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To: City Council and Members of the Public  
From: Councilmember Nikki Fortunato Bas  
Date: October 15, 2020  
Subject: Encampment Management Policy

Colleagues on the City Council and Members of the Public,

I am submitting the following letters to inform our discussion about the City's Encampment Management Policy at the Council Meeting on October 20, 2020.

We respectfully ask that these points of feedback be considered as we work to revise and improve our city's encampment management policy.

Thank you.

Sincerely,

Nikki Fortunato Bas  
Councilmember, District 2  
City of Oakland



October 15, 2020

To: Oakland Mayor Libby Schaaf and City Councilmembers Fortunato-Bas, Gallo, Gibson-McElhaney, Kalb, Kaplan, Reid, Taylor, Thao

Fr: Margaretta Lin, John Jones III, Darrell Jones III

Cc: Coalition to Stop the Encampment Management Policy

**Re: Proposed Oakland Homeless Encampment Management Policy**

We have served as the City's thought and action partners on many public service priorities from passing the nation's best Fair Chance Housing policy, creating the recent Re-entry Housing Fund, developing the Oakland Police Commission, to creating the City's Anti-Displacement safety net. As your partners and your friends, it is our duty to share with you our very grave concerns about the proposed Homeless Encampment Management policy for the following reasons.

**1. The policy proposal violates the human rights of unhoused residents and Oakland's standards of racial and social justice and common human decency, as well as public health COVID standards.**

As you know, in 2018 the United Nation's report on global homelessness cited Oakland's policy and practices of removing unhoused people from encampments as "cruel and inhumane" and in violation of international human rights.<sup>1</sup> The proposed encampment policy would also violate these international human rights standards.

The policy would also result in placing people living in 99% of Oakland's homeless encampments under the constant threat of having their homes, belongings, and community they have formed destroyed. We know from both lived experience and public health research that living under such precarity and aggravated stress can result in mental illness, physical illness, child abuse, domestic violence, hopelessness and suicide.<sup>2</sup>

In a time when City leaders have stood up for Black Lives, the policy would also result in disparate impact on Black people given that they represent 70% of Oakland's unhoused population while only constituting 24% of Oakland's overall population.

In a time of COVID, the policy would result in dispersing people who are at extreme risk of contacting COVID—increasing COVID risks for both unhoused residents and the general Oakland population. This would be in violation of both the City Council COVID policy on homelessness, on which we partnered, and the CDC COVID guidelines.

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<sup>1</sup> <http://unhousingrapp.org/user/pages/04.resources/A-73-301-Rev1p.pdf>

<sup>2</sup> <https://www.cdc.gov/php/publications/topic/resources/resources-homelessness.html#:~:text=Homelessness%20is%20closely%20connected%20to,%2C%20tuberculosis%2C%20and%20other%20conditions.>

**2. Instead, the City should provide meaningful alternative housing options including using the available 50 acres+ of public land and millions of new public funds for homelessness to provide immediate, safe, and dignified housing.**

Oakland residents and businesses are all united in wanting to see unhoused residents provided with stable and secure housing. However, government's inability to provide stable housing for the growing numbers of unhoused people is creating unnecessary land use conflicts between unhoused residents who are trying to survive and members of the public who are trying to use public spaces.

Oakland is fortunate because unlike some other cities, we are blessed by the ingredients needed to provide safe, dignified, and stable housing for all of the city's unhoused—over 50 acres of vacant public land<sup>3</sup> and millions of new public funds for homelessness.<sup>4</sup> Two years ago, Just Cities conducted research and issued a roadmap for Oakland on how it could provide immediate housing for over 2,000 residents.<sup>5</sup> This roadmap is still applicable today. We stand ready to assist the City, pro bono, and to mobilize our many partners to do the same.

**3. The City has not followed its own internal racial equity standard of authentic community engagement of unhoused residents.**

As a member of the Government Alliance on Race and Equity (GARE), the City of Oakland seeks to adhere to GARE's standards on racial equity including community engagement. However, as shared with us by Oakland's leading unhoused organizations including The Village, East Oakland Collective, and Love and Justice in the Streets, the City has not conducted adequate community engagement with unhoused residents to listen, hear, and dialogue with them.

**We strongly recommend that the City Council directs the Administration to engage in respectful and robust community engagement prior to Council taking a vote on the policy proposal.**

**4. The City has not followed its own internal racial equity standard of conducting a racial equity impact analysis by the Department of Race and Equity.**

The Oakland Department of Race and Equity was formed to end the vicious and historic cycle of racially unjust planning and public policy. However, in order for the Council to be informed about potential racial equity impacts, the Department must conduct a racial equity impact analysis **BEFORE** the policy is enacted. It defies the principles of racial equity for the Department to wait until the policy has been implemented and then merely study the harmful effects of the policy.

**We strongly recommend that the City Council directs the Department of Race & Equity to conduct a racial equity impact analysis of the proposed policy prior to Council taking a vote.**

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<sup>3</sup><https://bit.ly/3512qj6>

<sup>4</sup> Recent ballot measures, Q and W, are providing about \$20 million annually for homelessness.

<sup>5</sup><https://tinyurl.com/y2mqpgdw>



September 20, 2020

To: Life Enrichment Committee of the Oakland City Council

Re: Encampment Management Policy proposals on agenda for September 21, 2020

Dear Chair Taylor and members of the Life Enrichment Committee:

ShelterOak appreciates the City's efforts to replace an otherwise amorphous process for intervening in encampments with a clear process that can provide predictability for homeless residents and the community of advocates that supports them. However, we write to express our disappointment that the Life Enrichment Committee is considering the very flawed proposed "Encampment Management Policy." We urge you to reject this proposal and direct staff to develop a workable approach to managing encampments, one without the discriminatory elements and tone of this proposal.

As written, the proposed policy would impose impossible standards on homeless residents. One of many examples: any homeless residents who lack access to plumbing, own cooking equipment, require more than 144 square feet of living space, or who cannot maintain six feet of distance from neighboring residents will be subject to "intervention."

The Committee must not recommend that the City Council cede such broad authority to the Encampment Management Team.

Among other issues, the proposed policy would label any of the following as justifications for intervention, including forced removal:

- Living in proximity to public resources such as schools, businesses, parks;
- Living away from public resources, but in proximity to a right-of-way, lane of traffic, bike lane, or ADA access point;
- Living in an encampment that allocates any more than 144 square feet of living space per resident;
- Living in an encampment that lacks access to proper human waste disposal;
- Using "combustible materials" to prepare food;
- Keeping tents or other housing structures within 6 feet of neighbors;
- Lacking resources to control animals and vermin;
- Living in—or being perceived to live in—an area where human and drug traffickers choose to conduct illegal business.

The distinction between “high-sensitivity” and “low-sensitivity” areas is specious. Regardless of which category a homeless resident’s encampment falls in, they would be subject to the authority of the Encampment Management Team, simply for the act of living.

The proposed policy is littered with discriminatory presumptions about homelessness and criminality. Despite the fact that the Encampment Management Team does not handle criminal matters, the proposed policy goes out of its way to include a section of “Law Enforcement Response.” That section lists numerous serious crimes justifying law enforcement intervention, implying that the homeless are responsible for such crimes more often than the housed.

The proposed policy also repeatedly faults homeless residents for living in proximity to human and drug trafficking, implying that they are responsible for the organized criminal operations that take advantage of the lawlessness of many of the City’s encampments. Homeless residents are not the source of the City’s crime, and frequently they are the primary victims. Displacing blame onto them is irresponsible and plays into stereotypes about the people who have most often been forced into homelessness in Oakland.

By emphasizing criminality and ceding general authority to the Encampment Management Team to force removal, the proposed policy would add to the City’s dependence on policing. For months, housed and unhoused residents have demanded substantial defunding of the Oakland Police Department, and called for social workers rather than police to contact homeless residents. But this proposed policy would invest in police. It would invest in police monitoring of encampments. It would invest in police overtime to manage closing and cleanings. Most perniciously, it would invest in the false idea that police stand between the “law abiding” housed and “criminal” unhoused.

The proposed policy concludes by claiming that the rights of homeless residents stand in conflict with public health and safety. Just the opposite is true. Although we recognize that the *legal* rights of the unhoused pursuant to *Boise* have practical implications for City policy, affirming the *human* rights of the unhoused to live in dignity, with proper sanitation, living space, and access to food, will enhance public health and safety. To that end, and as we have done repeatedly in the past, we call for the City to invest in sanitation facilities, trash collection, and fresh water supplies at all encampments. We also encourage the addition of at least two knowledgeable community members with experience living or working on the street to the Encampment Management Team.

An updated policy should be stripped of discriminatory elements, should be supported by input from homeless residents, and should include a true racial equity analysis. We are aware that the current proposed policy sought input based on a public and unscientific survey. But that survey was primarily answered by homeowners, who are primarily white and have a different set of interests from people living unsheltered. The Council should not adopt a policy without first hearing from the people whom it will actually govern. Despite alluding to the need to conduct a racial equity analysis, none was actually included. The Committee must not allow a proposed policy to advance to the Council until a racial analysis has been completed.

The proposed policy will not achieve the goals of a clear process that provides predictability for homeless residents. It will only affirm the Encampment Management Team's authority to force the homeless to relocate anytime their existence becomes inconvenient for their neighbors. Shoving homeless residents from place to place has not and will not work. There is no "out-of-sight, out-of-mind" solution.

We urge you to reject this proposed policy and call for a policy that addresses the needs of predictability for homeless residents. With the City's long-awaited Homeless Commission also set to be seated in November, we also ask whether this policy should be delayed until that group can provide critical input? Take the time to develop a policy that prioritizes the needs of those living unsheltered.

We appreciate your consideration, and urge that you keep this item in committee for further staff work and deliberation.

Sincerely,

*The members of ShelterOak.org*

Encampment Management Policy Testimony  
Oakland City Council Meeting  
September 21, 2020

My name is Brock de Lappe and I am the Harbor Master and Marina Manager for five marinas along the Oakland Estuary.

One of my marinas is located at Union Point, adjacent to a city park which for years has been seriously impacted by illegal homeless encampments.

On several occasions during the past three years there have been clear and clean operations undertaken by the Department of Public Works and the Oakland Police Department.

Despite these very expensive efforts, through lack of follow-up enforcement the areas of the park designated a formal "Closure Areas" have been reoccupied.

There has been tremendous damage done to this park.

What was once a beautiful shoreline resource used by the community at large, is now a seriously degraded, crime infested wasteland, inhabited by a few dozen destitute individuals.

In addition to the loss of this park to the general public, the slip holders at the Union Point Marina are the real victims of this dire situation.

There have been four murders along a short stretch of the Embarcadero since late February, two of which are directly tied to the Union Point Park encampments.

There are frequent fights and gunshots in the parking lot, along with drug dealing and prostitution.

Marina tenants are frequently subject to threats of violence and their cars have been damaged and stolen.

The conditions of the encampments are deplorable. There is no social distancing or appropriate sanitation. There is overwhelming trash and a terrible rat infestation.

Some of the families residing in the park have very small children. For their sake, Alameda County Child Protective Services should fully engage to assess their living conditions, especially in light of the current COVID pandemic.

How is it that given the millions of dollars the City of Oakland has received from State, Federal and private agencies, that the City is unable to provide appropriate housing for 20-30 people, a census estimate that was provided by Daryel Dunston, the Oakland Homelessness Administrator?

This is truly shameful.

I would also like to address the growing population of boats anchored in the estuary offshore of the park. According to the US Coast Guard, there are no legal anchorages anywhere on the Oakland Estuary. This is an example of homeless encampments on the water. I encourage the City Council to more fully support the Oakland Police Department Marine Patrol Division with the resources they need to effectively deal with this growing problem.

The homeless encampment at Union Point Park is a critical issue of **an imminent threat to public health and safety.**

The City of Oakland cannot continue further delays in addressing this dangerous and deplorable situation.

I support the proposed new **Encampment Management Policy** which would provide added protection of Oakland's Parks and protected waterways.

Please start with Union Point Park, the only city park given a F rating in a recent city-wide survey.

Thank You.

Brock de Lappe  
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September 21, 2020

Hon. Loren Taylor, Chair  
Members of the Life Enrichment Committee  
1 Frank Ogawa Plaza  
Oakland, CA 94612

RE: Support for collaborative Encampment Management Policy

Dear Chair Taylor.

On behalf of the Coalition of Oakland Businesses for Homelessness Solutions – led by the Oakland BID Alliance and convened by the Oakland Metro Chamber of Commerce – we applaud the City Council and staff for working to enact a compassionate and effective encampment management policy. Clearly the status quo is not working for anyone.

The Coalition was formed to study and advocate for ways that the business community can support solutions to homelessness – a thoughtful and humanitarian encampment management policy being one of them. The cascading systemic failures that led to the current homelessness epidemic – including a broken mental health system, institutionalized racism, and a housing crisis – cannot be solved overnight.

Both unsheltered and sheltered individuals are valued parts the Oakland community. We are committed to advocating for both permanent and emergency interventions that address root causes as well as immediate measures that lessen the negative effects of homelessness on the safety, economic opportunity, and well-being of all Oaklanders - unsheltered and sheltered.

**The proposed policy by City staff is a giant step in the right direction and we urge the Committee to forward it to the full council for consideration. We support the policy as a starting framework and have the following suggestions and questions about implementation.**

1. Prioritize preventative and cooperative measures with the goal of establishing and maintaining encampments compliance to prevent it from becoming a health and safety threat subject to closure. Proactive rather than a reactionary approach is best for the housed, unhoused, and businesses.
2. Additional implementation mechanisms could include:
  - a. Thorough tracking of weekly visits from county, city, and social service providers to encampments in both high and low sensitivity areas. Consistent and thorough weekly social service outreach creates positive activity and establishes trust with





encampment residents, which will enable those providers to build relationships with the unsheltered residents and effectively help them to connect with – and successfully engage with programs.

- b. Paid Encampment Community Liaison position: one resident in every encampment can be voluntarily designated to be a Community Liaison. This would be a paid position of an encampment resident who takes responsibility and leadership in ensuring compliance with encampment standards and act as a liaison to the surrounding community residents/businesses.
3. Provide clear and detailed standards to help encampment residents and their Community Liaison maintain ongoing compliance to standards and to improve relationships and communication with the surrounding housed residents businesses, and other encampments.
4. To facilitate compliance, encampments must be provided with dumpsters/trash bins and portable toilets that are serviced at a minimum on a weekly basis, or twice a week for larger encampments.

Sincerely,

The Coalition of Oakland Businesses for Homelessness Solutions

