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City Manager's Office

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Leslye Corsiglia
Kerrie Romanow

SUBJECT: PHASE 1 HOMELESS
ENCAMPMENT RESPONSE

DATE: September 4, 2012

Approved

Date

9/4/12

INFORMATION

BACKGROUND

For many years, the City has cleaned up areas along the City's major waterways to reduce the accumulation of trash and its associated impact on the environment. While not the only contributing factor, the presence of homeless people and encampments has made maintaining the waterways more challenging.

During that time, the City worked in partnership with the Santa Clara Valley Water District (Water District) to conduct weekly small cleanups and monthly large cleanups along waterways, including the Guadalupe River and Coyote Creek. In 2011, the City and the Water District conducted cleanups of 46 encampments (10 large and 36 small). The total number of cleanups, however, totaled 118, as some encampments were cleaned multiple times.

Despite these significant cleanup efforts, encampments continued to grow. In addition, lawsuits were filed against other California cities alleging that they unlawfully seized and destroyed personal property during encampment cleanups. As a result, in March 2012, the City temporarily suspended encampment cleanups to review its approach to cleaning up homeless encampments and to ensure compliance with Federal and State laws.

City staff received multiple complaints following the suspension of the cleanups from businesses and neighborhood residents. In addition, the State Department of Fish and Game registered serious concerns about the damage to the environment along the City's waterways.

City and Water District staff met several times to discuss a new approach to the cleanups, and on May 17, 2012, the Water District held a study session to focus on this issue and concerns raised by neighborhood residents near the encampments. Shortly thereafter, the City and Water District embarked on a Phase One effort to respond to encampments. Since that time, five cleanups have

been completed. This report details the results of the Phase One effort, and lays out options for future response.

ANALYSIS

Past efforts to respond to homeless encampments have focused on removing trash from encampments located on public land adjacent to waterways.¹ This approach was successful in removing substantial amounts of trash and debris from the City's waterways and surrounding areas. However, while the encampment residents moved and their belongings were removed from the waterways, the problem did not subside. Rather, the displaced residents moved to a new location or waited a short period of time and moved back to the cleaned up camp.

The Phase One Effort sought to accomplish several new objectives:

1. Provide outreach to the homeless in advance of cleanups to help encourage and inform encampment residents about options available for housing and other services.
2. Offer housing options to residents to discourage continued outdoor living.
3. Store personal belongings of displaced residents.
4. Take actions to deter re-encampment.

Phase One Effort

Phase One included the clean up of five encampments that were carefully selected to measure the costs and effectiveness of various sizes of cleanups, and cleanups of encampments along waterways and those on other public properties. These cleanups were:

1. Communications Hill—A small site on City owned property (not along a waterway) with between three to six residents
2. Coyote Creek at Selma Olinder Park – A medium sized site on a waterway with 12 residents
3. Guadalupe River and Julian— A medium sized site on a waterway with 12 residents
4. Bevin Brook Drive—A large site on a waterway with 25 residents
5. Tully at Coyote Creek—A large site on a waterway with an estimated 90+ residents

City Funding for Phase One totaled \$632,000, with funding from the following sources: (1) \$160,000 in unrestricted Recycle Plus late fee revenues; (2) \$40,000 in General Funds to install barriers in one of the encampments to deter re-encampment, and (3) approximately \$432,000 in

¹ Until the recent cleanup of an encampment on Communications Hill, the City had not pursued cleanups of land based publicly owned encampment sites. In addition, the City has not conducted cleanups on private property. The Code Enforcement Division of the Planning, Building and Code Enforcement Department responds to concerns on private property. According to the Vacant Building Code (Municipal Code Section 17.38) a property owner is responsible for removing "squatters" within 24 hours, and if not accomplished, the City can bill the owner for the cleanup.

federal HOME funds to provide housing to 40 encampment residents for up to one year. Additional funding was provided for housing and outreach services through the City's Housing Trust Fund and the federal Emergency Solutions Grant and Community Development Block Grant programs. The Water District also committed resources to this Phase 1 effort.

Results of Phase One

The City achieved a number of successes during the Phase One cleanups:

- Approximately 60 tons of trash was removed from the sites.
- Protocols for collection and storage of personal property were developed and streamlined.
- Storage space identified to hold personal property at the former San Jose Family Shelter Site on Las Plumas was sufficient to hold belongings collected during the cleanups.
- The time to sort and store belongings was relatively short, with an estimated six staff hours per cleanup day required.
- Nearly 30 homeless individuals moved out of the four encampments and into motels or shelter where they had access to case management services while waiting to move into housing.
- EHC Lifebuilders (EHC), the Downtown Streets Team and the Bill Wilson Center conducted increased outreach efforts to engage the occupants, offer services and housing, connect them to long-term case management.
- Outreach workers encouraged encampment residents to remove or bag their belongings and trash prior to each cleanup day. This effort significantly increased the effectiveness of the clean up work.
- EHC broadened its Downtown Homeless Outreach and Encampment hotline/e-mail address to include the entire City. The hotline provides an avenue for residents and businesses to report concerns with homeless residents and for homeless residents to seek assistance. EHC reported receiving 85 calls between May 30, 2012 and August 24, 2012.
- City staff established or furthered good working relationships and collaboration with partners, including the Water District, the Valley Transportation Authority, and the County of Santa Clara. Additionally, partnerships with the nonprofit organizations were a key component of Phase One.
- Feedback from neighborhood groups where cleanups were held was positive. They were engaged and their immediate concerns were addressed.
- Generally positive media coverage was received from local newspaper, radio, and television outlets, and articles in the New York Times and Los Angeles Times. Over 20 news articles or television news segments reported on Phase One efforts.

However, despite these successes, staff made several observations that require further discussion and action:

- Re-encampment occurs almost immediately – Preventing re-encampment is one of the largest challenges. We found that, when outreach workers had been visiting and engaging residents for a significant amount of time, the occupants were more likely to

accept services and housing. However, three of the four encampments that were cleaned were re-encamped by the same or new residents soon after the cleanup was completed. The fourth, Communication Hill, remains clean because the Department of Transportation (DOT) installed a specially designed fence to prevent re-encampment. The fence was completed at a cost of \$40,000. We did find that Park Ranger staff involvement in two of the encampments limited the number of people returning to the same location.

- The new cleanup protocols required additional staffing and slowed down the productivity of the cleanups. While in the past multiple small encampments were cleaned in a single day, during the Phase One response, only a fraction of that scope could be completed in that same time period. As an example, the Communications Hill cleanup, which had three “permanent” residents, took two full days to clean and sort through belongings.
- While the City has sorted, transported, and stored personal belongings of encampment residents, while we have received a couple of inquiries, to date no one has retrieved their possessions.
- Improved safety measures need to be implemented – There are many health and safety issues associated with cleaning homeless encampments. Staff encounters human waste and hazardous materials, and many encampments have hand-made unstable structures, which are difficult and dangerous to disassemble. Additionally, staff often finds controlled substances and weapons.
- It will take a significant investment to respond to homeless encampments. The costs to clean up these five encampments, including housing costs and outreach and engagement, exceeded \$700,000 when the Water District’s costs are included. In addition to the total cost, a great deal of effort was required of staff from the Environmental Services, Housing, Police, and Transportation Departments, to plan the cleanups and coordinate with outside agencies.
- The reduction in enforcement efforts from park rangers and police has resulted in more established encampments. In the past, enforcement efforts were successful in moving encampment residents before they collected significant belongings. Staff found that encampments were much larger and that the residents collected more belongings and trash without the enforcement activities that made it hard to establish roots. In many cases, staff found that sophisticated structures had been erected, and gardens and other community space created.
- Some residents would not accept services offered-- The demographics of the encampment residents can impact their willingness to accept services and housing. Staff found that residents with mental health and addiction issues, and those who had lived on the street for long periods of time, were less receptive to accepting help. Despite the extensive investment to provide services, many refused the services being offered or accessed them for a very limited time.

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While the Phase One effort was successful in cleaning up the encampments, it did not achieve the desired outcome-- preventing re-encampment.

Next Steps

There are a number of options that the City can take to respond to homeless encampments, ranging from conducting cleanups in waterway homeless encampments only, to a more comprehensive response that would reduce the number of people living in encampments. Staff continues to research these options and will provide a more comprehensive presentation in late October at a City Council study session. At that time staff will be prepared to make recommendations about various approaches and funding options. Staff is also planning to agendize the homeless encampment response at the joint Council/Water District Study Session currently planned for December 2012.

As discussed above, the City and Water District have worked together over the years to clean up encampments adjacent to waterways, with both agencies sharing the cost of the cleanup efforts, which has averaged \$250,000 annually. City and Water District staff will continue cleanup efforts, and are currently planning the next series of cleanups

/s/

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