

## **ORDINANCE No.**

Amend City Code to direct the Office of Management and Finance in the City's response to houselessness and urban camping, specifically as it pertains to the development of Safe Rest Villages as alternatives to high-impact encampments.

The City of Portland Ordains:

Section 1. The Council finds:

- The City of Portland faces a houselessness crisis that in many ways is worse than anything we have previously experienced.
- At a City Council work session in January 2021, the Portland City Council stated their top three priorities, and houselessness was agreed upon as a top priority by all five Commissioners.
- Historically, the Council has declared a housing emergency through Ordinances 187371, 187973, 188627, 189387 & 190342.
- The City of Portland has experienced a significant increase in its unsheltered houseless population in the past decade, many of whom live in tents, make-shift structures, vehicles and other places not meant for human habitation.
- People experiencing houselessness are amongst the most vulnerable residents of Portland and deserve compassion and clear guidance on where they can engage in necessary life-sustaining activities so long as they lack access to housing.
- Experiencing houselessness causes tremendous human suffering and demands a spectrum of emergency response that includes adequate, safe, and habitable shelters, affordable housing units, and appropriate supportive services.
- The experiences of each and every one of our houseless neighbors is different, and the City must deploy a wide array of interventions as a result
- The City recognizes that such interventions include outreach, housing, shelter services, emergency beds, safe parking sites, hygiene services, prevention, case management, behavioral health services, peer-to-peer addiction/recovery services, and other social services.
- Despite the City's progress in providing services and creating affordable housing, 4,015 people were counted as experiencing houselessness on a single night in 2019. This is the largest recorded figure in the City's history.

- The 2021 Point in Time Count was not conducted for safety reasons due to the COVID-19 pandemic. However, it is likely that the economic constraints of the pandemic have exacerbated the crisis.
- While housing is ultimately the solution to the houselessness crisis, it is important to recognize that the development of transitional and supportive housing takes time, and that additional actions must be taken to meet the more immediate needs of the houseless population.
- The Council must continue to explore and deploy strategic efforts to address the houselessness crisis.
- Under the Shelter to Housing Continuum Project in Ordinance 190380, the Council amended the zoning code to authorize and regulate certain types of Outdoor Shelters to better meet the needs of those experiencing houselessness. Under the zoning code, Outdoor Shelters are individual shelters grouped together in an outdoor setting that are managed by a public or non-profit agency. The size, location and other characteristics of Outdoor Shelters are regulated by the zoning code.
- A concrete step toward meeting the needs of our houseless population, with the urgency expressed by Council, is the creation of Safe Rest Villages.
- Safe Rest Villages are Outdoor Shelters which provide baseline services, such as sanitation, hygiene, case management, security, and most importantly, dignity and stability.
- The Council has directed City Bureaus to provide a list of surplus City property for use as Outdoor Shelters by June 30, 2021. Outdoor Shelters on City property will be known as Safe Rest Villages.
- Except as allowed by the zoning code, Portland City Code 14A.50.020 prohibits camping in public rights-of-way, parks and other publicly-owned property. The City recognizes the unique challenge this represents for people experiencing unsheltered houselessness and looks for solutions that balance public safety, public health, neighborhood livability, and compassionate and humane responses to houselessness.
- The City will continue working to identify Safe Rest Villages to which people experiencing homelessness and living in unauthorized campsites will be directed.
- City Bureaus will work to provide urgent support for the locating, selection, construction, and opening of Safe Rest Villages in a manner that shows this is one of the City's top three priorities.

- As indicated in PCC 5.34.110, the Chief Procurement Officer has authority to conduct emergency contracts that are no greater than \$500,000. The houselessness crisis faced by the City constitutes an emergency, and the Chief Procurement Officer will expedite procurement and contracting pertaining to Safe Rest Villages as a result.
- As authorized by Code Section 3.15.060.C.6, the City relies on the Homelessness and Urban Camping Impact Reduction Program (Impact Reduction Program), acting on behalf of the Office of the Chief Administrative Officer of the Office of Management and Finance (OMF), to coordinate interventions in high-impact encampments on City owned properties and rights-of-way within the City of Portland. It is important to provide additional clarity about the scope of Impact Reduction Program authority to act on behalf of all City bureaus to clean and remove unauthorized campsites.
- The Impact Reduction Program develops and implements harm/impact reduction strategies in addition to coordinating services with other agencies and jurisdictions within the Portland Metro area.
- The Impact Reduction Program reserves posting and removal as an intervention of last resort after a long series of prior interactions attempting to reduce harmful impacts in a particular location. The City of Portland will make every effort to minimize the involvement of law enforcement in its interactions with the houseless community as it pertains to camp removals.
- The Impact Reduction Program utilizes the terms “Low Impact” and “High Impact” as part of their standard operating procedures in determining which unsanctioned encampments require interventions.
- The City of Portland recognizes the Oregon Legislative Assembly’s recent passage of HB 3115. The City is taking steps to ensure compliance with this statute, and sees this ordinance as a complement to those efforts.

NOW, THEREFORE, the Council directs:

Section 1.

- Amend PCC 3.15.060.C.6 as follows:

~~Coordinate~~ Prioritize and undertake cleanup of unauthorized camping at City owned or managed real property without obtaining authorization from the bureau to which the property is assigned and at other governmental properties upon intergovernmental agreement. The Office of Management and Finance may consult in collaboration with impacted public and private property owners. This grant of authority is in addition to the property managing bureau’s authority to undertake property management for its assigned property but the bureau will coordinate with Office of Management and

Finance before the removal of personal belongings.

- The Impact Reduction Program will refer persons residing in high impact encampments to Safe Rest Villages when available, and will assist in said persons' relocation to Safe Rest Villages. Referral to a Safe Rest Village is voluntary for the referred person and the referral decision is not a factor in the determination of the Impact Reduction Program under directive c of this ordinance.
- The terms "Low Impact" and "High Impact" are defined by the standard operating procedures of the Impact Reduction Program, as may be amended by OMF from time to time, and are based on observed conditions and risk posed at a given location. The Impact Reduction Program will conduct removals of high-impact encampments only after exhausting other attempts to reduce impacts. Encampments are classified as High Impact through a combination of factors, including but not limited to:
  - Evidence of conspicuous drug use, paraphernalia, or improperly disposed of syringes
  - Impact on neighborhood livability as measured by the amount of uncontained debris
  - Proximity to school, park with playground, or private residence
  - Environmental impact on natural areas and/or the presence of hazardous materials
  - Restriction of access as defined in the Americans with Disabilities Act standards
  - Areas that are posted no-trespassing
  - Size of camp
  - Verified reports of violence or criminal activity other than camping
  - Blocking public access
  - Restricting maintenance activities
- The Impact Reduction Program will de-prioritize the removal of low-impact encampments that are located:
  - At least 150 feet away from any public, private or parochial preschool, elementary or secondary school, other than a high school;
  - At least 150 feet away from a child care facility or preschool recorded program as defined in ORS 329A.250;
  - At least 100 feet away from a high school;
  - Outside a designated environmental overlay zone, natural area, scenic overlay zone, or flood hazard area as adopted by the City;
  - Outside a wildfire hazard area as designated by the City and other government partners;
  - At least 50 feet away from the property lines of a developed park;

- At least 10 feet away from the entrance to a residential structure unless said structure is a child care facility or preschool recorded program as defined in directive d.2 above; and
- At least 10 feet away from the primary entrance or emergency exit of any business or commercial property.
- If a low-impact encampment is not located in a manner consistent with the parameters set out in directive d. of this ordinance, the Impact Reduction Program will consider that as an additional factor in determining whether the camp meets the high impact threshold set out in directive c of this ordinance.
- Directives b through e are binding City policy.

Section 2. This ordinance shall be in full force and effect on and after September 30, 2021.

<p>Passed by the Council: <i>[dated by Clerk's office]</i></p> <p>Mayor Ted Wheeler</p> <p>Prepared by:</p> <p>Date Prepared:</p>	<p><b>Mary Hull Caballero</b>  Auditor of the City of Portland  By <i>[signed by Clerk's office]</i></p> <p style="text-align: right;">Deputy</p>
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