



To: Planning & Economic Development Committee
From: Lisa Nicholas, Director of Planning & Development on Behalf of the Working Group for Unsanctioned Encampments.
Date: June 16, 2023
Re: Draft Pilot Administrative Policy - Unsanctioned Encampments on City Property

At the June 23rd PEDC meeting, members of the Working Group for Unsanctioned Encampments will present the final draft of the attached Pilot Administrative Policy - Unsanctioned Encampments on City Property, ask for the Committee's input on some key decision points and request that the policy be circulated for comments.

The working group developed this policy to address one aspect of their charge, namely, "to develop a draft City policy regarding unsanctioned encampments on City-owned property, including a recommended methodology for policy enforcement given competing demands for limited City resources and a desire not to criminalize homelessness".

Although it is not within the jurisdiction of the city to provide social services, it is taking several actions to address the needs of those experiencing unsheltered homelessness (see list below). However, that is not the primary focus of this policy. Its goal is to establish consistent guidelines when the presence of an encampment conflicts with the needed use of public land or in situations that present an imminent threat to public health, safety, general welfare, or environmental conditions. Key aims are avoiding the need for relocation to the maximum extent possible, establishing a protocol designed to achieve voluntary relocation when necessary and providing basic hygiene facilities in an area where camping is allowed. This policy is restricted to camping only. No proposed changes are suggested to emergency response for medical emergencies, fires or criminal activity.

The policy's two main aspects work together to allow camping in areas of no conflict with public use, discourage the establishment of encampments in areas of conflict with public use, and outline a system of response and enforcement. The two main aspects of the policy are:

1. The proposed classification of city lands into three categories (see attached Draft Camping Limits Map):
 - a) Green Zone: camping allowed.
 - b) Red Zone: camping not allowed with enforcement.
 - c) Amber Zone: camping not allowed, enforcement triggered for individual campsites in specific situations. (Note that no properties shown on the draft map are currently listed in this zone)
2. A proposed enforcement protocol that aims to achieve voluntary relocation.

Expected benefits of this policy:

- Providing clarity for campers and service providers about where camping is allowed.
- Providing a consistent and coordinated response across City Departments.
- Establishing a system of communication and tracking to evaluate future actions.
- Establishing and testing a protocol for humane relocation, when needed.
- Supporting the reprogramming of land for public use when desirable or needed.
- Piloting the provision of basic hygiene facilities in the allowed camping area.

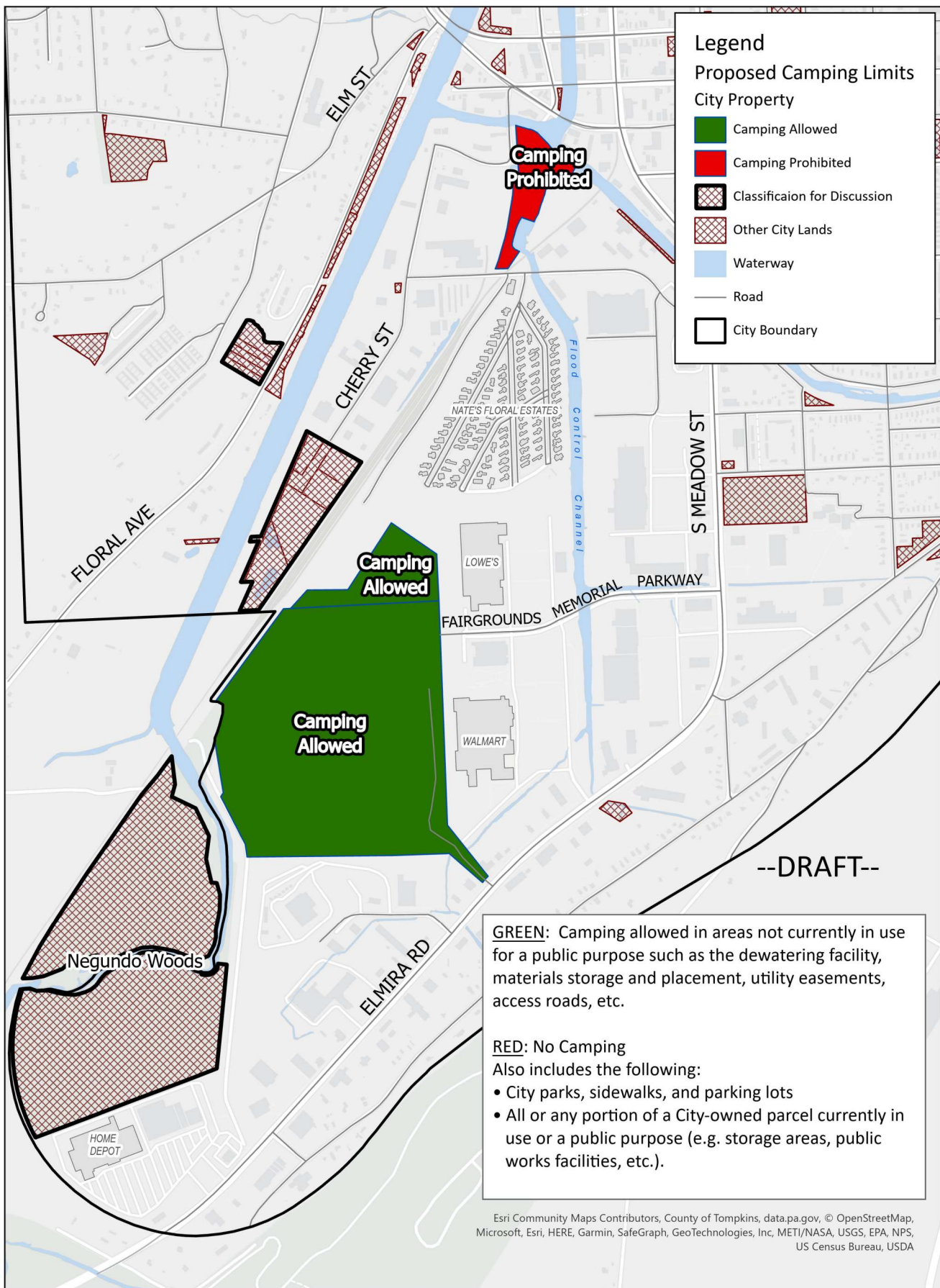
Activities the City is currently undertaking to address the needs of those experiencing unsheltered homelessness:

- Receipt of \$1.2 Million Home ARP Allocation to support a housing surge and prevent a return to homelessness for vulnerable individuals.
- Creation of a homeless outreach coordinator funded in the 2023 budget (position in development)
- Allocation of \$100,000 in the 2023 Budget to address homelessness.
- May 2023 Council Endorsement of the Continuum of Care's *Home Together: Tompkins* plan
- Collaboration with and support of agencies seeking to develop permanent supportive housing.
- Annual contribution to the Community Housing Development Fund that provides financial support for the creation of permanently affordable housing.

Please feel free to contact me at lnicholas@cityofithaca.org with any questions prior to the meeting.

Proposed Camping Limits on City Property

Draft as of June 16, 2023



Legend

Proposed Camping Limits

City Property

- Camping Allowed
- Camping Prohibited
- Classification for Discussion
- Other City Lands
- Waterway
- Road
- City Boundary

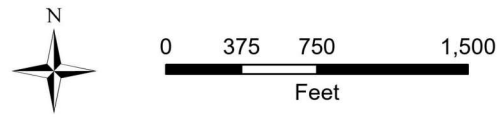
GREEN: Camping allowed in areas not currently in use for a public purpose such as the dewatering facility, materials storage and placement, utility easements, access roads, etc.

RED: No Camping
Also includes the following:

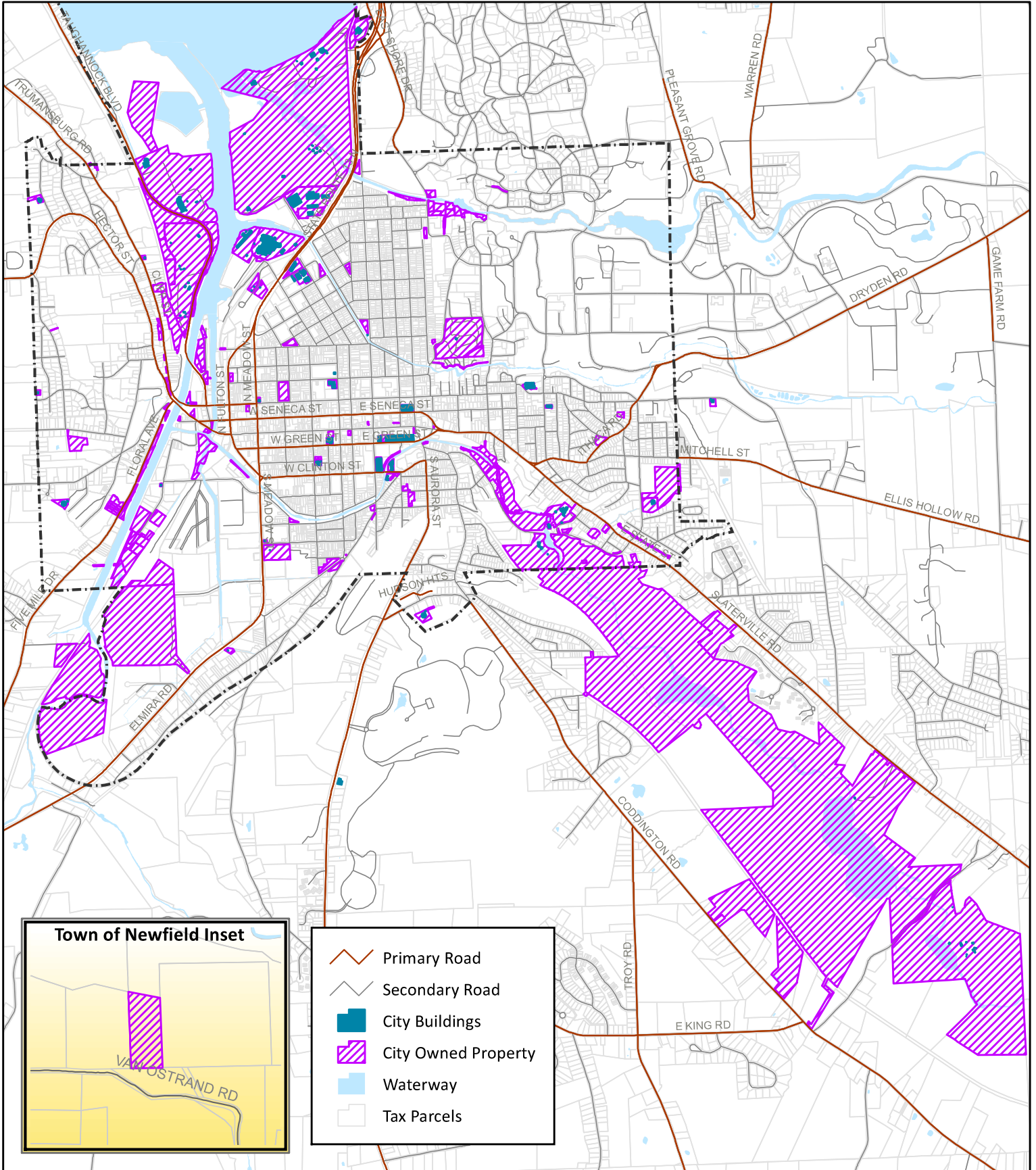
- City parks, sidewalks, and parking lots
- All or any portion of a City-owned parcel currently in use or a public purpose (e.g. storage areas, public works facilities, etc.).

--DRAFT--

Esri Community Maps Contributors, County of Tompkins, data.pa.gov, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



City of Ithaca Owned Property, 2019



0 400 800 Feet



NY State Plane, Central GRS 80 Datum
 Map Source: Tompkins County Digital Planimetric Map 1991-2023
 Data Source: Tompkins County Property Assessment, 2019
 Map Prepared by: GIS Program, City of Ithaca, NY, June 2023

Working Group on Unsanctioned Encampments (WGUE)

Mayoral Charge: *The working group will (1) develop a draft City policy regarding unsanctioned encampments on City-owned property, including a recommended methodology for policy enforcement given competing demands for limited City resources and a desire not to criminalize homelessness, and (2) by January 2023, evaluate and recommend if any City lands currently used for unsanctioned encampments should be repurposed for other public use or more active management. Following adoption of a City policy regarding unsanctioned encampments on City-owned property, the working group will recommend an appropriate City role and actions to assist unsheltered persons experiencing homelessness transition to shelter and stable housing.*

City of Ithaca Pilot Administrative Policy - Unsanctioned Encampments on City Property

1. Statement of Problem

Like many communities around the nation, the City of Ithaca and Tompkins County are facing crisis levels for individuals experiencing homelessness. During the winter of 2022-23, a record number of people, up to 240 on some nights, received emergency cold-weather shelter. A growing number of unauthorized campsites on public property in the City poses safety and health concerns for people living in and around them, and create challenges related to human waste, garbage, exposure to communicable diseases, exposure to violence and other human health concerns.

2. Purpose

Manage City properties in a way that reduces negative impacts and balances competing needs of vulnerable unsheltered persons with the City's obligation to maintain public health, safety, general welfare and protection of environmental resources consistent with the following guidelines:

- Homelessness is not a crime.
- Treat persons experiencing homelessness with respect, dignity and compassion.
- Identify City property where camping is temporarily allowed in recognition of a lack of practical access to shelter and housing for every person experiencing homelessness.
- Identify City property where camping is most inappropriate.
- Ensure that any necessary relocation intervention is accompanied by an option for shelter, housing, and/or a relocation site.

- Maximize use of interventions seeking voluntary compliance with the policy and minimize police interaction with persons experiencing unsheltered homelessness.

3. Classification of City Properties

City properties are classified along a spectrum of properties where camping is temporarily allowed, due to the lack of shelter options for each person who is experiencing unsheltered homelessness, to where camping is strictly prohibited as follows:

A. Green Zone – Camping Temporarily Allowed

Lands classified in the Green Zone are areas where camping by persons experiencing homelessness is temporarily allowed. The City will provide basic hygiene and sanitation services on a trial basis at a Green Zone area.

The following City property is classified in the Green Zone:

- Area behind Walmart and Lowes – The 66-acre City-owned parcel formerly known as Southwest Park (comprised of tax parcels #100.-3-1 and #119.-1-2), excluding areas of active or imminent use by the Department of Public Works (DPW) such as for material storage, active spoils disposal, and the dewatering facility and any other fenced off area.

B. Amber Zone – Camping Prohibited but Lower Priority for Enforcement

Lands classified in the Amber Zone prohibit camping but enforcement is triggered by specific negative impacts of particular campsites rather than mere presence of a campsite in an area classified in an Amber Zone.

The following City property is classified in the Amber Zone:

- All City property not classified in either the Green or Red zones.

C. Red Zone – No Camping Area

Lands classified in the Red Zone are areas where camping is strictly prohibited. The City will prioritize land management and enforcement resources to keep lands in Red Zones free from encampments.

The following City property is classified in the Red Zone:

- Area between Cecil A. Malone Drive and Taber Street – The 4.3 acre, City-owned 119 Brindley Street parcel (tax parcel #73.-8-1);
- Any areas under active City use for public or municipal functions including but not limited to parks, road rights-of-way, sidewalks and adjacent tree lawns, multi-use trail corridors, The Commons, and public parking

See the attached color-coded map of selected City-owned properties.

4. Intervention Framework

Approaches to City intervention and enforcement will differ by zone as follows:

- A.** Green Zone – The City will provide basic hygiene and sanitation services on a trial basis at the Green Zone to support the needs of persons experiencing homelessness. Law enforcement is instructed to take a non-involvement approach with respect to enforcing the citywide prohibition on camping in the Green Zone unless an emergency response is warranted. Law enforcement shall respond and investigate alleged crimes committed at encampments consistent with laws and policies that govern other criminal investigations, irrespective of location or whether the victim or suspect is sheltered or unsheltered.

- B.** Amber Zone – While camping is not allowed in the amber zone, enforcement of the prohibition is only prioritized when triggered by negative impacts of a particular campsite to the public health and safety, general welfare and protection of the environment. City Intervention shall be considered based on the cumulative impact of one or more of the following factors:
 - quantities of garbage, debris, salvage materials, or waste
 - presence of vermin or biological vector hazards and evidence of infestation
 - presence of a bonfire or uncontrolled fires
 - presence of hard wall structures
 - verified reports or observable evidence of violence or criminal activity other than camping
 - complaints from neighbors
 - restriction of authorized construction or maintenance activities
 - damage to the natural environment, including cutting down of treesEncampments in the Amber Zone that remain civil, safe and sanitary will not be prioritized for enforcement. Voluntary efforts to relocate and/or mitigate negative impacts are encouraged before other enforcement methods are deployed.

- C.** Red Zone – City interventions and enforcement resources are prioritized to keep the Red Zone free of encampments. City interventions on lands in the Red Zone may include erection of fencing, vegetation clearing and mowing and conversion to inclusive public spaces for use by all persons, including those experiencing homelessness.

5. Response Due to Emergency or Hazards

The City reserves the right to seek immediate closure and/or removal of any campsite on City property in the event of an emergency or hazard condition.

6. Enforcement

A. Enforcement Prioritization - Enforcement to relocate noncompliant campsites is prioritized in the following rank order:

- (1) Emergency condition and obstruction campsites
- (2) Campsites in Red Zones
- (3) Campsites in Amber Zones

B. Enforcement Protocol –

- (1) General - The preferred approach to enforcement is for outreach workers to visit the unauthorized encampment and successfully convince the camper to voluntarily relocate to housing, shelter or an authorized camping location without any involvement by City staff or law enforcement personnel. Failing that, the general approach to enforce this policy is to repeatedly seek voluntary compliance prior to consideration of escalated enforcement mechanisms. In no case is a physical “sweep” of encampments authorized by this policy.
- (2) Shared Encampment Incident Database – The City shall establish a database tracking unauthorized encampments and steps taken to bring the campsite into compliance. The database shall be shared with the Continuum of Care, the Enhanced Street Outreach Team (ESOT), the Tompkins County Homeless Services Coordinator, Ithaca Fire Department, Ithaca Police Departments, and other appropriate parties, and shall maintained by the City of Ithaca Homeless Coordinator.
- (3) Initial Incident Report - A wide variety of different persons may observe or receive notice of a campsite not in compliance with this policy. The initial incident shall be logged into the shared database or reported to the City of Ithaca Homeless Coordinator for logging. A member of the ESOT, who is funded in whole or part by the City or County, is contacted by the City to request they act as an agent for the City to make a site visit(s) to (a) inform the camper of this City policy, (b) determine compliance with this policy and (c) provide the camper with information how to gain shelter, housing, or identify an alternate location where camping is allowed. The contact should be logged into the shared database with relevant information. ESOT members are encouraged to make site visits as a team of two persons.
- (4) Enforcement Protocol - In a case where a campsite is located within a Red Zone that is also actively managed by dedicated City staff, such as parks, managed natural areas, public buildings, or public parking facilities, City staff may make the initial site visit and may request removal of the campsite. In such cases, a “no camping” notice shall be prominently posted at the campsite by City staff requiring removal of the campsite within a reasonable specified amount of time to be posted on the signage , but in no case less than 24 hours. Additionally, the City facility manager shall log the incident in the shared encampment incident database.

In all other cases, unless there is an Emergency Condition or Obstruction, enforcement shall include the following minimum week-by-week steps to seek compliance:

- (a) First Site Visit – provide the person with a brief summary of the City policy including the location where camping is allowed and verbally request to bring the camp into compliance.
- (b) Second Site Visit – if the person fails to comply with the first verbal request, provide a second verbal notice of noncompliance and request compliance. If the person is not available at the site, post a “no camping” sign at the site that no camping is allowed and the camp is in violation of city policy.
- (c) Third Site Visit – if the person continues to fail to comply, inform the person that failure to comply will lead to repeated visits to seek compliance and may lead to involvement of police. Repost the “no camping” sign if it does not remain visible at the site.
- (d) Police Verbal Notice – officer verbally notifies the person they are in violation of the encampment policy and must comply by removing the campsite.
- (e) Police Written Notice – officer issues a written notice to the person they are violation of the city policy and trespassing on City property in violation of the city encampment policy and must comply or possibly face a charge
- (f) Police Citation – officer issues a citation to enforce the policy. No issuance of a citation shall occur unless verbal and written notices have been delivered to the person.

Each step of the process shall be logged into the shared encampment incidents database.

The preferred people to conduct site visits are teams of outreach workers. If they are unable or unwilling to make site visits, the City’s Homeless Outreach Coordinator, or their designee, in conjunction with another City or County employee familiar with the site in question, is authorized to conduct site visits if they feel safe making the site visit. If the Homeless Outreach Coordinator is also unavailable, a member of the Ithaca Police Department may be requested to conduct site visits.

7. Coordination with other Municipalities

The City shall work in close coordination with Tompkins County and adjacent municipalities in administration and implementation of this pilot policy and explore collaborative approaches to reduce unsheltered homelessness.

8. Evaluation

The City shall regularly review of this pilot policy for revision and improvement, including review of the adequacy of the size of the Green Zone to safely accommodate those people lacking access to shelter.

9. Definitions

Campsite/Encampment: one or more tent, lean-to, structure, tarpaulin, pallet, or makeshift structure used for purposes of habitation or active occupation located in an identifiable area within the City of Ithaca. Habitation is evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing and other personal belongings or items, gathered in a manner where it appears to a reasonable person that the site is being used for habitation or active occupation purposes. Campsites do not include sites a reasonable person would conclude are no longer in use, because any remaining materials are garbage, debris, or waste.

Citation: a police-issued order to appear in court and answer an alleged violation charge. Issuance of a citation is an alternative to an arrest and does not require an individual to be booked, fingerprinted or risk detention. A less formal term for a citation is an “appearance ticket.”

Enhanced Street Outreach Team (ESOT): a coalition of approximately 15-20 professionals and volunteers who work in a coordinated fashion to address the needs of unsheltered and vulnerable persons in Tompkins County by building trusting relationships and providing access to resources and services to meet basic needs. The ESOT is administratively supported by the Continuum of Care and includes members from a variety of community-based organizations and government. Members of the outreach team are trained professionals with years of experience working with people experiencing homelessness. The ESOT is not an enforcement entity.

Emergency Condition: a campsite 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 damage to neighboring property. Immediate hazard campsites include but are not limited to areas where site conditions present an immediate threat to public health or the environment and/or the lack of sanitation facilities results in human solid or liquid waste being discharged therein.

Obstruction: people, tents, makeshift structures, personal property, debris and other objects related to a campsite that interfere with ADA access or a public right-of-way; or interfere with areas that are necessary or essential to the intended use or maintenance of a public property or a public facility.