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AGENDA REPORT

Councilmember Nikki Fortunato Bas

CITY OF OAKLAND

CITY HALL, 1 FRANK OGAWA PLAZA, 2ND FLOOR, OAKLAND, CALIFORNIA 94612

DATE: May 23, 2019
TO: City Council and Members of the Public
FROM: Councilmember Nikki Fortunato Bas
SUBJECT: Supplemental Report for Encampment Management Policy And Program

RECOMMENDATION

Councilmember Bas Recommends That The City Council Receive This Informational Report And Recommendation On The City's Encampment Management Policy And Program.

EXECUTIVE SUMMARY

On April 11, 2019 at the Rules committee, Councilmember Bas requested an Informational Report and Recommendation concerning the City's Encampment Management Policy and Program from the City Administrator. The report was heard at the Life Enrichment Committee on May 14, and was scheduled to continue to the following Life Enrichment Committee meeting on May 28, to incorporate new questions, comments, and topics that arose, including;

1. A list of permissible tent encampment locations and master list of all existing encampments,
2. Providing basic support services for all encampments, including increasing trash pickup, sanitation, water, fire extinguishers, and strategies around service provision.
3. Placing dumpsters at or near encampment locations,
4. Strengthening the illegal dumping program near encampments,
5. Creating a program for needle pick up,
6. A feasibility analysis of providing permanent public toilets,
7. An audit of encampment policy implementation,
8. Developing regular encampment stakeholder meetings with the City that include Councilmembers, unsheltered residents, and advocates,
9. Job opportunities and stipends for site leaders at encampments, and,

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Councilmember Nikki Fortunato Bas

Subject: Supplemental Report for Encampment Management Policy And Program

10. Supporting and exploring self-managed, sanctioned encampments.

This report will outline specific recommendations and action steps for consideration by the City Council and City Administration to improve the Encampment Management Program and communication among the City, unsheltered residents and advocates.

BACKGROUND/LEGISLATIVE HISTORY

At the Life Enrichment Committee meeting on May 14, the City Administrator reported on the Encampment Management Team's (EMT) Policy and Program. The Administrator answered questions submitted by Councilmember Bas and provided additional information regarding fire hazards and other significant safety concerns from the Oakland Fire Department and Department of Transportation.

Unsheltered residents, advocates, and community members voiced discrepancies between the City Administrator's report of the Encampment Management Policy and Program and the experiences of unsheltered residents and advocates at encampments. Some of these discrepancies included:

1. Bag and Tag Process – Advocates claimed that the City is not bagging and tagging belongings, and that homeless residents do not have proper recourse to recover their belongings once taken. There were many reports of belongings that have been thrown away, or otherwise not recovered.
2. Posting Process/Notices of Closures – Homeless residents claimed they do not receive proper noticing of encampment closures, and stated that transparency regarding this process should be improved.
3. Number of Encampments – There is not consensus between advocates and the City Administration on the number of homeless encampments in Oakland.
4. Self-Governance/Sanctioned Encampments – There is no standard definition or shared understanding between the City and community members regarding self-governed or sanctioned encampments.
5. Transparency and Accountability – Advocates expressed many concerns regarding encampment closures, including improper noticing, lack of transportation to shelters after closures, the process of deciding which encampments are closing, and the lack of inclusion of Councilmembers and advocates in the development of encampment policies and decisions.

ANALYSIS AND POLICY ALTERNATIVES

Oakland's housing affordability and homelessness crisis is a top priority of residents, as informed by our recent budget survey. Our goal as a City should be housing our residents. And while people are living on our curbs, our focus should be public health and safety - the health and safety of unsheltered individuals and families, and surrounding communities, and addressing sanitation, trash and illegal dumping.

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The encampment management program cites a “harm reduction” approach. To live up to our goals as well as this approach, we must improve information sharing and collaboration among all stakeholders. Given the severity of the homelessness crisis and lack of sufficient affordable housing, we must be willing to conduct critical, yet constructive, evaluations of our past work; and we must also be willing to innovate and try new strategies that will advance our goals of health and safety, and housing all our residents.

Below is a list of recommendations for policies, programs, and procedural changes for the City’s Encampment Management program and policy.

My office recommends that a workgroup be created to advance these recommendations. The workgroup should be appointed by the Council President and include Councilmembers, City Staff and representatives of the homeless and advocacy community. My office is more than willing to convene the first meeting of this group.

General Encampment Management Policies and Procedures

Encampment Management and Closures

1. Closure should be a last resort.
2. Notices at encampments should be posted in other languages, including Spanish, Chinese, and Vietnamese in addition to English.
3. Notice of closures should state the grounds for the closure, including specific problems that should be addressed.
 - a. Encampments should be provided with at least two warning notices with specific issues to be corrected, with 30 days’ advance notice prior to closure to offer unsheltered residents the opportunity to address specific issues.
 - b. Those facing closure should be able to request a hearing and make the case that the specific problems cited have or will be solved. This requires development of a fair appeal process regarding closures.
 - c. If encampments demonstrate extenuating circumstances, such as health, age, etc., which make compliance especially difficult, the City should provide a two-week extension to address the issues cited for the closure.
4. During an encampment closure, the City should:
 - a. Provide transportation for unsheltered people and their belongings to housing options, and offer bags, gloves, water, and other necessities during the move.
 - b. Provide shelter options within a three-mile proximity to the eviction location, to ensure homeless residents can travel to the new location with their belongings and continue to access support services in their neighborhood.
 - c. Provide storage options for unsheltered residents, for instance, modeling from similar programs in San Jose and Los Angeles.
5. Closures during rain or extreme weather (such as fire/smoke) should be prohibited and rescheduled for the health and safety of all involved.
6. For each closure, require a listing of how many police officers were present, how many vehicles, the presence of other law enforcement agencies, and any supplemental

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equipment, including helicopters or drones. A written justification should be provided articulating the number of police resources used.

7. Explore contracting with shuttles, taxis or rideshare companies to provide transportation to shelter for unhoused people after closures.

Providing Basic Services to the Unsheltered

1. Conduct a full cost and operational analysis to provide basic services to all homeless encampments, including sanitation (permanent toilets, porta potties, hand washing stations, showers), water (potable, drinking), regular trash pickup and dumpsters, needle collection and fire extinguishers.
2. Prioritize providing such support services to the largest encampments first.
3. Develop a program to provide fire extinguishers to all encampments on a regular basis, at a minimum of every three months.
4. Develop a program to provide power (generators, solar) to encampments.
5. Explore partnerships with nonprofits, businesses, faith-based and community-led efforts to provide basic services to encampments, for instance having fire extinguishers donated, platforms for tents, or other basic needs, and prioritize programs that are cost-effective and recycle or reuse items and resources back into the community.

Self-Governance and Sanctioned Encampments

1. Develop a set of standard operating procedures on how encampments will be self-managed, to include: community agreements, city service provision, and communication between encampments, neighbors and the City.
2. Develop a “Good Neighbor and Public Safety Policy” to introduce to encampments modeled from San Francisco’s Navigation Centers.
3. Develop a pilot program for a self-governed encampment on public land that is overseen by an established non-profit organization. Such a program could be developed by and structured around specific unsheltered demographic groups such as African Americans, women, families, LGBTQ, recovering, etc.
4. Provide an updated assessment of the public lands policy, including what parcels could be used for homeless encampments.

Community Cabins and Other Shelter Options

1. The City should make public information on the community cabins program, including;
 - a. The process of inviting unsheltered residents into the program.
 - b. The number of people required to leave the program, the reasons they were asked to leave, and where they are now.
 - c. The number of people who voluntarily left the program, the reasons they left, and where they are now.
 - d. The process of retrieving belongings once someone leaves.
 - e. The mechanism of tracking unhoused people who opt out of community cabins and the number of people who opted out of community cabins.

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2. Developing cabin options for individuals, as opposed to two people.
3. Developing a cost and operational analysis of human habitability options including tiny homes, modular homes, RV sites, etc.

Safety at Encampments and Community Policing Alternatives

1. In addition to the 3 trained officers assigned to the EMT, the City should develop a program to deploy trained and specialized public safety ambassadors (as opposed to OPD) to oversee safety at encampments, to reduce the city's policing costs.
2. Partner with Alameda County to provide mental health and trauma experts to respond to emergency situations at encampments, as opposed to OPD.
3. Develop community public safety agreements with encampments as well as comprehensive safety plans in disaster situations such as earthquakes and fires.

Employment Opportunities for the Unsheltered

1. Identify city funds, for instance, from Measure W, to provide unsheltered residents with employment opportunities for various jobs, including, but not limited to, beautification and sanitation projects and provision of encampment services.
2. Job opportunities should be extended to encampment residents including for managing, distributing and inspecting fire extinguishers, and distributing other basic supplies provided by the City.
3. Job training opportunities, including for entry-level or other jobs should be available for unsheltered residents.

Transparency and Accountability

1. Make public and available the City's master list of encampments.
2. Make public and available the City's list of public and surplus lands on the Housing and Community Development website.
3. Ensure that the list of encampment closures online is accurate and representative, as well as the list of enforcement efforts taking place at previous encampment sites. Additional notices should be regularly available in public locations nearby encampments where they will be easily accessible for residents to view.
 - a. Notices should be provided 30 days in advance for closures.
 - b. Notices should be provided two weeks in advance for cleanings, and clean and clears.
4. Closure enforcement should always be amply noticed and unhoused residents should be provided with adequate housing and service options.
5. Allow for Councilmembers to participate in EMT planning meetings, especially when meetings discuss decisions about encampments in their respective districts.
6. EMT meetings should make their meeting minutes available to the public within 10 days.
7. Facilitate townhall meetings involving City Councilmembers, City staff, advocates, unsheltered residents, members of the public to build greater understanding, share

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information, and problem solve to make recommendations to inform the EMT policies and procedures.

Evaluation and Audit

1. Conduct an audit immediately and every 6 months of operational components related to the EMT. The audit report should be a standing item of the Life Enrichment Committee agenda to ensure the City Council and the public are informed and have an opportunity to weigh in on EMT policy and procedures. The audit should include:
 - a. Analysis of the number of people who received permanent housing options, the housing locations, and retention rates for 6 months, 1 year and 2 years.
 - b. Analysis of the number of people who received services, type of service and service provider.
 - c. Bag and tag process and implementation by the Office Public Works to ensure standards are being met. It should also identify how many tents were bagged and tagged, and how many unsheltered residents received their belongings.
2. Conduct an evaluation of the Downtown Streets Team to inform future volunteer and employment programs.
3. Conduct an analysis of the effectiveness of responses to 911 calls and crimes occurring within encampments.
4. Conduct an analysis for a comprehensive needle pick-up program, including the cost, recommended service providers, and needle exchange options to better address public health concerns related to needle dumping. Investigate additional ways to partner with the County.
5. Conduct an analysis of illegal dumping at encampments, including an audit of housed residents responsible for illegal dumping at these sites. This report should be used to improve the illegal dumping reward program and to develop strengthened systems around trash pickup and maintaining cleanliness at encampments.

FISCAL IMPACT

There is no fiscal impact related to this informational report.

PUBLIC OUTREACH / INTEREST

This report did not require public outreach, but was significantly informed by public testimonies given at the May 14, 2019 Life Enrichment Committee meeting. Councilmembers and their staff regularly meet with constituents, homeless residents, and advocates to hear and address their concerns, as well as with government partners across various departments and municipalities.

COORDINATION

This report was coordinated with input from the Council President's Office.

SUSTAINABLE OPPORTUNITIES

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Economic: This report provides recommendations to inform policies and procedures of the City's EMT, to better address the crisis of homelessness in our city. Homelessness is an inherently economic issue, impacting the lowest income and most at-risk populations, as well as the general public, including small business, homeowners, tax payers and residents.

Environmental: Homeless encampments that lack basic sanitation, water, and other critical services present a serious public health risk and environmental hazards to the city. The Encampment Management Team seeks to address these conditions, and find solutions to better ensure that surrounding communities and the environment are not negatively impacted.

Social Equity: Unsheltered residents in Oakland are among the most at-risk and vulnerable populations in the world. A report by the United Nations called the Bay Area homeless crisis a human rights violation, particularly the "scope and severity of the living conditions in informal settlements," which, "make this one of the most pervasive violations of human rights globally."¹ In the city's Equity Indicators Report, Oakland scored a 1 for homelessness, which disproportionately impacts African Americans at a higher rate than any other racial group.²

ACTION REQUESTED BY THE CITY COUNCIL

Councilmember Bas Recommends That The City Council Receive This Informational Report And Recommendation On The City's Encampment Management Policy And Program.

For questions regarding this report, please contact Lia Azul Salaverry, Policy Analyst and Community Liaison, Office of Councilmember Nikki Fortunato Bas, at 510-238-7021.

Respectfully Submitted,



Nikki Fortunato Bas
Councilmember, District 2

Prepared by:
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Nikki Fortunato Bas

¹ <https://www.undocs.org/A/73/310/rev.1>

² <https://cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf>

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