


<p>Subject: Removal of Unauthorized Encampments from Property in City Jurisdiction</p> <p>Rules Regarding:</p> <p>Unauthorized Camping on City Properties; Enforcement Procedures; and Removal of Unauthorized Property.</p>	<p>No. FAS 17-01</p> <p>Effective: April 3, 2017</p>
<p>Approved:</p> <p> 3/15/2017</p> <hr/> <p>Director, Date Department of Finance and Administrative Services</p>	

1.0 INTRODUCTION AND PURPOSES

1.1 Introduction and Findings.

The City owns and operates various City real property, including property under the jurisdiction of the Seattle Parks and Recreation Department ("Parks"), Seattle Public Utilities ("SPU"), Seattle Department of Transportation ("SDOT"), Seattle City Light ("SCL"), Department of Finance and Administrative Services ("FAS") the Department of Neighborhoods ("DON"), the Office of Housing ("OH"), and Seattle Center.

The City finds the following 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 property, facilities, and rights-of-way for its intended purposes:

- 1.1.1 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
- 1.1.2 Erecting unauthorized structures, tents, or other shelters in locations that create an obstruction or an immediate hazard.

1.2 General Purpose. The general purpose of these rules is to establish uniform rules and procedures for removing encampments on Parks, SPU, SDOT, SCL, FAS, DON, OH, and Seattle Center property.

2.0 REFERENCES AND AUTHORITY

2.1 MDAR 17-01 establishes the authority of Parks, SPU, SDOT, SCL, FAS, DON, OH and Seattle Center to prohibit camping on property under their jurisdiction.

- 2.2 This rule is adopted under the authority of Chapters 3.02 and 3.39 of the Seattle Municipal Code.

3.0 DEFINITIONS

- 3.1 “Emphasis Area” means an identifiable area where the City has removed an encampment and has designated an encampment-prohibited area by installing signage as provided for in Section 13.
- 3.2 "Encampment" means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area within the City of Seattle, which appears to a reasonable person as being used for camping. Encampments do not include sites a reasonable person would conclude are no longer in use for camping because remaining materials are garbage, debris, or waste.
- 3.3 “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; including but 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.
- 3.4 “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 transportation 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.
- 3.5 "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, personal papers and documents, tents, bicycles, radios and other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, crutches, and wheelchairs. Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic. 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 judgment based on the totality of the circumstances, the staff member will treat the item as personal property under this rule.

4.0 REMOVING OBSTRUCTIONS AND IMMEDIATE HAZARD ENCAMPMENTS

- 4.1 Obstructions and immediate hazard encampments may be removed immediately according to applicable laws and rules. The provisions of Sections 5, 6, 7, 8, 9, and 10 of this rule do not apply to removing obstructions and immediate hazard

encampments. Provisions of this Section 4 apply to obstructions and immediate hazard encampments, although the provisions of this Section 4 may refer to obstructions only for simplicity.

- 4.2 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 by its owner.
- 4.3 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.
- 4.4 Physical obstructions that are personal property shall be removed and stored by the City as provided for in Section 11 and may be recovered as provided for in Section 12.
- 4.5 Garbage, debris, and waste may be immediately removed and disposed of.
- 4.6 Upon removing an obstructing encampment, the City shall post a notice as provided for in Section 10.
- 4.7 The department storing personal property shall notify FAS of the storage on the same day the personal property is stored. FAS shall post notice of the stored personal property on an external City website.

5.0 ENCAMPMENT REMOVAL

- 5.1 Prioritizing encampments for removal.
 - 5.1.1 Each department shall identify and report encampment locations on property under its respective jurisdiction by email to the FAS Encampment Cleanup Program Manager or by direct entry into the Seattle Encampment Response Information System (SERIS) within one business day of discovering the encampment. Failure to timely report an encampment location does not preclude applying any other provision in this rule.
 - 5.1.2 Each department shall prioritize encampments it will remove 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 provided by FAS. 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.

- 5.1.3 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 beyond illegal substance abuse; (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.

6.0 ENCAMPMENT REMOVAL AND NOTICE REQUIREMENTS

- 6.1 A notice shall be posted on or near each tent or structure that is subject to removal stating: (1) the day the notice was posted; (2) the date the removal is scheduled; (3) the time range in which that date's removal will commence, which range may be no more than four hours; (4) where personal property will be stored if removed by the City; (5) how personal property may be claimed by its owner; and (6) contact information for an outreach provider that can provide shelter alternatives.
- 6.2 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.
- 6.3 The notice shall be posted no fewer than 72 hours before an encampment removal and shall provide a removal date no more than 7 days after the notice posting date. 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 removal may occur. The City may diligently pursue to completion a removal properly commenced during the removal date and time range.
- 6.4 The notice shall be printed in English, Spanish, and any other language the City determines would further the purpose of the notice.
- 6.5 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, provided each day's operations start during the period identified in the notice. Some encampment sites include tents and structures separated by infrastructure such as off-ramps. Removal operations may proceed through such sites so long as they start on some portion of the sites within the times specified on the notice.

7.0 IDENTIFYING OR PROVIDING ALTERNATIVE SHELTER BEFORE REMOVING NON-OBSTRUCTING ENCAMPMENTS

- 7.1 Prior to removing an encampment, the City shall offer alternative locations for individuals in an 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, a daily list of alternatives, which list shall be shared with FAS and outreach staff.
- 7.2 The alternatives may include housing programs, shelter programs with or without day programs, authorized encampments, and “no-barrier” 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.

8.0 OUTREACH FOR ENCAMPMENT REMOVALS

- 8.1 Outreach personnel shall visit each encampment site at least once between the time that notice of removal is posted and the scheduled removal date.
- 8.2 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.
- 8.3 Outreach personnel may leave an encampment removal operation after outreach services have been refused by all people present at the site. Outreach personnel shall return to a site if an individual requests services before the encampment removal is completed.

9.0 ENCAMPMENT SITE CLEANUP

- 9.1 All 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.
- 9.2 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.
- 9.3 Tents and 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 tent or structure was placed in the immediate area after notices were posted.
- 9.4 Personal property shall be stored as provided for in Section 11 and may be recovered as provided for in Section 12.

- 9.5 The City may remove and dispose of garbage, debris, waste, hazardous items, and other like material.

10.0 POST-ENCAMPMENT REMOVAL NOTICE

- 10.1 A notice shall be prominently posted at the site where an encampment has been removed and the site cleaned up.
- 10.2 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; and (5) 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.
- 10.3 The department organizing the cleanup shall, within 2 business days of the cleanup:
- 10.3.1 Send electronic documentation of the cleanup to FAS in the format required by FAS for posting on the appropriate City external website; and
- 10.3.2 Update the encampment record in SERIS.
- 10.4 FAS shall post documentation of each encampment cleanup on an external City website.

11.0 STORAGE OF PERSONAL PROPERTY REMOVED FROM AN ENCAMPMENT

- 11.1 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).
- 11.2 Personal property shall be stored at a location commonly used by the City for storing property, which shall be accessible by public transportation.
- 11.3 The encampment site shall be posted with a notice if personal property is removed from the site. FAS shall identify the site and the date of the encampment removal on a City web page.
- 11.4 The notice shall identify: (1) the dates personal property was removed from the site; (2) where the personal property is stored; and (3) how the stored personal property may be claimed by its owner. This notice shall not be removed by the City for a minimum of 10 days.
- 11.5 The City shall maintain a log of personal property removed from an encampment. Each log item shall be kept until the personal property is recovered by its owner or the property is discarded as permitted under this rule.

- 11.6 Personal property that is not recovered after 70 days from and including the day the property was stored may be discarded or donated by the City.

12.0 RECOVERING STORED PERSONAL PROPERTY

- 12.1 Individuals claiming that personal property has been removed from an encampment may contact the City of Seattle Customer Service Bureau who will inform the individual how the property may be recovered.
- 12.2 The individual shall describe the personal property with particularity. No identification is required for an individual to recover the property. The log of personal property shall indicate who received the recovered property.
- 12.3 Personal property may be recovered by the individual at the location where the property is stored. Alternatively, the individual may request that the property be delivered to the individual at a location within the City of Seattle, which location must be safe and appropriate for delivery by vehicle.
- 12.4 If the individual chooses to have the personal property delivered, the delivery shall be performed on or before the next business day.
- 12.5 Storage, recovery, and delivery of personal property shall be at no cost to the individual that owns the property.

13.0 ENCAMPMENT REMOVAL FROM AN EMPHASIS AREA

- 13.1 The City may identify a specific area as an Emphasis Area.
- 13.2 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 signed as an Emphasis Area.
- 13.3 If an area has been designated as an Emphasis Area, the area shall be inspected by the City at least once each day. 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.
- 13.4 Individuals camping in an Emphasis Area and their encampment-associated personal property may be removed as an obstruction.
- 13.5 The City shall identify Emphasis Areas on the City's website.
- 13.6 The City shall identify no more than ten Emphasis Areas at any one time.