

RESOLUTION NO.

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

WHEREAS, on June 20, 2019, 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, Council also passed Resolution No. 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 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

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

25 **WHEREAS**, in consideration of staff guidance and other community
26 feedback related to public health and safety issues, Council has identified areas of
27 the City where camping, sitting, and lying should not occur, and Council's proposed
28 revisions to City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-
29 4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) reflect these
30 clarifications; and

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

35 **WHEREAS**, proposed revisions to City Code Sections 9-4-11 and 9-4-14
36 identify creeks and rivers, storm drains and culverts, and high fire risk properties as
37 being among the areas posing high flood risk or environmental concerns, and these
38 revisions would accordingly restrict camping; and

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

45 **WHEREAS**, Front Steps (the nonprofit manager of the ARCH) and the City
46 have begun transforming services at the ARCH as well as renovating the interior and
47 exterior spaces; and

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

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

54 **WHEREAS**, when sufficient housing options become available citywide,
55 Council intends to prohibit camping in most public areas; and

56 **WHEREAS**, the City of Philadelphia implemented the “Encampment
57 Resolution Pilot,” an interdisciplinary collaboration in which outreach teams
58 connect individuals in identified encampments to low-barrier housing and services,
59 and the program connected 126 individuals to housing and/or substance use
60 treatment; and

61 **WHEREAS**, on September 17, 2019, the Downtown Austin Community
62 Court (DACC) responded to Resolution No. 20190620-184 with recommendations
63 for ways to expand proactive outreach and delivery of wraparound services to
64 individuals experiencing homelessness as well as increased options for storage, day
65 services, and navigation support; and

66 **WHEREAS**, Council directed the City Manager to identify a partner to help
67 redevelop the city-owned former HealthSouth properties at 1215 Red River Street

and 606 East 12th Street (collectively HealthSouth Property) to create housing, primarily for individuals who earn 60% of median family income; and

WHEREAS, several stakeholders, including Travis County Judge Eckhardt and Central Health Chief Executive Officer Mike Geeslin, signed a letter requesting that the City consider a range of possibilities for the HealthSouth Property, including permanent supportive housing; and

WHEREAS, although it is a high priority, the redevelopment of the HealthSouth Property to create long-term housing opportunities will take several years, and the building could be put to a short-term use in the interim instead of remaining vacant; and

WHEREAS, the City may have other facilities or land that might be deployed for short-term emergency shelter in the immediate future, and other agencies may be able to create or identify opportunities for additional emergency shelter beds; and

WHEREAS, implementing the proposed ordinance revisions will require an encampment response strategy, appropriate compliance measures, the establishment of safer and healthier camping conditions, and adequate funding for additional emergency shelter beds, outreach, and services; **NOW, THEREFORE,**

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

ENCAMPMENT RESPONSE STRATEGY

Council directs the City Manager to implement an Encampment Response Strategy immediately to address public health and safety issues.

89 The Strategy should begin with the highest priority encampments as identified
90 by Integral Care: the encampments outside the ARCH (highest priority) and under
91 the Ben White Boulevard overpass from Lamar Boulevard to Manchaca Road.

92 As staff have described, this Strategy will feature close collaboration among
93 the City of Austin Homeless Strategy Officer and the Ending Community
94 Homelessness Coalition (ECHO), Integral Care, Front Steps, Salvation Army,
95 Trinity Center, Caritas, the behavioral health and homelessness service system
96 leaders, law enforcement, and housing and substance use treatment providers.

97 Outreach teams will identify and assess the needs of individuals living in the
98 encampments and, if appropriate, connect them to services, low-barrier emergency
99 shelter, and permanent housing. Council directs the City Manager to enter into
100 partnerships and data-sharing agreements as necessary to facilitate this work.

101 Council directs the City Manager to provide a progress report by December
102 1, 2019, as to the exterior and interior renovations at the ARCH, the transition to
103 housing-focused services, safety within and outside the shelter, and the approach to
104 eliminating camping, sitting, and lying in the immediate surroundings as described
105 in City Code Sections 9-4-11 and 9-4-14.

106 Council directs the City Manager to report at least monthly on the progress
107 and effectiveness of the overall Encampment Response Strategy, including
108 information about additional encampments to be prioritized in collaboration with
109 Integral Care and based on factors such as size, urgent needs of the population, and
110 other issues related to public health and safety.

112 **BE IT FURTHER RESOLVED:**

113 **EMERGENCY SHELTER**

114 If the staff and others involved with the Encampment Response Strategy
115 identify a need for shelter and/or bridge housing, Council supports the City Manager
116 in using either available hotels/motels, shelter beds available through City contract
117 shelter providers or a city-owned facility, such as the HealthSouth building, as short-
118 term, housing-focused, low-barrier emergency shelter for single men and women
119 who are unsheltered in the highest priority encampments. If any City-owned facility
120 is used as an emergency shelter, the shelter may not operate for more than one year.
121 This use may not be interpreted as a deviation from the intent expressed in
122 Resolution No. 20170323-052.

123 Council directs the City Manager to ensure that any new emergency shelter
124 adheres to the recommendations in the National Alliance to End Homelessness's
125 report, "Recommendations for the Redesign of Emergency Shelters in Austin,"
126 especially in regard to housing-focused case management, low-barrier access, safe
127 storage, pets, entry requirements, and other trauma-informed features and to track
128 housing-focused performance metrics as articulated in this report or otherwise
129 regarded as best practices.

130 **BE IT FURTHER RESOLVED:**

131 **FUNDING**

132 As Council intends for the Encampment Response Strategy to be implemented
133 within the immediate future, Council directs the City Manager to present to Council
134 an action plan, schedule, estimated costs, and identified resources necessary to

implement the Encampment Response Strategy and other ideas expressed in this Resolution no later than November 15, 2019.

The Encampment Response Strategy will require adequate and flexible funding for case management, other services, and housing, and outreach efforts will need to match the resources allocated for housing and support.

By October 24, 2019, Council directs the City Manager to provide cost estimates for the recommended alternative from the September 17, 2019 DACC Memorandum to create additional outreach teams that could be available 24 hours a day, 7 days per week.

Building upon the analyses conducted in response to Resolution No. 20170323-052 (repurposing HealthSouth for affordable housing), Resolution No. 20170810-033 (temporary shelter activation), and Resolution No. 20190131-078 (immediate shelter and support services), Council directs the City Manager to allocate the necessary funds from the Fiscal Year 2020 budget for capital and operating costs associated with the provision of shelter, services, and housing assistance and to expedite all processes so that the shelter and services can be available as close to November 30, 2019, as feasible.

BE IT FURTHER RESOLVED:

SAFER AND HEALTHIER CAMPING

Council affirms that state and local regulations will continue to be enforced at encampments. These include, but are not limited to, laws regulating the use of grills, fire pits, or other mechanisms for cooking or heating; those related to the building of structures; and those prohibiting drug use and public intoxication.

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

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

Council directs the City Manager to identify existing encampments throughout the city where the City should provide restrooms, garbage pickup, and nearby storage opportunities. Council requests that the City Manager prioritize such sites, arrange for services, and provide Council with an update no later than November 1, 2019. Council further requests that the City Manager 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:

COMPLIANCE

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. Council affirms Austin Police Department's authority to issue citations and

181 make arrests when necessary; however, Council desires that the Austin Police
182 Department seek voluntary compliance whenever possible.

183 Except in situations posing imminent public health or safety risks, Council
184 intends to link enforcement of the proposed revised City Code to the provision of
185 housing and services for individuals in places where camping becomes prohibited.

186 To that end, the ordinance lays out a process of collaboration among members
187 of law enforcement, the Homelessness Outreach Street Team (HOST) and other
188 outreach teams, case workers, community health paramedics, or other City designees
189 who shall strive to connect individuals camping in restricted areas to case
190 management and emergency shelter leading to permanent housing.

191 Council directs the City Manager to investigate and propose options for
192 assisting individuals with transporting their belongings to non-prohibited camping
193 areas.

194 Council directs the City Manager to initiate a public education and awareness
195 campaign to assist the public in understanding the prohibitions imposed by City
196 Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction*
197 *in the Downtown Community Court Area Prohibited*).

199 **ADOPTED:** _____, 2019 **ATTEST:** _____
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201
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Jannette S. Goodall
City Clerk