



## **Unauthorized Encampment Removal Rules – Frequently Asked Questions**

### **What are the rules and what do they cover?**

FAS Encampment Removal Rule – This rule describes how and when the City will remove encampments.

Multi-Department Administrative Rule – This rule harmonizes the administrative process by which individuals may be excluded from City property and requires City departments to follow the FAS Encampment Removal Rule (above) when removing an encampment.

In summary, the rules outline the City's process for:

- Prioritizing encampments for removal.
- Providing notice when an encampment is scheduled for cleanup.
- Offering outreach and alternative shelter options.
- Cleaning up an encampment site.
- Collecting, cataloguing and storing personal belongings and how individuals can recover their property.
- Immediately removing obstructions and immediate hazards.
- Identifying and specifying emphasis areas that will be subject to daily inspection and immediate removal of any encampment-related materials.

### **What is the status of the rules?**

These rules were finalized on March 15, with an effective date of April 3, 2017. During those three weeks, the City will train all staff and contracted workers on the new rules. Where possible and permitted by current rules, the City will implement the new rules earlier. For example, the City is already using the criteria for prioritizing encampment sites for removal, and placing written notice on or near each tent or structure that will be removed.

### **Did public comment inform the final rules?**

As part of the rule-making process, the City solicited public comment on the proposed rules. The City has made a variety of adjustments to the rules to incorporate ideas provided in public comment. These adjustments include:

- Specifically including personal paperwork and identification in the definition of personal belongings, which belongings the City will store when it is safe to do so.
- Requiring that notice of encampment removal be verbal as well as written when possible.
- Clarifying the definition of an obstruction and of an immediate hazard.

### **What are the notable changes from previous set of rules?**

Compared to the existing rules, the new rules:

- Identify specific criteria for prioritizing the removal of encampments.
- Require the offer of a shelter alternative in order to remove many encampments.
- Require the City to deliver materials it stores from encampments to their owners.
- Streamline the process for removing encampments that obstruct the intended use of public facilities like sidewalks and parks.

**What level of outreach will be conducted and what services offered?**

In many cases, outreach occurs before notice of an impending cleanup and after cleanups. Outreach always happens after a cleanup notice has been posted, and on the actual day(s) of the cleanup. The Navigation Team, comprised of specially-trained Seattle Police officers and outreach workers, is going into unauthorized encampments throughout the city to help identify and implement individual solutions that break down barriers preventing unsheltered people from moving indoors. They are helping people with everything from getting legal IDs to finding shelter, from mental health and substance issue services to referrals to affordable housing programs.

The rules require alternative shelter options be offered prior to encampment removal. Those options include housing programs, shelter programs with or without day programs, authorized encampments, and “no-barrier” authorized shelter or encampment programs.

**Is the City able to guarantee space in a shelter or other alternative?**

Working with providers, the City has created a real-time shelter availability list. The Navigation Team has this list and can use it during their outreach to direct individuals to an appropriate alternative based on their needs.

The Navigation Team will control the pipeline of referrals to the additional spaces the City will be providing with the three new sanctioned encampments and the Navigation Center, once those open. The Navigation Center in particular will be an optimal option for people who can't or don't want to go to other shelters because of pets and possessions, or they don't want to be separated from a partner or friends.

**Do the rules require acceptance of alternative shelter before an encampment can be removed?**

The rules require the City make offers of shelter that would be an improved situation than living rough, but individuals have a choice as to whether they accept the offers. However, as we've seen at sites such as the [Royal Brougham encampment](#), building relationships through repeated, intensive outreach can be successful in meeting people's individualized needs in order to find them a better alternative than an unsafe encampment.

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.

**What are the criteria considered when prioritizing a cleanup?**

The following criteria will be considered when prioritizing encampments for removal:

- Objective hazards such as moving vehicles and steep slopes.
- Criminal activity beyond illegal substance abuse.
- Quantities of garbage, debris or waste.
- Other active health hazards to occupants or the surrounding neighborhood.
- Difficulty in extending emergency services to the site.
- Imminent work scheduled at the site for which the encampment will pose an obstruction.
- Damage to the natural environment of environmentally critical areas.
- The proximity of homeless individuals to uses of special concern, including schools or facilities for the elderly.

**What notice will be required before a scheduled encampment cleanup?**

No fewer than 72 hours in advance of and within seven days of a scheduled cleanup, notice will be posted on or near each tent or structure that is subject to removal. The notice will include the date it was posted, the date of the scheduled cleanup, a time range when the cleanup will occur, where personal property will be stored and how to retrieve it, and contact information for an outreach provider that can provide shelter alternatives. The notices will be printed in English, Spanish and any other language the City determines may be necessary given the residents at a particular location. If individuals are present, verbal notice will also be given.

Additionally, a notice will be posted at the site where an encampment has been removed and the site cleaned. This notice will state the date the cleanup occurred, whether personal property was stored and how it can be claimed by the owner, and contact information for outreach personnel who can assist individuals with shelter alternatives and other services. This information will also be posted on the City's website.

**How and where will the City store personal belongings?**

City staff offer to store belongings for those on site during advance outreach and on the day of the cleanup. On the day of the cleanup, staff collect, inventory, photograph and store personal belongings whether or not the individual is present, unless the items are clearly refuse, hazardous or evidence of a crime. Information on how to retrieve items from storage is handed to campers (if on site) and posted at the site.

Items are stored at SDOT's Sunny Jim facility, 4200 Airport Way S., for at least 70 days. Belongings may be recovered by calling 206-459-9949 and accurately describing the items. Upon request, those items will be delivered to the owner where they are, which is much easier than individuals having to travel to the storage facility.

**What are emphasis areas and how will they be determined?**

Emphasis areas are places where an encampment has become a consistent problem. The City may identify specific areas as emphasis areas only after an encampment or obstruction has been removed. The City will post signage at the site that camping is prohibited, any material found in that area may be removed without further notice, where personal property is stored and how the owner can retrieve their belongings. Designated emphasis areas will be inspected at least once a day.

As far as the process to determine an emphasis area, the City will make a determination based on the totality of the circumstances of the particular location. No more than 10 emphasis areas will be identified as such at any one time, and those locations will be listed on the City's website.

**What are obstructions or immediate hazard encampments and how is their removal different than other encampments?**

An "obstruction" could be 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. An "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. This includes encampments at highway shoulders and off-ramps, areas exposed to moving

vehicles, areas that can only be accessed by crossing vehicle lanes outside of a legal crosswalk, and landslide-prone areas.

Obstructions and immediate hazard encampments may be removed immediately according to applicable laws and rules. If a tent or other belongings are blocking a sidewalk or other public right-of-way, the City will have the leeway to remove those items immediately, even if the owner is not present. However, with the new rules, a notice will be left behind explaining items have been collected to be stored and will include information about how to retrieve them. Also new is upon request, those items can be delivered to the owner where they are, which is much easier than individuals having to travel to the storage facility.