



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Joe DeVries,  
Director of  
Interdepartmental  
Operations

**SUBJECT:** Encampment Management

**DATE:** July 2, 2020

City Administrator Approval

Date: July 2, 2020

## RECOMMENDATION

**Staff Recommends That The City Council Approve A Report And Recommendations From The City Administrator On The Range Of Potential Responses To Each Open Policy Question From Staff's February 17th, 2020 Supplemental Homeless Encampment Management Report, And Additional Questions From Councilmembers To The City Administrator By March 3 2020 Detailing (1) The Pros/Cons Of Each Potential Response, (2) Financial, Legal, And Equity Analysis Of Potential Responses, (3) Staff's Recommended Response For Each Questions, (4) Analysis Of How Other Jurisdictions Have Answered Similar Policy Questions, And (5) The Cost Of What We Are Doing Today.**

## EXECUTIVE SUMMARY

At its February 25, 2020 meeting, the Life Enrichment Committee (LEC) received a report from staff regarding the management of homeless encampments citywide (**Attachment A**). Staff recommended that the City Council adopt a framework of guidelines to provide direction and clarity to staff on how to manage encampments that would also provide clarity to the unsheltered and sheltered community in setting realistic expectations regarding encampments.

Several questions were posed to the LEC including where encampments could be permitted, what standards should be applied, and what methods staff should use to achieve compliance with these standards. The LEC asked that staff return with a follow-up report and recommendation with a range of options.

This report will provide those recommendations and, as requested, a picture of what other jurisdictions are doing. Staff recommends that the City Council provide feedback on the information presented in this Report. It is further recommended that Council direct staff to work with the Office of the City Attorney to develop an encampment policy framework based on the Council's views of the information and options presented in this report.

## **BACKGROUND / LEGISLATIVE HISTORY**

Oakland currently has an encampment management policy, first drafted in 2017 and recently updated after the COVID-19 local emergency declaration, that assesses encampments on a case-by-case basis, prioritizes encampments for intervention based on their health, safety, and location impacts, and targets limited resources to the highest priority encampments. When drafted, this policy followed national best practices, such as the United States Inter-Agency Council on Homelessness' guidance on how to address encampments.<sup>1</sup> Since it was written in 2017, three important things have transpired:

1. First and foremost, Oakland's unsheltered population has increased 63 percent. The city simply has too many encampments to realistically prioritize on a case-by-case basis alone.
2. Second, in 2018, the Ninth Circuit Court of Appeals issued the *Martin v. Boise* ruling. This landmark ruling has called encampment policies and strategies into question throughout the West Coast.
3. Third, the City Council passed Resolution No. 88077 C.M.S. on March 27, 2020, effectively halting the closure of encampments across the city.

The problem has outgrown the City's current policy environment. Therefore, staff previously recommended (on February 25, 2020) that the City Council provide direction on a new encampment policy framework that views encampments as a citywide problem and not simply a case-by-case problem.

Due to the COVID-19 pandemic and the activation of the City's Emergency Operations Center, the Encampment Management Team has been reconstituted as the Emergency Homelessness Task Force. Each Department with a seat on the Emergency Homelessness Task Force was asked to respond to the same questions that were posed to the LEC on February 17, 2020. Those departments include: The Human Services Department, the Public Works Department, The Department of Transportation, the Oakland Police Department, the Oakland Fire Department, The Oakland Parks, Recreation, and Youth Development Department, the Office of the City Administrator, and the Office of the Mayor. The summary of this departmental input is below.

Staff worked with the Planning and Building Department and the Information and Technology Department to create a layered map that will demonstrate the impact of various policy options (link to the map is provided below).

## **ANALYSIS AND POLICY ALTERNATIVES**

Note that when this report uses terms such as "allow encampments" or "permit encampments," any such terms refer to camping sites with some form of management, either directly by the City or by a third-party provider. The City Council may choose to direct staff to prepare an additional informational report detailing how a low-barrier-to-entry managed camping

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<sup>1</sup> See:

[https://www.usich.gov/resources/uploads/asset\\_library/Ending\\_Homelessness\\_for\\_People\\_Living\\_in\\_Encampments\\_Aug2015.pdf](https://www.usich.gov/resources/uploads/asset_library/Ending_Homelessness_for_People_Living_in_Encampments_Aug2015.pdf)

program might function to serve large numbers of unsheltered people in Oakland. In addition, when this report uses terms such as “restricted” or “prohibited” in reference to encampments, staff are not using such terms to suggest direct criminal penalties solely for violations of such restrictions or prohibitions.

**1) Are there restricted areas of the City that should be off-limits to encampments at all times?**

While there is strong support for applying restrictions on where encampments are located, staff believes that this messaging must include clear guidance as to where people may camp, not just where they cannot be. To be successful in preventing encampments in certain areas, staff want to be able to redirect individuals to areas where they can avoid disruption and where their health and safety can be better assured

- **Should encampments be allowed in or near City Parks?**

There are two alternative recommendations from staff on this question:

**Option 1: Continue to prohibit encampments in parks, especially those with recreation facilities on the grounds.** Oakland Municipal Code (OMC) Section 12.48.045 already prohibits camping in parks because encampments are not consistent with the intended use of the park and create several problematic dynamics relative to general park patrons, staff and program participants. Of the various issues encampments in parks create, the most significant ones consist of maintaining public safety and access to City amenities. Also significant is the impact on facilities such as broken irrigation systems, hazardous material discharge, and damaged landscaping. When an encampment establishes itself in a park, the people in that encampment can become protective of their space and this dynamic has caused multiple conflicts between regular park users and the encamped, which has led to threats and acts of violence both from the encamped and from park users against the encamped. A clear advantage of the outright ban on encampments in City parks is that the border of a park is clearly defined and easy to recognize and therefore easier to abide by. A negative consequence of enforcing the existing ban in all parks would be to push the encampments out onto the right of way, and possibly in front of residences, schools, or businesses.

**Option 2: Allow managed encampments in certain parks with a set of regulations that would need to be monitored.** Up to two parks in each Council District could be designated for managed encampments and be provided with city services, such as garbage service, sanitation, and Building/Fire Code compliance. However, as an official program, the City would be required to meet the State Code (8698) regarding emergency shelter, among other requirements. Similar to the Community Cabins and Safe RV Parking Programs, such a program would need to be managed by a service provider. The process of selecting the designated parks would require consideration to balance the use of parks used by the public at large and by those in encampments, and would need to involve the leadership of the Council Offices. An example where this balance could be achieved is Grove Shafter Park, which has three distinct areas. By selecting one of these areas for a managed emergency encampment program, staff could ensure that the other two areas are maintained encampment-free. The advantages to this approach are to use existing public land over which the City already has jurisdiction. The

disadvantage is that in designating these areas, the City assumes the liability of the program and will need to identify funding and/or a responsible third party to ensure safe operations including sanitation facilities, site management, and security.

- ***What is an appropriate distance encampments should be kept from schools, youth and senior centers, or medical facilities?***

The staff responses support a 100-foot buffer from such facilities, although some support further restrictions to avoid conflict between encampment residents and, for example, school children walking to school. The most restrictive recommendation was a one-half mile buffer but this is not feasible. Based on the maps analysis, a 100-foot buffer would be a relatively easy standard to maintain.

- ***How close to a protected waterway such as a stream, lake, or estuary should an encampment be permitted to locate?***

According to the City's Creek and Watershed experts, 500 feet is the minimum distance that has been determined to effectively reduce litter, debris, and bacterial pollutants from homeless encampments from directly discharging into a waterway. Such discharges are a violation of clean water regulations. While this distance determination is technically accurate, moving encampments 500 feet from all waterways would pose a significant resource challenge, as is clear when reviewing the map showing a 500-foot buffer.

- ***Should encampments be removed from neighborhood commercial zones where sidewalks are the main access to local businesses?***

Staff recommends deprioritizing enforcement for some encampments in these zones with clear guidelines and safety requirements. An example of areas where camping closures could be deprioritized in a commercial zone, are underpasses. Encampments under the City's underpasses have a lower impact on neighborhoods as they do not block access to storefronts. However, Caltrans does not support encampments in these areas as the agency has concerns about encampment fires causing damage to bridge structures and in the event of an earthquake people would be sleeping in a danger zone. Moreover, there are serious health risks to the occupants of the encampments as described in the recent U.S. District Court case in which the judge issued a preliminary injunction requiring Los Angeles and Los Angeles County to move approximately 6,000 people away from underpasses.

- ***Should encampments be removed from under Bay Area Rapid Transit (BART) Tracks?***

The fire risk of encampments is high. Each time a significant fire occurs at an encampment under a BART track, the line must shut down for inspections and sometimes repairs. In a worst-case scenario, the damage to the tracks could cause derailment and significant injury and death to the encamped and to riders.

However, staff notes that there are significant portions of land that are parallel to BART tracks owned by the railroad companies that no longer have trains running on them. These areas do not impact BART track safety, and are often in industrial corridors minimalizing the impact on

residential neighborhoods and business districts. If the railroads were to be amenable, these areas have the space to support regulated, managed encampments.

- ***Should encampments be removed from traffic islands or medians, from blocking bike lanes, extending into the vehicular lane of traffic, or blocking driveways?***

There is universal agreement that encampments should not be allowed to block bike lanes, vehicular traffic or driveways.

Traffic islands or medians, like parks, should be restricted to protect these spaces for their intended use: to provide site visibility safety for vehicular drivers and pedestrians. In addition to eliminating a danger to pedestrians, bicyclists and drivers, restricting or prohibiting encampments in these areas protects the residents of the encampments by keeping them away from moving traffic and the associated hazard, as drivers, especially of large vehicles, do not expect to see them.

- 2) ***What should enforcement priorities be for existing encampments not located in restricted areas or in managed encampments?***

Recognizing that unsheltered Oaklanders must be able to sleep without constant fear of relocation, the City could deprioritize closures for those encampments/unsheltered residents who meet certain criteria.

- ***Should the City prioritize enforcement on one side of a street to maintain pedestrian access on the other side of the street?***

Yes, there is universal support among the departments who contributed to this report for a strategy that maintains a sidewalk on at least one side of a street. There are several locations where staff have provided support to encampments in the past two years with health and hygiene services and a simple agreement that with this support comes an expectation that one side of the street be maintained. Generally, the unsheltered community has supported this approach. Although helpful from an access standpoint, this approach may not fully comply with Americans with Disabilities Act (ADA) regulations on all sides of the street.

- ***Should enforcement near residential properties be prioritized?***

Although there is consistent support for limiting the proximity of encampments to residential areas, the implementation of such an enforcement priority will be challenging without significant areas identified where people can camp, such as in a managed camping program. Staff created a layered map that identifies where encampments are currently located, where the City provides services, and Citywide zoning to depict how extensive a shift it would be to enforce the prohibition on encampments in residentially zoned areas. The net effect of a complete prohibition on encampments in residentially zoned areas would be to push encampments onto commercial corridors, into the Downtown Metro Area, and into the City's industrial zones. Although many encampments have already chosen these areas to establish, over-concentration without proper management would be problematic. Affirmatively making this a City policy would also be problematic from a socioeconomic, geographic, and environmental equity standpoint, as it would disproportionately impact some Council Districts over others and concentrate

encampments in areas of the City that are, on average, poorer, non-White, and have poorer air quality. To view the map, go to:

<http://oakgis.maps.arcgis.com/apps/View/index.html?appid=92e62eee43144b77a9f0a9f9a06539ee>

- ***Should the City restrict the collecting of material to a point that it creates a fire safety risk as identified by the Fire Marshall or blocks ADA passage?***
- ***How shall the Fire Marshall inspect for a minimum degree of fire safety and structural integrity for life safety purposes in sheltering structures?***

There is universal agreement that ADA blockages and fire hazards need to be addressed. Restrictions are enforceable by the Fire Department especially for high danger situations such as an encampment blocking access to a fire hydrant or with a large fuel load for fire. People who accumulate excessive belongings should be engaged first with services including extensive outreach and case management. However, if outreach efforts fail, the Fire Marshal has the authority and support of the City to enforce the adopted fire and life safety codes as per the Oakland Municipal Code.

Illegal utility wire taps and connections to existing City facilities including street lighting and traffic signal equipment are hazardous and not allowed. They pose a life safety concern for the homeless encampment dwellers, to the general public, and to pedestrians with potential fires, electrocution and damage to concrete freeway structures and the BART system.

- ***Should RVs be permitted in Residential Zones, and for how long should they be allowed to remain in one place?***

The unanimous recommendation from staff is to restrict RV's from parking in residential zones. Having these larger vehicles parked on narrow streets impacts sight lines and can create dangerous situations for pedestrians and vehicles entering and exiting driveways. If RVs were limited to zones such as light industrial areas, it would greatly improve neighborhood traffic safety. This practice can be achieved primarily by enforcing the existing State Vehicle Code law that prohibits vehicles from parking in the same location for more than 72 hours, with an emphasis on residential neighborhoods. One concern about implementing such a policy is how to address an RV that is in a restricted area and is non-operational. The City does not want to tow a person's home and staff are considering a pilot in which an outreach provider could contract with a mechanic service to perform repairs to RVs, making them operational and enabling their owner to comply with the CA Vehicle Code.

- ***Should there be a restriction on the size of encampments?***

Some encampments have become so large that hazards are created such as blocked travel lanes or excess build-up of fire load material in one area. While there is staff support to limit encampment size to 15-30 people the enforcement of this type of standard will prove to be very difficult. The City is currently providing health and hygiene interventions at its largest encampments, which allows for a consolidation/concentration of services such as outreach, medical assistance, and mobile shower trailers. If encampments are too small and spread-out they are harder to serve.

- ***Should there be a limitation on how much area one individual uses to store their belongings while unsheltered?***

There are significant health and safety risks associated with the accumulation of large amounts of material, including vermin infestations and fire hazards. There is agreement that no individual should take more space than what is reasonable. Defining what is reasonable and a process to enforce this standard is a challenge. Public Works staff suggest that four square yards is a sufficient limitation on an individual's belongings. If the City were to create a standard such as this, it would likely require legislation establishing that authority, since it is already illegal under the law to use a public right-of-way to store material. How to enforce such a limitation would also require consideration, as any enforcement would require providing due process to the individual whose property is affected. It's important to note that many people who accumulate large amounts of materials are suffering from mental health disorders and/or other disabilities.

### **3. Under what circumstances should enforcement take place?**

Staff recommends discontinuation of the word enforcement due to the negative connotations it invokes that are not accurate. For example, enforcement generally implies *police action* and that is not what this policy is about. The Human Services Department team, who are primarily focused on helping people end their homeless status, feel strongly that there be no legal consequences for people who are unable/unwilling to meet health and safety standards. Of course, legal consequences for serious illegal activity should continue to apply to all residents, housed and unhoused. What this policy discussion is really aiming to do is create safer conditions at encampments for everyone. Seeking *compliance* with these standards is really the goal. Enforcement implies that there is some process that exists that can "make people do something." Initially, staff does not think that is the best approach.

Staff recommends incentivizing and supporting residents of encampments to meet health and safety standards. Although the City already deploys outreach workers on a daily basis, staff recommends creating a significantly *expanded team of encampment outreach workers* whose primary role is to build relationships with unsheltered residents and support them in increasing and maintaining health and safety within encampments as well as reducing any negative impacts of the encampments on nearby housed neighbors and businesses. This team would continue and expand the work started by the encampment outreach staff through the janitorial site leadership program. The encampment outreach workers can do the initial and ongoing work of supporting unsheltered residents to increase their health and safety. Using this approach would limit the need for intervention by law enforcement.

#### Manage expectations

It is important to manage expectations about what this policy can achieve. Many unsheltered people will respond positively to enhanced support to meet health and safety standards. Some will not. The City should be looking for improvements over the status quo, not a complete elimination of any issues that arise when unsheltered and sheltered people reside near each other.

- ***If an encampment or person(s) within encampments persistently violate any standards laid out above, should the City ever be able to enforce against them?***

As stated above, the City should enforce serious legal violations that occur in encampments but that are not exclusive to the encampment's existence (e.g., drug dealing, arson, sex trafficking, etc.). For prevention of re-encampments in areas that the City has already prioritized to remain free of encampments (closure zones), or seeking compliance to standards within an encampment, the first step should always be non-punitive outreach efforts at gaining voluntary compliance.

In the instance of persons repeatedly re-encamping in closure zones – one of the most challenging circumstances – staff feel that having deprioritized areas people can be referred to will be the most effective strategy. If people still refuse to move, staff recommends an accelerated posting and removal policy in which the third time a group sets up in a closure zone, the City follows a process that includes shorter posting times to allow for a faster response and avoid the expansion of the encampment.

- ***If it is decided that enforcement may take place, what are the circumstances and due processes for carrying it out?***

Serious crimes should be handled by using Constitutional Policing Practices. All other matters should be addressed through outreach, postings, and interventions that follow the City's policies and correct the safety issue without penalizing the individual.

- ***If enforcement results in relocation of an encampment, how should the City proactively manage relocation to ensure similar future problems do not simply occur at the new location?***

As noted above, staff believe a significant increase in encampment outreach workers will be the most successful route in achieving compliance with State-mandated minimum health and safety standards at encampments. Beyond that, normal operations such as deep cleanings should continue to occur.

### **Calculating Costs of Encampment Interventions**

It is difficult to calculate the exact cost of an encampment intervention due to many varying factors that include (but are not limited to) encampment size, number of assigned City personnel, equipment, and the duration of the operation. With that said, the following table illustrates the costs the City incurred during a relatively large encampment operation that took place at Union Point Park in January 2020.



Operation Duration:	8 hours
Hazmat Cleanup:	\$10,000
Heavy Equipment:	\$4,500
Public Works Staff Time:	\$8,000
OPD Staff Time:	\$1,500
HSD Staff Time:	\$1,000
OFD Staff Time:	\$750
CAO Staff Time:	\$500
Outreach Staff Time:	\$500
<b>Grand Total</b>	<b>\$26,000</b>

Note that the grand total is merely an estimate, which can increase or decrease depending on the magnitude of the operation. The true cost of an encampment intervention likely ranges anywhere between \$15,000 and \$35,000.

### **Analysis of Policy Approaches in Other West Coast Cities**

In response to the LEC request for an analysis of how other jurisdictions have answered policy questions similar to those posed in the City Administrator's February 21 Supplemental Report, here is an overview of peer jurisdictions' approaches to encampments:

- Should there be allowable and disallowable locations in the City for encampments?
- For those encampments not in disallowable areas, what are some reasonable regulations for encampments?
- Under what circumstances should enforcement of these regulations take place?

The analysis is limited to peer cities in California and on the West Coast, primarily because these cities share similar legal environments around encampments after the Ninth Circuit Court of Appeals' *Martin v. Boise* ruling in 2018.

**Attachment B** details findings to the City Council's three sets of questions, by jurisdiction. In general, most jurisdictions take the approach of addressing and resolving encampments on a case-by-case basis, as Oakland does, by linking residents to shelter options and engaging a multi-departmental effort to close the encampment, store belongings and clear the site of debris, and prevent re-encampment. However, staff believe that Oakland's problem has outgrown that policy approach. Treating encampments on a case-by-case basis is too inefficient for a city that has seen a 63 percent increase in unsheltered homelessness since the policy was written in 2017.

Very few cities directly legislate or regulate zones for allowable encampments/outdoor shelter options:

- Seattle allows up to 40 City-permitted villages citywide, with uses granted by an interim use permit to an operator. These facilities often look like tiny house villages rather than tent villages and are operated by a third-party provider who assumes liability. This approach is similar to Oakland's Community Cabin Program
- San Jose, backed by State law (Assembly Bill 2176), has two Bridge Housing Communities for unsheltered individuals who reside at the site while engaging in rehousing services; these sites are co-governed with the operator, the City, and neighborhood stakeholders.

- Berkeley is in the process of siting and launching both a managed encampment area with staffing and management and safe RV parking areas.
- During the COVID-19 pandemic, a number of cities have launched emergency safe sleeping/outdoor shelter sites, including San Francisco, Portland, and Honolulu. These sites are intended as COVID-19 response programs only.

Other cities have begun regulating disallowable times, places, and manners for encampments, either directly (Sacramento, which disallows encampments near levees and other critical infrastructure) or indirectly (Berkeley, which regulates the footprint and time allowance of objects on sidewalks). Los Angeles does not allow tents on public rights-of-way during daytime hours, but recently voted to suspend enforcement of this provision during the COVID-19 pandemic.

With respect to enforcement, cities differ in their approach, but the majority of cities do issue citations, fines, and potential arrest for violations. Some notable examples of cities offering alternatives to traditional enforcement tactics include:

- San Diego's Police Department can refer unsheltered individuals in violation of illegal lodging ordinances directly to shelter beds in lieu of a citation; those who stay in shelter for a minimum of 30 days can have their citations cleared.
- In Sacramento, camping violations are often cited as infractions that can be cleared with community service.

### Equity Impact Analysis

The potential equity impacts of any policy directive by the City Council will ultimately depend on the locations where encampment enforcement is prioritized. Further equity analysis should be performed at that time. At present, staff can examine the equity impacts of the City's current encampment policy, and determine whether a new policy framework would be an improvement or not.

The City's current encampment policy does two things that are problematic from a race and socioeconomic standpoint:

1. First and foremost, people experiencing unsheltered homelessness in Oakland are disproportionately non-white: 70 percent of Oakland's homeless population is Black, for example (compared to 24 percent of Oakland's general population). The current city policies fail to provide them with reasonable information that allows them to understand specific areas of the city where camping is prioritized/deprioritized from an enforcement perspective, and what they can do to avoid enforcement. By failing to provide such information to this population, the City is disproportionately burdening non-white Oaklanders.
2. Second, with the passage of City Council Resolution No. 88077 C.M.S. on March 27, the de facto post-COVID-19 encampment policy is to allow encampments to remain where they are. Encampments tend to cluster in census tracts in Oakland that are disproportionately non-white. Using Oak 311 Call Center data about encampments, **Figure 1** shows that encampments are more likely to cluster in census tracts that have a higher percentage of non-white residents overall. Regardless of the intent of the current policy, then, the *impact* of that policy is that encampments remain in neighborhoods that are poorer, less white, and already prone to other injustices such as poorer air quality.

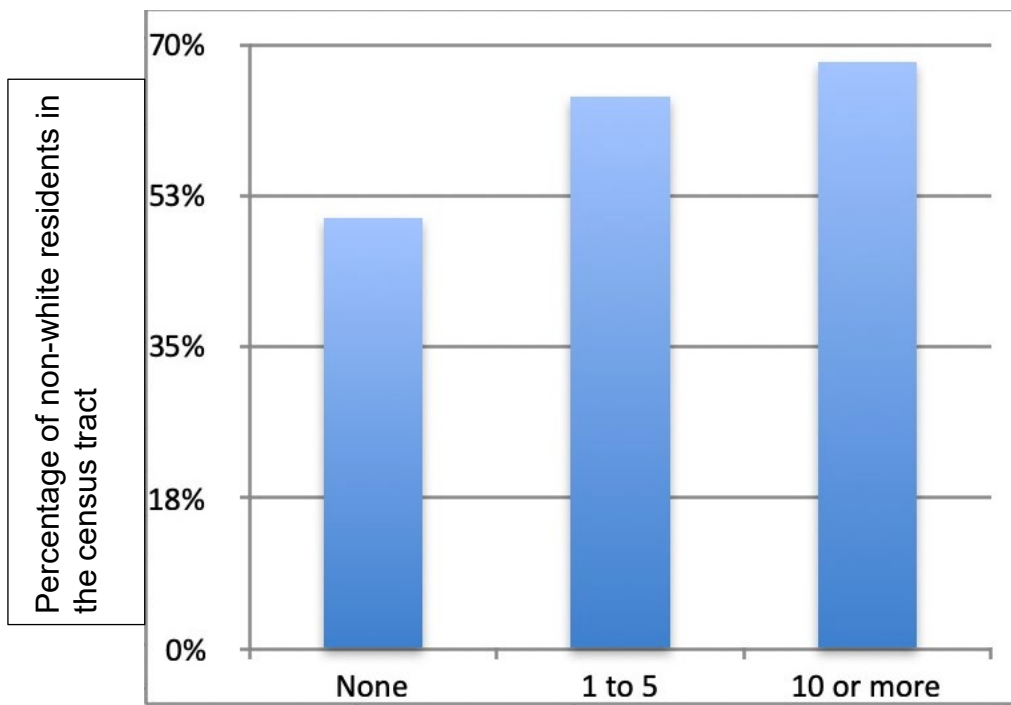


Figure 1: Number of Encampments in the Census Tract

*Figure 1: This graph shows the location of encampments by census tract in Oakland. Census tracts with higher percentages of non-white residents are more likely to have encampments than census tracts with more white residents.*

A new policy that provides a reasonable, geographically equitable distribution of encampment locations would almost certainly represent an improvement over the status quo. Again, further analysis should be performed when specific such locations are selected by the Council.

### **Ideas for a New Policy Direction**

Given the staff analysis above, and the review of policy approaches taken by other jurisdictions, staff recommends that the Life Enrichment Committee consider a novel policy framework for a Citywide Encampment Management Policy. This framework could work as follows:

As pointed out above, creating some agreed-upon locations where people cannot encamp will create numerous efficiencies for City departments whose job it is to protect health and safety for the public, and would help create clarity for the unhoused and the broader public. Additionally, creating some agreed-upon authorized encampment areas would help unhoused Oaklanders actually have options for where to locate and thus protect them from complaints and conflict with the surrounding neighborhood.

In practice, such a policy could work by establishes the priorities for enforcing existing ordinances:

- *Establish authorized encampment zones/parcels.* For equity reasons, ideally one or more such zones could be established in each Council district. Staff does not recommend simply allowing encampments in these areas with no further City management or oversight, as this

would create a substantial liability concern for the City. Instead, staff recommends creating a process whereby co-managed or City-managed encampments could be operated in conjunction with a non-City operator, subject to the terms of a temporary, renewable use permit, etc. Such an approach is similar to that currently used by the City of Seattle.

- *Designate no-camping zones.* In those areas where the health and safety risks are too great to allow encampments, and/or in any areas that the City Council believes should be maintained free of encampments, the Council could establish these as high priority areas for enforcement of existing no-camping (or other applicable) laws. In practice, the City will always lead with outreach and services to encourage voluntary compliance.
- Assuming that not all areas of the City will be designated as either a no-camping zone or an authorized encampment zone, there will be some parts of the City that are “left over.” In these in-between areas of the City, encampments should be assisted in maintaining some basic standards for life safety and neighborliness, in accordance with Fire, Building and other applicable laws and codes. In practice, existing encampment management practices are not far off from this scenario; the most dangerous and impactful encampments are prioritized for intervention, and other encampments receive outreach and harm-reduction-oriented services (resources permitting) to achieve voluntary compliance with existing codes and standards. Such voluntary compliance could also be achieved with the use of incentives, as the City already does with encampment site leadership to maintain port-a-potties.

A City-funded *encampment outreach team* could be established to help encampments understand these new enforcement priorities, and to provide services-based alternatives to enforcement so people can adhere to them.

Importantly, staff do not believe that sanctioned or better-managed encampments are an acceptable long-term solution to homelessness. The only long-term solution to homelessness is housing, and regardless of whether an encampment is sanctioned or deprioritized, staff will continue to provide outreach and housing-focused services as resources permit. However, so long as the shelter crisis persists, the City needs a better way of managing it. Therefore, this policy could sunset after a number of years, or upon the cessation of Oakland’s local shelter crisis declaration.

Staff believe a new policy direction could strike a more equitable compromise between the needs and rights of unhoused Oaklanders, with the needs and rights of impacted housed Oaklanders and Oakland’s small businesses. If the Committee agrees, the City Administrator and the City Attorney could develop a specific legislative/policy proposal for consideration by the full City Council.

As an alternative, staff have previously presented the Council with recommendations and analysis regarding the additional resources that would be required to more fully implement the City’s current encampment policy, which could achieve these same ends—but only with substantial additional investment in staffing and shelter/housing resources.

### **FISCAL IMPACT**

This is an informational report and has no direct fiscal impact. An example and estimation of the cost of encampment interventions is described above in the *Analysis and Policy Alternatives section*.

### **PUBLIC INTEREST/OUTREACH**

Councilmember Taylor conducted a virtual Town Hall Meeting on Monday, June 22, 2020 with relevant staff and heard from the public on these questions. Additionally, this topic has been presented at multiple LEC Meetings in the past year.

### **COORDINATION**

The recommend and recommendations were prepared through a collaborative effort between Human Services Department, the Public Works Department, the Department of Transportation, Oakland Police Department, Oakland Fire Department, Oakland Parks, Recreation and Youth Development, the City Administrator's Office, the Office of the Mayor and the Office of the City Attorney.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The costs associated with encampment management have a significant impact on the City's budget and impact the broader local economy.

***Environmental:*** Unregulated encampments increase environmental degradation due to unregulated conditions that cause garbage buildup, uncontrolled human waste, attract illegal dumping, and increase the likelihood of vector control problems that can cause the spread of disease

***Race & Equity:*** As described above, people experiencing unsheltered homelessness in Oakland are disproportionately non-white, and encampments are more likely to cluster in census tracts that have a higher percentage of non-white residents overall. A new policy that provides a reasonable, geographically equitable distribution of encampment locations and outreach services would represent an improvement over the status quo.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Report And Recommendations From The City Administrator On The Range Of Potential Responses To Each Open Policy Question From Staff's February 17th, 2020 Supplemental Homeless Encampment Management Report, And Additional Questions From Councilmembers To The City Administrator By March 3 2020 Detailing (1) The Pros/Cons Of Each Potential Response, (2) Financial, Legal, And Equity Analysis Of Potential Responses, (3) Staff's Recommended Response For Each Questions, (4) Analysis Of How Other Jurisdictions Have Answered Similar Policy Questions, And (5) The Cost Of What We Are Doing Today.

For questions regarding this report, please contact Joe DeVries, Director of Interdepartmental Operations, at (510) 238-3083.

Respectfully submitted,



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Director of Interdepartmental Operations, City  
Administrator's Office

Reviewed by:  
Daryel Dunston, Homelessness Administrator,  
City Administrator's Office

Peter Radu, Homelessness Policy Director,  
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Attachments (2):

- A: February 17, 2020 Supplemental Homeless Encampment Management Report
- B: Analysis of Peer Cities' Policy Approaches to Encampments