



# AGENDA REPORT

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

**FROM:** Daryel R. Dunston  
Homelessness  
Administrator

**SUBJECT:** Supplemental Information Pertaining  
to the 2020 Encampment  
Management Policy

**DATE:** October 12, 2020

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City Administrator Approval

Date: October 15, 2020

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## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Implementing The 2020 Encampment Management Policy.**

## **REASON FOR SUPPLEMENTAL**

On September 21, 2020, the Life Enrichment Committee (LEC) deliberated on a proposed Encampment Management Policy presented by staff, and after substantive discussion, directed staff to return to the full City Council with additional information on October 20, 2020.

The LEC received a report from staff on February 25, 2020, addressing the management of homeless encampments citywide (**Attachment A**). Staff recommended that the City Council adopt an Encampment Management Policy to provide direction and clarity to staff on how to manage encampments. The policy would also provide clarity to the general public, identifying what services could be reasonably expected. Committee members posed additional policy questions to staff during the meeting, and the item was continued to a later date.

A Special LEC meeting was held on July 6, 2020, staff presented answers to the policy questions that were previously raised, including where encampments could be permitted, what standards should be applied, and what methods staff should use to achieve compliance with these standards. The Committee ultimately directed staff to draft an Encampment Management Policy that took into account all the policy considerations that had been previously deliberated. The Committee also directed staff to present legislation codifying said policy.

On September 21, 2020, staff presented an Encampment Management Policy with corresponding legislation to the LEC, which was forwarded to the full City Council for consideration. Additional questions were raised by members of the Committee, which are outlined and answered herein.

City Council  
October 20, 2020

*Requests by Council President Rebecca Kaplan*

**1) Request Alameda County to open regulated allowable locations including but not limited to County fairgrounds for RVs and tents:**

The City Administrator has sent the County Administrator a letter requesting allowable locations for recreational vehicles and tents, including, but not limited to the County fairgrounds. The letter is attached to this report (**Attachment B**).

**2) Consider sliding scale parking rates charged to RVs in safe parking program:**

A long-term change would require each site to go through a zoning amendment, which requires action from the Planning Commission and the City Council, and a separate Ordinance will be required to allow a nonprofit organization to operate such program. The next steps would be to work with the Planning Bureau to complete an application to be submitted to the Planning Commission, if that is the Council's direction. Staff continues to evaluate the feasibility of charging a program fee for services at existing RV safe parking locations, versus rent or a slip fee, which would not require a zoning amendment.

**3) Provision of safe dumping station for waste and sewage at both City and County-owned properties:**

Staff is researching the costs associated with this intervention and the minimum site requirements necessary to implement a sustainable program.

**4) Designating the Homelessness Administrator as the liaison/point-of-contact between Alameda County and the City on homelessness matters/policies/programs:**

It is neither practical nor necessary to designate a single point of contact between the City and County for all homelessness matters. Some City departments, including but not limited to the Human Services Department, have long-standing ties with Alameda County on homelessness programs and services that the City provides that historically intersect with County services. Maintaining that direct connection is the most efficient way for the City to engage with the County. It is also not feasible for the Homelessness Administrator to be the only point of contact to Alameda County on all homelessness matters, however, he should always remain in the communication loop. Staff will continue to ensure the County and any other external partners understand the roles and responsibilities of relevant City staff/departments.

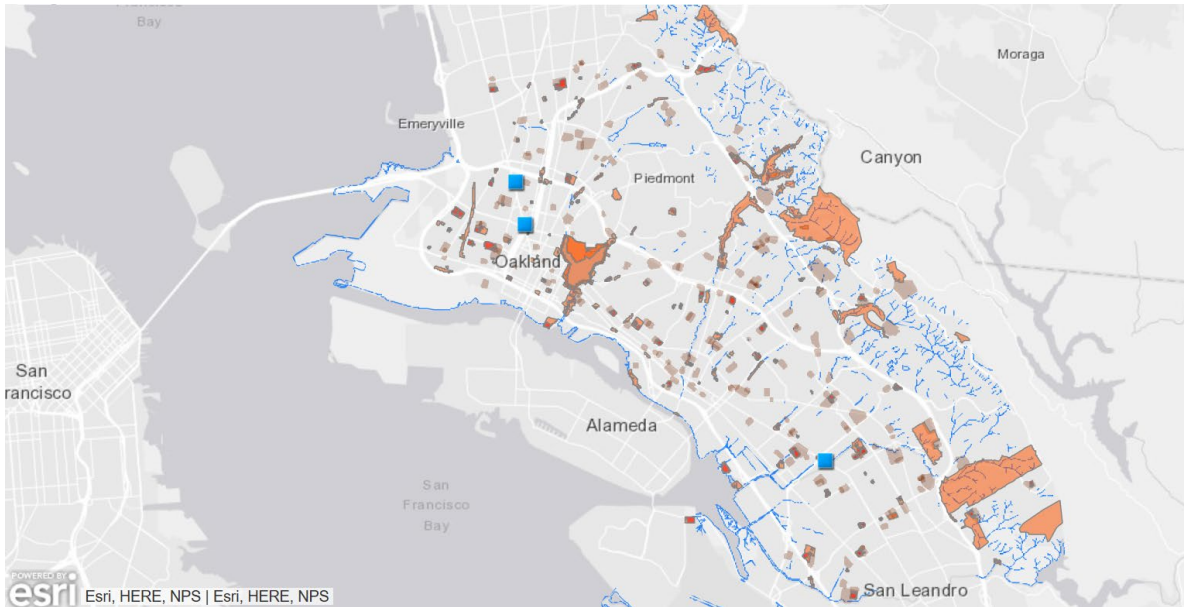
**5) Clarifying in the Encampment Management Policy that the City should enforce against all criminal activities in encampments regardless of housing status:**

This language has been added to the 2020 Encampment Management Policy, which is attached to this report (**Attachment C**).

**6) Provide a map showing the allowable areas for encampments under the proposed policy, and description of the locations of low-sensitivity areas in the city:**

A map illustrating the impact of the 2020 Encampment Management Policy is included below, and can be accessed at the following hyperlink:

<http://oakgis.maps.arcgis.com/apps/View/index.html?appid=940cddb8d5ae4f28bc37b0067d858b25>



The map above shows a 150-foot buffer around schools, and 50-foot buffers around parks and protected waterways. All areas that are not highlighted above are essentially low-sensitivity areas that permit encampments. It is important to note that the map has limitations and cannot accurately depict a 50-foot buffer zone around *individual* homes and businesses. The map can only designate residential and commercial zones, which overstates the impact of the policy. An example of this limitation is the encampment currently located at 38<sup>th</sup> and Manila Street. Here, there are locations on the residential street that would technically be considered a low-sensitivity area because those locations do not fall within 50-feet of a residence or business. However, when viewed on a map, which can only show residential and commercial *zones* (opposed to individual homes/businesses), it appears that there are no locations on Manila Street that could accommodate an encampment, which is inaccurate. This is the case in many other residential and commercial areas in the city, which underscores the need for strategic and intentional outreach services to confirm locations in residential and commercial zones that fall outside of the recommended 50-foot buffer.

To be clear, the policy defines low-sensitivity areas as locations that fall outside of 150 feet of a school; outside of 50 feet of a residence, business, park, or protected waterway; and outside of 25 feet of an emergency shelter, community cabins program, or safe parking program.

**7) Status of the installation of Portland Loos:**

The targeted installation dates for the Portland Loos is late Spring/early Summer of 2021 for Concordia Park and Madison Park. A third installation at Astro Park has Community Development Block Grant (CDBG) funding that becomes available in July 2021 (fiscal year 2021-22). It is important to note that there are several steps involved with the implementation of this program, including but not limited to contract execution and procurement, delivery, and installation of the physical units (which are not locally manufactured). Staff has been actively engaged in this process and will continue to work through the necessary steps to implement the program by the targeted dates.

**8) Update on the illegal dumping rewards program, including how this program may be improved/strengthened:**

In the Fiscal Year (FY) 2019-21 Adopted Budget, \$50,000 was allocated for Illegal Dumping Enforcement and a Rewards Program. In February 2019, four (4) Environmental Enforcement Officers (EEO) were hired and after receiving extensive training the EEOs began to provide outreach to the community on the proper methods of debris disposal and to cultivate relationships with citizens who were willing to be witnesses to illegal dumping. The Rewards Program that Oakland Public Works (OPW) inherited yielded minimal results over the years and the Environmental Enforcement Program (EEP) aims to re-imagine the Rewards Program to one that will produce solid cases for successful prosecution. In July 2020, the EEOs launched a “soft rollout” of a new citation process. Over the next six (6) months the EEOs will provide vital feedback on how active enforcement impacts the nature (including volume/type/conditions) of illegal dumping throughout the city. From this data, OPW staff will ascertain what type(s) of illegal dumping will benefit most from a Rewards Program in which residents actively support enforcement efforts.

**9) Status report on upkeep of port-a-potties at encampments, and whether the service provider(s) is complying with the terms of the portable toilet contract:**

A status report on the upkeep of portable toilets at encampments and whether the service provider is complying with the terms of the contract is included in **Attachment D**.

**9) Request for the legal opinion on what can and cannot be done as proposed in the encampment management policy to discuss in context with *Martin v. Boise*:**

Deferring to the City Attorney’s Office.

*Requests by Councilmember Lynette Gibson-McElhaney*

**1) Clarify where people are permitted and the standards including standards for co-governed encampments:**

The locations where people are permitted is addressed above (response number six to Council President Kaplan’s requests), and the 2020 Encampment Management Policy (**Attachment C**)

outlines the same standards for both co-governed encampments and encampments in low-sensitivity areas, which include the following:

- Shall be limited to one side of the street.
- Shall not impede vehicle, bike, or pedestrian traffic (on at least one side of the street)
- Shall not impede Americans with Disabilities Act (ADA) access points.
- Shall not impede emergency ingress/egress routes.
- Compliance with applicable and generally enforced state codes and local ordinances.
- Encampment footprint shall not exceed 12 x 12 square feet per person.
- Area directly adjacent to a vehicle dwelling must remain clear at all times.
- No gray or black water dumping.
- No illegal electrical or water taps.
- No storage of tires, gasoline, generators, or propane tanks, or unsafe storage of combustible materials or accumulation of combustible waste.
- Structures, tents, and vehicle dwellings shall maintain not less than six (6) feet distance between one another.

Additional guidance on the implementation of a co-governed encampment model in Oakland is included in **Attachment E**.

## **2) Clarify prioritization of public land or buildings in freeing up sidewalks:**

The prioritization of freeing up sidewalks is included in the Encampment Management Implementation Strategy, which is attached to this report (**Attachment F**).

## **3) Legal Analysis of the degree to which the City could prioritize for affordable housing/anti-displacement services for native Oaklanders who have been displaced or are at-risk of displacement:**

The City Attorney's Office would provide a legal analysis; however, the City's Housing and Community Development Department prioritizes Oakland residents in the following ways with respect to the unsheltered population:

- Anti-displacement services serve only Oakland residents and the Coronavirus Aid, Relief, and Economic Security (CARES) Act-funded renter relief program prioritizes those most impacted by COVID and most at-risk of homelessness.

- Project HomeKey projects will utilize the coordinated entry system in a manner that prioritizes those most vulnerable and screens for people who are homeless in Oakland or lost their housing in Oakland.
- The most recent Notice of Funding Availability included bonus points for utilization of prioritized coordinated entry for homeless units (as described above). Staff is considering establishing use of coordinated entry as a threshold requirement for funding housing units serving homeless people in future NOFAs.
- A condition of receiving City affordable housing funds is compliance with the City's Housing Preference Policy which includes a preference for Oakland residents and residents of the neighborhood where the housing development is located.

The City's Human Services Department (HSD) prioritizes homeless Oakland residents in the following ways:

- Community Cabins were originally geographic interventions and referrals came from people who were known by street outreach and observed to be living in the encampment near the site. As beds have turned over, the primary referral mechanisms continue to be from Oakland's street outreach teams and the County street health teams, both of which work exclusively with people experiencing homelessness on the streets in Oakland.
- The City's Safe RV Parking sites use a screening tool to document a participant's connection to Oakland by looking at the vehicle registration, license/ID, proof of last address, or history in the County's Homeless Management Information System (HMIS) database that documents homelessness within Oakland.
- Programs that are filled by the Coordinated Entry System screen for people from Oakland by looking for the following connections:
  - Currently homeless in Oakland
  - Lost their housing in Oakland
  - Grew up in Oakland/went to high school in Oakland
  - Kids go to school in Oakland due to previous residency in Oakland

**4) Discuss potential for leveraging low-sensitivity encampments for possible consolidation of services:**

This approach is considered in the Encampment Management Implementation Strategy (**Attachment F**), and it could be addressed specifically during the proposed monthly briefing to each Council Office in advance of the Encampment Management Team scheduling any encampment operations in that specific district the following month.

**5) Clarifying the Homelessness Administrator has interdepartmental decision-making authority:**

In previous City Council meetings, the City Administrator has stated on the record that the Homelessness Administrator has interdepartmental decision-making authority with respect to encampment operations and is engaged in all City homelessness matters.

**6) Confirming and explicitly requesting information on/presentation of the implementation plan for the Encampment Management Policy:**

The attached Encampment Management Implementation Strategy (**Attachment F**) will be presented to the City Council at the October 20, 2020 City Council meeting.

**7) Request to go into closed session to review the legal issues.**

Deferring to the City Attorney’s Office.

*Request by Councilmember Kalb*

**1) Status update on the number of encampments, with and without services, the descriptions of the services, and the frequency of maintenance of the services.**

Staff is currently tracking 142 encampments citywide, approximately 70 of which include 3 or more residents (the remainder has one to two people present), 40 of which receive hygiene interventions (portable toilets and wash stations) and 35 of which receive regular garbage services. The Public Works Department is actively programming the \$1.6 million allocated by the City Council to expand garbage services.

Encampments currently receiving weekly sanitation services are shown in **Table 1**, below:

**Table 1: Encampments with Weekly Sanitation Services**

83 <sup>rd</sup> & Hillside	Alameda ave	38 <sup>th</sup> & Manila	16 <sup>th</sup> & Mandela
77 <sup>th</sup> & Hawley	14 <sup>th</sup> & MacArthur	Russet & Moorpark	5 <sup>th</sup> & Filbert
Hegenberger loop	Union Point Park	Wood st	5 <sup>th</sup> & Kirkham
46 <sup>th</sup> & E12th	E12th Median	45 <sup>th</sup> & MLK	6 <sup>th</sup> & Alice
48 <sup>th</sup> & E12	Athol Tennis Courts	36 <sup>th</sup> & MLK	28 <sup>th</sup> & Ettie
Bancroft way	1 <sup>st</sup> & E12th	34 <sup>th</sup> & Telegraph	24 <sup>th</sup> & Union
47 <sup>th</sup> & San Leandro	Independent	34 <sup>th</sup> & Elm	29 <sup>th</sup> /30 <sup>th</sup> & MLK
E12th & 42 <sup>nd</sup> Ave	Baldwin	Santa Clara & Harrison	Northgate & Sycamore
E12 & 47 <sup>th</sup> Ave	Bancroft & High	23 <sup>rd</sup> & MLK	

Locations identified for OPW’s Containerized Garbage Pilot Expansion are shown in **Table 2**, below:

**Table 2: Locations for Containerized Garbage Pilot Expansion**

Athol Tennis Courts	36 <sup>th</sup> & MLK	Union Point Park
45 <sup>th</sup> & MLK	42 <sup>nd</sup> & E12th	5 <sup>th</sup> & Kirkham
28 <sup>th</sup> & Ettie	Bancroft & High	77 <sup>th</sup> & Hawley
16 <sup>th</sup> & Mandela Parkway	14 <sup>th</sup> & MacArthur	83 <sup>rd</sup> & International
34 <sup>th</sup> & Telegraph	1400 Bancroft way	

Of the 142 encampments that are currently being tracked, 40 receive health and hygiene services that include portable toilets and wash stations, and the status and locations of this service is provided in the attached Encampment Hygiene Status Report (**Attachment D**).

In addition to providing regular garbage service, portable toilets and wash stations, mobile shower and laundry service is provided seven days a week at various locations throughout the city. The service schedule, which includes hours of operation and locations is attached to this report (**Attachment G**).

The Human Services Department oversees outreach services, which includes regular visits to encampments to make offers for vacant shelter beds, interim housing beds, and safe parking spaces, as well as to complete coordinated entry assessments when appropriate, assist residents to become document ready, and to distribute lunch bags, trash bags, water, and hygiene kits.

*Requests by Councilmember Nikki Fortunato Bas:*

**1) Including the Report and Recommendation on co-governed encampments in alignment with the \$600,000 allocated in the budget for co-governed encampments to work with stakeholders and organization for a pilot for mediation:**

On January 28, 2020, staff presented a report to the Life Enrichment Committee (**Attachment H**) that outlined a process for the use of public land for a co-governed encampment. Staff strongly encourages a managing agency to partner with the residents of an encampment to establish a co-governed site. The managing agency can be a nonprofit organization, faith-based organization, another public agency, or a grassroots collective that can meet the City's insurance requirements. The managing agency would work with encampment residents to maintain the encampment standards outlined in the 2020 Encampment Management Policy.

The application to begin that process is attached to this report (**Attachment I**). Guidance on the implementation of a co-governed model is also attached to this report (**Attachment E**). A list of potential sites is included in **Attachment J**.

Interested parties should contact the Homelessness Administrator for additional information.

**2) Look at a list of locations for encampments, and include the County's lands as well:**

Staff addressed this request earlier this year in a report presented to the Life Enrichment Committee on February 25, 2020 (**Attachment A**). The information presented in that report remains relevant.

**3) Look into mental health and public health services to support the encampments:**

Mental health care and physical health care in encampments falls under the County Health Department's jurisdiction. However, City of Oakland Human Services Department (HSD) staff and City-contracted street outreach providers play an important role in ensuring that unsheltered people in need of these services are connected to them.



The process starts with HSD staff triaging requests for street-based outreach in order to make the appropriate referrals. Requests are received from multiple sources including OAK311, the City Administrator's Office, Council Offices, housed neighbors, businesses, and advocates. Issues include size of encampment footprint, blocking lanes of traffic, requests for support for food, clothing, emergency shelter, healthcare, and mental health care.

HSD, Community Housing Services Division staff determine if the outreach request is within the scope/capacity of either the City's contracted outreach teams or other partner agencies, and then reaches out to the appropriate providers for support.

#### Mental Health

Acute mental health needs are addressed by the County's Behavioral Health Department and Crisis Mental Health teams. The County's Behavioral Health Care core model components are listed below.

**Crisis Mental Health teams (Mobile Crisis):** For situations which appear to be mental health related, City staff will forward requests and information to the County's Crisis Mental Health team. After making a referral, HSD staff may play a coordinating role in connecting the mobile crisis responders with street outreach staff as they respond to a homeless individual. These Mobile Crisis referrals follow the same process that is available to any citizen and all Oakland residents are encouraged to call (510) 891-5600 when they encounter someone in mental health distress.

**Mobile Evaluation Team (MET):** The Oakland Police Department (OPD) works closely with Alameda County Behavioral Health Care Services to meet the needs of citizens in crisis. This team pairs a County mental health clinician with specially trained OPD officers. The MET is available to the Oakland Encampment Management Team for planned closures or on an as-needed basis when a clinical evaluation is needed.

**Emergency Medical Services (EMS):** Issues that are triaged to be acute physical or mental health needs are referred to EMS (911).

#### Physical Health

Alameda County's Health Care for the Homeless Division manages Street Health Teams. These countywide cross-disciplinary teams work within specific defined zones to address the largest encampments in an area. The teams are made up of a nurse practitioner, social worker, and in some cases, a medical doctor. In Oakland, these teams are operated through the County directly, Health Care for the Homeless Team, and through grantees, Lifelong Medical and Roots Health Clinic. For situations which involve physical health care needs, City staff reach out to Street Health Teams for assistance and will facilitate collaboration with the City's funded street outreach teams or other service providers as needed. Communication between the health teams, City staff and Outreach providers is ongoing and consistent.

The link below provides an interactive map showing street health zones:

<https://www.google.com/maps/d/edit?mid=1vA3PCKMf2uCdzBQO0JQZkc9m8VTOvwYt&usp=sharing>

While collaboration around street-based services between City and County has been strong for many years, during the Covid-19 pandemic communication and collaboration between City staff, contracted street outreach providers, County staff and County Street Health Teams has dramatically increased. Together, these partnerships are responsible for the response to COVID for people experiencing homelessness. Jointly held activities include shelter decompression (moving high-risk people out of shelters), screening and referrals to the County's COVID response hotels and to the City's HomeBase trailers, distribution of personal protective equipment (PPE) and other supplies to allow people to safely shelter in place on the street, and rapid mobilization on the rare occasions when there are people with COVID-positive tests in encampments or homeless programs.

Additional information regarding mental and behavioral health support from Alameda County is included in **Attachment K**.

### **Public Interest / Outreach**

The LEC Chairperson, Councilmember Loren Taylor, in coordination with Administration staff, hosted a virtual Public Town Hall meeting on Monday, June 22, 2020 to solicit community input regarding encampment management strategies.

The City's Homelessness Administrator has also participated in numerous district-specific virtual Town Halls, as well as Neighborhood Crime Prevention Council (NCPC) meetings and other community-led meetings over the past four months – the topic of discussion being homelessness and the City's management of tent and vehicle encampments. Most recently, Councilmember Taylor and the Homelessness Administrator participated in a citywide Town Hall hosted by the Mayor on October 1, 2020.

This topic has also been presented at multiple LEC meetings over the past year.

### **Coordination**

The City's Human Services Department, Public Works Department, Fire Department, Police Department, Office of the Mayor, and City Attorney's Office contributed to the information presented in this report.

### **Sustainable Opportunities**

**Economic:** Providing services to encampments and managing adverse impacts is an investment that has an immeasurable return when the impact it has on the lives of those individuals and the community at large is taken into consideration.

**Environmental:** This policy is intended to address the environmental degradation caused by street encampments.

**Race & Equity:** African Americans are disproportionately impacted by homelessness. In Oakland, 70 percent of the homeless population are African American and the vast majority of known encampments at this time are located within communities of concern. For these reasons, the 2020 Encampment Management Policy was developed with an intentional focus on the following equity outcomes:

- Health and safety standards are achieved and maintained for encampment residents who are disproportionately Black, Indigenous, and Persons of Color (BIPOC).
- BIPOC neighborhoods and businesses are not disproportionately impacted by vehicle and street encampments.
- Service provisions close disparities in BIPOC groups' representation in homelessness.

An equity impact analysis will be conducted every six months in coordination with the City's Department of Race and Equity to ensure the stated equity outcomes are achieved and maintained.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Implementing The 2020 Encampment Management Policy.

For questions regarding this report, please contact Daryel R. Dunston, Homelessness Administrator, at 510-238-2105.

Respectfully submitted,



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DARYEL R. DUNSTON  
Homelessness Administrator  
Office of the City Administrator

Attachments (11):

- Attachment A - Encampment Management LEC Staff Report 2/25/2020
- Attachment B – Letter to Alameda County Requesting Use of County Fairgrounds
- Attachment C – 2020 Encampment Management Policy
- Attachment D – Encampment Hygiene Status Report (Port-a-potties)
- Attachment E – Guidance on Implementing Co-Governed Encampments
- Attachment F – Encampment Management Implementation Strategy
- Attachment G – Encampment Shower / Laundry Schedule
- Attachment H – Encampment Management LEC Staff Report 01/28/2020
- Attachment I – Application for Co-Governed Encampment Consideration
- Attachment J – New Vacant City-owned Parcel List
- Attachment K – Alameda County Mental Health Services Information