

The number of people living unsheltered in encampments has increased substantially in the last several years. Unauthorized encampments sometimes obstruct the normal use of public property, and sometimes are health and safety hazards for encampment occupants and the general public. Removing unauthorized encampments reduces their impact on the surrounding community, but also disrupts the lives of the already vulnerable people living in them. Since 2008, the City has had specific rules for the removal of encampments that balance providing services and alternatives to people living in encampments with the health and safety benefits of removing encampments.

In 2016, Mayor Murray formed a Task Force on Unsanctioned Encampment Cleanup Protocols to make recommendations on changing the encampment removal rules. In October 2016, he announced the Bridging the Gap to Pathways Home plan. This plan increases short-term support to people living without homes while longer-term strategies are reorganized. A part of the Bridging the Gap plan is rewriting the rules for removing encampments. 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; and
- Streamline the process for removing encampments that obstruct the intended use of public facilities like sidewalks and parks.

The City is soliciting public comment on the proposed rules through Wednesday, February 15. Interested parties may send their comments to:

mail: City of Seattle
Department of Finance and Administrative Services
Attention: Frances Samaniego
PO Box 94689
Seattle, WA 98124-4689

email: frances.samaniego@seattle.gov

There are four documents that relate to the proposed rules:

- FAS Encampment Removal Rule - This rule describes how and when the City will remove encampments. Previously, language on removing encampments was a part the Multi-Department Administrative Rule.
- 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. The only significant change to this rule compared to the existing one is that the encampment removal provisions are carved off into the separate FAS Encampment Removal Rule for administrative convenience.
- A Decision of Non-Significance and associated SEPA checklist. These documents are presented consistent with the State Environmental Policy Act.
- Notice of Proposed Repeal of Multi-Departmental Administrative Rule. A fourth document relates to the proposed repeal of the existing 2008 rule, MDAR 08-01.
- All Four Documents - For convenience, this file contains all four documents listed above.

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
PO Box 94689
Seattle, WA 98124-4689
frances.samaniego@seattle.gov

<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: _____, 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.

City of Seattle

NOTICE OF PROPOSED RULE MAKING - OPPORTUNITY TO COMMENT

Rules regarding: Operating Hours for City Properties; Unauthorized Camping on City Properties; Enforcement Procedures; and Removal of Unauthorized Property.

The directors of the eight City of Seattle departments with jurisdiction over City real property, acting under the authority of Seattle Municipal Code Chapters 3 and 17, propose to repeal and replace the existing Multi-Department Administrative Rule MDAR 08-01 with a new rule. The eight directors proposing the replacement rule are:

Director of the Department of Finance and Administrative Services
Superintendent of the Parks and Recreation Department
General Manager and CEO of the City Light Department
Director of Seattle Public Utilities
Director of the Seattle Department of Transportation
Director of the Department of Neighborhoods
Director of the Office of Housing
Director of the Seattle Center Department

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
PO Box 94689
Seattle, WA 98124-4689
frances.samaniego@seattle.gov

<p>Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES</p> <p>Rules Regarding:</p> <p>Operating Hours for City Properties; Unauthorized Camping on City Properties; Enforcement Procedures; and Removal of Unauthorized Property.</p>	<p>No. MDAR 17-01</p> <p>Effective: _____, 2017</p> <p>Supercedes MDAR 08-01</p>
<p>Approved:</p> <p>_____ Superintendent, Date Parks and Recreation Department</p> <p>_____ General Manager and CEO, Date City Light Department</p> <p>_____ Director, Date Seattle Public Utilities</p> <p>_____ Director, Date Seattle Department of Transportation</p> <p>_____ Director, Date Department of Finance and Administrative Services</p> <p>_____ Director, Date Department of Neighborhoods</p> <p>_____ Director, Date Office of Housing</p> <p>_____ Director, Date Seattle Center 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 public safety and health and interferes with the public's ability to use public property 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 Present Laws and Rules.

- 1.2.1 The Parks Code (SMC Chapter 18.12) establishes general operating hours for parks, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, issuing Parks Exclusion Notices.
- 1.2.2 The Street Use Ordinance (SMC Chapter 15.04) prohibits the unauthorized entry onto SDOT property that is not open to the public and prohibits erecting unauthorized structures on SDOT property.
- 1.2.3 A SPU rule for Open Spaces establishes operating hours, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, issuing administrative notices of exclusion.
- 1.2.4 FAS rules establish operating hours, general rules of conduct, including the prohibition of camping, and provide for enforcement by, among other means, issuing administrative notices of exclusion,
- 1.2.5 Seattle Center Campus Rules prohibit camping and require a permit for erecting structures on Seattle Center property and provide for enforcement by, among other means, issuing administrative notices of exclusion.

1.3 General Purpose.

The general purpose of this rule is to establish uniform rules and procedures for addressing encampments on Parks, SPU, SDOT, SCL, FAS, DON, OH,

and Seattle Center property.

1.4 Specific Purposes.

The specific purposes of this rule includes:

- 1.4.1 Establishing procedures regarding entering or remaining in certain areas of City property that are not open to the public or are open to the public only during certain operating hours;
- 1.4.2 Establishing procedures regarding erecting structures or placing equipment on City property;
- 1.4.3 Establishing rules that address camping on City property under the jurisdiction of City departments including SDOT, SCL, FAS, DON, OH, and Seattle Center.
- 1.4.4 Establishing uniform encampment rules for Parks, SPU, SDOT, SCL, FAS, DON, OH, and Seattle Center;
- 1.4.5 Establishing for Parks, SPU, SDOT, SCL, FAS, DON, OH, and Seattle Center standard procedures regarding removing from City property unauthorized structures, camping equipment, and other personal property; and
- 1.4.6 Define "camping" as the term is used in SMC Section 18.12.250 (Parks Code) and SPU Open Space Rule (October 2006).

2.0 REFERENCES AND AUTHORITY

- 2.1 SMC 18.12.250 "Camping";
- 2.2 SMC 18.12.278 "Park Exclusion";
- 2.3 SMC 18.12.030 "Definitions"; 2.4 SMC 18.30.010 "Definitions";
- 2.5 SMC 15.04.012 "Use and Occupation Permits"; and
- 2.6. SMC 15.38 "Impounding".
- 2.7 These rules are authorized by and promulgated as provided in the City Administrative Code (SMC Chapter 3.02) and:
 - 2.7.1 SMC 3.26.040 (Parks);
 - 2.7.2 SMC 3.32.020 (SPU);
 - 2.7.3 SMC 3.12.020 (SDOT);

- 2.7.4 SMC 3.08.020 (SCL);
- 2.7.5 SMC 3.18.030 (FAS);
- 2.7.6 SMC 3.35.040 (DON);
- 2.7.7 SMC 3.14.740 (OH); and,
- 2.7.8 SMC 17.04.040 (Seattle Center).

3.0 DEFINITIONS

- 3.1 "Abandoned" means that personal property in a public place or on City property is presumed to be abandoned by the owner or custodian so as to permit an authorizing official to take custody when:
 - A. The property is placed out for collection in conjunction with solid waste or recyclable material on the scheduled date for City collection, or it is placed there on a date contemporaneous with a community collection or clean-up.
 - B. The property is not associated with an encampment and a reasonable person would not allow the property to be there unattended for the length of time the property has been there, taking into account the location of the property in the sidewalk, roadway, or other City property, the type of property, the danger of theft, and the risk of damage from weather;
 - C. No name appears on the property and the occupant or owner of the adjacent real property on inquiry disclaims ownership; or
 - D. The property is unattended on a sidewalk or planting strip adjoining a park or in a park drive or boulevard.
- 3.2 "Authorizing Official" means as to property under their jurisdiction the Superintendent of Parks and Recreation, the General Manager and CEO of Seattle City Light, the Directors of SPU, SDOT, FAS, DON, OH, or Seattle Center, and their respective authorized designees.
- 3.3 "Camp" and "camping" means (for purposes of SMC 18.12.250, SPU Open Space Rules issued December 2006, and this rule) to erect a tent or other shelter, or to assemble on a public place or City property camping equipment or personal property that to a reasonable person evidences that a person has remained, or intends to remain, on the property overnight or on the property when it is closed to the public. Camping equipment includes but is not limited to tarps, blankets, sleeping bags, cooking equipment, and other items commonly associated with remaining overnight.
- 3.4 "City" means the City of Seattle.

- 3.5 "City Property" means City buildings and adjacent premises owned or occupied by the City, and any real property or facilities owned by, operated by, or under the jurisdiction of a City department, including Parks, SPU, SDOT, SCL, FAS, DON, OH, and Seattle Center.
- 3.6 "Contraband" means any property that is unlawful to produce or to possess.
- 3.7 "Department" means the Seattle Department of Parks and Recreation ("Parks"), the Seattle Public Utilities ("SPU"), Seattle City Light ("SCL"), Seattle Department of Transportation ("SDOT"); Department of Finance and Administrative Services ("FAS"); the Department of Neighborhoods ("DON"), Office of Housing ("OH"), or Seattle Center.
- 3.8 "Director" means the Director of SPU, SDOT, FAS, DON, OH, and Seattle Center or the Director's designee.
- 3.9 "Encampment" means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area, 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.
- 3.10 "Garbage" or "refuse" means any item that in its present condition has no apparent utility.
- 3.11 "General Manager and CEO" means the General Manager and CEO of Seattle City Light and designees.
- 3.12 "Hazardous items" means an item that reasonably appears to pose a health or safety risk to members of the public or to City employees or to other authorized personnel. Hazardous items may include blankets, clothing, sleeping bags, or other items depending upon their condition and site conditions.
- 3.13 "Open Space" means land owned, operated, and occupied by SPU, either improved or unimproved, including land predominantly in its natural state, riparian areas, watersheds or other habitat areas, which are preserved from urbanization and with which a public right of way is associated. Open Space does not include parks that are under the jurisdiction of the Department of Parks and Recreation.
- 3.14 "Park" means all parks and bodies of water in a park, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers, and other park, recreation and open areas and buildings and facilities comprising the parks and recreation system of the City that are under the management and control of the Superintendent of the Department of Parks and Recreation.

- 3.15 "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.
- 3.16 "Public place" means public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned.
- 3.17 "Structure, Tents, and Other Shelters" means anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner. Structures include, but are not limited to, buildings, lean-tos, tents, awnings, pallets, and tarps.
- 3.18 "SMC" means Seattle Municipal Code.
- 3.19 "Superintendent" means the Superintendent of Parks and Recreation or designees.
- 3.20 "Unauthorized item" means an item that is abandoned on public property, is present on public property without a required permit or other authorization, or evidences use for camping in violation of applicable law or these rules.

4.0 RULE APPLICABLE TO ALL DEPARTMENTS

- 4.1 All City departments shall comply with the Encampment Cleanup Rule 17-01 adopted by FAS as the rule may be amended or superseded. If a conflict exists between the FAS-adopted rule and any provision of this rule, the FAS rule shall control.
- 4.2 All City departments conducting an encampment cleanup according to the FAS rule shall notify in writing the FAS Encampment Cleanup Program Manager of the proposed cleanup prior to initiating the cleanup.
- 4.3 The Director of Finance and Administrative Services or the Director's designees shall have the authority during an encampment removal action to act as the complainant to request police action to exclude individuals from any City-owned or City-controlled property or to enforce the trespass laws of the City including without limitation SMC 18.12.279 and 12A.08.040. Individuals who may be

excluded or charged with trespass include but are not limited to individuals who are reasonably believed to reside at the encampment being removed and who refuse to leave, or individuals who obstruct the expeditious progress of the removal. Individuals who are not subject to a charge of trespass on City-controlled rights-of-way may be subject to the applicable provisions of Titles 11, 12A, and 15 of the Seattle Municipal Code.

5.0 INDIVIDUAL DEPARTMENTAL RULES

The following rules apply to property owned, operated, or under the jurisdiction of the applicable department.

5.1 Parks.

5.1.1 **Operating Hours and Areas Closed to the Public.** Some Parks property is closed to the public at all times. Other Parks property is open to the public only during established operating hours.

5.1.1.1 General park operating hours are between 4:00 a.m. and 11:30 p.m. as established in SMC 18.12.245.

5.1.1.2 Special operating hours may be established for individual parks or facilities either by rule or by posting as provided in SMC 18.12.040 and SMC 3.02.020.

5.1.1.3 **Violation.** In addition to a violation of any other applicable law, it is a violation of these rules to enter or remain in any area of a park when the area is closed to the public.

5.1.2 Structures, Tents, or Other Shelters.

5.1.2.1 **Permit Required.** SMC 18.12.070 requires a permit to erect a structure in a park.

5.1.2.2 **Violation.** SMC 18.12.275 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of SMC 18.12.275. In addition to a violation of that or any other applicable law, it is a violation of these rules to erect any structure in a park without a required permit.

5.1.3 Camping.

5.1.3.1 SMC 18.12.250 prohibits camping in any park except in places set aside and posted for such purposes by the Superintendent.

5.1.3.2 **Violation.** In addition to a violation of SMC 18.12.250 or other applicable law, it is a violation of these rules to camp except in places set aside and posted for such purposes by the

Superintendent.

5.2 Seattle Public Utilities.

5.2.1 Operating Hours and Areas Closed to the Public. Some SPU property may be closed to the public at all times. Other SPU property is open to the public only during established operating hours.

5.2.1.1 General operating hours for SPU Open Spaces are from 4:00 a.m. to 11:00 p.m., as provided in SPU Open Space Rules (December 2006).

5.2.1.2 Different operating hours may be established for particular SPU property either by separate rule or by posting as provided in SMC 3.02.020.

5.2.1.3 Violation. In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any area of SPU property when the area is closed to the public,

5.2.2 Structures, Tents, or Other Shelters. SPU Open Space Rule (December 2006) prohibits, among other things, erecting any structure, including but not limited to tents, barricades, and fencing in any SPU Open Space.

5.2.3 Camping. SPU Open Space Rule (December 2006) prohibits, among other things, unauthorized camping in any SPU Open Space. In addition to a violation of that rule or other applicable law, unauthorized camping in any SPU Open Space is a violation of these rules.

5.3 Seattle Department of Transportation.

5.3.1 Operating Hours and Areas Closed to the Public. Some SDOT property may be closed to the public at all times. Other SDOT property may be open to the public only during established operating hours. Operating hours for particular SDOT properties may be established by rule or by posting as provided in SMC 3.02.020.

5.3.1.1 Violation. In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any area of SDOT property when the area is closed to the public.

5.3.2 Structures, Tents, or Other Shelters.

5.3.2.1 Permit Required. SMC 15.04.010 and 15.02.048 requires a permit for, among other uses, erecting any structure in a public place.

5.3.2.2 Violation. SMC 15.04.010 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of Chapter 15. In addition, it is a violation of these rules to erect any structure on any SDOT property without a required permit.

5.3.3 Camping.

5.3.3.1 Violation. In addition to violating any other applicable law, unauthorized camping on any SDOT property posted as "No Camping" or similarly posted is a violation of this rule.

5.3.4 Notice of Exclusion. An SDOT notice of exclusion issued according to this rule shall not preclude a person from using an open public place for transportation or other purpose consistent with this rule.

5.4 Seattle City Light.

5.4.1 Operating Hours and Areas Closed to the Public. Some SCL property may be closed to the public at all times. Other SCL property may be open to the public only during established operating hours. Operating hours for particular SCL properties may be established by rule or by posting as provided in SMC 3.02.020.

5.4.1.1 Violation. In addition to violating any other applicable law, it is a violation of these rules for any person to enter or remain in any area of any SCL property when the area is closed to the public.

5.4.2 Structures, Tents, or Other Shelters.

5.4.2.1 Violation. In addition to violating any other applicable law, it is a violation of these rules for any person to erect any structure, tent, or other shelter on any SCL property without the written permission of the Superintendent.

5.4.3 Camping.

5.4.3.1 Violation. In addition to violating other applicable law, unauthorized camping on any SCL property is a violation of these rules.

5.5 Department of Finance and Administrative Services

5.5.1 Operating Hours and Areas Closed to the Public. Some FAS property may be closed to the public at all times. Other FAS property may be open to the public only during established operating hours. Operating hours for particular FAS properties may be established by rule or by posting as provided in SMC 3.02.020.

5.5.1.1 FAS rule (June 2006) establishes building and facility operating hours, unless provided otherwise by rule or by posting, as from 7:00 a.m. to 6:00 p.m., Monday through Friday, except for City holidays. FAS buildings and facilities are generally not open to the public on Saturdays, Sundays, City holidays, and on weekdays between 6:00 p.m. and 7:00 a.m.

5.5.1.2 Violation. In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any property under the jurisdiction of FAS when the area is closed to the public.

5.5.2 Structures, Tents, or Other Shelters.

5.5.2.1 Violation. In addition to violating other applicable law, it is a violation of these rules for any person to erect any structure, tent, or other shelter on any FAS property without the written permission of the Director.

5.5.3 Camping.

5.5.3.1 The June 2006 FAS rule prohibits, among other things, unauthorized camping on any FAS property.

5.5.4. In addition to a violation of the June 2006 FAS rule or other applicable law, unauthorized camping on any FAS property is a violation of these rules.

5.6 Department of Neighborhoods.

5.6.1 Operating Hours and Areas Not Open to the Public. Some DON property may be closed to the public at all times. Other DON property may be open to the public only during established operating hours. Operating hours for particular DON properties may be established by rule or by posting as provided in SMC 3.02.020.

5.6.2 Violation. In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any property under the jurisdiction of DON when the area is not open to the public.

5.6.3 Structures, Tents, or other Shelters.

5.6.3.1 Violation. In addition to violating other applicable law, it is a violation of these rules for any person to erect any structure, tent, or other shelter on any DON property without the written permission of the Director.

5.6.4 Camping.

5.6.4.1 Violation. In addition to violating any other applicable law, unauthorized camping on any DON property is a violation of these rules.

5.7 Seattle Center.

5.7.1 Operating Hours and Areas Not Open to the Public. Some Seattle Center property may be closed to the public at all times. Other Seattle Center property may be open to the public only during established operating hours. The Seattle Center Campus is open from 7:00 A.M. to Midnight daily (Ordinance No. 92792). Seattle Center may establish other operating hours for particular areas or facilities.

5.7.2 Violation. In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any property or facility under the jurisdiction of Seattle Center when the area is not open to the public.

5.7.3 Structures, Tents, or Other Shelters.

5.7.3.1 Violation. In addition to violating other applicable law, it is a violation of these rules for any person to place any structure, tent, or other shelter on any Seattle Center property without the written permission of the Director.

5.7.4 Camping.

5.7.4.1 Violation. In addition to violating any other applicable law, unauthorized camping on any Seattle Center property is a violation of these rules.

5.8 Office of Housing.

5.8.1 Operating Hours and Areas Not Open to the Public. Some OH property may be closed to the public at all times. Other OH property may be open to the public only during established operating hours.

5.8.2 Violation In addition to a violation of other applicable law, it is a violation of these rules to enter or remain in any property or facility under the jurisdiction of the OH when the area is not open to the public.

5.8.3 Structures, Tents, or Other Shelters.

5.8.3.1 Violation. In addition to violating other applicable law, it is also a

violation of these rules for any person to place any structure, tent, or other shelter on any OH property without the written permission of the Director.

5.8.4 Camping.

5.8.4.1 Violation. In addition to violating any other applicable law, unauthorized camping on any OH property is a violation of these rules.

6.0 ENFORCEMENT

6.1. These rules are enforced in the same way as any other rules. Any violation of these or any other applicable rule or law may, depending on the particular circumstances, result in one or more of the following:

6.1.1 Written or oral withdrawal of a person's permission to remain on the property;

6.1.2 Issuance of a Parks Notice of Exclusion as provided in SMC 18.12.278 if the property is Parks Department property;

6.1.3 Issuance of an administrative notice of exclusion if the property is not Parks property; or

6.1.4 Issuance of a citation, a notice of infraction, or other enforcement action under applicable law.

6.2 Criminal Trespass.

6.2.1 Criminal Trespass Areas closed to the public. Any person who enters or remains on City property when such areas are closed to the public is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

6.2.2 Criminal Trespass Notice of Exclusion. Any person who enters or remains in an area in violation of a Notice of Exclusion from that area is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

6.2.3 Criminal Trespass — Withdrawal of Permission. Any person who remains on City property after having received notice that his or her permission to remain on that property has been withdrawn is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

7.0 NOTICES OF EXCLUSION

7.1 Parks Exclusion Under SMC 18.12.278.

- 7.1.1 Issuance. The Superintendent may, by delivering a Notice of Exclusion in person to the offender, exclude from any park a person who has violated any law or any rule designated by the Superintendent as a "parks rule" as provided in SMC 18.12.278. The Superintendent designates these rules as "parks rules", the violation of which may result in issuance of a Parks Exclusion Notice.
- 7.1.2 Period of Exclusion. The period of exclusion for a Parks Exclusion Notice shall be as provided in SMC 18.12.278.
- 7.1.3 Appeals. Any person who receives a Parks Exclusion Notice for a period of time exceeding 7 days may file an appeal within 7 calendar days as provided in SMC 18.12.278.
- 7.2 Administrative Notices of Exclusion from City Property other than Parks Property.
 - 7.2.1 The provisions of this Section 7.2 shall apply to departments that have not adopted by rule or ordinance procedures for administrative exclusions and an administrative appeal process.
 - 7.2.2 Issuance. The authorizing official may issue an Administrative Notice of Exclusion as provided in these or other applicable rules.
 - 7.2.3 Delegation.
 - 7.2.3.1 Sworn Seattle Police Department personnel are authorized to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.
 - 7.2.3.2 The authorizing official may also in writing authorize others to enforce on City property these and any other applicable written or posted rules. However, only City employees may be authorized to issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.
 - 7.2.4 Basis for Exclusion. The excluded person need not be charged, tried, or convicted of any crime or infraction in order for a Notice of Exclusion to be issued or effective. The exclusion may be based on observation by the Director or Superintendent, or an authorized representatives, or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
 - 7.2.5 Contents of Notice. The Notice of Exclusion shall be in writing and shall be signed by the issuing individual. It shall specify the date of issuance and the length and places of exclusion. Warning of the

consequences for failure to comply and the processes regarding an administrative review hearing shall be prominently displayed in the Notice of Exclusion.

7.2.6 Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that the privileges to enter upon City property have been revoked. Receipt of the notice is also construed to have been accomplished 2 days after an exclusion notice is placed in the U.S. mail to an individual's last known address.

7.2.7 Periods of Exclusion.

7.2.7.1 Felony or Weapons Violation. If the current violation is a felony or a weapons violation, the person may be excluded for up to one year.

7.2.7.2 If the current violation is not a felony or a weapons violation, the person may be excluded as provided below:

7.2.7.2.1 No Prior Exclusion within One Year. If a person has not been excluded from any City property under the jurisdiction of the issuing department within the preceding year, the person may be excluded for up to 7 days from the date of the Notice of Exclusion. If the violation occurred on property owned and maintained by Parks, then the Superintendent may exclude the violator from the City park zone where the current violation occurred.

7.2.7.2.2 One Prior Notice of Exclusion. If a person has been the subject of only one Notice of Exclusion issued within one year prior to the current violation, the person may be excluded for up to 30 days from the date of the Notice of Exclusion.

7.2.7.2.3 Two or More Prior Notices of Exclusion. If a person has been the subject of two or more Notice of Exclusions issued within one year prior to the current violation, the person may be excluded for up to one year from the date of the Notice of Exclusion.

7.2.8 Administrative Hearings — Notices of Exclusion.

7.2.8.1 If the issuing department has rules that apply to such

administrative hearings, those rules apply.

7.2.8.2 If the issuing department does not have rules that apply to such administrative hearings, the following rules apply:

7.2.8.2.1 Request for Administrative Review. A person who receives a Notice of Exclusion for a period greater than 7 days may within 7 business days of the notice being issued submit a written request to the authorizing official for an administrative hearing. The person seeking the hearing shall include in the request any written documentation to be considered in the administrative review process. The Notice of Exclusion remains in effect pending administrative review.

7.2.8.2.2 If a person timely requests an administrative review, the authorizing official shall designate a Review Officer. The administrative review is an informal process designed to give the individual the opportunity to explain the events surrounding the alleged violation. The Review Officer may in an exercise of discretion conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion. The Review Officer may consider sworn written or verbal statements and give them the appropriate weight under the circumstances.

7.2.8.2.3 The Review Officer shall provide a written decision within 10 business days of the request for review. The decision may affirm, modify, terminate, or reverse the exclusion order. The Review Officer's decision is final City action on the review.

8.0 REMOVAL OF PROPERTY

8.1 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to abandon or to store without authorization personal property on City property or to place garbage or refuse anywhere on City property except in a designated receptacle.

8.2 Summary Removal and Disposal. Garbage, Refuse, Hazardous Items, Building Materials, Contraband, or Evidence of a Crime.

8.2.1 Removal and Disposal. The authorizing official may summarily and without advance notice remove and dispose of: refuse; hazardous items, building materials, contraband; or evidence of a possible crime.

8.2.2 Contraband or Evidence. The authorizing official shall, before disposal, allow the appropriate law enforcement agency the opportunity to take possession of any item that is contraband or evidence of a possible crime.

9.0 DELEGATION AND GUIDELINES

- 9.1 An authorizing official may authorize any person or organization to assist in implementing these rules. However, only authorized City employees may issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.
- 9.2 An authorizing official may issue operating guidelines, procedures, or protocols that, among other things, inform City employees and other authorized persons how to implement these rules.

DETERMINATION OF NONSIGNIFICANCE (“DNS”)

Description of Proposal: Promulgation of administrative rules pertaining to encampments, comprised of two elements (collectively, the “Proposal”): (a) repealing and replacing the City of Seattle’s 2008 Multi-Departmental Rules No. MDAR 08-01 (regarding operating hours for City properties; unauthorized camping on City properties; enforcement procedures; and removal of unauthorized property) with MDAR 17-01; and (b) adoption of the new, Department of Finance and Administrative Services’ encampment rule FAS 17-01.

Proponent: City of Seattle/Department of Finance and Administrative Services

Location of Proposal: The Proposal pertains only to property that is: (a) under the jurisdiction of the City of Seattle; and (b) within the Seattle City limits.

Lead Agency: City of Seattle/Department of Finance and Administrative Services (“FAS”)

FAS has determined that the Proposal does not have a probable, significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030 (2)(c). This decision was made after a review of a completed environmental checklist and other information on file with FAS. Paper copies of the checklist 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>

There is no comment period for this DNS.

Responsible official: Fred Podesta
Director, Department of Finance and Administrative Services
700 Fifth Avenue, Suite 5200
P.O. Box 94689
Seattle, WA 98124-4689
Email and telephone contact information (both care of Frances Samaniego):
Frances.Samaniego@seattle.gov
206-684-0525

/s/: Fred Podesta
Director, Department of Finance and Administrative Services

Issue date: January 31, 2017

You may appeal this determination to:

City of Seattle Office of Hearing Examiner
700 Fifth Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729

An appeal must be filed by no later than February 15, 2017.

You should be prepared to make specific, factual objections.

Visit the Hearing Examiner’s website at <http://www.seattle.gov/examiner/> for information on how to file an appeal electronically, and for the *Hearing Examiner Rules of Practice and Procedure*.

Date of publication in the Seattle Daily Journal of Commerce: January 31, 2017.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for nonprojects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

City of Seattle's Administrative Rules Pertaining to Removing Encampments

2. Name of applicant:

The City of Seattle/Department of Finance and Administrative Services (the “Applicant”).

3. Address and phone number of applicant and contact person:

Physical address: 700 Fifth Avenue, Suite 5200, Seattle, WA 98104
Mailing address: P.O. Box 94689, Seattle, WA 98124
Contact person: Frances Samaniego, 206-684-8391
Email address: Frances.Samaniego@Seattle.gov

4. Date checklist prepared:

January 25, 2017.

5. Agency requesting checklist:

City of Seattle/Department of Finance and Administrative Services.

6. Proposed timing or schedule (including phasing, if applicable):

The rules to manage encampments will be adopted in early 2017.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No. The City is engaged in a variety of activities other than, and in addition to the Proposal, which it expects will over time reduce the number of encampments. Therefore, the City expects that over time the Proposal will apply to fewer encampments.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This proposal includes three elements, collectively the “Proposal”:

- Repealing the City of Seattle’s 2008 Multi-Departmental Administrative Rule No. MDAR 08-01 (regarding operating hours for City properties; unauthorized camping on City properties; enforcement procedures; and removal of unauthorized property) (“MDAR 08-01”);
- Adopting the City of Seattle’s Multi-Departmental Administrative Rule No. MDAR 17-01; and
- Adopting the new FAS Encampment Rule, (“FAS Rule 17-01”).

Among other things, MDAR 17-01, includes a new definition of an encampment, and a provision that an encampment removal must be carried out in compliance with FAS Rule 17-01.

The Proposal pertains only to property that is: (a) under the jurisdiction of the City of Seattle; and (b) within the Seattle City limits.

FAS Rule 17-01 addresses the City-wide protocols for removing encampments. Certain notices must be posted in an encampment and timelines followed before an encampment may be removed. In addition, FAS Rule 17-01 provides that the City must identify available housing, other shelter, or encampment locations to encampment occupants. Outreach personnel must be present at the commencement of removal activities, and may leave an encampment only after outreach services have been refused by all people at the encampment site. The proposed rules provide that property meeting the definition of “personal property” collected during the course of an encampment removal must be stored and available for retrieval by or delivery by the City to its owner.

Overall, this protocol will likely slow the process by which encampments are removed and may lead to an increased number of encampments throughout the City at any point in time. In particular, the provision requiring the City to identify alternative shelter may delay the removal of some encampments. At the same time, the provision permitting the prompt removal of those encampments which constitute either an obstruction or an immediate hazard will accelerate the removal of such encampments.

Proposal’s Purpose

One purpose of the Proposal is to strike a balance among a series of stakeholders, each having an interest in the issue of homeless encampments. Stakeholders include: the owners and residents of property within the City limits, the estimated 3,000 homeless who currently call “home” one of the numerous existing encampments on City-owned property, and those responsible for enforcing the Proposal.

The City has limited resources for removing encampments. Current removal rules do not prioritize encampment removal so as to minimize a removal's impact on the homeless, the community, and the environment. Also, encampment removal is disruptive to homeless individuals, and the City is concerned that homeless individuals are not aware of shelter alternatives.

The Proposal addresses these issues in several ways. From the standpoint of owners and residents of property within the City limits, the Proposal — specifically FAS Rule 17-01, is beneficial in several respects. It offers a new designation — the emphasis area — for City-owned properties where future encampments of any kind are prohibited. FAS Rule 17-01 also retains authority to immediately remove encampments considered to be an immediate hazard or an obstruction. Finally, FAS Rule 17-01 leaves undisturbed all the rights and remedies a private property owner has to remove encampments on their property.

From the perspective of encampment occupants — the homeless, FAS Rule 17-01 offers several important improvements over MDAR 08-01. First, by establishing a clear protocol across departments for the removing encampments on City-owned property, it makes the removal process more predictable. Second, FAS Rule 17-01 features robust procedures for giving notice of an encampment removal. Third, to better address the underlying cause of homelessness, FAS Rule 17-01 requires that outreach services be made available to anyone facing displacement by an encampment removal. Fourth, in part to reduce the likelihood of “encampment occupant recidivism,” FAS Rule 17-01 will require that the City identify or offer alternative accommodations to encampment occupants before it removes an encampment. FAS Rule 17-01 also establishes important safeguards to protect against the loss of personal property collected during the encampment-removal process.

From the standpoint of those within the City who are responsible for enforcing FAS Rule 17-01, the new rule offers several important, new tools. First, it provides an up-to-date road map for dealing with encampments. Second, it provides sufficient authority to remove encampments that are an immediate hazard or an obstruction. Third, to prevent encampments in those areas of chronic or persistent encampment removal, the City may designate the areas as “emphasis areas.” While this designation requires the City to patrol and fence the areas, future encampments within a designated emphasis area will be considered an obstruction and the encampment may be removed immediately. As such, the removal will not be subject to the outreach and alternative shelter provisions required in the case of most other encampment removals. Finally, by harmonizing the encampment-removal process across different departments, FAS Rule 17-01 reduces the likelihood that a given encampment removal will be done in a different manner.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Encampments that are subject to these rules occur throughout the City.

B. ENVIRONMENTAL ELEMENTS

Note: As the Proposal constitutes a nonproject action, it will have no impact on many of the environmental elements listed below. In such instances, the related question is considered to have no meaningful impact on the analysis. Such questions have been marked “no impact,” “not applicable,” or “none.”

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

The Applicant expects that certain provisions within FAS Rule 17-01, most notably the provision that authorizes the City to immediately remove encampments deemed to pose a risk of injury or death, will enable the City to expeditiously remove those encampments on sites that include steep slopes.

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The Applicant expects that encampments will be erected on a variety of different types of soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Although the Proposal is a nonproject action and is not site-specific, encampments that are located in environmentally-critical areas may lead to unstable soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The establishment of an encampment may lead to erosion on and around the encampment site.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The Applicant expects that establishing an encampment will generate little, if any, additional impervious surfaces (as such impervious surfaces are defined in Seattle Municipal Code section 22.801.100 - "I"). The Applicant expects that run-off from tents and tarps will be absorbed by pervious surfaces adjacent to tents and tarps.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

In the course of its property management activities, the Applicant will address on a case-by-case basis any material erosion or other material impacts to the earth attributable to an encampment. For example, in the case of material erosion, the City would consult with appropriate experts to develop and implement site-specific control measures. The Proposal will not result in a significant adverse impact to earth as an element of the environment.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Although the Proposal is a nonproject action and is not site-specific, encampments are expected to generate few, if any, emissions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None. The Proposal will not result in a significant adverse impact to air as an element of the environment.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Although the Proposal is a nonproject action and is not site-specific, an encampment may be established in the immediate vicinity of a surface water body. Waste generated by an encampment may have a negative impact on the quality of nearby waters but the impact is not expected to be a significant adverse impact.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Although the Proposal is a nonproject action and is not site-specific, while it is possible that an encampment may be established within 200 feet of a surface water body, based on past experience in addressing encampment locations, the Applicant considers it unlikely.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Proposal is a nonproject action and is not site-specific. Furthermore, as flood control structures have been built within each of the three areas in the City that are located within a 100-year floodplain, it is unlikely that a 100-year flood would directly impact any encampment or an encampment impact a 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Although the Proposal is a nonproject action and is not site-specific, an encampment might lead to the discharge of waste or trash into surface waters.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Although the Proposal is a nonproject action and is not site-specific, an encampment might lead to the discharge of waste or trash into surface waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No impact

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Hazards to humans or the environment posed by an encampment are a consideration in prioritizing encampment removals. Any encampment generating significant waste would be high-priority for removal under the Proposal. The Proposal will not result in a significant adverse impact to water as an element of the environment.

4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Although the Proposal is a nonproject action and is not site-specific, the Applicant anticipates that the establishment of encampments could lead to the removal of a small number shrubs, and to the degradation of grasses. Although some shrubs could be removed or grasses degraded, the Proposal will not result in a significant adverse impact to plants as an element of the environment.

- c. List threatened and endangered species known to be on or near the site.

Encampments are located in urbanized areas and it is unlikely that there will be threatened or endangered plant species on or near an encampment.

- c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

- d. List all noxious weeds and invasive species known to be on or near the site.

Not applicable.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

A variety of urban species including birds, raccoons, or other small mammals may exist near an encampment site.

- b. List any threatened and endangered species known to be on or near the site.

It is unlikely that any threatened or endangered species will be located at an encampment that largely occur in urbanized settings.

- c. Is the site part of a migration route? If so, explain.

Encampments largely occur in urbanized settings that are not used by migratory wildlife.

- d. Proposed measures to preserve or enhance wildlife, if any:

None. The Proposal will not result in a significant adverse impact to animals as an element of the environment.

- e. List any invasive animal species known to be on or near the site.

Not applicable.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Energy use associated with encampments and their removal is minimal.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None. The Proposal will not result in a significant adverse impact to energy or natural resources as an element of the environment.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Dumping trash, lack of sanitary sewerage systems for collecting and treating human waste, and the improper disposal of drug paraphernalia (specifically, hypodermic needles) are health hazards associated with encampments and their removal.

- 1) Describe any known or possible contamination at the site from present or past uses.

None known.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

- 4) Describe special emergency services that might be required.

Services for medical emergencies in the event of an accident or health condition of an encampment occupant.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

The City contracts for trash, water and sanitation services at certain encampments. The City also distributes “sharps” containers at authorized and unauthorized encampments in order to control and safely collect sharps. Furthermore, the provision within FAS Rule 17-01 where the City may immediately remove encampments deemed to present an immediate hazard (whether it be by increased exposure to the elements or an increased risk of injury or death associated with other encampment conditions) will mitigate environmental health hazards of encampments. The Proposal will not result in a significant adverse impact to environmental health as an element of the environment.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Encampments located near highways or heavily-used streets will be subject to vehicular noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Although the Proposal is a nonproject action and is not site-specific, encampments themselves could lead to additional noise from the use of radios.

- 3) Proposed measures to reduce or control noise impacts, if any:

Noise from an encampment is subject to the provisions of SMC Chapter 25.08, Noise Control. The Proposal will not result in a significant adverse impact to noise as an element of the environment.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Although the Proposal is a nonproject action and is not site-specific, the Proposal may lead to additional encampments. While an encampment may impact an adjacent property, it would not materially change the use or land-use capacity of an adjacent property.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

- c. Describe any structures on the site.

Although the Proposal is a nonproject action and is not site-specific, any encampments allowed under the Proposal would likely include tents and other similar structures.

- d. Will any structures be demolished? If so, what?

Under the Proposal, “demolition” would be limited to removing tents and other similar structures in the context of an encampment removal. The removal must comply with the encampment removal provisions in FAS Rule 17-01, including those provisions pertaining to the posting of notices, providing of outreach services, and the identification of alternative shelter.

- e. What is the current zoning classification of the site?

While the Proposal is a nonproject action and is not site-specific, the Applicant anticipates that encampments will occur on land representing every zoning classification in the City, including residential, commercial, and industrial.

- f. What is the current comprehensive plan designation of the site?

While the Proposal is a nonproject action and is not site-specific, the Applicant anticipates that encampments will occur on land representing every comprehensive-plan designation in the City.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

While the Proposal is a nonproject action and is not site-specific, the Applicant anticipates that some encampments will occur on land designated as a critical area.

i. Approximately how many people would reside or work in the completed project?

The Applicant anticipates that any encampments, which materialize as a result of the Proposal's enactment, might be one or more tents.

j. Approximately how many people would the completed project displace?

The Applicant estimates that encampment removals will result in "the displacement" of 1,000 individuals each year. Under the Proposal, all displaced individuals will be offered alternative shelter.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Under the Proposal, all displaced individuals will be offered alternative shelter.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

To mitigate impacts from encampment that are more egregious in their nature, FAS Rule 17-01 authorizes the immediate removal of encampments that block the normal use of a City facility or right-of-way, or that are deemed to constitute an immediate hazard. For example, an encampment that can only be accessed by crossing a ramp to a limited-access highway would constitute an immediate hazard.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None. The Proposal will not result in a significant adverse impact to land and shoreline use as an element of the environment.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

While the Proposal will not in and of itself produce additional housing units, certain FAS Rule 17-01 provisions are designed to mitigate the impacts of an encampment removal. More specifically, the notice provisions within FAS Rule 17-01 will provide encampment occupants with notice of the encampment's removal. The outreach services that will accompany most encampment removals are intended to provide encampment occupants with access to as many social services as possible. Finally, the alternative shelter provisions in FAS Rule 17-01 are expected to provide encampment occupants with a pathway to options for at least comparable and preferably superior shelter.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No impact.

- c. Proposed measures to reduce or control housing impacts, if any:

None. The Proposal will not result in a significant adverse impact to housing as an element of the environment.

10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

While the Proposal is a nonproject action and will not entail constructing any permanent(?) structures, the Applicant anticipates that no structures (i.e., tents, lean-to sheds, pole structures) in such encampments will extend beyond eight feet.

- b. What views in the immediate vicinity would be altered or obstructed?

No impact.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Possible measures to control the aesthetic impact of encampments include immediately removing encampments that constitute an immediate hazard or an obstruction (as the terms are defined in FAS Rule 17-01), as well as regular trash collection at some encampments. The Proposal will not result in a significant adverse impact to aesthetics as an element of the environment.

11. **Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Some individuals in an encampment will have flashlights.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

Some off-site light sources may affect the encampments, depending on where they are located, but the impacts are expected to be minimal..

- d. Proposed measures to reduce or control light and glare impacts, if any:

None. The Proposal will not result in a significant adverse impact to light and glare as an element of the environment.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

As the City generally has little control as to where an encampment is initially sited, it is possible that encampments may develop in the immediate vicinity of designated and informal recreational opportunities.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

As the City generally has little or no control as to where an encampment is initially sited, it is possible that encampments may develop in a park and in doing so displace existing, recreational users.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

If an encampment in a City park is a hazard or obstruction as defined in FAS Rule 17-01, it is subject to immediate removal. The Proposal will not result in a significant adverse impact to recreation as an element of the environment.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Some encampments may be located in areas of the City where buildings are listed or are eligible for listing in national, state, or local preservation registers.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None. The Proposal will not result in a significant adverse impact to historic and cultural preservation as an element of the environment.

14. **Transportation**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

As the City generally has little or no control as to where an encampment is initially sited, it is possible that encampments may develop within public right-of-ways within the City. If an encampment blocks the normal use of a right-of-way, it will be considered an obstruction and under FAS Rule 17-01, the City may immediately remove the encampment.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Experience has shown that encampments generally materialize in areas served by public transit. This pattern reflects the fact that encampment occupants depend on public transit as they often lack access to a personal vehicle.

- c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

None.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Removing encampments, monitoring emphasis areas, and providing other public services to homeless individuals living in encampments occurs through vehicular trips. It is unknown how many vehicles trips per day would occur.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

As the Applicant anticipates that encampment occupants will use the existing public transit network (e.g., METRO) and will introduce few if any single-occupancy vehicles to the local transportation infrastructure, no mitigation of transportation impacts is necessary. Under the Proposal, encampments that obstruct the normal use of roadways and sidewalks are obstructions that may be immediately removed in order to maintain the functionality of the City's transportation infrastructure. The Proposal will not result in a significant adverse impact to transportation as an element of the environment.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

As part of the Proposal (in particular, FAS Rule 17-01) imposes additional procedures on removing encampments, the Proposal may lead to an increase in: (a) the number of encampments on City-owned property; and (b) the duration of each encampment. The Applicant anticipates that the increased level of encampment activity will trigger increased demand for a variety of services, including outreach services as provided for in FAS Rule 17-01, fire including emergency medical services, and police services.

There are an estimated 400 encampments currently located across City properties. Multi-disciplinary outreach teams — typically two law enforcement officers, a team leader, two

outreach workers, and a three-to-five-person clean-up crew and their equipment — routinely operate across the City at various encampment sites. Outreach services range from furnishing something as simple as cross-town transportation to furnishing actual housing. The City’s multi-disciplinary outreach teams at times participate in encampment clean-up efforts initiated by other agencies (e.g., Washington State Department of Transportation).

The Proposal in and of itself is not expected to have a material impact on the number of homeless people living in Seattle, and therefore is not expected to change the need for public services. However, the Proposal might cause a shift in the location of encampments, requiring the City to from time to time adjust the delivery of services.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

While FAS Rule 17-01’s outreach provisions, where outreach personnel must be available at an encampment removal site to offer services and alternative shelter and the personnel must remain there until the encampment removal is completed, are expected to lead to increased demand for social services in the near term, to the extent encampment occupants productively use the services, the City hopes that in the long-term there will be a decline in the need for the services. The Proposal will not result in a significant adverse impact to public services as an element of the environment.

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Encampment sites do not have utilities.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Christopher Potter

Position and Agency/Organization Director, Operations and Internal Services, City of Seattle

Department of Finance and Administrative Services

Date Submitted: _____

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See discussion above in section B, Environmental Elements.

Proposed measures to avoid or reduce such increases are: *None*

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

See discussion above in section B, Environmental Elements.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

See discussion above in section B, Environmental Elements.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

As the City generally has little control as to where an encampment is initially sited, it is possible that encampments will develop within, or develop in the immediate vicinity of, areas designated for governmental protection. If an encampment is an obstruction (e.g., an encampment blocks the normal use of a ball-field within a City park) or immediate hazard (e.g., an encampment on a steep slope triggers material levels of erosion so as to pose risk of injury), FAS Rule 17-01 permits immediate removal of the encampment.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See answer to the first part of question 4.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See discussion above in section B, Environmental Elements.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The Proposal's principal measures to avoid or reduce shoreline and land-use impacts are two-fold: first, in removing encampments, the City will provide encampment occupants with outreach services, and will identify if not outright provide alternative shelter; second, City may designate emphasis areas, areas where future encampments are prohibited.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See discussion above in section B, Environmental Elements, in particular, section 15 (pertaining to Public Services).

Proposed measures to reduce or respond to such demand(s) are:

See discussion above in section B, Environmental Elements, in particular, section 15 (pertaining to Public Services).

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts have been identified. If an encampment is located in an environmentally critical area and constitutes a hazard, the encampment can be immediately removed and damage to the environment remediated.

City of Seattle

NOTICE OF PROPOSED REPEAL OF MULTI-DEPARTMENTAL ADMINISTRATIVE RULES - MDAR 08-01 - OPPORTUNITY TO COMMENT

The directors of the eight City of Seattle departments with jurisdiction over City real property, acting under the authority of Seattle Municipal Code Chapters 3 and 17, propose to repeal existing Multi-Department Administrative Rules MDAR 08-01, the rules which govern unauthorized camping on city properties, enforcement procedures, and removal of unauthorized property.

The eight directors proposing the repeal are:

Director of the Department of Finance and Administrative Services
Superintendent of the Parks and Recreation Department
General Manager and CEO of the City Light Department
Director of Seattle Public Utilities
Director of the Seattle Department of Transportation
Director of the Department of Neighborhoods
Director of the Office of Housing
Director of the Seattle Center Department

Paper copies of the existing rule 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 repeal of the existing 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
PO Box 94689
Seattle, WA 98124-4689
frances.samaniego@seattle.gov

MDAR 08-01 to be superseded by proposed MDAR 17-01.

Clerk File No. 309286

Clerk File No. 309286
Multi-Departmental Administrative Rule MDAR 08-01,
relating to Operating Hours for City Properties;
Unauthorized Camping on City Properties; Enforcement
Procedures; and Removal of Unauthorized
Property.


The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition:

April 7 2008
Date Filed with City Clerk


By

Committee Action:

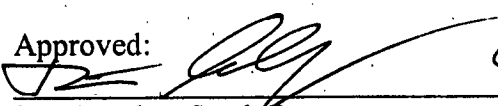
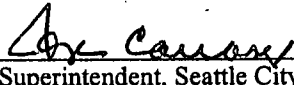


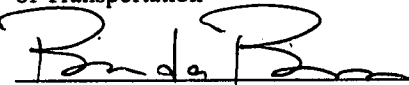
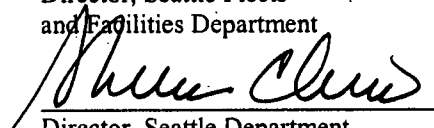
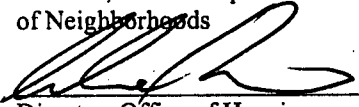

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote

MDAR 08-01 to be superseded by proposed MDAR 17-01.

<p>Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES</p> <p>Rules Regarding:</p> <p>Operating Hours for City Properties; Unauthorized Camping on City Properties; Enforcement Procedures; and Removal of Unauthorized Property.</p>	<p>No. MDAR 08-01</p> <p>Effective: <u>4/7</u>, 2008</p>
<p>Approved:</p> <p> <u>4/7/08</u> Superintendent, Seattle Dept. of Parks and Recreation Date</p> <p> <u>4/4/08</u> Superintendent, Seattle City Light Date</p> <p> <u>4/4/08</u> Director, Seattle Public Utilities Date</p> <p> <u>4.4.8</u> Director, Seattle Department of Transportation Date</p> <p> <u>4/4/08</u> Director, Seattle Fleets and Facilities Department Date</p> <p> <u>4.4.08</u> Director, Seattle Department of Neighborhoods Date</p> <p> <u>4/7/08</u> Director, Office of Housing Date</p> <p> <u>4/7/08</u> Director, Seattle Center Date</p>	<p>FILED CITY OF SEATTLE 08 APR -7 PM 1:41 CITY CLERK</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"), Fleets and Facilities Department ("FFD") 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 utilize public property 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 only during certain operating hours or only for certain limited purposes;

1.1.2 Erecting unauthorized structures, tents, or other shelters;

1.1.3 Unauthorized camping. Unauthorized camping includes erecting unauthorized structures, tents, or other shelters, or assembling camping equipment, in order to unlawfully remain in an area that is not open to the public, or is open to the public only during certain operating hours or for certain limited purposes.

In developing and promulgating these rules, the City has reviewed information received from a variety of sources, including members of the public, City employees and other authorized City agents. That information includes written descriptions, photographs, video, and other forms of information regarding conditions in areas where unauthorized camping has taken place.

Based on that information, the City finds that unauthorized camping and the erection of unauthorized structures has exacerbated the following problems the rules are designed to reduce:

1. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that threaten the health and safety of campers, other members of the public, and City employees;

2. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that increase the presence of rodents and other vermin;

3. Criminal activity, including incidents of violent crime and felony drug trafficking, that threaten the health and safety of campers, other members of the public, and City employees;

4. The presence of used hypodermic needles that threaten the health and safety of campers, other members of the public, and City employees;

**MULTI-DEPARTMENTAL
ADMINISTRATIVE RULES ---MDAR 08-01**

5. The presence of unlawful weapons and other contraband that threaten the health and safety of campers, other members of the public, and City employees;

6. Destruction or vandalism of public property;

7. Damage to trees, plants, and other vegetation;

8. Fires that threaten the health and safety of campers, other members of the public, and City employees, and have damaged public infrastructure and improvements, including overpasses and public rights of way;

9. A public perception that it is unsafe to enter certain public properties, thereby discouraging the public uses for which the property is intended and maintained;

10. Structures, garbage accumulation, camping equipment and other obstructions that interfere with the intended uses of the property or with maintenance, repair, or improvements to the property, thereby discouraging the public uses for which the property is intended and maintained.

1.2 Present Laws and Administrative Rules

1.2.1 The Parks Code (SMC Chapter 18.12) establishes general operating hours for parks, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, the issuance of Parks Exclusion Notices.

1.2.2 The Street Use Ordinance (SMC Chapter 15.04) prohibits the unauthorized entry onto SDOT property that is not open to the public and prohibits the erection of unauthorized structures on SDOT property.

1.2.3 A SPU administrative rule for Open Spaces establishes operating hours, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, issuance of administrative notices of exclusion.

1.2.4 FFD administrative rules establish FFD operating hours, general rules of conduct, including the prohibition of camping, and provide for enforcement by, among other means, issuance of administrative notices of exclusion.

1.2.5 Seattle Center Campus Rules prohibit camping and require a permit for the erection of structures on Seattle Center property.

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1.3. General Purpose

The general purpose of these administrative rules is to establish uniform rules and procedures for the enforcement of present laws and administrative rules in Parks, in SPU open spaces, on SDOT property, on SCL property; on FFD property, on DON property, on OH property; and on Seattle Center property.

1.4 Specific Purposes

Specific purposes of these rules include to:

1.4.1 Establish rules and procedures regarding entering or remaining in certain areas of City property that are either not open to the public or are open to the public only during certain operating hours;

1.4.2 Establish rules and procedures regarding the erection of structures or the placement of equipment on certain City property;

1.4.3 Establish administrative rules prohibiting camping on City property under the jurisdiction of City departments, including Seattle Department of Transportation (SDOT); Seattle City Light (SCL); Fleets and Facilities Department (FFD); the Department of Neighborhoods (DON), the Office of Housing (OH), and Seattle Center.

1.4.4 Establish uniform administrative enforcement rules for Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center;

1.4.5 To establish for Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center standard procedures regarding the removal from City property of unlawful or unauthorized structures, camping equipment, and other personal property left on City property.

1.4.6 Define "camping" as that term is used in: SMC Section 18.12.250 (Parks Code) and in SPU Open Space Rule (October 2006).

2.0 REFERENCES AND AUTHORITY

2.1 SMC 18.12.250 "Camping";

2.2 SMC 18.12.278 "Park Exclusion";

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2.3 SMC 18.12.030 "Definitions";

2.4 SMC 18.30.010 "Definitions";

2.5 SMC 15.04.012 "Use and Occupation Permits";

2.6. SMC 15.38 "Impounding",

2.7 These administrative rules are authorized by and promulgated as provided in the City Administrative Code (SMC Chapter 3.02) and:

2.7.1 SMC 3.26.040 (Parks);

2.7.2 SMC 3.32.020 (SPU);

2.7.3 SMC 3.12.020 (SDOT);

2.7.4 SMC 3.08.020 (SCL);

2.7.5 SMC 3.18.030 (FFD);

2.7.6 SMC 3.35.040 (DON);

2.7.7 SMC 3.14.740 (OH); and,

2.7.8 SMC 17.04.040 (Seattle Center).

3.0 DEFINITIONS

3.1 "Abandoned" means that personal property in a public place is presumed to be abandoned by the owner or custodian so as to permit an authorizing official to take custody whenever:

A. The property is placed out for collection in conjunction with solid waste or recyclable material on the scheduled date for City collection, or it is placed there on a date contemporaneous with a community collection or clean-up;

B. A reasonable person would not allow the property to be there unattended for the length of time the property has been there, taking into account the location of the property in the sidewalk or roadway, the type of property, the danger of theft, and the risk of damage from weather;

C. No name appears on the property and the occupant or owner of the adjacent real property on inquiry disclaims ownership, and there is no permit for such a use of the public place; or

D. The property is unattended, without a permit, on a sidewalk or planting strip adjoining a park or in a park drive or boulevard.

3.2 "Authorizing Official" means as to property under their jurisdiction the Superintendent of Parks and Recreation, the Superintendent of Seattle City Light, the Directors of SPU, SDOT, FFD, DON, OH, or Seattle Center, and their respective authorized designees.

3.3 "Camp" and "camping" means (for purposes of SMC 18.12.250, SPU Open Space Rules issued December 2006, and these rules) to erect a tent or other shelter, or to assemble on City property camping equipment and personal property, that to a reasonable person evidences that a person has remained, or intends to remain, on the property overnight or on the property when it is closed to the public. Camping equipment includes but is not limited to, tarps, blankets, sleeping bags, cooking equipment and other items commonly associated with remaining overnight.

3.4 "City" means the City of Seattle.

3.5 "City Property" means City buildings and adjacent premises owned or occupied by the City, and any real property or facilities owned by, operated by, or under the jurisdiction of a city department, including Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center.

3.6 "Contraband" means any property that is unlawful to produce or to possess.

3.7 "Department" means the Seattle Department of Parks and Recreation ("Parks"), the Seattle Public Utilities ("SPU"), Seattle City Light ("SCL"), Seattle Department of Transportation ("SDOT"); Fleets and Facilities Department ("FFD"); the Department of Neighborhoods ("DON"), Office of Housing ("OH"), or Seattle Center.

3.8 "Director" means the Director of Seattle Public Utilities, the Seattle Department of Transportation, the Fleets and Facilities Department, or the DON, OH, and Seattle Center or his or her authorized designee.

3.9 "Encampment" means three (3) or more unauthorized structures in an identifiable area which appear to be being used for unauthorized camping. An identifiable area includes areas where the structures are in sight of each other and/or areas where each of the structures is located within approximately 300 feet of another structure.

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3.10 "Garbage" or "refuse" means any item that in its present condition has no apparent utility.

3.11 "Hazardous items" means an item that reasonably appears to pose a health or safety risk to members of the public or to City employees or to other authorized personnel. Hazardous items include blankets, clothing, sleeping bags, or other soft goods that are in an unsanitary condition or appear to be otherwise contaminated by unknown substances.

3.12 "Obstruction" means an item is located in such a way as to impede a sidewalk, trail, path, or other commonly used route of travel through City property.

3.13 "Open Space" means land owned, operated and occupied by SPU, either improved or unimproved, including land predominantly in its natural state, riparian areas, watersheds or other habitat areas, which are preserved from urbanization and with which a public right of way is associated. Open space does not include parks that are under the jurisdiction of the Department of Parks and Recreation.

3.14 "Park" means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds; playfields, botanical gardens, greenbelts, parking lots, community centers, and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent of the Department of Parks and Recreation.

3.15 "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, wheelchairs, and any item that appears to have a reasonable value of more than \$25. Personal property does not include building materials such as wood products, metal, 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 these rules.

3.16 "Reasonable value" means the amount of money an item could be expected to sell for, in its current condition, on an open market.

3.17 "Structure" means anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner. Structures include, but are not limited to, buildings, lean-tos, tents, awnings, and tarps.

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3.18 "SMC" means Seattle Municipal Code.

3.19 "Superintendent" means the Superintendent of Parks and Recreation or the Superintendent of Seattle City Light, as appropriate in the context, or his or her authorized designees.

3.20 "Unauthorized item" means an item that is abandoned on public property, that is present on public property without a required permit or other authorization, or that evidences use for camping in violation of applicable law or these rules.

4.0 INDIVIDUAL DEPARTMENTAL RULES

The following rules apply to property owned, operated or under the jurisdiction of the applicable department.

4.1 Parks

4.1.1 Operating Hours and Areas Closed to the Public. Some Parks property is closed to the public at all times. Other Parks property is open to the public only during established operating hours.

4.1.1.1 General park operating hours are between 4:00 a.m. and 11:30 p.m. as established in SMC 18.12.245.

4.1.1.2 Special operating hours may be established for individual parks or facilities either by administrative rule or by posting as provided in SMC 18.12.040 and SMC 3.02.020.

4.1.1.3 Violation. In addition to a violation of any other applicable law, it is also a violation of these rules to enter or remain in any area of a park when the area is closed to the public.

4.1.2 Structures, Tents, or other Shelters

4.1.2.1 Permit Required. SMC 18.12.070 requires a permit to erect a structure in a park.

4.1.2.2 Violation. SMC 18.12.275 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of SMC 18.12.275. In addition to a violation of that or any other

applicable law, it is also a violation of these rules to erect any structure in a park without a required permit.

4.1.3 Camping

4.1.3.1 SMC 18.12.250 prohibits camping in any park except in places set aside and posted for such purposes by the Superintendent.

4.1.3.2 Violation. In addition to a violation of SMC 18.12.250 or other applicable law, it is also a violation of these rules to camp except in places set aside and posted for such purposes by the Superintendent.

4.2 Seattle Public Utilities (SPU)

4.2.1 Operating Hours and Areas Closed to the Public. Some SPU property may be closed to the public at all times. Other SPU property is open to the public only during established operating hours.

4.2.1.1 General operating hours for SPU Open Spaces are from 4:00 a.m. to 11:00 p.m., as provided in SPU Open Space Rules (December 2006).

4.2.1.2 Different operating hours may be established for particular SPU property either by separate administrative rule or by posting as provided in SMC 3.02.020.

4.2.1.3 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any area of SPU property when the area is closed to the public.

4.2.2 Structures, Tents, or other Shelters. SPU Open Space Rule (December 2006) prohibits, among other things, erecting any structure, including but not limited to tents, barricades, and fencing in any SPU Open Space.

4.2.3 Camping. SPU Open Space Rule (December 2006) prohibits, among other things, unauthorized camping in any SPU Open Space. In addition to a violation of that rule or other applicable law, unauthorized camping in any SPU Open Space is also a violation of these rules.

4.3 Seattle Department of Transportation (SDOT)

4.3.1 Operating Hours and Areas Closed to the Public. Some SDOT property may be closed to the public at all times. Other SDOT property may be open to the public only during established operating hours. Operating hours for particular SDOT properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.3.1.1 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any area of SDOT property when the area is not open to the public.

4.3.2 Structures, Tents, or other Shelters

4.3.2.1 Permit Required. SMC 15.04.010 and 15.02.048 requires a permit for, among other uses, the erection of any structure in a public place.

4.3.2.2 Violation. SMC 15.04.010 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of Chapter 15. In addition, it is a violation of these rules to erect any structure on any SDOT property without a required permit.

4.3.3 Camping

4.3.3.1 Violation. In addition to violating any other applicable law, unauthorized camping on any SDOT property posted as "No Camping" or similarly posted, is a violation of this rule.

4.3.4 SDOT Notice of Exclusion. An SDOT notice of exclusion issued pursuant to these rules shall not preclude a person from utilizing an open public right of way for transportation purposes.

4.4 Seattle City Light (SCL)

4.4.1 Operating Hours and Areas Closed to the Public. Some SCL property may be closed to the public at all times. Other SCL property may be open to the public only during established operating hours. Operating hours for particular SCL properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.4.1.1 Violation. In addition to violating any other applicable law, it is also a violation of these rules for any person to enter or remain in any area of any SCL property when the area is closed to the public.

4.4.2 Structures, Tents, or other Shelters

4.4.2.1 Violation. In addition to violating any other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any SCL property without the written permission of the Superintendent.

4.4.3 Camping

4.4.3.1 Violation. In addition to violating other applicable law, unauthorized camping on any SCL property is also a violation of these rules.

4.5 Fleets and Facilities Department (FFD)

4.5.1 Operating Hours and Areas Closed to the Public. Some FFD property may be closed to the public at all times. Other FFD property may be open to the public only during established operating hours. Operating hours for particular FFD properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.5.1.1 FFD rule (January 2005) establishes building and facility operating hours, unless provided otherwise by rule or by posting, as from 7:00 a.m. to 6:00 p.m., Monday through Friday, except for City holidays. FFD buildings and facilities are generally not open to the public on Saturday, Sunday, during City holidays and on weekdays between 6:00 p.m. and 7:00 a.m.

4.5.1.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property under the jurisdiction of FFD when the area is closed to the public.

4.5.2 Structures, Tents, or other Shelters

4.5.2.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any FFD property without the written permission of the Director.

4.5.3 Camping

FFD Administrative Rule (January 2005) prohibits, among other things, unauthorized camping on any FFD property.

4.5.4. In addition to a violation of that rule or other applicable law, unauthorized camping on any FFD property is also a violation of these rules.

4.6 Department of Neighborhoods (DON)

4.6.1 Operating Hours and Areas Not Open to the Public. Some DON property may be closed to the public at all times. Other DON property may be open to the public only during established operating hours. Operating hours for particular DON properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.6.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property under the jurisdiction of DON when the area is not open to the public.

4.6.3 Structures, Tents, or other Shelters

4.4.2.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any DON property without the written permission of the Director.

4.6.4 Camping

4.6.4.1 Violation. In addition to violating any other applicable law, unauthorized camping on any DON property is also a violation of these rules.

4.7 Seattle Center

4.7.1 Operating Hours and Areas Not Open to the Public. Some Seattle Center property may be closed to the public at all times. Other Seattle Center property may be open to the public only during established operating hours. The Seattle Center Campus is open from 7:00 A.M. to Midnight daily (Ordinance No. 92792). Seattle Center may establish other operating hours for particular areas or facilities.

4.7.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property or facility under the jurisdiction of Seattle Center when the area is not open to the public.

4.7.3 Structures, Tents, or other Shelters

4.7.3.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to place any structure, tent, or other shelter on any Seattle Center property without the written permission of the Director.

4.7.4 Camping. Violation. In addition to violating any other applicable law, unauthorized camping on any Seattle Center property is also a violation of these rules.

4.8 Office of Housing (OH)

4.8.1 Operating Hours and Areas Not Open to the Public. Some OH property may be closed to the public at all times. Other OH property may be open to the public only during established operating hours.

4.8.2 Violation In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property or facility under the jurisdiction of the OH when the area is not open to the public.

4.8.3 Structures, Tents, or other Shelters

4.7.3.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to place any structure, tent, or other shelter on any OH property without the written permission of the Director.

4.8.4 Camping. Violation. In addition to violating any other applicable law, unauthorized camping on any OH property is also a violation of these rules.

5.0 ENFORCEMENT

5.1. These rules are enforced in the same way as any other administrative rules. Any violation of these or any other applicable rule or law may, depending on the particular circumstances, result in one or more of the following:

5.1.1 Written or oral withdrawal of a person's permission to remain on the property;

5.1.2 Issuance of a Parks Notice of Exclusion as provided in SMC 18.12.278 if the property is Parks Department property;

5.1.3 Issuance of an administrative notice of exclusion if the property is not Parks property;

5.1.4 Issuance of a citation, a notice of infraction, or other enforcement action under applicable law.

5.2 Criminal Trespass

5.2.1 Criminal Trespass – Areas closed to the public. Any person who enters or remains on City property when such areas are closed to the public is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

5.2.2 Criminal Trespass – Notice of Exclusion. Any person who enters or remains in an area in violation of a Notice of Exclusion from that area is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

5.2.3 Criminal Trespass – Withdrawal of Permission. Any person who remains on City property after having received notice that his or her permission to remain on that property has been withdrawn is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

6.0 NOTICES OF EXCLUSION

6.1 Parks Exclusion Under SMC 18.12.278.

6.1.1 Issuance The Superintendent may, by delivering a Notice of Exclusion in person to the offender, exclude from any park a person who has violated any law or any rule designated by the Superintendent as a "parks rule" as provided in SMC 18.12.278. The Superintendent hereby designates these rules as "parks rules", the violation of which may result in issuance of a Parks Exclusion Notice.

6.1.2 Period of Exclusion. The period of exclusion for a Parks Exclusion Notice shall be as provided in SMC 18.12.278.

6.1.3 Appeals. Any person who receives a Parks Exclusion Notice for a period of time exceeding 7 (seven) days may file an appeal within seven (7) calendar days as provided in SMC 18.12.278.

6.2 Administrative Notices of Exclusion from City Property other than Parks Property.

6.2.1 Issuance. The authorizing official may issue an Administrative Notice of Exclusion as provided in these or other applicable administrative rules.

6.2.2 Delegation.

6.2.2.1 Sworn Seattle Police Department personnel are authorized to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

6.2.2.2 The authorizing official may also in writing authorize others to enforce on City property these and any other applicable written or posted rules. However, only City employees may be authorized to issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.

6.2.3 Basis for Exclusion. The excluded person need not be charged, tried, or convicted of any crime or infraction in order for a notice of exclusion to be issued or effective. The exclusion may be based on observation by the Director or Superintendent, or his or her authorized representatives, or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

6.2.4 Contents of Notice. The Notice of Exclusion shall be in writing and shall be signed by the issuing individual. It shall specify the date of issuance and the length and places of exclusion. Warning of the consequences for failure to comply and the processes regarding an administrative review hearing shall be prominently displayed in the Notice of Exclusion.

6.2.5 Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that his/her privileges to enter upon City property have been revoked. Receipt of the notice is also construed to have been accomplished two (2) days after an exclusion notice

is placed in the U.S. mail to an individual's last known address.

6.2.6 Periods of Exclusion.

6.2.6.1 Felony or Weapons Violation. If the current violation is a felony or a weapons violation, the person may be excluded for up to one year.

6.2.6.2 If the current violation is not a felony or a weapons violation, the person may be excluded as provided below:

6.2.6.2.1 No Prior Exclusion within One Year. If a person has not been excluded from any City property under the jurisdiction of the issuing department within the preceding year, the person may be excluded for up to seven days from the date of the Notice of Exclusion. If the violation occurred on property owned and maintained by Parks, then the Superintendent may exclude the violator from the City park zone in which the current violation occurred.

6.2.6.2.2 One Prior Notice of Exclusion. If a person has been the subject of only one Notice of Exclusion issued within one year prior to the current violation, the person may be excluded for up to 30 days from the date of the Notice of Exclusion.

6.2.6.2.3 Two or More Prior Notices of Exclusion. If a person has been the subject of two or more Notice of Exclusions issued within one year prior to the current violation, the person may be excluded for up to one year from the date of the Notice of Exclusion.

6.2.7 Administrative Hearings – Notices of Exclusion.

6.2.7.1 If the issuing department has administrative rules that apply to such administrative hearings, those rules apply.

6.2.7.2 If the issuing department does not have rules that apply to such administrative hearings, the following rules apply;

6.2.7.2.1 Request for Administrative Review. A person who receives a Notice of Exclusion for a period greater than seven (7) days may within seven (7) business days of issuance of the notice submit a written request to the authorizing official for an administrative hearing. The person seeking the hearing shall include in the request any written documentation he or

she seeks to have considered in the administrative review process. The notice of exclusion remains in effect pending administrative review.

6.2.7.2.2 If a person timely requests an administrative review, the authorizing official shall designate a Review Officer. The administrative review is an informal process designed to give the individual the opportunity to explain his or her side of the events surrounding the alleged violation. The Review Officer may at his or her discretion conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion. The Review Officer may consider sworn written or verbal statements and give them the appropriate weight under the circumstances.

6.2.7.2.3 The Review Officer shall provide a written decision within 10 business days of the request for review. The decision may affirm, modify, terminate, or reverse the exclusion order. The Review Officer's decision is final City action on the review.

7.0 REMOVAL OF PROPERTY.

7.1 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to abandon or to store without authorization personal property on City property or to place garbage or refuse anywhere on City property except in a designated receptacle.

7.2 Summary Removal and Disposal: Garbage, Refuse, Hazardous Items, Building Materials, Contraband, or Evidence of a Crime.

7.2.1 Removal and Disposal. The authorizing official may summarily and without advance notice remove and dispose of the following: refuse; hazardous items, building materials, contraband; or evidence of a possible crime.

7.2.2 Contraband or Evidence. The authorizing official shall, before disposal, allow the appropriate law enforcement agency the opportunity to take possession of any item that is contraband or evidence of a possible crime.

7.3 Notice of Removal and Storage of Personal Property. The authorizing official shall post a notice on the property providing information regarding how individuals may claim removed personal property.

7.4 Additional Notice Required Under Limited Circumstances

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7.4.1 Notice Prior to Removal of Personal Property from an Encampment.

The authorizing official shall follow the procedures below before removing personal property from an encampment. These Notice procedures do not apply to: 1) any items that are not personal property or are obstructions, or 2) to any encampment in which the authorizing official has reasonable suspicion that a person in the encampment is engaged in (a) a violent crime, (b) a felony drug delivery, or is in possession of weapons in the encampment.

7.4.1.1 Minimum Seventy-Two Hour Notice.

The authorizing official shall post on the property a written notice that camping in the area is prohibited and that personal property left in the area will be removed at least seventy-two (72) hours before removing personal property from an encampment. The authorizing official shall upon request grant permission to a person to enter a property after notice has been posted to remove his or her personal property. Such permission need not be granted to a person who is the subject of a current notice of exclusion from the property. If the property is at certain times closed to the public, the authorizing official may require such entry to occur during times that the property is open to the public.

7.4.1.2 Posting Recurring Encampments.

If the authorizing official determines that an area is a site of recurring encampments, the authorizing official may post on the property notice that camping is prohibited, that personal property left in the area is subject to immediate removal without further notice, and procedures regarding how to claim removed personal property. "Recurring encampments" means, that an encampment has been observed on the property three (3) or more times within any sixty (60) day period. The authorizing official may remove personal property from an encampment located on property that has been posted under this section without providing the minimum seventy-two hour notice described above.

7.4.2 Owner Identified. If the name and contact information for the owner of a particular item of personal property is identified on the item, the authorizing official shall attempt to provide to the identified owner via the contact information notice that the item has been removed, is being stored, and the procedure for claiming the item.

7.4.3 Property Valued at over \$100. If the owner is not identified on an item of personal property, and the item has a reasonable value of \$100 or more, the authorizing official shall publish notice in a newspaper or on a City website that the item has been removed, is being stored, and the procedures for claiming the item.

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7.5 Disposal of Unclaimed Personal Property. The authorizing official may dispose of any item of stored personal property if it is unclaimed after a period of sixty (60) days.

8.0 Delegation and Guidelines.

8.1 An authorizing official may authorize any person or organization to assist in implementing these rules. However, only authorized City employees may issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.

8.2 An authorizing official may issue operating guidelines, procedures, or protocols that, among other things, inform City employees and other authorized persons how to properly implement these rules.

