

Legislation Details (With Text)

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In control: City Council
On agenda: 12/9/2019 **Final action:** 12/9/2019
Title: Temporary permitted overnight emergency camping sites

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Eugene Rest Stop_Salem Staff Visit Summary.pdf, 2. Public Comment received, 3. Revised Table, 4. Public Comment received by 5:00 p.m. 12-9-19

Date	Ver.	Action By	Action	Result
12/9/2019	1	City Council		
12/9/2019	1	City Council	approved	Pass

TO: Mayor and City Council

FROM: Steve Powers, City Manager

SUBJECT:

Temporary permitted overnight emergency camping sites

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community

ISSUE:

Management report in response to City Council's December 2, 2019 motion.

RECOMMENDATION:

Information Only.

SUMMARY:

At the December 2, 2019 meeting, City Council directed staff to report on City-owned property that might be used as a designated place for camping along with a brief feasibility evaluation of each site. Staff have reviewed suitability of City-owned property for this use, best practices in operation of a permitted overnight camping site for the unsheltered, and the regulatory process for legally allowing this use in Salem.

FACTS AND FINDINGS:

The site analysis and cost estimates are preliminary and likely to vary significantly if the project proceeds. Unforeseen issues will arise, creating unanticipated costs.

City-Owned Sites Available for Possible Permitted Overnight Camping Use

Using GIS (geographic information system) staff reviewed multiple City-owned properties and identified ten possible sites. The access and site topography evaluation criteria below reflect the primary concern for the health and safety of our unsheltered residents. The proximity criteria help to identify potentially impacted areas adjacent to a temporary site.

Site	Access To				Proximity To		Site Topography	
	Transit	Services	Water	Emergency Vehicles	Schools	Residential	Within Floodplain	Flat ¹
1. Cascades Gateway Park			X	X		X		X
2. Fairview Park site					X	X		X
3. River Road Park	X		X	X				X
4. Marion Square Park	X	X	X	X	X			X
5. Front Street parking lot	X	X		X	X			X
6. Windows to the West	X	X		X				X
7. Pine Street triangle (1495 Pine Street)	X			X				X
8. Sunnyslope Community Garden strip	X		X	X		X		X
9. Wallace Marine Park (boat ramp)			X	X			X	X
10. Edgewater greenway area	X			X		X	X	X

Legal Issues: Establishing a City-sanctioned camping location for unsheltered individuals creates considerable risk for the City. Mitigating the risk requires establishing a location with certain conditions.

A campsite on City-owned property presents liability in multiple forms. As the owner of the property, the City owes a duty of care to the people that the City is inviting to the location. In this case, the City has an affirmative duty to “make the premises safe” from all hazards that are in the City’s knowledge or should be in the City’s knowledge.

An unsupervised campsite for unsheltered people, located on property not intended for camping, presents numerous hazards. Hazards range from incidents within the site like trip and fall, assault between campers, and theft of campers’ personal property, to incidents near the site like assaults, property damage, and trespass on neighboring private property.

A failure to provide minimal supervision and services to the campsite, such as garbage disposal, toilets, and personal hygiene facilities, will quickly lead to unsafe conditions within the camp that threaten campers and public health and safety.

To protect the City from liability, a minimum pre-condition to any sanctioned camping on City-owned property is the site **must be supervised and adequately serviced**.

Supervision should be adequately staffed, occur 24/7, and supervisors must have minimally adequate training. Further supervision should include some form of security monitoring, with security personnel given adequate authority to prevent activity that violates camp rules, and the authority to exclude individuals that do not comply with those rules.

Rules. Rules should include criteria for admittance at the camp, and people with certain criminal histories (such as violent crimes, including sexual offenses) should be excluded. Rules of Conduct must be created. Such rules would prohibit the use and possession of illegal drugs and alcohol within the camp, require people to conform to certain behavioral standards, and observe certain “good neighbor” rules.

Services. As noted above, minimally adequate services would include garbage disposal, toilets, and personal hygiene facilities.

Operational Considerations:

Needs and Impacts for an Organized Camping Site. Over the last few years, the City, the Salem Housing Authority, and Mid-Willamette Valley Community Action Agency (MWVCAA) have explored best practices for organized camping for unsheltered residents. City staff toured Eugene’s rest stops in 2016 (Attachment 1). These investigations indicate that:

- Campsites must be managed through a non-profit agency with adequately trained professional staff. Sites that are managed by residents or volunteers are not successful and place residents and the public at significant risk to health and safety.
- Small campsites (30-40) operate more successfully and are safer for residents than large camping communities. Those campsites operating successfully long- term tend to serve fewer than 30 people.
- Best practices indicate that organized camping sites should be administered by a non-profit organization that assists individuals experiencing homelessness. Volunteer or self-administered

campsites encounter operational and safety issues.

- Paid, professional staff to provide security and case-management are the best deterrents to behaviors and criminal activities that place the residents at risk.

With this information, staff prepared estimates for operating a campsite for as many as 35 individuals. Assuming a suitable site is located, the camp will need the following basic resources to meet safety, sanitation, and hygiene needs:

1. A minimum of nine porta-potties and wash facilities for 24/7 services. This is estimated to cost \$2,500 a month.
2. Trash dumpsters and removal is estimated at \$1,500 a month.
3. Tents, assuming these would be provided to improve the visual appearance of the camp and to provide enhanced weather protection are estimated to cost \$400 each. The estimated tent costs are for durable tents used for emergency situations.
4. Temporary fencing to provide site security is estimated at \$500 a month for rental or approximately \$20,000 for permanent fencing.
5. Lighting for safety and security is estimate at \$200 a month. Costs for permanent lighting or security cameras can be better estimated to a specific site, based on existing infrastructure and whether electricity is available to the site.
6. Camp building for case manager, security, or site monitor is estimated at \$15,000 to \$20,000 as a one-time expense.
7. Staffing to administer the site and provide security 24/7 is estimated at up to \$1,000,000 a year.

These cost estimates are for a site that is open 24 hours per day. If the site was limited to nighttime occupancy, costs for staffing and security would decrease.

The MWVCAA/ARCHES is the non-profit entity in the community best suited to administer an organized camping site. The Salem Housing Authority (SHA) does not have staffing capacity to administer a campsite. Staff is fully engaged in operating the City's housing first program, the Homeless Rental Assistance Program (HRAP), developing new affordable housing, and operating existing programs and properties.

Volunteer or resident operation of an organized camping site is not recommended. Management and oversight of temporary shelter sites require trained personnel with an understanding of the residents' behavior challenges.

Method to Establish City-Owned Sites for Permitted Overnight Emergency Shelter Use

Zoning. A designated camping location for homeless individuals is a "homeless shelter" or "nonprofit shelter" use under the UDC (SRC 400.040(c)). A homeless shelter for five or fewer people is a permitted use in some zones. A shelter for more than five people is conditional use, requiring hearing officer approval, with potential appeal to the Planning Commission or call-up by City Council.

If a City-owned property is designated for an organized temporary shelter site, the City would need

to ensure the zoning allows the proposed use, and likely obtain conditional use approval, or exempt the use temporarily through an emergency declaration. Further, an outdoor “homeless shelter” would not meet various development standards, simply because the UDC does not contemplate that type of use. An emergency declaration would likely be necessary to legally allow this type of use.

Emergency Declaration. SRC 2.660 - 2.680 allow the City to declare an emergency. Under an emergency declaration, the City may be exempt from some procurement and budget rules and may take other measures necessary for the protection of the public health, safety or welfare. Under an emergency declaration, the City may provide temporary housing, including shelters, or authorized camping, and waive Salem Revised Code provisions and administrative rules as necessary to respond to the emergency. An emergency declaration must limit the duration of the state of emergency to the period during which the conditions giving rise to the declaration exist or are likely to remain in existence.

The City Manager has the authority to issue an emergency declaration, but only if there is not enough time to obtain Council approval. Even in that case, the declaration must be ratified by Council. If Council refuses to ratify the declaration, it expires immediately.

Designation of a City-owned property as an approved site for camping. The designation of the specific property or properties may be done by resolution. A resolution would not eliminate the need to waive certain City regulations through an emergency declaration. A resolution would memorialize the designation and allow Council to expressly and clearly approve the conditions of the camping activity it is authorizing, as well as formally delegating to the City Manager the authority to implement the action within the range of authority identified the resolution. In the alternative, Council may simply designate a property or properties by motion, and the City Manager, by the authority granted the City Manager in the Salem Charter, would implement the Council action within the confines of the law and any authority granted through an emergency declaration.

Other Considerations

There are questions regarding the recently passed ordinance that restricted camping and where individuals currently camping on City rights-of-way will go. Existing shelters report they have space available on most nights. When weather conditions warrant, service providers also open temporary warming centers. Many of the individuals currently camping throughout the City are resistant to participating in services, and are unwilling to comply with minimum rules of conduct at existing shelters. Facilitating a sanctioned camping option will divert limited resources from enhancing services and transitional housing that stabilize individuals and reduce homelessness.

The City’s resources needed to support paid staffing of an organized temporary shelter/campsite would be better invested in a low-barrier shelter or the HRAP program. If City Council determines a City-provided temporary camping site is in the public’s best interests, 60 to 90 days will be needed to prepare a site and provide supervision.

Staff will be prepared at Monday night's City Council meeting to review the management report.

Attachments:

1. Eugene Rest Stop Salem Staff Summary