION:

This is an information briefing only. There is no recommendation.