

Department sponsors:
Neighborhood & Community
Services / Public Works

Effective: June 29, 2017

Policy: Enforcement and Removal Policies and Procedures Relating to Unauthorized Encampments on City Properties

1. Policy Statement

The City of Tacoma owns and operates various real properties. The City finds that certain conduct on various City properties is a threat to the public safety and health and interferes with the public's ability to use City-owned and City-controlled properties, facilities, and rights-of-way for their intended purposes:

- 1.1 The unauthorized entry on City property that is closed to the public or is open to the public during certain operating hours or for certain limited purposes; and
- 1.2 Erecting unauthorized structures, tents, or other shelters in locations that create an obstruction or an immediate hazard.

2. Purpose

The intended goal of this policy is to provide consistent processes and procedures for removing unauthorized encampments from City of Tacoma property and, where applicable, temporarily storing personal property in a manner that is in harmony with other local, state and federal laws.

3. Background

The City of Tacoma, like many communities around the nation, is experiencing crisis levels of individuals experiencing homelessness, including a growing number of homeless encampments. Such encampments pose safety and health concerns for people living in them and around them, as they create concerns about human waste, garbage, exposure to communicable diseases, exposure to violence and other human health concerns. At the same time, the City is mindful that individuals experiencing homelessness have a need for additional services which may help to mitigate the risk to public health and safety presented by homeless encampments.

4. Definitions

- 4.1 "City" means the City of Tacoma, including its officers, employees, agents, or any contractors and sub-contractors.
- 4.2 "Emphasis Area" means an area or location where homeless encampments have become a repeated or consistent problem. When designating an Emphasis Area, the City shall make a determination based on the totality of the circumstances of a particular location. The City shall follow the guidelines outlined in Section 14.
- 4.3 "Encampment" means one or more tent, lean-to, structure, tarpaulin, pallet, or makeshift structure used for purposes of habitation located in an identifiable area within the City of

Tacoma. Habitation is evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing and other personal belonging or items, gathered together in a manner where it appears to a reasonable person that the site as being used for habitation purposes. Encampments do not include sites a reasonable person would conclude are no longer in use, because any remaining materials are garbage, debris, or waste.

- 4.4 “Immediate hazard” means an encampment where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements, or their presence creates a risk of serious injury or death to others, or the encampment presence is causing imminent compromise to the structural integrity of the surrounding location. Immediate hazard encampments include but are not limited to encampments at highway shoulders and off-ramps, areas exposed to moving vehicles, areas that can only be accessed by crossing driving lanes outside of a legal crosswalk, and landslide-prone areas, and along or on top of river levees, or other critical areas, where the lack of sanitation facilities results in human solid or liquid waste being discharged therein.
- 4.5 “Obstruction” means people, tents, personal property, garbage, debris or other objects related to an encampment that: are in a City park or on a public sidewalk; interfere with the pedestrian or purposes of public rights-of-way; or interfere with areas that are necessary for or essential to the intended use of a public property or facility.
- 4.6 “Personal Property” means an item that: is reasonably recognizable as belonging to a person; has apparent utility in its present condition and circumstances; and is not hazardous.
- Examples of personal property include but are not limited to identification documents, personal papers and/or legal documents, tents, bicycles, radios and other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, and medical devices such as crutches or wheelchairs.
 - Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic, nor does it include other large and/or bulky items such as furniture (sofas, dressers, etc.). The relevant staff member will determine whether an item is personal property, and in cases when the status of an item cannot reasonably be determined in the staff member’s good faith and best judgment based on the totality of the circumstances, the staff member will treat the item as personal property under this rule.

5. Removing Obstructions and Immediate Hazard Encampments

- 5.1 Those circumstances arising to obstructions and immediate hazard encampments may be removed immediately according to applicable laws and rules. The provisions of Sections 7, 8, 9, and 10 of this policy do not apply to removing obstructions and immediate hazard encampments. While the provisions of this Section 5 apply to obstructions and immediate hazard encampments, for purposes of simplicity, the provisions outlined herein in Section 5 shall refer to obstructions.
- 5.2 If an obstruction is observed and is to be immediately removed by City personnel observing the obstruction, a notice is not required to be affixed to the obstruction before its removal. If the obstruction is not immediately removed by the City personnel observing the obstruction, a notice shall be affixed to the obstruction by the City as soon as reasonably possible. The notice shall state: (1) the date the notice was posted; (2) that the obstruction must be immediately removed and is subject to

removal by the City without further notice; (3) where any personal property removed by the City will be stored; and (4) how any stored personal property may be claimed.

- 5.3 If the obstruction is determined to be under control of an individual present where the obstruction is observed, oral notice to immediately remove the obstruction shall, if reasonably possible, be given to the individual.
- 5.4 Physical obstructions that are personal property shall be removed and stored by the City as provided for in Section 12 and may be recovered as provided for in Section 13.
- 5.5 Garbage, debris, litter and waste may be immediately removed and disposed of.
- 5.6 Upon removing an obstructing encampment, the City shall post a notice as provided for in Section 11.
- 5.7 The City shall post the notice of the stored personal property on an external City website.

6. Encampment Removal Prioritization

- 6.1 The removal of encampments may be prioritized after an inspection of encampment locations. The inspection of all encampment sites is not required before prioritizing the removal of previously inspected encampment sites. The inspection shall be documented in a format acceptable by the City. The prioritization may be revised at any time as a result of new encampments being identified, additional encampments being inspected, or as new information about an encampment's condition becomes available.
- 6.2 The following criteria, which have no relative priority, shall be considered when prioritizing encampments for removal: (1) objective hazards such as moving vehicles and steep slopes; (2) criminal activity; (3) quantities of garbage, debris, or waste; (4) other active health hazards to occupants or the surrounding neighborhood; (5) difficulty in extending emergency services to the site; (6) imminent work scheduled at the site for which the encampment will pose an obstruction; (7) damage to the natural environment of environmentally critical areas; and (8) the proximity of homeless individuals to uses of special concern including schools or facilities for the elderly.

7. Encampment Removal and Notice Requirements.

- 7.1 Notices shall be posted at the encampment no fewer than 72 hours before an encampment removal. The notice shall contain the following: (1) the date and time the notice was posted; (2) the date and time that removal of the encampment is scheduled to commence; (3) a warning that garbage, debris, waste, litter and abandoned property will be disposed of immediately; (4) the location where any personal property remaining may be stored by the City if removed; (5) information on how personal property may be claimed by its owner; (6) a warning that failure to claim within 60 days may result in the destruction of said property, and (7) contact information for an outreach provider that can provide shelter alternatives.
- 7.2 Removal notices shall be posted at the encampment in a manner reasonably calculated to be seen, preferably in multiple locations. The City shall monitor the area on a daily basis before removal, to ensure that the notices remain visible and shall repost if necessary.
- 7.3 Notices shall also be posted on, or as close as reasonably practicable, to each tent or structure which is subject to removal. Notices so posted on or near each tent or

structure shall contain the same information as outlined in Section 7.1.

- 7.4 If individuals are present at the encampment, oral notice shall, if reasonably possible, be given to the individuals that the encampment is subject to removal as provided for in the posted notice.
- 7.5 If the action to physically remove the encampment is not commenced by the City within the removal date and time range provided in the notice, the City shall re-post notice of the encampment removal before such removal may occur.
- 7.6 The notice shall be printed in English, as well as any other language the City determines would further the purpose of the notice. The notice shall be printed in a simple and legible font.
- 7.7 Nothing in this section shall prohibit the City from posting notice that the removal of a large encampment will occur over a period of several days, until completion, so long as removal operations commence within the time frame identified in the notice.
- 7.8 City personnel should document the number of notices and locations posted at an encampment site. Photographic documentation is recommended.

8. Identifying or Providing Alternative Shelter Options Before Removal of a Non-Obstructing or Immediate Hazard Encampment

- 8.1 Prior to removing an encampment, the City shall offer alternative locations for individuals in the encampment or identify available housing or other shelter for encampment occupants. The alternatives shall be available to the encampment occupant starting on the date an encampment removal notice is posted and shall continue to be available until the encampment removal is completed. The City shall maintain, or cause to be maintained, an updated daily list of alternatives, which list shall be shared with Neighborhood & Community Services and outreach staff.
- 8.2 The alternatives may include housing programs, shelter programs with or without day programs, authorized encampments, and other authorized shelter or encampment programs. The City is not required to provide additional alternatives to individuals who have been previously or are currently excluded from all usual and appropriate alternatives because of the individual's behavior.

9. Outreach for Encampment Removals

- 9.1 Outreach personnel shall visit each encampment site at least once between the time that notice of removal is posted and the scheduled removal date.
- 9.2 Outreach personnel shall be present at the commencement of removal activities on the date an encampment removal is scheduled to start according to the posted notice and shall be available to offer shelter alternatives and other services until the encampment removal is completed.
- 9.3 Outreach personnel may leave an encampment removal operation after outreach services have been refused by the individuals occupying the encampment. Outreach

personnel shall return to a site if an individual requests services before the encampment removal is completed.

10. Encampment Cleanup

- 10.1 All designated City personnel, vendors, outreach workers, and other personnel necessary for an encampment removal and cleanup shall be present at the start of an encampment removal.
- 10.2 If there are any individuals remaining on site, a final warning and reasonable opportunity to leave shall be given prior to further enforcement.
- 10.3 The City shall take reasonable steps to segregate personal property from material that is not personal property, provided the segregation does not pose a danger to the individual segregating the personal property from the other material.
- 10.4 Tents and/or structures that were not previously posted with a notice but are in the immediate area of tents or structures that were posted with a notice may be removed, if the tents or structures were placed in the immediate area after notices were posted.
- 10.5 Personal property shall be stored as provided for in Section 12 and may be recovered as provided for in Section 13.
- 10.6 The City may remove and dispose of garbage, debris, waste, hazardous items, and other like material. Items of personal property which may present a health and safety hazard due to contamination by blood, liquid waste, solid waste, dirt, filth or other potentially infectious agent shall be removed and disposed of.
- 10.7 If, during the removal process, an individual on site is protesting removal of a personal property item, *as that term is defined herein*, the City shall provide a reasonable opportunity for the individual to remove it. However, the individual shall be advised that encampment removal work at the site shall continue and that if the individual fails to remove the personal property item before cleanup is complete, such item may be retrieved from storage. The individual shall be provided with the contact information for the storage facility identified in Section 12.
- 10.8 If the individual has an item that does *not meet* the definition of personal property, *as defined herein*, the person shall be provided a reasonable opportunity to remove item. However, the individual shall be advised that encampment removal work at the site shall continue and that if the individual fails to remove the item before cleanup is complete, such item may be deemed abandoned and disposed of.
- 10.9 The City should thoroughly document its actions during the removal process to adequately corroborate that personal property which is being disposed of is either hazardous or has no apparent remaining utility.

11. Post-Encampment Removal Notice

- 11.1 A notice shall be prominently posted at the site where an encampment has been removed and the site cleaned up.
- 11.2 The notice shall state: (1) the date the cleanup was performed; (2) whether personal

property was stored by the City; (3) where the personal property is stored; (4) how any stored personal property may be claimed by its owner; (5) that property not claimed will be destroyed after 60 days, and (6) contact information for outreach personnel who can assist individuals with shelter alternatives and other services. This notice shall not be removed by the City for a minimum of 10 days.

- 11.3 Within 3 business days of completion of the cleanup, Neighborhood & Community services shall cause documentation of each encampment cleanup to be posted on an external City website.

12. Storage of Personal Property Removed from Encampment

- 12.1 The City shall store all personal property encountered when removing obstructions and immediate hazards, or when removing encampments, provided the City has no obligation to store personal property that is hazardous (for example, a needle-strewn tent) or is reasonably expected to become a hazard during storage (for example, wet bedding materials).
- 12.2 Personal property shall be stored at a location commonly used by the City for storing property, which shall be accessible by public transportation.
- 12.3 The encampment site shall be posted with a notice if personal property is removed from the site. Neighborhood & Community Services shall identify the site and the date of the encampment removal on a City web page.
- 12.4 The notice shall contain the same information as referenced in Section 11.2 and shall not be removed from the site by the City for a minimum of 10 days.
- 12.5 The City shall maintain a log of personal property removed from an encampment. Each item logged shall be kept until the personal property is recovered by its owner, or the property is discarded as permitted under these rules. The log shall indicate to whom the property was released and the date of release, or, in the event the property is not recovered, the date of destruction or disposal.
- 12.6 Personal property that is not recovered after 60 days, excluding then date the property was stored, may be destroyed or disposed of discarded by the City.

13. Recovering Stored Property

- 13.1 Individuals claiming that personal property has been removed from an encampment may contact either the City of Tacoma Customer Service Center or the Neighborhood & Community Services Department who will inform the individual how the property may be recovered.
- 13.2 Personal property may be recovered by the individual at the location where the property is stored.
- 13.3 The individual shall describe the personal property sought with particularity. No formal legal identification, such as displaying a valid driver's license, will be required as a predicate before an individual can recover the property. The log of personal property, as referenced in section 12.5, shall indicate the name as provided by the individual who received the recovered property. If there are no circumstances indicating a competing claim of ownership, the property shall be released to the individual seeking its recovery.

13.4 Storage of personal property shall be at no cost to the individual.

14. Encampment Removal from an Emphasis Area

14.1 The City may identify a specific area as an Emphasis Area.

14.2 An area may not be identified as an Emphasis Area, and enforcement of an Emphasis Area shall not commence until: an encampment or obstruction removal has occurred; the area is otherwise free of encampments; and the area has been posted with signage as an Emphasis Area.

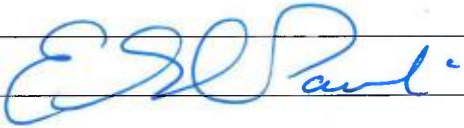
14.3 If an area has been designated as an Emphasis Area, the area shall be inspected and monitored by the City on a regular basis. The area shall be signed, and may be fenced. The signage shall identify: (1) the location of the Emphasis Area; (2) that camping is prohibited in the Emphasis Area; (3) that any material found in the Emphasis Area may be removed without further notice; (4) where any personal property removed is stored; and (5) how any stored personal property may be claimed by its owner. Additionally, the Emphasis Area will be assessed for possible Crime Prevention through Environmental Design (CPTED) improvements and site reclamation opportunities.

14.4 Individuals camping in an Emphasis Area and their encampment-associated personal property may be removed as an obstruction.

14.5 The City shall identify Emphasis Areas on the City's website.

15. Application to City-assisted Removal on Private Property

15.1 This policy is intended to apply to those properties under City control or ownership. In certain circumstances, as approved by the City Manager or his/her designee and as agreed upon by the property owner, the City may assist a property owner with removing an unlawful and unauthorized homeless encampment from privately owned property, where the encampment is presenting a public health or safety threat. In those limited circumstances where City personnel will be removing an encampment from private property, the City shall follow the processes and procedures outlined herein. In such cases, the private property may be billed for the reasonable costs incurred by the City, including but not limited to, personnel costs, hauling, storage and disposal expenses, and the costs of the City for preparing notices, specifications and contracts.

Reference:	Tacoma Ordinance Nos. 28430 and 28432 RCW Chapter 38.52, RCW Chapter 35.22 TMC Chapters 1.06, 1.10, 8.12, 8.30 8.96 and 12.09
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Policy History:	
Approval:	Elizabeth A. Pauli, City Manager 
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