

AN ORDINANCE to Protect Public Health and Safety, and REDUCE THE HARMS EXPERIENCED BY UNSHELTERED/HOMELESS RESIDENTS

AN ORDINANCE relating to city responses to people who are homeless living outdoors and setting standards and procedures for remedying unsafe conditions and protecting the rights and property of homeless individuals living on public property.

Section 1 Definitions

The term “emergency” or “hazard” means situations when a failure to act immediately will lead to serious immediate harm to persons, public health or safety for which no mitigation efforts will reduce or eliminate harm

The term “City” refers to the City of Allentown’s administration, City departments and staff
The term “outdoor living space” or “encampment” means a temporary outdoor accommodation for tents or other structures in which homeless persons have been living that are not meant for human habitation.

“PRIVATE PROPERTY” means any property that is not owned by a government agency, such as an individual, business, or non-profit organization, including but not limited to business parking lots and private residences.

“PUBLIC PROPERTY” means any real property owned by any governmental entity within the municipal limits of the city, including but not limited to, the public way, right-of-way, roads, streets and public alleys.

Section II. Community Response Line.

A. The City strives to ensure the safety and wellbeing of unsheltered people residing in places not meant for human habitation. Encampments can present significant public health, infectious disease, public safety, sanitation and fire safety challenges for unsheltered people, outreach workers, and first responders.

B. The administration shall designate departments and/or positions to serve as the coordinating entity in the City for requests for clean-up and/or basic services.

C. The City shall advertise the contact method for residents to request clean-up and/or basic services for an outdoor living space.

D. The City shall work with the representatives of the Commission on Homelessness(HOC) and/or service providers to investigate requests for clean-up including a site visit if more than three (3) separate requests by separate residents are made in the immediate area within a 30 day period

E. Requests for clean-ups and/or basic services by service providers and/or representatives of the COH shall be directed to the City coordinating entity

F. The Coordinating Entity shall work with representatives of the HOC and/or service providers determine the priority level of encampments and assess the risk of the encampment.

G. If an outdoor living space contains more than five (5) individuals, the City shall provide basic garbage, sanitation, and coordinate with service providers to provide harm reduction services

Section III Risk Assessment Analysis & Prioritization of Response

A. The City shall work with the HOC and/or service providers to conduct a risk assessment analysis of each known encampment of more than 5 individuals based on the information reported about the encampment. The risk assessment analysis will consider the location of the encampment, the risk to encampment occupants and other users of the public space in which the encampment is located, the number of encampment occupants and the presence of needles and/or human waste.

B. Based on the risk analysis, encampments will be prioritized as a 1, 2, 3 or 4 priority. The City, representatives of the COH and/or service providers will respond to encampments identified as “priority 1” first, then “priority 2” and so on.

C. Based on the risk assessment analysis, encampments on public property will be prioritized as described below:

- i. Priority 1 encampments are those that appear to meet the definition of immediate hazard or located in a public park
- ii. Priority 2 encampments meet one or more of these criteria:
 - a. Located at or adjacent to a community center, senior center, multi-generational center and early childhood development center
 - b. Located adjacent to or in the median of a roadway with a speed limit of 35 miles per hour or higher
 - c. Located in an underpass near roadway with a speed limit of 35 miles per hour or higher
 - d. On a footbridge over a roadway with a speed limit of 35 miles per hour or higher
 - e. 5 or more encampment residents and/or structures present
- iii. Priority 3 encampments meets one or more of these criteria:
 - a. Located adjacent to or in the median of a roadway that has a speed limit under 35 miles per hour
 - b. Located in an underpass near a roadway with a speed limit under 35 miles per hour.
 - c. 2 to 4 encampment residents and/or structures
 - d. Human waste present
 - e. Needles present
- iv. Priority 4 encampments are all encampments that do not meet the criteria above.

Section IV. Procedure before closing an encampment and/or outdoor living space

A. Before the City closes an encampment, the City will provide at least 60 days written notice of its intent to close the encampment site to residents unless there is an imminent hazard/emergency.

Notice will include:

- a. Date and time of required tent removal
- b. Abandoned property disposition details
- c. Social service phone numbers
- d. Shelter and housing phone numbers
- e. Hours and description of Service Hub

B. “Immediate hazard” means an outdoor living space or encampment where people living outdoors are at risk of serious immediate injury or death beyond that caused by increased exposure to the elements, or their presence creates a risk of injury or death to others, or the site presence is causing imminent compromise to the structural integrity of the surrounding location, including threats to public infrastructure. Immediate hazard sites include, but not limited to sites along highway shoulders and off-ramps, areas exposed to moving vehicles, areas that can only be accessed by crossing driving lanes outside of a legal crosswalk, landslide prone areas, and along or on top of river levees, or other critical environmental areas, where the lack of sanitation facilities results in human solid or liquid waste being discharged thereupon.

C. The City will provide immediate notice to the COH and/or service providers upon determination that there is a site deemed "Immediate Hazard". The City of Allentown shall post notice to residents of the site at least 72 hours in advance following the same expectations as non-hazard sites.

D. Before the City closes an encampment, a risk assessment analysis must have been conducted and shared with the COH and/or service providers.

E. The City will meet with the COH and/or service providers at least 10 business days prior to posting notification in the encampment.

F. On and before the designated closing date of the encampment, the City will provide, facilitate or confer with the following:

1. Service Hub at an area accessible to site residents
2. The City will notify medical providers who care for individuals at the encampment site, to allow continuum of care coordination for patients and ensure individuals are not disconnected from care.
3. Outreach workers as arranged by or as recognized by the COH and/or service providers to be available on site to provide and assist with temporary shelter, housing, wrap-around services, and/or other emergency services
4. Notice must be provided in languages likely to be spoken by impacted individuals, and through methods capable of being understood by persons with physical and mental disabilities.
5. Notice must be posted in a conspicuous location at the relevant outdoor living space or on the relevant vehicle, as well as affixed to all tents and structures used for shelter at that location.

Section V Hazards Conditions

A. If an outdoor living space or a vehicle used as a residence is in an unsafe or unsuitable location on City property, or creates or contains a hazardous condition, the City may undertake a removal or impoundment action if conducted in accordance with the procedures set forth in this section. Prior to conducting removal or impoundment actions based on unsafe or unsuitable locations, the City must do the following:

1. The City must inform all individuals staying at such location the reasons that it is unsafe or unsuitable at least 72 hours prior to any removal or impoundment.
2. If an outdoor living space covers both safe or suitable and unsafe or unsuitable locations, the City may only undertake removal or impoundment actions that are in the unsafe or unsuitable location.
3. The City will work with representatives the COH and/or service providers to coordinate the efforts of the County, participating service providers, faith-based, organizations, street ministries and volunteers to ensure that the homeless persons to be displaced are provided available transitional housing or permanent housing, and comprehensive wrap-around services for which they are eligible, unless the homeless person refuses the assistance. The transitional or permanent housing must be safe, reasonably clean and maintained, and approved by the city.

B. Prior to conducting removal or impoundment actions based on hazardous conditions, the City must do the following:

1. The City must provide access to basic garbage, sanitation, and harm reduction services as dictated by the nature of the hazardous condition, for at least 72 hours.
2. The City must make reasonable efforts to identify the likely source of the hazardous

condition and take action against only those responsible for creating the hazardous condition.

3. The City must provide a meaningful opportunity to cure the hazardous condition, including:

- (a) an effective cure notice of the specific conditions that create the hazardous condition and information on how that condition can be remedied; and
- (b) provision of necessary items, such as garbage bags and bins, rodent traps, intravenous needle receptacles, and/or portable toilets, among others, that would allow the individuals to cure the hazardous condition.

The City must allow individuals at least 72 hours to cure the hazardous condition before posting notice of removal or impoundment, and shall not conduct removal or impoundment if the hazardous conditions have been cured.

4. The City must conduct direct outreach through site visits to:

- (a) inform all affected individuals prior to or during the cure period that the location has a hazardous condition and the actions needed to cure that condition; and
- (b) inform all affected individuals whether the hazardous condition has been remedied after the cure period, and if not, why not.

C. Prior to removal or impoundment, the City must provide written notice meeting the following requirements:

1. Notice must include the following information:

- a. The specific date and time the removal or impound will take place;
 - i. The removal or impound may not take place fewer than 72 hours from the date of notice in the case of a hazardous condition;
- b. Explanation of how the location of the outdoor living space or vehicle is unsafe and/or unsuitable, or the hazardous condition has not been remedied;
- c. Explanation of the actions that will be taken during the removal or impoundment and how loss of personal property can be avoided;
- d. If personal property will be safeguarded, where and how it can be retrieved after removal or impoundment
- e. Clear directions to the alternative location if there is one identified;
- f. Contact information for the outreach organizations that will work with
- g. If available, a statement that adequate and accessible housing is available for all affected individuals

VI. Training for City Employees

A. At minimum the City employees shall receive training in accordance with City policies, which as of the date of the adoption of this policy addresses the following areas and/or other areas determined appropriate:

- a. Best practices for working with people experiencing homelessness, such as motivational interviewing, trauma informed care and harm reduction
- b. Brain injury and dementia symptoms
- c. Crisis Intervention Training
- d. Cultural sensitivity
- e. De-escalation training
- f. Encampment Policy, including how and when to apply the term "immediate hazard" Field safety, including situational awareness, traffic safety and safe handling/disposal of sharps
- g. First aid and responding to medical emergencies
- h. Mental health training, including mental health first aid and mental health laws
- i. Substance abuse training, including overdose prevention/reversal and substance abuse symptoms

- j. Resources available to help people experiencing homelessness
- k. VI-SPDAT/Coordinated Entry System
- l. Wellness Check (Allentown Fire and Rescue)

VII. Record Keeping

A. The City shall establish a common database, used by all City Departments that address encampments on public property, to track reports of encampments, which encampments have been given notice, when time expires for encampments that have received notice, whether outreach has occurred, whether available shelter beds exist (i.e., are there barriers to someone accessing existing services) and what the priority level is.

B. The City shall work with the COH and/or service providers to use their best efforts to maintain a written record of every encounter with a homeless encampment by means of the following variables:

- i. Location of the encampment;
- ii. Approximate number of residents;
- iii. Date initial contact was made;
- iv. Date notice was given and the date notice expired;
- v. Date the encampment was removed and the site was cleaned;
- vi. Whether the encampment was an immediate hazard;
- vii. Why an encampment was deemed an immediate hazard,
- viii. What resources the encampment residents were referred to or received information about.

C. The City of Allentown will periodically assess the need for changes to this Policy. Every year, the City, the COH will evaluate the Policy for completeness and effectiveness and recommend updates as necessary.

VIII. Grievance Process

- A. If an encampment occupant believes that a City employee and/or multi-agency committee did not adhere to this policy when addressing an encampment, the occupant and/or his/her/their representative may submit a grievance.
- B. Grievances may be submitted in writing to: Unsheltered Coordinator, 435 W. Hamilton Street, Allentown PA 18101
- C. The grievance should contain contact information, date of incident and description of the problem.
- D. The formal complaint should be submitted by the grievant and/or his/her/their representative as soon as possible but no later than 45 days after the alleged violation.
- E. The Coordinator or their designee shall respond to grievances in writing within 45 days. The Coordinator may refer the grievance to one or more other departments, whose shall respond to any referred grievance within 14 days of receiving the referral. The written response shall indicate whether, after an investigation, the grievance has been substantiated, dismissed, or if more time is needed to investigate. Regardless of the findings, a written explanation as to why or why not the grievance was substantiated should be included in the response.
- F. All written grievances received by the Unsheltered Services Coordinator and responses will be retained by the City of Allentown for at least one year.
- G. Grievances of alleging discrimination based on a protected class outlined in the non-discrimination ordinance may be filed with the Allentown Human Relations Commission

Footnote

- 1. This policy addresses encampments on public property and not privately-owned property. When a private property owner requests removal of an encampment from their property as defined in this policy the City may post notices of closure in a conspicuous location. The City shall work with the COH and/or service providers to assist, to the best of its abilities, with offering services that aid in the resolution of encampment, including the offering of services and housing