

RESOLUTION NO.

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

WHEREAS, on June 20, 2019, the City Council voted to amend City Code Chapter 9-4-11 (*Camping in Public Area Prohibited*) to make camping in public areas criminal only when the camping activity materially endangered health and safety or when it intentionally, knowingly, or recklessly rendered impassable or impeded the reasonable use of the public area by making use of the area unreasonably inconvenient or hazardous; and

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

WHEREAS, camping remains prohibited in public parks, public libraries, recreation centers, courthouses, City Hall and ceremonial buildings, the Capitol Complex, and other areas and facilities with administratively-imposed curfews or building use rules; 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 their August 30, 2019, memorandum, staff recommended that the City 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

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

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

9 **WHEREAS**, proposed revisions to City Code Sections 9-4-11 and 9-4-14
10 identify sidewalks, trails, traffic islands, and steeply sloped areas under highways
11 as being among the areas that pose health and safety risks, and those revisions
12 would accordingly restrict camping; and

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

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

1 **WHEREAS**, Front Steps (the nonprofit manager of the ARCH) and the City
2 of Austin have begun transforming services at the shelter as well as renovating the
3 interior and exterior spaces; and

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

7 **WHEREAS**, while some of the proposed revisions would take effect
8 immediately, others would be enforced only after individuals have been connected
9 to housing and services; and

10 **WHEREAS**, as additional housing options become available citywide, the
11 Council intends to phase in additional places where camping will be prohibited for
12 public health and safety reasons; and

13 **WHEREAS**, Philadelphia implemented the “Encampment Resolution
14 Pilot,” an interdisciplinary collaboration in which outreach teams connected
15 individuals in identified encampments to low-barrier housing and services, and the
16 program connected 126 individuals to housing and/or substance use treatment; and

17 **WHEREAS**, The City owns the former HealthSouth properties at 1215 Red
18 River Street and 606 East 12th Street, and the City Council has directed the City
19 Manager to identify a partner to collaborate on the redevelopment of the property
20 to create housing, primarily for individuals who earn 60% of median family
21 income; and

22 **WHEREAS**, The HealthSouth property is located within Downtown Austin
23 relatively close to the ARCH; and

1 **WHEREAS**, Several stakeholders, including Travis County Judge Eckhardt,
2 signed a letter requesting that the City consider a range of possibilities for the
3 property, including permanent supportive housing and respite care for individuals
4 experiencing homelessness; and

5 **WHEREAS**, Although it is a high priority, the redevelopment of Health
6 South to create long-term housing opportunities will take several years, and the
7 building could be put to a short-term use in the interim instead of remaining
8 vacant; and **NOW, THEREFORE**,

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

10 To assist in notifying the public of areas where camping is prohibited, the
11 City Manager will take steps to post appropriate signage. The City Manager shall
12 also initiate a robust education and awareness campaign so individuals impacted by
13 these changes can be alerted as quickly as possible.

14 **BE IT FURTHER RESOLVED:**

15 The City Manager is directed to compile and make available a guide to assist
16 the public in understanding the prohibitions imposed by City Code Sections 9-4-11
17 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown*
18 *Community Court Area Prohibited*). This guide should be completed by December
19 1, 2019.

20 **BE IT FURTHER RESOLVED:**

21 That the Council affirms that state and local regulations will continue to be
22 enforced at encampments. These include, but are not limited to, laws regulating the

1 use of grills, fire pits, or other mechanisms for cooking or heating; those related to
2 the building of structures; and those prohibiting drug use and public intoxication.

3 The Council further affirms that furniture or other objects should not be
4 placed in a manner such that they could fall into the path of a pedestrian, vehicle,
5 wheelchair, or micro-mobility device; that pet and human waste must be contained
6 in an appropriate receptacle and trash and food waste deposited into a trash
7 receptacle or bag provided for that purpose; and that no one shall be permitted to
8 modify public infrastructure in ways that damage that infrastructure or to place
9 furniture in a way that obstructs pedestrian access to benches, parking pay stations,
10 patios, or other public amenities.

11 **BE IT FURTHER RESOLVED:**

12 By December 1, 2019, the City Manager shall advise Council about any
13 other practices that may pose public safety or health concerns for individuals
14 camping or others and will thus be prohibited.

15 **BE IT FURTHER RESOLVED:**

16 By December 1, 2019, the City Manager is directed to estimate costs and
17 propose a plan for offering replacement equipment to individuals experiencing
18 homelessness who may be using items such as mattresses that pose a public health
19 or public safety risk.

20 **BE IT FURTHER RESOLVED:**

21 The City Manager is directed to identify existing encampments throughout
22 the city where the city should provide restrooms and garbage pickup. The City
23 Manager is directed to examine options such as portable toilet and/or “wag bags,”

1 as well as additional trash receptacles that may be provided to camps to improve
2 sanitary conditions. The City Manager shall prioritize such sites, arrange for
3 services, and provide Council with an update no later than November 1, 2019.

4 The Council further directs the City Manager to explore facilitating access to
5 showers and laundry services, perhaps through a mobile vehicle, and to report back
6 on options by January 1, 2019.

7 **BE IT FURTHER RESOLVED:**

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

13 **BE IT FURTHER RESOLVED:**

14 The City Council desires to enforce the measures detailed in City Code
15 Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in*
16 *the Downtown Community Court Area Prohibited*) with non-criminal methods to
17 the greatest extent possible. To that end, the ordinance lays out a process of
18 collaboration among members of law enforcement, the Homelessness Outreach
19 Street Team (HOST), case workers, community health paramedics, or other city
20 designees who shall strive to connect individuals camping in restricted areas to
21 case management and emergency shelter leading to permanent housing.

22 In instances in which referral and/or transportation of people camping in
23 prohibited areas is not feasible, and those people receive citations or are arrested,
24 the City Manager is directed to catalog the circumstances in which the

determination was made and to provide that report to the Council on a quarterly basis.

BE IT FURTHER RESOLVED

The City Council expresses its intent to link enforcement of the proposed revised ordinance to the active work taking place to identify housing and services for individuals in places where camping becomes prohibited.

BE IT FURTHER RESOLVED:

The City Manager is directed to implement an Encampment Response Strategy immediately to address public health and safety at encampments throughout the city. Such encampments will be prioritized by Integral Care (the Local Mental Health Authority) and City of Austin staff based on factors such as size, urgent needs of the population, and other issues related to public health and safety.

The Strategy will begin with the highest priority encampments: the encampments outside the Austin Resource Center for the Homeless (highest priority) and under the Ben White Boulevard overpass from Lamar Boulevard to Menchaca Road.

This Strategy will feature close collaboration among the Ending Community Homelessness Coalition (ECHO), Front Steps, Salvation Army, Trinity Center, Caritas, the behavioral health and homelessness service system leaders, law enforcement, and housing and substance use treatment providers.

Outreach teams will assess the needs of individuals living in the encampments and, if appropriate, connect them to services and housing. Low-

1 barrier shelter beds located in one or more facilities will be designated for this
2 purpose, along with possible hotel vouchers. The City Manager is directed to enter
3 into partnerships and data-sharing agreements as necessary to facilitate this work.

4 The Strategy will require adequate funding for case management, other
5 services, and housing, and outreach efforts will need to match the resources
6 allocated for housing and support. To that end, the City Manager is directed to
7 identify an initial investment of \$1 million to launch this program no later than
8 October 15, 2019, from an appropriate source within the approved Fiscal Year
9 2020 budget.

10
11 The City Manager shall report at least monthly on the progress and
12 effectiveness of the Encampment Response Strategy, including information about
13 additional encampments to be addressed.

14 **BE IT FURTHER RESOLVED:**

15 The City Manager is directed to use the HealthSouth building located at
16 1215 Red River and 606 E. 12th Street, another city-owned building, or shelter
17 beds available through City of Austin contract shelter providers as short-term,
18 housing-focused, low-barrier emergency shelter for single men and women who
19 are unsheltered in the highest priority encampments. The shelter shall operate for
20 no more than one year.

21 Building upon the analyses conducted in response to Resolution No. 20170323-
22 052 (repurposing HealthSouth for affordable housing), Resolution No. 20170810-
23 033 (temporary shelter activation), and Resolution No. 20190131-078 (immediate
24 shelter and support services), the City Manager is directed to:

- allocate the necessary funds from the Fiscal Year 2020 budget for operations and maintenance of the shelter;
- expedite the contracting for and procurement of services for the shelter; and
- make the structure and services available for use on as soon after October 15, 2019, as feasible.

In alignment with the National Alliance to End Homelessness' report, "Recommendations for the Redesign of Emergency Shelters in Austin," the City Manager is directed to:

- ensure the shelter only imposes entry requirements that pertain to safety, funding, or legal requirements;
- identify areas where individuals can store their possessions in a safe and secure manner;
- permit individuals to come in with their partners, regardless of marital status;
- explore a re-configuration of the space to allow for people to come in with pets;
- ensure that case management is housing-focused with an emphasis on case management activities directed toward obtaining and sustaining housing; and
- include other features and programs that are trauma-informed and of significant benefit to individuals who have been chronically unsheltered for an extended period.

BE IT FURTHER RESOLVED:

The City Manager is directed to report monthly to the Council on the following performance metrics:

- Total number of individuals served
- Total unique households served
- Total households entering shelter
- Total households exiting shelter to any destination
- Total households exiting to permanent housing
- Average number of days in shelter for all households exiting shelter to any destination
- Average number of days in shelter for all households exiting to a permanent housing destination
- Total household stayers who entered in previous months and remain in shelter

If significant barriers or challenges arise, the City Manager is directed to inform the Council immediately so that they can determine if and how to refine the scope and capacity of the shelter to ensure it serves as an effective component of the City's crisis response system.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide a status report by October 1, 2019, regarding an action plan with regard to HealthSouth and the identification of funds for Encampment Response Strategy, capital costs associated with emergency shelter, and services and housing assistance.

ADOPTED: _____, 2019 **ATTEST:** _____

Jannette S. Goodall

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City Clerk

DRAFT