

## PHASED APPROACH

### Summary of Approach (suggested by Council Members Tovo, Kitchen, Casar and Mayor Adler)

Our shared community goal is to end homelessness by connecting individuals experiencing homelessness to services and housing. To realistically achieve that goal, our community must both dedicate the resources necessary and work together as quickly as possible in a focused, effective way. Our community also shares the value of health and safety for all of our residents. We have the opportunity to end the need to live outside and to align our homelessness ordinances with this goal, and we propose the following phased approach.

We are tasked with clarifying the ordinance changes we made on June 20<sup>th</sup>, as the City Manager's recent memo challenged us to do. However, we also must recognize that some areas which are not the safest for people to camp in also are the places where our neighbors experiencing homelessness have chosen to be. We should not take this lightly. Therefore, we propose a phased-in approach that provides housing and services to individuals first before enforcing prohibitions —except where there is an imminent or serious public health or safety threat or an unreasonable impeding of public space.

The ordinance establishes and phases in restrictions for three categories of places that pose public health and/or safety hazards, or that obstruct access to public space.

- 1) **Category 1** is enforceable immediately
  - a. accompanying resolution also begins to address litter, sanitation, and storage
- 2) **Category 2** will go into effect immediately, but will be enforced only after services and housing are offered and appropriate signage is put in place:
  - a. The City will offer services and housing to people currently in areas that are prohibited before putting up signage;
  - b. As people are offered housing, and as signage is erected in one set of areas, the city will then work with other people and in other areas;
  - c. The accompanying resolution will task our staff with beginning with the highest priority two to three places (some of which are prohibited places, some of which are major encampments). The resolution will also ask staff to bring back to Council by a specified date a schedule, plan, and identified resources necessary to implement this phased approach. This proposal envisions a focused approach with a response team process similar to the successful approach used on veterans' homelessness. This phased plan for addressing subsequent encampments and places for service will move forward over time as one part of the city's broader homelessness action implementation plan and in collaboration with our social service and housing service providers.

- 3) **Category 3** will be  
 [Alternative: moved on first reading only, to be considered again by the Council after the city achieves the community’s goal for ending homelessness]  
 [Alternative: with an effective date after the city achieves the community’s goal for ending homelessness, which the federal government defines as a housing wait list of fewer than 60 days.]
  
- 4) City Council must commit to pursue resources with community partners and to dedicate the necessary resources to ensure we can adopt and successfully implement this plan. The resolution establishes a specified date for Council to consider this action. The three categories are detailed on the following page.

NOTE: In several categories, alternatives are bracketed and identified for 1) which provisions are in which category; and 2) which provisions should require signage.

**Category 1: Immediately enforceable**

- 1) Existing prohibitions around camping, sitting, or lying in a manner that is a public health or public safety threat or is not allowing for reasonable use of public space;
  
- 2) Existing prohibitions around camping, sitting, or lying in places and manners that are against other existing law or rule (parks, watershed protection lands, flood buy-out areas, rail line right of way, libraries, recreation centers, ceremonial buildings, private property, public transit stops, in valet zones or construction zones, no damaging public infrastructure in the process of camping, etc.);
  
- 3) Existing prohibitions on camping, sitting, and lying, with clarifications of what those prohibitions mean:
  - a. no camping in a culvert or storm drain or inside, on a bank of a creek or river;  
 [Alternative: and within 5 feet of the top of the bank of]  
 [health and safety]
  - b. no camping in a way or with furnishings that the Public Health/Medical Director finds is a public health hazard; [health and safety]
  - c. no camping, sitting, or lying in a manner that obstructs a doorway (6-foot distance from entrance way); [obstruction]
  - d. no camping, sitting, or lying on infrastructure made to help those with disabilities or limited mobility; [obstruction]
  - e. no blocking sidewalks in a way that doesn’t . . . [health and safety] [obstruction]  
 [ALTERNATIVE: leave a 4-foot clear zone]  
 [ALTERNATIVE: a 5-foot clear zone]  
 [ALTERNATIVE: the area necessary for safe pedestrian use of the sidewalk based on transportation safety standards used by Austin Transportation Department]

- f. [ALTERNATIVE: no camping along the following high pedestrian and vehicular traffic roadways in the Central Business District and West Campus:
  - Guadalupe Street between Martin Luther King Jr. Blvd. and 29<sup>th</sup> Street
  - West 24<sup>th</sup> Street
  - Congress Avenue (to Oltorf Street)
  - 2<sup>nd</sup> Street
  - 5<sup>th</sup> Street
  - 6<sup>th</sup> Street
 [health and safety] [obstruction]  
 [ALTERNATIVE: no camping along high pedestrian and vehicular traffic roadways identified by Austin Transportation Department] [health and safety]  
 [obstruction]  
 [ALTERNATIVE: do not include this section in Category 1]
- 4) [ALTERNATIVE: no lighting fires in high risk fire areas] [health and safety]  
 [ALTERNATIVE: no camping in high fire risk areas]; [health and safety] and,
- 5) No blocking public infrastructure like pay stations or benches. [obstruction]

**Category 2- Effective after housing and services are offered and signage erected**

(Please note: if an area in Category 2 is deemed to create an imminent or serious public health or safety threat by the City Manager

[Alternative: based on safety standards of appropriate department, Transportation Department, Watershed, Public Health]

or is unreasonably impeding public space, then, in the City Manager’s discretion, the area will be treated as a Category 1 place and a sign should be placed to provide notice.)

- 1) Within an area specified in the ordinance around a shelter/housing center (housing and services are immediately begun in specified areas around existing and proposed shelters/housing centers).
  - a. Within approximately
    - [Alternative: one-quarter to one-half mile]
    - [Alternative: one-quarter]
    - [Alternative: one-half]
 of a homeless shelter located outside of the area defined by City Code section 9-4-13(A)(2) with boundaries set by the City Manager, and within approximately three blocks of a homeless shelter located inside of the area defined by City Code section 9-4-13(A)(2) with boundaries set by the City Manager].
  - b. Within the area bordered by East 4<sup>th</sup> Street on the South, Brushy Street on the East but exclude the underpasses of IH-35; East 11<sup>th</sup> Street on the North, and Brazos Street on the West; [ARCH and Salvation Army]

- c. At the time the shelter opens for operation, within the area bordered by the western side of Manchaca Road to the eastern side of South 1<sup>st</sup>; the northern side of Lightsey Road to the southern sides of Redd Street and West St. Elmo; [South Austin Housing Center]  
[ALTERNATIVE: Do not include and allow (a) to determine]
- 2) In a floodplain that poses the greatest risk to people that are camping there; [health and safety]
- 3) On medians/traffic islands; [health and safety]
- 4) On sloped areas under highways that create a significant public safety issue. [health and safety]
- 5) [ALTERNATIVE: no camping along the following high pedestrian and vehicular traffic roadways in the Central Business District and West Campus:  
Rio Grande Avenue  
San Antonio Avenue  
San Gabriel Street  
Nueces Street  
Red River Street]  
[health and safety] [obstruction]

[ALTERNATIVE: no camping along high pedestrian and vehicular traffic roadways identified by Austin Transportation Department] [health and safety] [obstruction]

**Category 3.** [Alternative: moved on first reading only, to be considered again by the Council after the city achieves the community’s goal for ending homelessness] [Alternative: with an effective date after the city achieves the community’s goal for ending homelessness]

(Please note: if an area in Category 3 is deemed to create an imminent or serious public health or safety threat by the City Manager [Alternative: based on safety standards of appropriate department, Transportation Department, Watershed, Public Health] or is unreasonably impeding public space then, in the City Manager’s discretion, the area is treated as a Category 1 place and a sign should be placed to provide notice.)

- 1. prohibiting camping on sidewalks entirely
- 2. prohibiting sitting and lying or camping on all high pedestrian and vehicular traffic streets
- 3. prohibiting camping in all high-risk fire areas [ALTERNATIVE for this to be in Category 1]