

City of Seattle

**NOTICE OF PROPOSED ENCAMPMENT REMOVAL RULE - OPPORTUNITY TO COMMENT**

The City of Seattle's Director of the Department of Finance and Administrative Services (FAS), acting under the authority of Seattle Municipal Code Chapters 3.02 and 3.39, proposes to adopt a new rule related to removing unauthorized homeless encampments from City property. This rule applies to properties owned by or under the jurisdiction of all City departments.

Paper copies of the draft rules are available at the Customer Service Bureau (Seattle City Hall, 601 Fifth Avenue, First Floor, Seattle) from 8:00 a.m.-5:00 p.m. Monday through Friday. Electronic copies are available at <http://www.seattle.gov/finance-and-administrative-services/directors-rules>

All interested persons are invited to present written data, views, arguments, and comments regarding the proposed rule by sending them no later than 5:00 p.m. on February 15 to:

City of Seattle  
Department of Finance and Administrative Services  
Attention: Frances Samaniego  
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Seattle, WA 98124-4689  
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<p><b>Subject: Removal of Unauthorized Encampments from Property in City Jurisdiction</b></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: _____, 2017</p>
<p>Approved:</p>   <hr/> <p>Director, _____ Date _____ Finance and Administrative Services Department</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-ways for its intended purposes:

1.1.1 The unauthorized entry on certain 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.

### **3.0 DEFINITIONS**

- 3.1 "Emphasis Area" means an identifiable area where the City has removed an encampment and has designated the area as an area where encampments are prohibited.
- 3.2 "Encampment" means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area of public property within the incorporated area of the City of Seattle, which appears to a reasonable person to be being used for camping. An identifiable area includes areas where the tents or structures are in plain sight of each other. Encampments do not include sites a reasonable person would conclude are no longer in use for camping because remaining materials are garbage, trash, debris, or waste.
- 3.3 "Immediate hazard" means encampment situations where people camping outdoors are at risk of injury or death beyond that caused by increased exposure to the elements; or their presence creates a risk of injury or death to others, including but not limited to camping in a location that can only be accessed by crossing driving lanes outside of a marked crosswalk.
- 3.4 "Obstruction" means people, belongings, garbage, or other objects related to an encampment that block the normal use of a City-owned or City-controlled properties, facilities, or rights-of-ways.
- 3.5 "Personal Property" means an item that is: (1) reasonably recognizable as belonging to a person; (2) in its present condition has apparent utility; and (3) is not hazardous. Examples of personal property include but are not limited to tents, bicycles, radios or 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 authorizing official should resolve a reasonable doubt as to whether an item is personal property in favor of deciding the item is personal property and treat it accordingly 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 both obstructions and immediate hazard encampments, though provisions may refer to obstructions only for simplicity.
- 4.2 If a physical obstruction is observed but is not removed immediately 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 physical obstruction must be immediately removed and is subject to removal by the City without further notice; (3) where the obstruction shall be stored if removed by the City; and (4) how the materials may be recovered by their owner.

- 4.3 Physical obstructions may be removed and stored by the City in accordance with Section 11 in the location commonly used for the storage of encampment materials, and recovered in accordance with Section 12.
- 4.4 Garbage, trash, debris, and waste may be immediately removed and disposed of and is not subject to prior notice.
- 4.5 Upon removing an obstructing encampment, the City shall post a notice at the site where the obstructing material was removed that states the date of the notice, whether material was stored, where the material is stored, how the stored material may be claimed by its owner, and contact information for shelter referrals.
- 4.6 The department storing obstructing material shall notify FAS of the storage of the material on the same day the material is stored. FAS shall post notice of the stored material on an external City website.

## **5.0 ENCAMPMENT REMOVAL**

### **5.1 Prioritization for removing encampments.**

- 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, trash, 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 homelessness 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 materials will be stored if removed by the City; (5) how the stored materials can be claimed by their owner; and (6) contact information for an outreach provider that can provide shelter alternatives.
- 6.2 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.
- 6.3 The notice shall be printed in English, Spanish, and any other language the City determines would further the purpose of the notice.
- 6.4 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 that 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 shall be present at the start of an encampment removal.
- 9.2 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.
- 9.3 Personal property shall be stored according to the storage requirements in Section 11 of this rule.
- 9.4 The City may remove and dispose of garbage, trash, 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 cleaned up.
- 10.2 The notice shall state: (1) the date the cleanup was performed; (2) whether materials from the site were placed in storage; (3) the location where any such materials were stored and the contact information and procedure for recovering such materials; and (4) the contact information for outreach personnel who can assist individuals with shelter alternatives and other services.
- 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 that 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 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.
- 11.3 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 property can be claimed by its owner.
- 11.4 The City shall maintain a log of personal belongings 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.
- 11.5 Personal property that is not recovered after 60 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 in order for an individual to recover personal property. The log of personal items shall indicate who received recovered property.
- 12.3 Individual property may be recovered by the individual at the location where the property is stored, which location(s) shall be accessible by public transportation. Alternatively, the individual may request that the property be delivered to the individual at a location within the geographical limits of 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 EMPHISIS AREA**

- 13.1 The City may identify specific areas of persistent encampment removal or enforcement as an Emphasis Area.
- 13.2 An area may not be identified as an Emphasis Area under this rule and enforcement shall not commence until an encampment or obstruction removal has occurred or the area is otherwise free of encampments.
- 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, and shall be signed, fenced, or otherwise marked to deter camping.
- 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.