



# MANAGING ENCAMPMENTS WITH CONSISTENCY AND PREDICTABILITY

Unpacking Street Strategy #10

April 2021

# Purpose of this Annex

As long as L.A. has a housing shortage, people will live in public spaces, and community pressure to “do something” about encampments will continue. But moving homelessness out of sight or into shelters does not solve it - especially if there are no longer-term connections to permanent housing. Experts recommend centering our policies and protocols for responding to unsheltered homelessness primarily on the needs of the person surviving on our streets - not primarily on the needs and desires of housed Angelenos. That centering requires the abolition of existing “public safety” constructs, a deeper investment in housing and services, and a minimal role for law enforcement. It also requires a more consistent, predictable, and transparent framework for how public space is shared and how hygiene and sanitation services are delivered.

Responding to unsheltered homelessness more ethically, collaboratively, consistently, and predictably requires philosophical and resource alignment that many jurisdictions in L.A. County have not stitched together. In March 2021, the City of Los Angeles violated almost every tenet of this framework in its militarized, late-night closure of Echo Park. In early April 2021, it became clear that the City was seriously considering settling a federal court case by agreeing to terms that explicitly prioritize doing the minimum possible, as fast and as cheaply as possible, to justify the enforcement of anti-camping ordinances. On April 20<sup>th</sup>, a federal judge ordered the City and County to effectively clear Skid Row of its unsheltered residents by offering them enough “adequate shelter” to justify a constitutional return to anti-camping enforcement. Taken together, these actions reveal that a better framework is desperately needed.

Fortunately, Los Angeles is not the first community to confront these challenges – so this Annex points to examples and research that make it clear there is a better path forward. Across our research and feedback from experts, one thing is clear: strategies to address the crisis on our streets must center those experiencing unsheltered homelessness while also acknowledging the needs of the broader community. Punitive actions and shifting resources away from permanent solutions are fear-based responses and temporary fixes not rooted in evidence. Instead, we are outlining balanced frameworks, citing credible examples, and inviting new partners and resources into the crisis response system to generate more options and expand services.

## Key Components of a Better Framework

- Improving the Process for Place-Based Interventions
- Thresholds for Place-Based Responses to Unsheltered Homelessness
- The Role of Person-Centered Services in Place-Based Interventions
- The Role of Law Enforcement in Place-Based Interventions
- Rethinking How We Measure Effectiveness

# Improving the Process for Place-Based Interventions

Even though Los Angeles jurisdictions have a massive shortage of affordable housing and an obvious undersupply of shelter beds, many of those same jurisdictions continue to rely on municipal codes and selective enforcement that criminalize unsheltered homelessness.<sup>1</sup> In addition to the paradoxical injustice of governments criminalizing a housing crisis they are responsible for solving, the inconsistent enforcement of these laws adds unnecessary confusion and frustration for all involved. In addition, public policy should never be made without the direct input and full participation of those most impacted. This principle of “nothing for us without us” has been central to civil rights movements throughout history, and homelessness is no exception. Unfortunately, elected officials in L.A. have not been living up to that principle. The City’s response to the Echo Park encampment made clear that we need much better processes for collective decisions about shared public space, providing adequate notice, operating with transparency, and ensuring consistency across time and place.

## Key Components of a Better Framework

### Reaching Community Consensus About the Use of Shared Public Spaces

01. Every jurisdiction in L.A. County should remove municipal codes that broadly criminalize homelessness (e.g., prohibiting lying, sitting, sleeping, camping, residing, etc.) in shared public spaces. We continue to have an inadequate supply of shelter and housing relative to documented need in our County, and criminalization statutes only contribute to shuffling homelessness between neighborhoods, communities, and jurisdictions.
02. If jurisdictions designate specific public spaces as off-limits for overnight sleeping, they should reach those decisions by:
  - Using a transparent and collaborative community engagement process that genuinely includes the perspectives of those surviving in our streets, parks, and other outdoor spaces – especially those with access and functional needs – to develop and revise policies, protocols, and implementation structures. Note that “genuine inclusion” requires ample time and accessible opportunities for meaningful participation before, during, and after policy decisions are made.
  - Focusing on locations that are unsafe or hazardous to the person experiencing homelessness (e.g., riverbeds, storm drains, fire hazard areas).
  - Balancing the needs of both housed and unhoused residents. Too often, the desires of housed residents and business owners to not encounter homelessness are given higher priority than the needs of unsheltered residents to access clean water, restrooms, storage, sanitation, privacy, transportation, and community.

# Improving the Process for Place-Based Interventions

- Ensuring these decisions are driven by objective criteria and thresholds (see "Thresholds for place-based responses to unsheltered homelessness" section below).

03. If jurisdictions with inadequate shelter and housing reach a consensus to prohibit homelessness in specific public spaces, then they must concurrently identify an adequate supply of locations where it is legal to experience unsheltered homelessness and that is proximal to locations and services that meet the needs of the unhoused (e.g., access to services, commerce, storage, and transportation).

## Providing Adequate Notice

04. Set clear, distinct, and transparent dates for engagement, cleanups, and/or closures. Communicate those timelines clearly. Show up when promised and communicate changes as those timelines shift.<sup>2</sup>
05. Provide each impacted person with enough advanced notice and support to have full agency in the decision making and planning process. Some jurisdictions have chosen a 14-day minimum, but many of those jurisdictions have significantly more shelter capacity than L.A. relative to the size of their unhoused populations. Therefore, the amount of notice should account for the time needed to establish person-centered housing stabilization plans and the time necessary to implement those plans. Those timelines should be established after reviewing data on the impact of notice on housing outcomes and receiving direct feedback from those who have been and/or may be impacted by encampment interventions.

## Increasing Transparency

06. Policies, protocols, and frameworks relative to place-based interventions should be created in the open, and routinely shared with the public and those directly impacted by responses to unsheltered homelessness – especially the clients and provider staff who work closely with them.
07. All signage and posted notices must clearly inform unhoused residents about the rules governing overnight sleeping in that location.
08. Know Your Rights information should be accessible and curated for people experiencing unsheltered homelessness, so they are empowered to legally navigate shared public spaces.
09. Before the implementation of any protocols for place-based intervention, the jurisdiction must submit all evidentiary support that the objective thresholds for intervention have been met, and the city's elected officials must affirmatively vote in support of intervention.

# Improving the Process for Place-Based Interventions

10. Encampment cleanup and closure schedules should be publicly available, searchable, and routinely updated on a public-facing website.
11. After removing all personally identifiable information to protect privacy, the progress and outcomes from place-based interventions should be shared publicly before, during, and after encampment interventions.

## Ensuring Consistency

12. Policies and protocols for place-based responses to homelessness should be consistent across time and place within the same jurisdiction, otherwise we are simply shuffling homelessness around a confusing patchwork of inconsistent rules and regulations.

## Examples in Practice

- The **State of Oregon** is considering bills that prohibit the criminalization of camping or resting on public property when there is no other option, and a “right to rest” that would decriminalize sleeping in public.
- The **District of Columbia** provides 14-day notice, public schedules of its encampment interventions, and “Know Your Rights” cards to impacted residents.
- The **City of Charleston, SC** used an inclusive community process to create a 10-point plan to clean up and close a large encampment using a clear timeframe and supportive services. They also held bi-weekly discussions regarding the future of the Tent City with residents, outreach programs, and the police department to ensure open and transparent communication.
- In greater **Syracuse, NY**, a shared set of community norms were developed to promote alternatives to criminalization.
- The **City of Seattle, WA** has sanctioned encampments and villages, and requires adequate outreach, storage, and housing be available to all those affected at least 30 days before the encampment closure.
- The **City of Austin, TX** recently changed its code to prohibit camping in places the city has designated as high wildfire risk, and the **City of Sacramento, CA** prohibits property near levees, wildfire areas, hospitals, and fire stations.
- The **City of Oakland, CA** continuously refines an Encampment Management Policy that creates high and low sensitivity areas, as well as “off-limits” zones.

# Thresholds for Place-Based Responses to Unsheltered Homelessness

Because we don't have enough shelter and housing, jurisdictions across the country usually respond to homelessness through a scarcity construct (i.e., we give the next available resource to the next most vulnerable person). Place-based responses throw that construct into disarray. By targeting specific locations, our interventions have disproportionate and inequitable impacts among people experiencing unsheltered homelessness that must be accounted for and corrected. Therefore, system partners should ensure as much equity as possible whenever place-based strategies are used. This requires system-level agreement on objective, person-centered criteria for evaluating the safety of encampments, establishing reasonable thresholds for service-rich intervention, and ensuring safe interim placements are available for those impacted by encampment closures well before the closure occurs. Therefore, we recommend all jurisdictions in L.A. County incorporate the following core components into their frameworks for establishing thresholds for place-based responses.

## Key Components of a Better Framework

01. Jurisdictions should use an inclusive process to establish community triggers for services-led intervention and thresholds for the level of intervention. Example triggers could be encampment conditions that present an immediate health or safety risk to its inhabitants (e.g., the presence of uncontrolled human waste, rodent infestations, or the transmission of dangerous communicable diseases). The City of L.A.'s current Standard Operating Protocol for 56.11 does not establish clear community triggers and thresholds - it simply establishes procedures.
02. Jurisdictions should not ignore community complaints about encampments but must balance the weight of those complaints against other objective criteria when deciding what triggers a place-based response. This is particularly important in communities that continue to resist and thwart the creation of housing and shelter for their unhoused neighbors.
03. To counter the inequities created by place-based responses, jurisdictions in L.A. County should include equity offsets. For example, if a city is responding to an encampment of predominantly white cisgender men and offering shelter or housing, then the same city should offer an offsetting amount of shelter and housing in communities where people of color and other genders are disproportionately represented, so that racial and gender inequities are not further exacerbated.

# Thresholds for Place-Based Responses to Unsheltered Homelessness

## Examples in Practice

- The **City of Chicago, IL** has a tiered level response based on encampment size.
- The **City of San Jose, CA** uses a combination of factors to trigger place-based encampment interventions (e.g., proximity to waterways, presence of health or safety hazards, accessibility, visibility, complaints, and the presence of trash/debris).
- The **District of Columbia** has a tiered level response based on the presence of hazardous conditions.
- The **City of Houston, TX** uses a combination of community complaints and a public health inspection.

# The Role of Person-Centered Services in Place-Based Interventions

As people experiencing unsheltered homelessness wait for our shelter and housing to scale up, life on our streets is increasingly deadly. Our unhoused neighbors are dying 20 years younger than the general public due to untreated health conditions, unmanaged substance use, victimization, and proximity to vehicular traffic. Lacking reliable access to shelter, housing, clean water, hygiene, and sanitation services exacerbates these life-threatening challenges each day. Therefore, we recommend all jurisdictions in L.A. County incorporate the following essential components into their frameworks for ensuring person-centered services in place-based responses.

## Key Components of a Better Framework

### Shelter and Housing

01. Every person impacted by place-based responses to homelessness must be offered multiple shelter or housing options that are responsive to their specific needs and limitations - and those person-centered options must be offered well in advance of any displacement or closure.
02. Since many people intentionally avoid congregate settings for valid reasons, efforts to move people into large, overcrowded, congregate shelters must be met with safer alternatives. Therefore, every location the government is offering for people to seek shelter should be dignified, restorative, and a safe place to sleep – and should meet these minimum standards:
  - Adequate space for social distancing protective measures
  - Proximity to commerce and public transportation
  - Climate-controlled environment
  - Adequate, trauma-informed security and/or a lockable door
  - Comfortable bedding
  - Access to electricity, internet, clean water, and laundry
  - Access to inclusive, gender-accommodating restrooms
03. An unsheltered individual is well within their rights to decline an offer of shelter or housing, and under no circumstances should that declination result in arrest, citation, or any punitive law enforcement action.



# The Role of Person-Centered Services in Place-Based Interventions

## Street Outreach and Day Services

04. No street outreach program will ever reach the scale of our crisis, and people are highly mobile. Therefore, outreach to unsheltered individuals must be accomplished through a combination of highly effective dispatchable teams and highly effective daytime service centers in every neighborhood. To achieve that objective:
  - Every neighborhood in every jurisdiction should make one-time public and private investments to upgrade existing underutilized facilities that could better serve people on the streets during the daytime, and those day centers should have the infrastructure (e.g., showers, storage, kitchenettes, computers, laundry machines) to safely and effectively serve people.
05. Instead of relying primarily on reactive or complaint-driven street outreach, jurisdictions should geographically assign proactive outreach teams who are continuously building trusted relationships with unsheltered residents and connecting them to benefits, problem-solving resources, and daytime services.
06. If jurisdictions decide to take a place-based approach to homelessness, then shelter and housing resources must be set aside so that outreach teams are equipped with direct matching capability to shelter and housing assets (e.g., PSH, rapid re-housing, and interim shelter beds).

## Hygiene and Sanitation

07. To prevent the spread of disease in encampments, we must do more to help our neighbors manage basic daily needs through a larger scale and more equitable distribution of clean restrooms, drinkable water, washing facilities, harm reduction tools, trash removal, and pest control. Those services should be predictably, reliably, and consistently available in every community where people are surviving outside.
08. Jurisdictions should not use concerns for public health and safety to disguise the stronger enforcement of anti-camping laws. The predictable, reliable, and consistent delivery of hygiene and sanitation services must exist on its own merits and to its own ends.
09. Jurisdictions should pass universal bathroom access laws that:
  - require all public buildings and tax-exempt entities to keep restrooms and water fountains available to the general public; and,
  - require (and fund) the installation of public restrooms in communities that have limited access to public restrooms due to lack of public/tax-exempt buildings.

# The Role of Person-Centered Services in Place-Based Interventions

## Medical & Behavioral Health Care

10. Leverage integrated street medicine teams to continue bringing life-saving health services to people on the streets and coordinate that care with their homeless services liaisons.
11. Expand encampment access to harm reduction services (e.g., safe use kits, naloxone, pre-exposure prophylaxis (PrEP), condoms).
12. Expand the availability of the County's Psychiatric Mobile Response Teams (PMRT) to 75 teams capable of serving 4 clients per day in order to adequately respond to deescalate mental health crises in our communities.

## Storage

13. The City of L.A. should remove the arbitrary 60-gallon limit on the amount of “bulky” personal property an unhoused person is allowed to maintain; and instead develop a mutually acceptable standard for encampment perimeters that enables unsheltered clients to negotiate spatial boundaries while enabling the city to ensure accessible public sidewalks under relevant provisions of the law.
14. Whenever personal property is taken by government officials, the storage location must be reasonably accessible to the property owner via public or subsidized transportation.

# The Role of Person-Centered Services in Place-Based Interventions

## Examples in Practice

- The **District of Columbia** has multiple daytime service centers for people experiencing homelessness, provides free storage to displaced residents for up to 60 days, and passed a [Public Restroom Facilities Installation and Promotion Act](#) which requires the city to construct at least 10 public restrooms in high need locations.
- The **City of Philadelphia, PA** operates an accessible downtown daytime services center called Hub of Hope.
- The **State of California** passed a law in 2012 (AB 685) that defines the access to water for sanitary purposes as a legal right.
- The **City of San Francisco, CA** requires a toilet and scheduled trash removal for encampments greater than 30 persons and provides storage for up to 120 days.
- The **City of Seattle, WA** is required to provide basic garbage, sanitation, and harm reduction services upon request at outdoor living spaces containing more than five individuals, and stores personal property for 90 days.
- The **Cities of Eugene, Springfield, and Portland, OR** provide mobile crisis assistance on the streets through programs like CAHOOTS and Project Respond.

# The Role of Law Enforcement in Place-Based Interventions

Dismantling the racist systems that fuel poverty and homelessness requires us to begin abolishing the current public safety constructs and systems that criminalize, retraumatize, and further marginalize people experiencing homelessness. Abolishing those systems will take more courage than our elected leaders are currently demonstrating and more time than our unhoused residents can afford. Therefore, we must minimize the role of law enforcement in responses to mental health crises and unsheltered homelessness. Concurrently, we must work at the systems level to begin defunding those agencies and redirect those resources toward a reimagined vision of human-centered public safety – one in which unhoused Black and Brown people’s lives are respected, protected, and supported.

## Key Components of a Better Framework

### Abolish Current Public Safety Constructs/Systems & Reinvest in Human-Centered Alternatives

01. Reverse the overinvestment in policing and carceral systems that perpetuate unsheltered homelessness by defunding those systems and reinvesting resources into services and supports that meet people’s needs (e.g., shelter, housing, employment, income).
02. Design, develop, and implement a 24/7 human-centered alternative to law enforcement responses to crises in our communities, particularly those that disproportionately affect people experiencing unsheltered homelessness (e.g., people unprepared for impending weather, intoxication, mental health crises, minor injuries/wound care, etc.)

### In the Meantime, Minimize the Role of Law Enforcement

03. It is imperative for every jurisdiction in L.A. to define a specific, limited, and consistent role for public safety and law enforcement agencies. That role cannot promote criminalization or erode the trust between clients and the homeless services, and it cannot perpetuate racist systems of oppression for Black people experiencing homelessness. Key elements include:
  - Limiting law enforcement involvement to specialized unit or group of officers with embedded social workers to respond to 911 and other calls involving homeless situations. All members would require proper training, and clear protocols that focus on problem-oriented, trauma-informed practices.

# The Role of Law Enforcement in Place-Based Interventions

- Minimizing the presence and prevalence of armed/weaponized law enforcement assets (i.e., officers, vehicles, helicopters, drones) near responses to unsheltered homelessness and mental health crises occurring in public spaces. Focus the purpose of law enforcement presence on the unarmed protection of unhoused residents and the teams that are working with them.
- Eliminating punitive tactics, such as fines, citations, arrests, and other forms of criminalization for activities that would not have occurred if not for the experience of homelessness (e.g., activities related to sleeping, panhandling, loitering, public urination).
- Minimizing unnecessary and retraumatizing interactions that add no value and perpetuate imbalanced power dynamics, like asking what's your name, can I see some ID, or where are you from when that information is not pertinent.

## Examples in Practice

- The **District of Columbia** and the **City of New Orleans, L.A.** each have a pre-arrest diversion program, and DC operates a 24-hour Shelter Hotline that deploys trained outreach workers in vans to assess and transport clients to available shelter beds.
- The **City of Honolulu, HI**, is planning a new [“Crisis Outreach response and Engagement”](#) (CORE) approach that will operate 24/7 to dispatch teams of social workers, medical and mental health specialists to assist people experiencing homelessness instead of relying on police.
- In **Syracuse, NY** residents can call [211](#) instead of the local police department to report concerns and trigger responses related to homelessness.
- To address street homelessness in **Philadelphia, PA**, [“Ambassadors of Hope”](#) teams were created by providers, the Business Improvement District, and the Police Department to help connect people with services without resorting to citation or arrest.

# Rethinking How We Measure Effectiveness

The effectiveness of a city’s response to unsheltered homelessness should not only be measured by the absence of encampments on our streets, but by the number of people whose health and housing stability improved as a result of our engagement. Representatives from the City of L.A. routinely reference an opaque “60% shelter capacity” benchmark to justify enforcement actions, and a federal judge recently ordered a vague “adequate shelter” standard to uphold enforcement actions in Skid Row that are constitutionally consistent with *Boise vs. Martin*. But sheltered homelessness is still homelessness. So, we must be precise about how these thresholds are calculated, how they are used across jurisdictions, and how we measure success.

## Key Components of a Better Framework

### Measuring the “Adequate” Supply of Shelter and Housing

01. Determining whether the supply of shelter and housing is “adequate” to the needs of our unsheltered residents, governments must aim as close as possible to 100% based on the following ratio elements:
  - The denominator for any shelter capacity benchmark should always be the most recent government-audited estimate of that jurisdiction’s total homeless population.
  - The numerator for any shelter capacity benchmark should always be the sum total of shelter beds that already exist and are available for occupancy. It should not include beds in the pipeline.
  - The minimum geographic boundary for any shelter capacity benchmark should always be the lowest level of government for which there is a paid elected representative who can be held accountable. In the City of LA, that would be a council district, not a neighborhood.
  - The relationship between the numerator (bed capacity) and denominator (homeless population) must account for demographic characteristics and the access and functional needs of unhoused residents. For example, beds in a shelter with mostly urinals are not accessible for people of all genders, beds that restrict by gender are not available to many couples, and beds that require transportation are not available to someone without access to transportation.

# Rethinking How We Measure Effectiveness

## Measuring Health and Housing Stability

02. The data is clear that being unsheltered is highly correlated with adverse health events, which L.A. County has strong data infrastructure to evaluate. Therefore, the success of efforts to respond to unsheltered homelessness should be measured by increased connections to health and supportive services and lower rates of disease transmission, hospitalization, overdoses, and mortality.
03. The data is also clear that criminalization perpetuates the cycle of homelessness, and that people experiencing homelessness are often victims of crime and exploitation. Therefore, the success of efforts to respond to unsheltered homelessness should be measured by lower rates of arrest/citation and fewer calls for service.
04. Housing stabilization is the goal, so cities should be measuring the following outcomes for every person impacted by place-based interventions, and disaggregate these statistics demographically:
  - Number and percent engaged in case management and/or housing navigation
  - Number and percent with a housing stabilization plan
  - Number and percent exited to temporary or permanent housing
  - Number and percent remaining homeless after intervention
  - Number and percent whose housing status is unknown after intervention
  - Number and percent of those who fall back into homelessness from interim or permanent housing after intervention

### Examples in Practice

- The **City of Indianapolis, IN** passed an ordinance requiring accurate data on the number of people impacted by camp closures and the resources offered to affected individuals - including data to ensure that racial equity considerations guide actions and outreach efforts.
- The **District of Columbia** published a [public-facing website](#) to transparently show progress and housing outcomes as it closed its largest homeless shelter for 240 families.

# Notes

1. For example, the City of Los Angeles has ~29,000 unsheltered residents but has a blanket prohibition against lying, sitting, or sleeping on streets, sidewalks, and parks. (City of Los Angeles Municipal Code, Section 41.18 (d)). The City of Long Beach has ~1,600 unsheltered residents but prohibits residents from residing in its parks and beaches. (City of Long Beach Municipal Code, Title 16, Chapter 16.16.010.)
2. Note, the purpose of communicating clear timelines is not to establish an ultimatum or “choice date.” Everything we know about behavioral science research shows that people are equally motivated to accept offers of shelter and housing when those options are made attractive and easier for them to access.



# Additional Resources

- Burnett, K., Dunton, L., Fiore, N., Khadduri, J., Yetvin, W., [\*Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost\*](#), Abt Associates, February 2020.
- California Legislative Information, [\*AB-685 State Water Policy\*](#), 2011-2012
- Cascadia Behavioral Health (Oregon), [\*Project Respond: Mobile Mental Health Crisis Response Teams\*](#).
- City of Austin, Council Direction and Policy, [\*Summary of Changes to the Ordinances\*](#), 2019
- City of Charleston South Carolina, [\*City and Partners Announce 10-Point Plan for “Tent City”\*](#), February 2016.
- City of Oakland, [\*Exhibit A: Encampment Management Policy\*](#), 2019.
- District of Columbia Department of Human Services, [\*Closing D.C. General Storyboard\*](#), October 2018.
- District of Columbia, [\*Pre-Arrest Diversion Pilot Program\*](#), Department of Behavioral Health (DBH), Metropolitan Police Department (MPD), and Department of Human Services (DHS), 2018.
- Los Angeles Homeless Services Authority, [\*Guiding Principles and Practices for Unsheltered Homelessness\*](#), February 2019.
- Nakaso, Dan, [\*Honolulu Office of Housing’s new leader says sweeps are an unsuccessful approach to homelessness on Oahu\*](#), April 2021.
- National Innovation Service, [\*Equity Based Decision Making Framework\*](#). May 27, 2020.
- National Law Center on Homelessness & Poverty, [\*Tent City, USA: The Growth of America’s Encampments and How Communities are Responding\*](#), 2017.
- National Law Center on Homelessness & Poverty, [\*Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities\*](#), December 2019.
- Office of the Deputy Mayor for Health and Human Services, Washington, D.C., [\*Protocols for Addressing Encampments\*](#) and [\*Know Your Resources Cards\*](#), April 2021.
- People For Fairness Coalition, [\*Downtown DC Public Restrooms Initiative\*](#), 2016.
- Poppe, Barbara and Stephen Metraux, [\*Research & Results: Nine U.S. Localities Offer Human-Centered Approaches to Unsheltered Homelessness\*](#), Arnold Ventures, March 2020.
- Whitebird Clinic, [\*Crisis Assistance Helping Out on the Streets:What is CAHOOTS?\*](#), October 2020.