

This change-tracked document shows revisions that had been made to the encampments legislation over time. The document was sent by CM Bagshaw to the ACLU's Elisabeth Smith, who then sent it on to CM O'Brien.

CITY OF SEATTLE  
AN ORDINANCE TO PROTECT PUBLIC HEALTH AND SAFETY, AND REDUCE THE  
HARMS EXPERIENCED BY UNSHELTERED RESIDENTS \_\_\_\_\_  
COUNCIL BILL \_\_\_\_\_

**AN ORDINANCE relating to interim city responses to people who are homeless living on public property, and setting standards and procedures for identifying unsafe and unsuitable locations for encampments, remedying hazardous conditions and protecting the rights and property of homeless individuals and those who are housed.**

WHEREAS, the vision of the City of Seattle is that all members of our community benefit from a thriving economy, and we must strive to be equitable to all people in our city; and

WHEREAS, how we care for our most vulnerable residents, including people who are experiencing homelessness, is a reflection of the morals and priorities in our city, and a measure of the equity of our city;

WHEREAS, for decades City partners including service providers, funders, advocates, housing providers and others have worked hard to improve conditions for people, yet homelessness is on the rise in our city and region;

WHEREAS, in response to the increase in the number of people experiencing homelessness, the Mayor declared a Civil Emergency on Homelessness in November 2015 that called for federal and state assistance, as well as innovative and proactive strategies ~~to assist those in need~~[city-wide](#);

WHEREAS, in 2016 the City of Seattle invested over \$50 million in services that provide prevention, intervention and stable housing for individuals and families experiencing homelessness, yet the number of unsheltered individuals continues to grow;

WHEREAS, the January 29, 2016, One Night Count found 2,942 individuals sleeping unsheltered in Seattle, an increase of 4.6% from the previous year and part of a 67% increase in homelessness in Seattle since 2011;

WHEREAS, the lack of sufficient housing has resulted in a public health and public order crisis and exacerbated the harms experienced by unsheltered residents in the City as well as the health and safety concerns of people living housed in our neighborhoods;

WHEREAS, the City's lack of adequate and accessible housing to accommodate the needs of people experiencing homelessness has led to an increased number of people camping out or living unsheltered in our City;

WHEREAS, in response to the crisis, the City has developed the Pathways Home Initiative that based on data and measureable outcomes will collaborate with service providers to prioritize investments and coordinate system changes;

WHEREAS, implementation of the Pathways Home Initiative to increase housing options will take up to two years; and

WHEREAS, the long-term solution for homelessness is a “housing first” approach that provides sufficient adequate and accessible permanent housing for people who are homeless;

WHEREAS, the City recognizes that providing housing solutions for people living in encampments must be part of the system-wide change articulated in the Pathways Home Initiative;

WHEREAS, action plans to create and provide housing solutions must include public and private agencies, neighbors, service providers, business owners, advocates and regional governments; and

WHEREAS, finding appropriate and sustainable housing solutions for homeless individuals is a priority for the City, as is avoiding additional harm to those who are living unsheltered;

WHEREAS, removing outdoor living spaces and taking people’s belongings when there is insufficient accessible alternative housing exacerbates the hazards facing unsheltered individuals and fails to address neighborhood concerns;

WHEREAS, the City’s vision is that all person, regardless of their housing status, are members of this community and deserve access to “person-centered” services to help them exit homelessness;

WHEREAS, the City is committed to protecting the civil rights as well as the public health and safety of all people living in our City, including those experiencing homelessness;

WHEREAS, the City recognizes a disproportionality of homelessness among veterans, people of color, native tribes, and LGBTQ individuals;

WHEREAS, no person should suffer or be subject to unfair discrimination or arbitrary treatment based on housing status;

WHEREAS, shelter will continue to remain a critical and life-saving service, particularly during times of individual crisis or severe weather; and

WHEREAS, the city must invest in intensive outreach and engagement, and engage organizations and outreach teams in meeting with homeless individuals and create a person-centered approach;

WHEREAS, the City must respond appropriately and adequately to health, safety, and equitable concerns, as well as to emergency situations, without subjecting unsheltered individuals to greater hardships;

WHEREAS, the intention of this ordinance is to implement short term action plans while the Pathways Home Initiative is being fully implemented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

### **Section I. Definitions.**

The following definitions apply through this ordinance:

- A. “Adequate and accessible housing or safe spaces” for purposes of this ordinance and as used throughout means, at a minimum, indoor or outdoor living space: (1) where a person has the right to reside and keep his or her belongings on an ongoing basis and may have access either 24/7 or has a right to return to the space; (2) that is “low-barrier” and accommodates persons, pets, and possessions (3) that is available to the individual who is or will be living in that space at the time offered by case manager or others authorized to offer housing and (4) the individual must not be barred as a result of criminal background, treatment status, ability to show identification, household composition, physical or mental limitations, or otherwise.
- B. “City” means the City of Seattle and any of its contractors, agents, employees or partners.
- C. “Hazardous condition” means a condition that creates an imminent and likely health or safety harm to the camper or the public including but not limited to garbage build-up, needles, human waste, flammable, explosive materials or weapons.
- D. “Household” means a group of individuals who wish to live together because they are relatives, are in a family relationship, are partnered or choose to share space together for financial or any other reason. A household may include pets.
- E. “Impoundment” means any action by the city to remove or tow a vehicle used as a residence without the express approval of the vehicle’s owner.
- F. “Interim” means from the time the legislation is signed and January 1, 2017 or when the recommendations are approved by Council.

- G. “Peer educators or peer coaches” may be part of an outreach team, and include people who have been selected or identified as persons whose personal experience and background can be uniquely helpful in reaching people who are unsheltered.
  
- H. “Personal property” means any item that an individual possesses that might have value or use to that individual, regardless of whether the item is left unattended for temporary periods of time or whether it has monetary value. Personal property includes but is not limited to papers, books, personal identification, photographs, clothes, camping equipment such as tents, sleeping bags, small knives and equipment used for cooking, as well as vehicles.
  
- I. “Public space” means any area which is owned, leased, maintained, controlled, or managed by the City or its agencies and does not extend to property owned by any other public or private entity. Public space for encampments may be approved or restricted through task force recommendations or public processes.
  
- J. “Qualified outreach program” means a service program with adequate oversight, training, and clinical supervision to conduct sufficient individualized outreach, and that the City contracts with or otherwise engages. Outreach teams will have training including behavioral health, trauma-informed, drug response and domestic violence outreach practices, harm reduction and treatment options, cultural competence, confidentiality and grievance procedures, and an established record of providing sustained, equitable, person-centered care.
  
- K. “Removal” means action to remove people, camps, structures or uncontaminated personal property located at outdoor living spaces. Personal property to be protected or preserved does not extend to contraband, items posing an obvious health or safety risk, weapons or items contaminated by human waste;
  
- L. “Unsafe location” means a location that poses imminent danger of harm to individuals residing in that location or to the general public. Interim unsafe locations include but are not limited to landslide-prone greenspace, shoulders of the road, spaces between sidewalks and roads or freeway entrances, areas where heavy machinery operates. This definition of “Unsafe Location” may be amended by administrative rule the Council with recommendations from neighbors or Task Force members ~~and concurrence by the Council.~~ Encampments will not be allowed in “unsafe locations”.
  
- M. “Unsuitable location” means playgrounds ~~and, school grounds, park properties including maintained areas, restored natural areas or those in active restoration,~~ public ~~schools facilities~~ owned by other government entities including the University of Washington, Port of Seattle, and local colleges ~~unless areas have been specifically designated as suitable by the~~

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~~institution; public sidewalks and adjoining parking strips; public places frequently used including plazas, transit stations, bus stops where individuals and families congregate, and specific; and public places where people congregate for sports or entertainment including Pike Place Market, Seattle Center, and sports fields. Unsuitable locations also include maintained parks that are maintained by the Parks Department, volunteers or non-profits including the Seattle Art Museum, “Friends of Parks” organizations or their agents. This definition of “Unsuitable Location” may be amended by administrative rule with recommendations from neighbors or Task Force members and concurrence by the Council.~~ allowed in “unsuitable locations”.

~~N. “Safe and Suitable Location” means an outdoor public space where homeless individual(s) may use to live or sleep in. Persons living in safe and suitable outdoor spaces may receive outreach, person centered services, and offers of alternative living space. The Task Force described above and stakeholders will identify safe and suitable locations within City Districts. This definition of “Safe and Suitable Location” may be amended by administrative rule with recommendations from neighbors or Task Force members and concurrence by the Council.~~

## Section II. Community Response Line.

The City will designate a ~~coordinating entity~~ Community Response Line for requests for safe spaces, garbage collection, clean-up and/or basic services relating to homeless solutions ~~on or before December 1, 2016.~~ The Response Line will also have information about where belongings have been stored, and a complaint line or complaint process to be developed.

## Section III. Developing New Person-Centered Encampment, Removal, and Storage Protocols

The City’s current policies and practices related to the removal of unsanctioned encampments are guided by the 2008 Multi-Department Administrative Rules (MDAR). ~~These~~ This ordinance will supersede the MDARs and may be updated by the Council based on recommendations from the Homelessness Strategies Implementation and Advisory Committee (“Committee” ~~and community input and~~) described in Section ~~X~~ herein.

~~A. Phase 1: Before January 1, 2017:~~

~~Managed Encampment increase:~~

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i. Section IV. The City will identify and open with recommendations from the community at least one more low barrier managed encampment for up to 100 people;

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ii. Improving conditions within shelters: Before January 1, 2017, some system changes must be made to provide shelters that address barriers including partners, pets, and possessions. Not every shelter must be available for partners and pets, but some shelters must be available to accommodate these barriers. Shelter contracts must be issued or renewed to open new spaces for at least an additional 100 people, with the following components:

- o ~~24/7 options with case management and outreach services offered~~
- o ~~Overnight shelter with the right to return (the individual shelter has the right to fill the bed through coordinated entry if the individual fails to return)~~
- o ~~Shelter where pets are welcome~~
- o ~~Shelter where partners are welcome~~
- o ~~All shelter providers under contract must offer lockers or secure places for belongings that can be accessed at reasonable times on or near the site;~~

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### Homelessness Strategies Implementation and Advisory Committee

#### To ensure the

iii. Finalizing definitions and locations of unsafe, unsuitable, and suitable. The Encampment Protocol Task Force (define membership TBD) will make final recommendations to the Council about locations that as a community will be identified as Unsuitable, Unsafe, as well as Safe and Suitable. The recommendations will be submitted to the Council on or before December 31, 2016 for approval by the Council early in 2017.

iv. Neighborhoods to be included in defining locations. The Task Force will hold at least three facilitated conversations within City districts. Locations for community conversations and input will be held at a suitably large facility for round table conversations within the districts including South Seattle for Districts 1 and 2; Central Seattle for Districts 3 and 7; North Central Seattle for Districts 4, 5, 6. These facilitated conversations will be professionally coordinated and organized jointly through the Mayor's Director of Homelessness and the City Council's Human Services and Public Health Committee. Invitations will be extended to persons and organizations within the districts, including neighborhood residents, businesses, and organizations located or targeting that geographic location. Attendees will be asked to identify safe, suitable, unsafe, and unsuitable locations for at least 100 people within their geographic region. Final recommendations

about specific and general locations will be made by the Task Force to the Council for final approval.

City's actions meet the goals of protecting the public health, public safety, and civil rights of all people, including those experiencing homelessness, and to insure neighborhoods have adequate representation, the City shall establish a Homelessness Strategies Implementation and Advisory Committee ("Committee"). The Committee should include members from the King County Healthcare for the Homeless Committee, as well as members from the All Home Committee, members of the Encampment Protocol Task Force, first responders, service providers and at least one representative from each District to be appointed by Councilmembers from Districts 1-7.

## Section V. Notice and Removal

### Section IV. Interim Procedures – Removal of Persons and Belongings

Phase 2: Through December 31, 2018. From the passage of this ordinance through December 31, 2018 or an earlier termination date determined by the Council, the following procedures will be followed:

- Safe and suitable locations: The City will not remove people from safe and suitable locations unless adequate housing, shelter or a safe space is available that considers the person's barriers for partners, possessions, and pets, identified needs. Transportation to a new location may be provided by the city, its agents, outreach team members, volunteers, or by public transit.
- Removal from a safe location. If a person is to be removed from a safe and suitable location for health or safety reasons, sufficient outreach must be offered for up to 30 days. Sufficient Outreach is defined to incorporate the United States Interagency Council on Homelessness (USICH) *Planning Checklist for Ending Homelessness for People Living in Encampments: Advancing the Dialogue*. Removal of persons from a safe and suitable location will be the City's last priority.
- In unsafe or unsuitable locations: The City ~~may~~will undertake prompt removal or impoundment actions when persons are living in unsafe or unsuitable locations as defined herein. Outreach workers or other designated persons will advise individuals of options including managed encampments, shelters, safe and suitable locations where he/she may relocate. Information about alternative locations will be offered in person to the camper if ~~possible~~ the person is on site and reasonable time given for the camper to move on his/her own accord. Same-day removal will be expected to preserve individual and public health and safety. If the person is not on site, belongings may be taken, stored and notice given in accordance with Section V below.
- In areas where hazardous conditions are present: If complaints are made about a site or the City deems an area a health hazard, the City may provide notice of the

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hazardous condition and provide tools such as gloves, garbage bags, needle repositories for the encampment to remedy the condition as described in Section ~~VH~~VIII below.

- Removal from other locations. If a person is to be removed from a location not deemed unsafe or defined as unsuitable, sufficient outreach must be offered for up to 30 days. Sufficient Outreach is defined to incorporate the United States Interagency Council on Homelessness (USICH) *Planning Checklist for Ending Homelessness for People Living in Encampments: Advancing the Dialogue*. Removal of persons from a location that is not unsafe or unsuitable will be the City's last priority.

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### **Section ~~VI~~VI: Protocols for Removal**

~~A. By December 31, 2016, The City will develop final encampment removal and storage protocols based on input from the Homelessness Strategies Implementation and Advisory Committee described in Section X, with recommendations from individuals and organizations including All Home members, social service agencies and public health agencies, Homeless Outreach team members, law enforcement, first medical responders, business leaders, neighbors, philanthropic organizations, faith-based organizations, advocates, health care organizations, people who are or have been homeless, and housed neighbors. Final recommendations about protocols will be made by the Task Force to the Council by December 31, 2016 for final approval.~~

~~B. Until the revised protocols are finalized and adopted by the Council, notice of impoundment or removal must include the following information:~~

~~A. Before possessions are removed, the following actions will be taken by the City or designated case managers:~~

- ~~i. Explanation of the actions that will be taken during the removal or impoundment and how loss of personal property can be avoided;~~
- ~~ii. The specific date and time the anticipated removal or impound~~
- ~~iii. Information about where personal property will be safeguarded if seized during the removal or impoundment and how it can be retrieved after removal or impoundment;~~
- ~~iv. Contact information for the outreach organizations that will work the encampment and offers of adequate and accessible locations made.~~
- ~~v. Notice must be delivered by members of the Outreach Team or designee, and where verbal notice has not been successful, written posted in a conspicuous~~



location at the relevant outdoor living space or on the relevant vehicle, as well as affixed to all tents and structures used for shelter at that location.

- vi. Notice must be provided in languages likely to be spoken by impacted individuals, and through methods capable of being understood by persons with physical and mental disabilities.

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**Section ~~VI~~VII: Protocols for Storage of Possessions:**

~~While the City develops final removal and storage protocols described above, the City will safeguard all personal property free of charge according to the following requirements:~~

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- A. For individuals present at the time of the removal or impoundment who have accepted the offer of an adequate and accessible housing but do not have the ability to transport their personal property, the City shall transport the individual and all personal property to the location of the accepted safe and suitable location, shelter or housing the day of the removal or impoundment.
  
- B. For individuals absent at the time of removal or impoundment, or present but who did not accept the offer of adequate and accessible housing and do not have the ability to transport their personal property, the City will safeguard all personal property as follows:
  - i. All uncontaminated personal property will be photographed and catalogued by location and with identifying details prior to being removed and put into storage. Such information must be searchable by computer and by calling a designated City agent.
  - ii. The location of the storage facility must be accessible by public transportation and accessible to those with disabilities.
  - iii. The storage facility's operating hours must extend beyond normal business hours to accommodate those who work or have other obligations during normal business hours.
  - iv. The City must post notice at the location of the removal or impoundment describing the location of the seized personal property and instructions for reclaiming such personal property.
  - v. Photo identification shall not be required as a condition of retrieval;
  - vi. Within 24 hours of the removal, a City agent or employee must return to the site and seek to inform individuals of how to retrieve their items. Posting a second notice of where belongings can be recovered will be sufficient.
  - vii. After 90 days, the City may dispose of any unclaimed personal items provided all the above requirements have been met.

**Section ~~VH~~VIII: Protocols for Cleaning Up Hazardous Areas.**

A. Prior to conducting removal or impoundment actions based on hazardous conditions, the City must provide the following information:

1. The City must provide the encampment a meaningful opportunity to cure the hazardous condition, including: (a) a notice of the specific conditions that create the hazardous condition and information on how that condition can be remedied; (b) provision of necessary items, such as garbage bags and bins, gloves, rodent traps, intravenous needle receptacles, portable toilets, among others, that would allow the individuals to cure the hazardous condition. The City must allow individuals at least 72 hours to cure the hazardous condition before removal or impoundment, and shall not conduct removal or impoundment if the hazardous conditions have been cured.
2. The City or outreach team members must conduct site visits to: (a) inform all affected individuals prior to or during the cure period that the location has a hazardous condition and the actions needed to cure that condition; and (b) inform all affected individuals whether the hazardous condition has been remedied after the cure period, and if not, why not.

~~B. Until the revised protocols are finalized and adopted by the Council, notice of impoundment or removal must follow the elements described in Section V(B) above.~~

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~~Section VIII.~~

**Section IX. Investing in Sufficient Outreach.**

Consistent with the recommendations in the Pathways Home Initiative and best practices, the City will invest in professional outreach and outreach teams. Outreach teams may include case managers, peer coaches, persons trained in public health, mental health, and behavioral health, as well as social workers, police officers and first responders when needed for the appropriate person-centered response.

- The Outreach Team members will engage in the following process:
  - Identify residents by name and enter information in the Homeless Management Information System (HMIS)
  - Assess the individual needs of people living in the encampment.
  - Articulate an action plan timeline for removal of an encampment.
  - Identify staffing and resources needed to connect residents to housing.
  - Create strategies for cleanup and how the site will be secured or activated in the future.
  - Maintain consistent presence in the encampment
  - Communicate transparently with residents

- Include encampment leaders in the process
- Share information among outreach teams
- Partner outreach workers with Housing Assessors for Coordinated Entry for All
- Provide interim indoor housing without barriers to entry while permanent housing is being secured.
- Ensure tracking of outcomes and follow-up with former residents ~~of the encampment.~~

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## Section X. Investing in improved shelters and managed encampments

The City and its partners will follow the recommendations of the Pathways Home Initiative, and create additional managed encampments and spaces for people to be when they are moved. To fast-track some of the recommendations to accommodate needs of people who are in encampments, the City will invest in the following:

- 24/7 options with case management and outreach services offered
- Overnight shelter with the right to return (the individual shelter has the right to fill the bed through coordinated entry if the individual fails to return)
- Shelter where pets are welcome
- Shelter where partners are welcome
- All shelter providers under contract must offer lockers or secure places for belongings that can be accessed at reasonable times on or near the site;
- Managed encampments that allow a mix of tents, hard shelters such as “tiny houses”, running water, garbage/recycling containers, Sani-cans, and offer connections to case management and service providers.

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## **Section ~~XXI~~. Coordination with regional efforts.**

City departments and outreach workers will integrate efforts and information with other service providers and governments using City and regional data to offer the most coordinated and appropriate person-centered services and avoid duplication of data and efforts. The city is committed to moving toward a person-centered outreach approach and move people from homelessness to stably housed. To be successful, information about contacts must be undertaken and recorded in HMIS by a qualified case manager or peer counselor/educator. If the person is to be moved, the immediate goal is to improve the individual’s living condition, to a safer, healthier, dryer place, offering options for adequate and accessible housing, shelter or a safe and suitable location.

Comment [A1]: This responds to a DSA comment and is relevant to their work with MID/MDT, ours with LEAD, etc.

## **Section ~~X~~. ~~Implementation and Advisory Committee.~~ XII**

~~To ensure the ordinance meets the goals of protecting the public health, public safety, and civil rights of all people, including those experiencing homelessness, and to insure neighborhoods~~

~~have adequate representation, the City shall establish a Homelessness Strategies Implementation and Advisory Committee (“Committee”). The Committee should include members from the King County Healthcare for the Homeless Committee, as well as members from the All Home Committee, members of the Encampment Protocol Task Force, first responders, service providers and at least one advocate from each District to be appointed by Councilmembers from Districts 1-7.~~

**~~Section XI. Responding to Crimes and Emergencies~~**

The City police officers and fire fighters shall respond to emergency situations such as fires, crimes, or medical crises as they normally would to people living indoors. Nothing in this legislation should be interpreted to prevent police from making appropriate arrests or emergency workers from responding to those in need of their services.