



Legislation Text

File #: 22-2882, Version: 1

TO: Mayor and Members of City Council

THRU: Doug Hewett, City Manager

FROM: Brook Redding, Special Project Manager
Lisa Harper, Assistant City Attorney

DATE: August 8, 2022

RE:
Camping on Public and Private Property Ordinance Chapter 17

COUNCIL DISTRICT(S):
ALL

Relationship To Strategic Plan:

Goal I: Safe and Secure Community
Goal II: Responsive City Government supporting a diverse and viable economy
Goal III: City Investment in Today and Tomorrow
Goal IV: Desirable place to live, work and recreate
Goal V: Financially sound City providing exemplary City services
Goal VI: Collaborate citizen and business engagement

Executive Summary:

The City of Fayetteville has developed a comprehensive strategy to address the risks associated with homeless encampments. In May 2022, Council was presented with options and solutions to address high-risk encampments. On August 1, 2022 City Council directed staff to return with selected revisions to the ordinance recommendation.

Background:

In April 2021, the City Manager directed city staff to establish a Homeless Encampment Task Force (TF). The TF was charged with conducting research and analysis to create policy and protocol recommendations for addressing homeless encampments in the city. The TF established a six-phased approach to generate feasible and suitable solutions when addressing homeless encampments. The first two phases have been completed, with phase three currently underway. Pending Councils' actions, phase four will begin once the milestones of phase three are complete. The phases are as follows:

- Phase One - Conduct Research and Generate Findings

- Phase Two - Identify best practices, Conduct small group research of methods, and create recommendations based on best practices
- Phase Three - Present Findings for Ordinance and Ordinance Adoptions, and revise protocol with community stakeholders
- Phase Four - Pilot program
- Phase Five - After Action Review of Pilot, Implement Changes, Report to Council
- Phase Six - Implement the final program protocol, Adopt the policy

Issues/Analysis:

The staff previously presented Council with several findings and recommendations from the Homeless Encampment Task Force's work. A significant component of the TF recommendations was the need for policy to address camping on public and private property. The current camping ordinance only prohibits overnight camping at parks and cemeteries. It leaves other public venues open and does not prohibit camping on private property or other city-owned property.

The Camping on Public and Private Property ordinance recommendation enhances the current camping ordinance in several ways. They are as follows:

- It adds/expands definitions of the different types of camping and activities
- Public Property
 - When overnight shelter is available; Prohibits camping on all city-owned property, including city-owned rights-of-way
 - Encampments deemed High-Risk to the public health and safety will be posted no trespass, removed, and cleaned
 - Prohibits sleeping in vehicles on public property between 10:00 p.m. and 5:00 a.m.
 - Prohibits the construction of tents or the laying down of bedding material from 8:00 a.m. to sunset and requires that any structure that is permissibly erected must be taken down and put away from 8:00 a.m. to sunset on public property
- Private Property
 - Prohibits camping on private property without the owner's written consent
 - Limits the number of consecutive days allowed on private property with owners' written consent
 - Prohibits sleeping in vehicles on private property without owners' written consent
- Allows special permitting to allow camping in connection with a special event

In addition to the ordinance recommendations, staff conducted an iterative review of the Impact Reduction Program (IRP) with the Continuum of Care (COC). The IRP provides the protocol for engaging unsheltered individuals in the City, specifically when health and safety concerns are identified. The IRP uses a comprehensive risk assessment matrix to assess the risk of an encampment and measure its impact on the health and safety of the public and the occupants residing within the camp. Additionally, the IRP follows three Guiding Principles:

1. People experiencing homelessness have the same civil rights as housed residents
2. All unsheltered individuals, like all City residents, will be treated with dignity and respect
3. All relocations of unsheltered individuals collaborate with appropriate partners and include resource offerings whenever possible

The COC board and members, along with city staff, discussed and deliberated on the components and processes of the IRP. City staff and COC members met multiple times virtually, and in person, which led to several revised parts of the original program recommendations. However, these revisions did not change the overarching structure and process of the original program.

The review process created numerous benefits that have helped strengthen and codify the relationship between the City and the COC, in addition to bringing new ideas and solutions into the environment. With the revisions finalized, the staff is poised to begin planning the implementation of a Pilot Impact Reduction Program. This program would work by, with, and through the COC to address the high-risk encampments identified around the city.

Budget Impact:

None at this time

Options:

Option #1 - Council adopts ordinance

Option #2 - Council directs staff to revise ordinance and return at a later date.

Recommended Action:

Council adopts ordinance

Attachments:

Camping on Public Property Ordinance.pdf