

ORDINANCE NO
FILE OF CITY COUNCIL
BILL NO. 83 - 2025

INTRODUCED BY COUNCILPERSONS GERLACH AND SANTOS
OCTOBER 15, 2025

AN ORDINANCE

Protecting Public Health and Safety, Reducing the Harms Experienced by Unsheltered/Homeless Residents, and creating procedures 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

SECTION ONE: That the following be added to the City Code as Chapter 605, Unsheltered/Homeless Residents Procedures and Regulations

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 and City departments.

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.

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 City Health, Public Work Department or other Department(s) as assigned by the

administration shall 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 Commission on Homelessness(COH) 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 the COH shall be directed to the City coordinating entity. The City and the COH will determine the priority level of encampments and assess the risk of the encampment.

F. If an outdoor living space contains more than five (5) individuals, the City shall provide basic garbage, sanitation, and harm reduction services and City will inspect every 10 days

Section III Risk Assessment Analysis & Prioritization of Response

A. The City shall work with the COH 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 and/or the COH 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.

ii. Priority 2 encampments meet one or more of these criteria:

- a. Located in a public park
- b. Located at or adjacent to a community center, senior center, multi-generational center and early childhood development center
- c. Located adjacent to or in the median of a roadway with a speed limit of 35 miles per hour or higher
- d. Located in an underpass near roadway with a speed limit of 35 miles per hour or higher
- e. On a footbridge over a roadway with a speed limit of 35 miles per hour or higher
- f. 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

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 90 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 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.

E. The City will meet with the COH at least 60 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 to be available on site to provide and assist with temporary shelter, housing, wrap-around services, and/or

other emergency services

4. Upon consultation with the COH, the City will provide transportation from the site to location(s) in the City providing temporary shelter, housing and/or other emergency services upon request before the closure date.
5. The city will assist in transporting resident's belongings to a new site
6. 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.
7. 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 IV Hazards and Unsafe Conditions

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.

A. 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 shall reasonably work with other municipalities, Counties, organizations and stakeholders to identify and make available a nearby, alternative location to camp or park that is not unsafe or unsuitable to all affected individuals.
4. The City must refer sites to Street Outreach providers via the COH

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 90 days from the date of notice in the case of unsafe or unsuitable location;
 - ii. 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 that site as described in subsection (4) below; and
 - g. If available, a statement that adequate and accessible housing is available for all affected individuals;

Section V. 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:
- i. Best practices for working with people experiencing homelessness, such as motivational interviewing, trauma informed care and harm reduction
 - ii. Brain injury and dementia symptoms
 - iii. Crisis Intervention Training
 - iv. Cultural sensitivity
 - v. De-escalation training
 - vi. Encampment Policy, including how and when to apply the term “immediate hazard”
 - vii. Field safety, including situational awareness, traffic safety and safe handling/disposal of sharps
 - viii. First aid and responding to medical emergencies
 - ix. Mental health training, including mental health first aid and mental health laws
 - x. Substance abuse training, including overdose prevention/reversal and substance abuse symptoms
 - xi. Resources available to help people experiencing homelessness
 - xii. VI-SPDAT/Coordinated Entry System
 - xiii. Wellness Check (Allentown Fire and Rescue)

Section VI. 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 Commission on Homelessness and/or designee will 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 Commission on Homelessness will evaluate the Policy for completeness and effectiveness and recommend updates as necessary.

Section VII. Grievance Process

i. 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.

ii. Grievances may be submitted in writing to: Unsheltered Coordinator, 435 W. Hamilton Street,

Allentown PA 18101

iii. The grievance should contain contact information, date of incident and description of the problem.

iv. 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.

v. 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 complete

the investigation. Regardless of the findings, a written explanation as to why or why not the grievance was substantiated should be included in the response.

vii. All written grievances received by the Unsheltered Services Coordinator and responses will be retained by the City of Allentown for at least one year.

viii. Grievances of alleging discrimination based on a protected class outlined in the non-discrimination ordinance may be filed with the Allentown Human Relations Commission
ix.

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.