

WHEREAS, the Austin City Council has identified ending homelessness as its top priority; and

WHEREAS, unwanted camping, sitting, and lying remain prohibited on private property when forbidden by the property owner; and

WHEREAS, at the June 20, 2019, meeting, the Council also passed Resolution 20190620-184 directing the City Manager to recommend reasonable time and place opportunities and limitations on camping, sitting, and lying, as well as options for non-criminal strategies for enforcing the above; and

WHEREAS, in its August 30, 2019, memorandum, staff recommended that the Council consider limiting camping in areas with high pedestrian and vehicular traffic as well as high flood risk areas, for health and safety reasons; and

22 **WHEREAS**, the Council desires to ensure the public health and safety of individuals
23 camping as well as those around them; and

24 **WHEREAS**, in consideration of the staff guidance and other community feedback
25 related to public health and safety issues, the Council has identified areas of the city where
26 camping, sitting, and lying should not occur, and revisions to City Code Sections 9-4-11
27 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community*
28 *Court Area Prohibited*) reflect these clarifications and restrictions; and

29 **WHEREAS**, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify
30 sidewalks, trails, traffic islands, and steeply sloped areas under highways as being among
31 the areas with high pedestrian and vehicular traffic and those revisions would accordingly
32 restrict camping; and

33 **WHEREAS**, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify
34 land with a strong propensity to flood, creeks and rivers, storm drains and culverts, and high
35 fire risk properties as being among the areas posing high flood risk or environmental
36 concerns, and those revisions would accordingly restrict camping access; and

37 **WHEREAS**, the public areas around the Austin Resource Center for the Homeless
38 (ARCH) need improved maintenance, sanitation, and safety for ARCH guests as well as
39 other pedestrians, and the National Alliance to End Homelessness has recommended
40 reducing activities that currently exist outside the ARCH to make the emergency shelter
41 more welcoming to individuals experiencing homelessness; and

42 **WHEREAS**, Front Steps (the nonprofit manager of the ARCH) and the City have
43 begun transforming services at the shelter as well as renovating the interior and exterior
44 spaces; and

45 **WHEREAS**, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify
46 camping, sitting, and lying around existing and planned emergency shelters; and

47 **WHEREAS**, the Council intends to increase places where camping is prohibited as
48 additional housing options become available citywide; **NOW, THEREFORE,**

49 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

50 The City Manager is directed to identify the following for the purpose of proposing to
51 update the relevant provisions of City Code Sections 9-4-11 (*Camping in Public Area*
52 *Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*):

- 53
- 54 • roadways with high pedestrian and vehicular traffic
 - 55 • flood prone areas; and
 - 56 • areas and practices within the wildland urban interface areas that present public safety
57 or public health risks
- 58

59 **BE IT FURTHER RESOLVED:**

60 To assist in notifying the public of areas where camping is prohibited, the City
61 Manager shall post signage in appropriate places. The City Manager shall also initiate a
62 robust education and awareness campaign so individuals affected by these changes can be
63 alerted as quickly as possible.

64 **BE IT FURTHER RESOLVED:**

The City Manager is directed to compile and make available a map and guide that would assist the public in understanding the prohibitions imposed by City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*). This guide should be completed by May 1, 2020.

BE IT FURTHER RESOLVED:

The Council affirms that state and local regulations will continue to be enforced at campsites, including the following:

- Laws as they relate to grills, fire pits, or other mechanisms for cooking or heating
- Laws as they relate to built structures
- No furniture or other objects placed in a manner such that they could fall into the path of a pedestrian, vehicle, wheelchair, or micro-mobility device
- Pet and human waste must be contained in an appropriate receptacle
- Trash and food waste must be deposited into a trash receptacle or bag provided for that purpose
- No modifications of public infrastructure that damage the public infrastructure and/or the placement of furniture that obstructs pedestrian access to benches, parking pay stations, patios, or other public amenities
- Adherence to city regulations or city/state/or federal laws, including those prohibiting drug use and public intoxication

BE IT FURTHER RESOLVED:

By January 1, 2020, the City Manager shall advise Council as to whether other practices or structures pose public safety or health concerns for individuals camping or others and will be addressed in administrative city regulations as an update to City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*).

BE IT FURTHER RESOLVED:

By January 1, 2020, the City Manager is directed to estimate costs and propose a plan for offering replacement equipment to individuals experiencing homelessness who may be using items that create public health or public safety risks.

BE IT FURTHER RESOLVED:

The City Manager is directed to identify camping locations throughout the city where the City shall provide restrooms and garbage pickup. The City Manager is directed to examine options such as portable toilet and/or “wag bags,” as well as additional trash receptacles that may be provided camps to improve sanitary conditions. The City Manager shall return to Council with a list of such sites no later than November 1, 2019.

The Council further directs the City Manager to explore facilitating access to showers and laundry services, perhaps through a mobile vehicle, and to report back on options by January 1, 2020.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide a progress report by December 1, 2019, on the exterior and interior renovations at the ARCH, the transition to housing-focused services, safety within and outside the shelter, and the phased-in approach to eliminating camping in the immediate surroundings as described in City Code Sections 9-4-11 and 9-4-14.

BE IT FURTHER RESOLVED:

The Council desires to enforce the measures detailed in City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) with non-criminal methods to the greatest extent possible.

113 Whenever possible, a law enforcement officer shall provide the person a reasonable
114 opportunity to change locations to a non-restricted area. The law enforcement officer shall
115 contact a member of the Homelessness Outreach Street Team (HOST), case worker,
116 community health paramedic, or other city designee who shall offer to transport a person
117 who continues to camp in a restricted area to the appropriate location for case management
118 and housing services. The City Manager is directed to identify housing locations and housing
119 voucher funds for the purpose of providing case management and housing services to people
120 camping in prohibited areas and to provide Council with this information no later than
121 November 1, 2019.

122 In instances in which referral and/or transportation of people camping in prohibited
123 areas is not feasible, the City Manager is directed to catalog the circumstances in which the
124 determination was made and to provide that report to the Council on a quarterly basis.

125 The City Manager is directed to advise about the potential need for additional staff
126 and resources and possible funding sources needed to carry out an effective process.

127
128
129
130 ADOPTED: _____, 2019

ATTEST: _____

Jannette S. Goodall
City Clerk