

Overview

Historically, Durham has experienced minimal challenges posed by encampments of those experiencing homelessness. The number, size, and visibility of encampments has increased in recent years, however, which is in part reflective of national trends.¹ In response to rising public awareness of encampments, the City of Durham (City), Durham County (County), and the Durham Continuum of Care (CoC) have developed a three-pronged approach to address the challenges posed by encampments on City or County-owned property as well as State-owned property within Durham County:

Prevention: The City, County, and CoC recognize that a number of system-level and provider-level factors contribute to the existence of encampments in Durham. In an effort to prevent the creation of encampments, the Durham Continuum of Care commits to a housing first service approach that helps create low-barrier shelter and housing options for literally homeless Durham residents. A low barrier program is defined as a program that 1) Does not screen out clients for reasons other than those allowed in the Continuum of Care Policies and Procedures, 2) Avoids program rules and requirements other than those intended to keep clients and staff safe, and 3) Avoids temporary or permanent program bans, except in extreme situations of identified risk to client or staff safety. As part of its prevention approach, the City also invests in Street Outreach as a method to identify unsheltered people experiencing homelessness in Durham and then evaluate and address barriers to moving these individuals out of literal homelessness.

Response: When encampments do arise, the City, County, and CoC have developed an encampment evaluation and response protocol (below) to prioritize response and removal of encampments with the greatest effect on the health, safety, mobility, and quality of life of Durham residents. The evaluation and response protocol is led by an Encampment Lead Agency, with the participation of a number of City and County Departments to create an effective and thorough response to encampments assessed as highest priority for response.

Mitigation: Once encampments are cleared, the City, County, and CoC recognize the potential for re-habitation of the area. Given that areas that have been cleared of an encampment have been identified as high priority areas due to their effect on public health, safety, mobility, and/or quality of life, the City Department of General Services or County General Services for their respective jurisdiction will develop and implement a mitigation plan to address site characteristics that encourage re-habitation of the site.

This approach is guided by a belief that all people deserve a safe, healthy place to live. It is intended to value the experiences and quality of life of all Durham residents equally, whether or not they are currently living in a location meant for human habitation. With this in mind, the

¹ There was an increase from 27 reported encampments nationally in 2007 (just before housing market crash) to 326 in 2016, with 305 reported midway through 2017. *Tent City USA, National Law Center on Homelessness and Poverty*; https://www.nlchp.org/Tent_City_USA_2017

City and County recognize that some encampments on public property pose such a substantial impediment to the health, safety, mobility, and/or quality of life of Durham residents that they necessitate a response that includes eventual encampment clearing.

It is the goal of this response plan to find a viable housing option, ideally permanent, for each encampment resident that provides a safe place to sleep in a location meant for human habitation. A viable housing option considers the needs and characteristics of the individual/household and meets the standards of a low barrier program outlined above. However, the City, County, and CoC recognize that, while these options may be identified, it is the right of any individual to decline these options even as encampment clearing proceeds. Given that some individuals may continue to sleep outside in a new location after an encampment is removed, the City, County, and CoC understand that encampment removal may, at times, mean unplanned encampment relocation. Thus, the following response protocol is to be used to identify the highest priority encampments that, despite risk of unplanned relocation, pose sufficient concerns for the health, safety, mobility, and/or quality of life of Durham residents to warrant removal.

Definitions

"Encampment" means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area within the City or County of Durham, which appears to a reasonable person as being used for camping.

"Immediate hazard" means an encampment where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements or their presence creates a risk of serious injury or death to others; including but not limited to encampments at 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, and landslide-prone areas.

"Obstruction" means people, tents, personal property, garbage, debris or other objects related to an encampment that interfere with the pedestrian or transportation purposes of public rights-of-way; or interfere with areas that are essential to the intended use of a public property or facility.

"Personal Property" means an item that: is reasonably recognizable as belonging to a person; has apparent utility in its present condition and circumstances; and is not hazardous. Examples of personal property include but are not limited to identification, personal papers and documents, tents, bicycles, radios and other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, crutches, and wheelchairs. Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic. In cases in which it cannot be reasonably determined whether or not an item is personal property, the item will be treated as personal property.

Response Process and Protocol

Responsible Parties: The following parties are responsible for executing specific aspects of the encampment assessment and response protocol. In cases in which both a City and County agency is named as a responsible party for a specific duty, the responsible party will be determined based on the owner of the land and the location of the encampment. In such cases, encampments on city property will be addressed by city-owned departments, encampments on county property will be address by county-owned departments, and encampments on state property will be addressed by city departments when within city boundaries and county departments when outside city boundaries.

- Encampment Lead Agency (ELA): This agency both coordinates the response to Durham’s encampments and staffs a street outreach worker funded by the City who engages with individuals living in encampments. Although the street outreach worker provides outreach and advocacy to unsheltered individuals experiencing homelessness in Durham year-round, the worker will prioritize outreach and advocacy to individuals living in an encampment selected for this response protocol at the direction of the designated Encampment Response Coordinator at the ELA.
- City Department of Solid Waste Management (City DSWM) and City Department of General Services (City DGS) or County General Services (County DGS): Responsible for collecting and disposing of debris when a cleanup is underway, for storing the possessions of encampment residents, and for developing and implementing a site mitigation plan to dis-incentivize re-habitation of the area.
- City Police Department (City PD) or County Sheriff’s Office (County SO): Responsible for providing security when an encampment disbandment and cleanup is underway, preferably with law enforcement officers who have received CIT or similar training. Also responsible for implementing encampment disbandment per the timeline set by as part of the encampment response protocol and per the direction of the City Manager’s Office or the County Manager’s Office.
- County Department of Social Services (DSS): Responsible for dispatching social workers as needed to assist the Encampment Lead Agency with resident outreach and engagement efforts as-needed.
- County Department of Public Health (DPH): Conducting a health and safety designation inspection of encampments at the request of the County Manager
- City Department of Transportation (City DT), County Sheriff’s Office (County SO) or Div. 5 of the North Carolina Department of Transportation (Div. 5 NCDOT): Responsible for assessing the effect of encampments on public right-of-way and for posting notices at encampments.

Additional Involved Parties

The following parties, though not part of the convened group of responsible parties, are responsible for an aspect of encampment response:

- Department of the City Attorney or Department of the County Attorney: As-needed, per direction of the City or County Manager, advise on the legality of any action taken to remove individuals from an encampment.
- County Manager's Office: Responsible for directing the ELA to respond to a specific encampment on County property and for directing DPH to make public health determinations per the request of the convened responsible parties. Also responsible for directing the County Sheriff's Office to implement encampment disbandment according to the timeline set as part of a specific encampment response plan.
- City Manager's Office: Responsible for directing the ELA to respond to a specific encampment on City property. Also responsible for directing the Durham Police Department to implement encampment disbandment according to the timeline set as part of a specific encampment response plan.
- City Department of Community Development (DCD): Responsible for managing the ELA contract and for receiving, reviewing, and distributing monthly reports from the ELA during an encampment response

Defining Assessments

Once this policy is approved, the ELA will work with the relevant responsible parties to develop a definition and assessment tool for each of the following. The ELA will provide these to the City and County Manager for approval before they are used in the response protocol outlined below.

Response Protocol:

The response protocol will begin when the City or County Manager directs the Encampment Lead Agency (ELA) to respond to a specific encampment.

- ELA will convene responsible parties
 - Encampments on city-owned property: City DSWM, City DGS, City PD, DSS (as-needed), DPH (as-needed), City DT
 - Encampments on county-owned property: County SO, County DGS, DSS (as-needed), DPH (as-needed)
- Survey the encampment to evaluate:
 - Size (ELA)
 - Personal Property (ELA)
 - Effect on public right-of-way (City DT/County SO)
 - Threats to Public Health (DPH)
 - Threats to Public Safety (PD/SO)
 - Demographics/Characteristics of Residents (ELA)
 - Is there a viable housing option available for each resident?
 - Interest of residents in being housed

- Nuisance/Complaints (PD/SO)
- Based on encampment survey, the convened group will assess the following:
 - Impediments to public mobility
 - Threats to health
 - Threats to safety
 - Time needed to re-house
 - Citizen engagement
- Based on assessments, the convened group of responsible parties will provide a recommendation as to whether a resolution plan is needed for the encampment. If the resolution plan is recommended, the convened group will develop the plan. If a resolution plan is not recommended, the convened group will provide a report justifying the recommendation to DCD, who will work with either the City or County Manager's Office to approve or reject the recommendation. Based on the decision of the City or County Manager's Office to approve or reject the recommendation, DCD will direct the ELA to work with the convened group to develop a resolution plan. The resolution plan will include a timeline of typically no less than 60 days, beginning from the point that the assessments are completed and the response plan is in place, to vacate residents and clear personal property and trash. It is anticipated that a 90-day timeline may be most appropriate in many cases. This at least 60-day timeframe for resolution does not include site maintenance to prevent re-habitation, which must occur after the site has been vacated and cleared. For obstructions and immediate hazard encampments a response timeline of less than 60 days may be planned. The plan will include:
 - Outreach and engagement with residents to find appropriate housing plans that meet resident needs and to advise residents of the timeline to clear the encampment (ELA and DSS as-needed)
 - Assess, gather, and plan with individuals: Create a by name list of residents and work with each occupant to develop their housing plan with a timetable, noting lead accountable person/agency with each occupant. Each person in the encampment at the time the by-name-list is created will be offered a viable low barrier housing option specific to their particular situation and experienced barriers. Continue engagement until housed, ideally permanently. Those who move in to the encampment after the creation of the by-name list will be engaged by the ELA with the intention of 1) communicating plans to vacate the encampment, 2) discouraging additional people from settling in the encampment, and 3) providing outreach and engagement similar to that provided by the ELA as part of standard street outreach services.
 - Establish trust and build relationships: If possible, work through those providers who may have existing relationships with the individuals in question, and keep in mind that an average of four contacts is needed to demonstrate trustworthiness. To the extent possible, and in alignment with interest and goals of individual clients, work to identify and connect clients to support services needed to help the client stabilize and/or find and maintain housing.

- Schedule for posting notices of plans to clear the encampment. The notices shall include a final 14-day notice to vacate the encampment with the location of stored personal property and length of storage before disposal of at least 30 days. (City DT/County DGS)
 - Plan for encampment cleanup, storing of personal property in a location accessible by public transit, and site maintenance to prevent re-habitation. To the extent possible, personal property believed to belong to an individual or household will be grouped together and stored separately from personal property believed to belong to other individuals or households. Site must be cleared of all trash and personal property as soon as possible and within ten business days of the date of encampment vacate (City DGS and City DSWM/County DGS)
 - Security plan to provide escort to public employees and ELA staff as deemed necessary during presence at encampment site (PD/SO)
- Once the encampment resolution plan is approved, the Encampment Lead Agency will oversee and coordinate implementation of the plan, providing monthly reports to DCD on plan progress. The Department of Community Development will share updates with the City and County Managers. The ELA will work with DCD to prepare a progress report for the HSAC at the mid-point for implementation of a specific encampment response plan.
- Within 30 days an encampment clearing, the ELA should work with the convened group to conduct an assessment of the process, noting key players, what worked, what did not work, and provide recommendations for improvement, especially noting gaps in the system of response. The ELA will provide this review to the DCD. As needed, HSAC staff at DCD will present to the HSAC on the results of these reviews with recommendations for modifications and improvements to the Encampments Response Policy.