



**MEETING OF
COMMISSION ON HOMELESSNESS**

www.oaklandca.gov/boards-commissions/commission-on-homelessness

Agenda
Wednesday, September 24, 2025
5:00PM
Oakland City Hall
Hearing Room 2
1 Frank H. Ogawa Plaza, 1st Floor

All public bodies subject to the Brown Act were temporarily allowed by Assembly Bill 361 to have online-only meetings during the state of emergency. As the emergency order was lifted by the State of California on February 28, 2023, all public meetings including Oakland City Council and Boards and Commission meetings are required to now be held in-person under California state law.

PUBLIC PARTICIPATION

The Oakland Commission on Homelessness encourages public participation in the meetings. The public may observe and/or participate in this meeting in several ways.

NO PUBLIC COMMENT IS TAKEN VIA ZOOM.

To observe the meeting by video conference, please click on this link:
<https://us06web.zoom.us/j/88289976480> at the noticed meeting time.

Instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage entitled “Joining a Meeting.”

- **To listen to the meeting by phone**, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):

+1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799. For each number, please be patient, and when requested, dial the following Webinar ID: 882 8997 6480

After calling any of these phone numbers, if you are asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled “Joining a Meeting by Phone.”

- **PUBLIC COMMENT:** There are **two ways** to comment on agenda items.
- **COMMENT IN ADVANCE.** Send your comments to commissiononhomelessness@oaklandca.gov no later than one (1) hour **BEFORE** the meeting



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starts, along with your full name and the agenda item number related to your comments. Please note that eComment submissions close one (1) hour before the posted meeting time. All submitted public comments will be provided to the Commissioners prior to the meeting.

- **In-person at the Meeting by SPEAKER CARD.** To comment at the meeting in-person, you must submit a speaker card for each item before the item is called. Speaker cards will be accepted by Admin Staff until the item is called. Once your name is called, you will be allowed to speak. Speakers are generally limited to two minutes at the discretion of the Chair.

If you have questions about these protocols, please e-mail
commissiononhomelessness@oaklandca.gov

- **Parking** While attending Homelessness Commission meetings, you may park for free in the Dalziel Building Garage (located on 16th Street between San Pablo Avenue and Clay Street). As of September 2023, parkers must use the [ParkMobile](#) parking app on a mobile device to manage their parking. Please ask attendant for assistance.

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Wednesday, September 24, 2025

5:00PM

Oakland City Hall

Hearing Room 2

1 Frank H. Ogawa Plaza, 1st Floor

1. Call to Order and Roll Call

Commission Members: Yolanda Anderson, Janny Castillo, Marcus Christmas, Candice Elder, Joey Harrison, Marlene Hurd, Alexis Lozano, Mark Walker

2. Public Comment

Attendees must fill out a speaker card for each item they wish to comment on. Speaker cards will be accepted up until Public Comment for each item begins. Please submit your cards to the Admin Staff before being recognized by the presiding officer.

3. Approval of Draft Minutes for the meeting of June 25, 2025

1. Receive an Informational Report for the 2026 Point-In-Time Count

2. (Manager, Housing and Homelessness Services, Riley Wilkerson, Alameda County)

4. Review and Discuss the Proposed 2025 Encampment Abatement Policy and the Current 2020 Encampment Management Policy

(Assistant City Administrator, Sasha Hauswald, City Administrators Office)

5. Receive an Oral Informational Report on Encampment Management Operations

(Amauri Collins-McMurray/Ivan Satterfield, Assistants to the City Administrator, City Administrators Office)

6. Receive an Informational Report on the Office of Homelessness Solutions and 5-Point Plan to Address Oakland's Homelessness Crisis

(Assistant City Administrator, Sasha Hauswald, City Administrators Office)

7. Standing Committee Updates

a. Policy Committee Update

b. Ad Hoc Committee Updates

c. Governance Committee Appointments



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8. Approval of Proposed Schedule of Future Meetings and Agenda Topics

9. Open Forum

10. Adjournment

Do you need an ASL, Cantonese, Mandarin, or Spanish interpreter or other assistance to participate? Please email commissiononhomelessness@oaklandca.gov or call (510) 238-7542 or (510) 238-2007 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a commissiononhomelessness@oaklandca.gov o llame al (510) 238-7542 o al (510) 238-2007 para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 commissiononhomelessness@oaklandca.gov 或 致電 (510) 238-7542 或 (510) 238-2007 TDD/TTY.



**CITY OF OAKLAND
SPECIAL MEETING OF THE
COMMISSION ON HOMELESSNESS**

DRAFT MEETING MINUTES

Wednesday, June 25, 2025, at 5:15PM

1 Frank H Ogawa Plaza

Hearing Room 2

1. Call to Order and Roll Call

The meeting was called to order at 5:15pm

Present: Alexis Lozano, Marcus Christmas Candice Elder, Janny Castillo, Joey Harrison, Mark Walker, Marlene Hurd – 7

Absent: Yolanda Anderson -1

Vacant-1

2. Public Comment

There were 2 speakers.

3. Approval of Draft Minutes for the meeting of June 25, 2025

A motion was made by Vice Chair Castillo and seconded by Commissioner Hurd to approve the draft meeting minutes of June 25, 2025. Upon call of the vote, the motion passed by **Ayes: Vice-Chair Castillo, Walker, Harrison, Hurd – 4 Abstain: Elder, Chair Lozano, Marcus Christmas, -3 Excused: Anderson - 1**

4. Receive an Informational Report on the Housing and Homelessness Services Integrated Strategic Plan & Roadmap by Lesar Development (Sasha, Program Analyst, City Administrators Office)

Sasha Hauswald, Program Analyst, gave an Informational Report on the Housing and Homelessness Services Integrated Strategic Plan & Roadmap by Lesar Development

There was no speaker on this item.

There was no vote on this item.

6. Receive an Informational Report from OakDOT on the Updates to the Undercrossing Improvements project (Ruth Meza, Transportation Planner - Major Projects Division, Oakland Department of Transportation)

Ruth Meza, Transportation Planner gave an Informational Report from OakDOT on the Updates to the Undercrossing Improvements project

There were no speakers on this item

There was no vote on this item.



**CITY OF OAKLAND
SPECIAL MEETING OF THE
COMMISSION ON HOMELESSNESS**

DRAFT MEETING MINUTES

Wednesday, June 25, 2025, at 5:15PM

1 Frank H Ogawa Plaza

Hearing Room 2

7. **Receive an Informational Report on Encampment Management Operations (Amauri Collins-McMurray and Ivan Satterfield, Assistants to the City Administrator, City Administrators Office)**

There were 2 speakers on this item

There was no vote on this item.

8. **Discussion and Vote to Adopt Meeting Dates**

Commissioner Walker made a motion to amend the meeting dates. They will now meet January-June, off July and August, back September-November, off in December, so committees can meet. A motion was made by to approve this amended meeting dates.

A motion was made by Chair Lozano and seconded by Commissioner Harrison to amend the meeting dates. Upon call of the vote, the motion passed by **Ayes: Chair Lozano, Vice-Chair Castillo, Walker Christmas, Harrison, Elder, Hurd – 7, Excused: Anderson -1**

9. **Standing Committee Updates**

Alameda County Event on July 17th

Veterans Event on June 28th and 29th

10. **Approval of Proposed Schedule of Future Meetings and Agenda Topics**

This item was moved to the next meeting agenda

A motion was made by Vice Chair Castillo and seconded by Commissioner Walker to move this item to the next meeting agenda. Upon call of the vote, the motion passed by **Ayes: Chair Lozano, Vice-Chair Castillo, Walker Christmas, Harrison, Elder, Hurd – 7, Excused: Anderson -1**

11. **Open Forum**

There were 3 speakers on this item

12. **Adjournment**



**CITY OF OAKLAND
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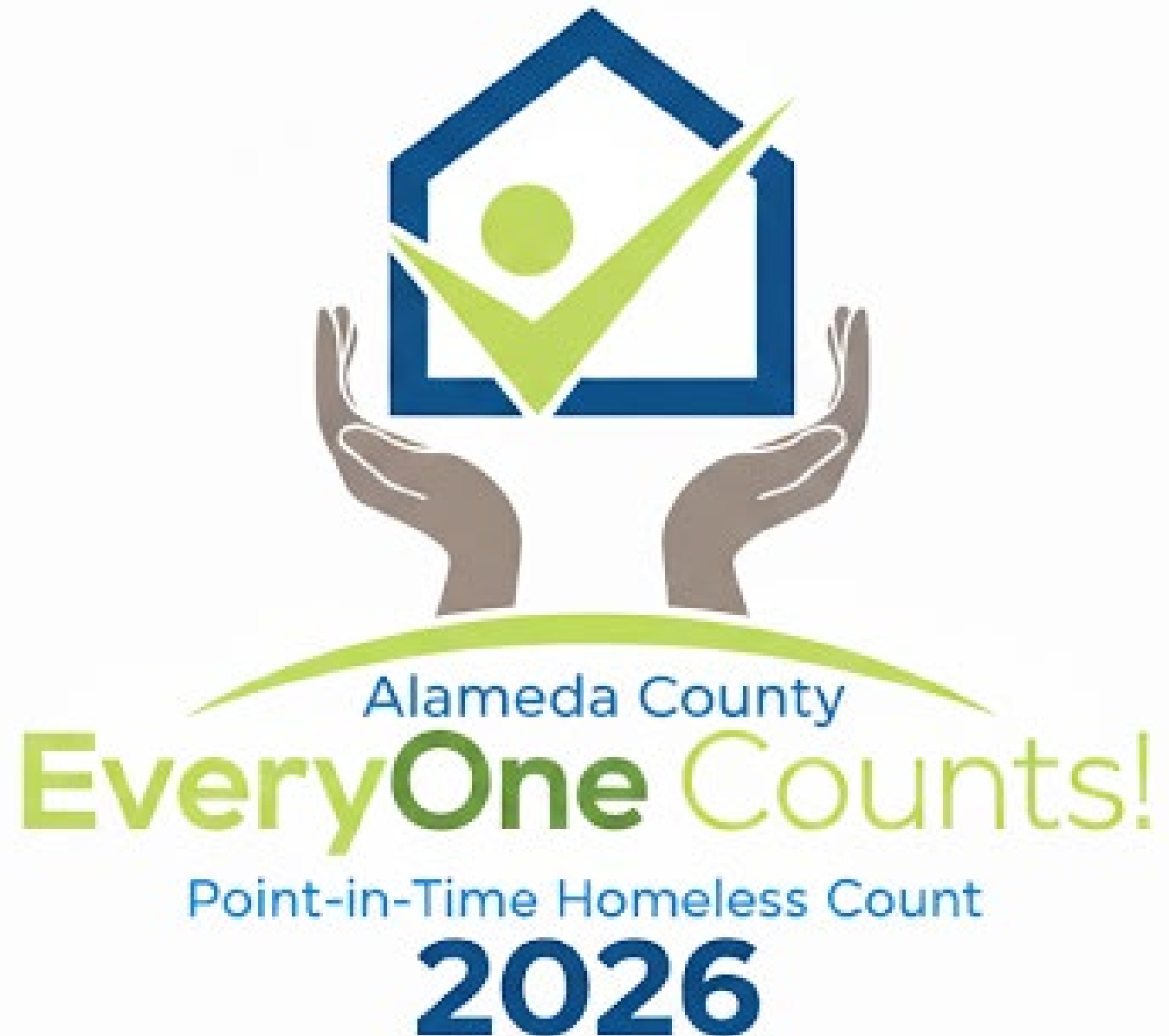
DRAFT MEETING MINUTES
Wednesday, June 25, 2025, at 5:15PM
1 Frank H Ogawa Plaza
Hearing Room 2

A motion was made by Commissioner Harrison and seconded by Commissioner Christmas to adjourn the meeting. Upon call of the vote the motion was passed **Ayes: Chair Lozano, Vice-Chair Castillo, Walker Christmas, Harrison, Elder, Hurd – 7, Excused: Anderson -1**

The meeting was adjourned at 7:40PM

Point in Time Count 2026

Presentation to
Oakland Commission
on Homelessness



2026 Point in Time Consulting Team

Simtech*Solutions*,inc.

Matt Simmonds
Joseph Ben Dov



Kimberly Natarajan

What is a Point-in-Time Count?

- **Countywide Snapshot of homelessness within a limited time-window**

- Count and Interview
Unsheltered people
experiencing homelessness
- Sheltered count via HMIS data

- **What it is not:**

- Perfectly Exact
- Complete Count of “all”
Homelessness

2024 PIT Reports

PIT Data is used to create:

- **Countywide reports**
- **City-Specific infographics**
- **Filterable Public Dashboards**

These reports are common reference points for the public, the media, state and local funding decisions, etc.

What went well in 2024

- **Quality Data**

- Large sample size of interviews, transparent and accessible results

- **Large Volunteer Turnout**

- More than 1200 volunteers countywide (285% increase)

- **Efficient Mobile Technology**

- Counting Us app was easy to use, volunteers understood the training
- Preliminary results were available quickly

*Based on 2024 Feedback Survey and Focus Groups, more than 165 respondents

Improvements for 2026



Partnership

Engage with Outreach teams, CalTrans, BART, and other partners early in the process

Connect to Youth and Family partners



Lead Supports

Provide information to Jurisdictional Leads early in the process, such as:

volunteer training material, both recorded and live sessions



Communication

Cohesive Messaging, especially for Recruitment of volunteers

Branding with EveryOne Home, EveryOne Counts, etc.

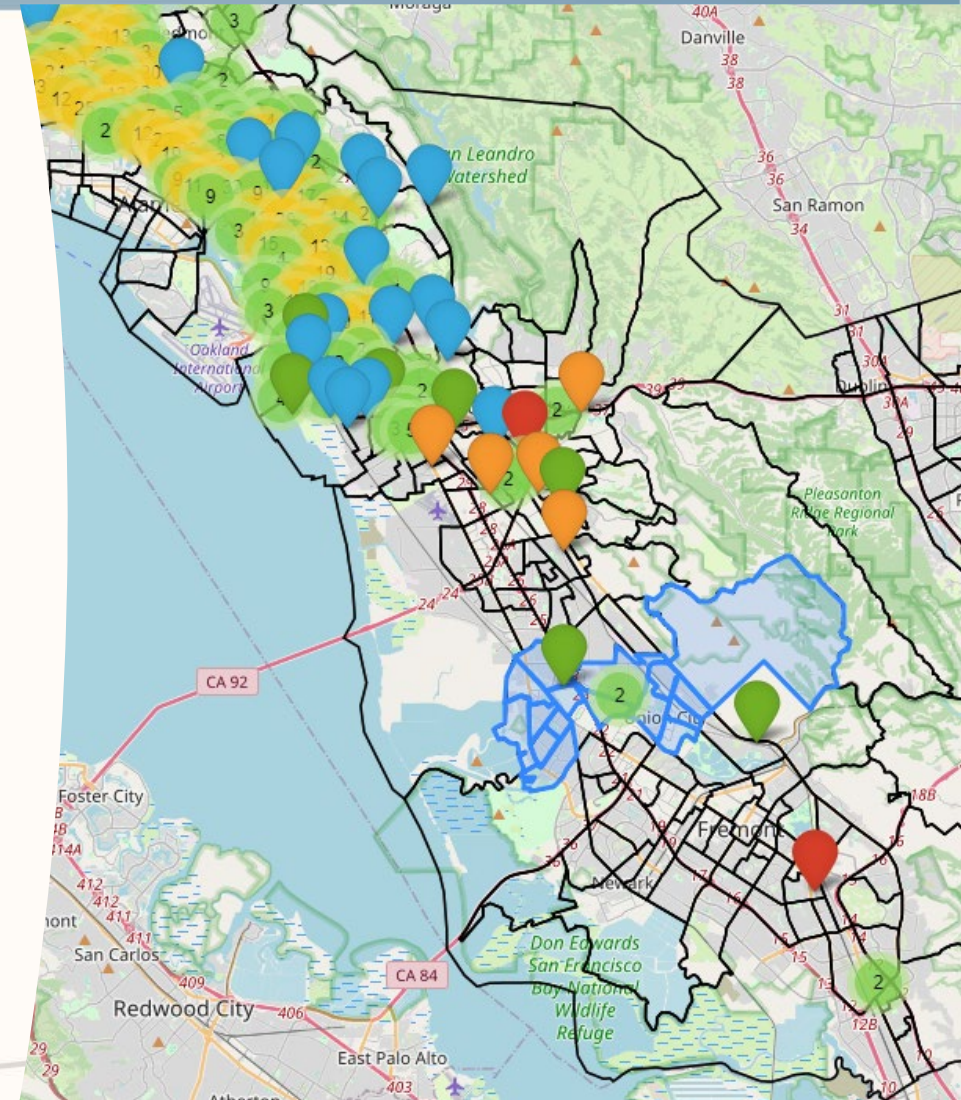
Timely release of full report

*Based on 2024 Feedback Survey and Focus Groups, more than 165 respondents

How are areas chosen for canvassing?

Not all areas of the county will be canvassed

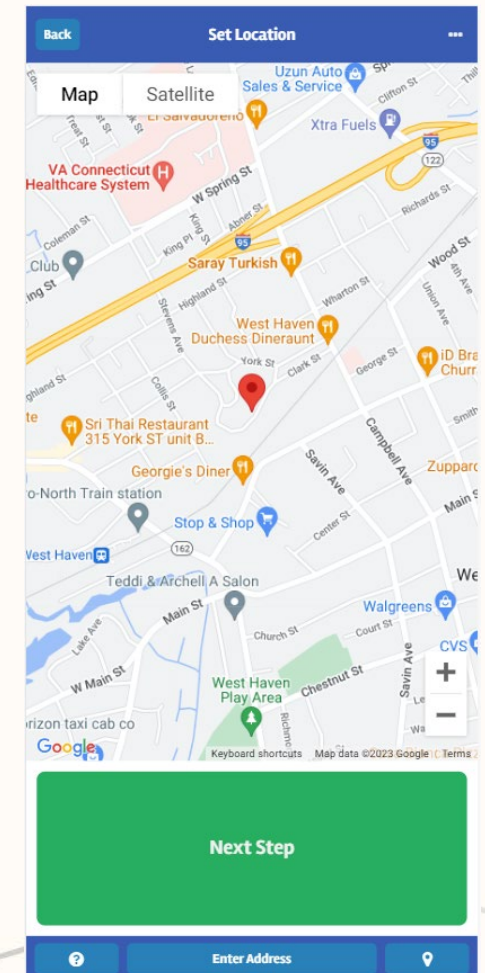
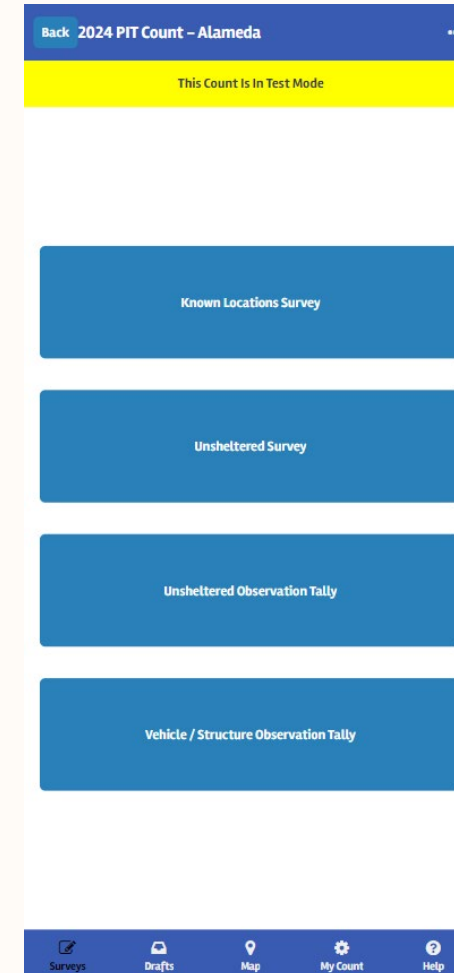
- Volunteers will only be sent to those census tracts with “**known locations**” pins, plus a random sample of tracts without pins



Data collected via “Counting Us” app

Each Jurisdiction will recruit and manage volunteers for their Jurisdiction

- In the field, volunteer teams must use the “Counting Us” app on their mobile phone or tablet to complete surveys with unsheltered people willing to talk, or to report an observation. – This data is geotagged automatically.
- The consulting team will provide training and materials to help volunteers learn to conduct surveys and use the app.
 - Additional local training is optional
- Volunteers are often paired with experienced team leads



PIT Planning Team

PIT Planning Team is the main working space for community input and coordination.

Planning Team Members who are also from Cities:

C'Mone Falls, City of Alameda

Josh Jacobs, Berkeley

Amy Cole-Bloom, Hayward

Sasha Hauswald, City of Oakland

Set PIT Count Exact Dates

- **Last 10 days of January 2026**

Review and confirm Survey Questions

Volunteers Training Materials

Participant Compensation

- For both the Surveyors and Surveyed = **Gift Cards**
- Donations – **Up to local jurisdictions**

Plan for subpopulations

- youth, families, etc.

Jurisdictional Leads role 2026

Each City and Unincorporated Region have a “Jurisdictional Lead”

Jurisdictional Leads will receive their own training series

- Champion the PIT Locally
- Share with local contacts
- Help ensure “Known Locations” are Shared for their area
- Recruit volunteers
- Manage volunteers during day-of PIT
 - Deployment Centers

Jurisdictional Leads – Alameda PIT 2026

Jurisdictional Leads (identified as of 9-5-2025)			
City of Alameda	Camille Rodriguez	City of Oakland	Tiara Jones, Greta Monares, Amy Lara, Lynette Ward (county), Sasha Hauswald, Chantal Reynolds
City of Albany	Anne Heineman	City of Piedmont	Pierce MacDonald
City of Berkeley	Josh Jacobs	City of Pleasanton	Heidi Murphy
City of Dublin	Jordan Fross	City of San Leandro	Deveon Remaker/Jessica Loebedan
City of Emeryville	Valerie Bernardo	Union City	Jesus Garcia
City of Fremont	Laurie Flores/Erika Cortes	Unincorporated North Region	Andrea Zeppa
City of Hayward	Amy Cole Bloom	Unincorporated South Region	Hanna Toda
City of Livermore	Shelly Haynes	Unincorporated East Region	Katie Alducin/Phil Clark
City of Newark	Nick Cuevas	Unincorporated Mid-County	Katie Alducin/Phil Clark

2026 PIT Timeline

Milestone	Anticipated Date
Begin documentation of “Known Locations”	July 2025
Jurisdictional Leads Kickoff Meeting	September 2025
Begin recruitment of Volunteers	October 2025
Finalize Survey Questions	Nov/Dec 2025
Finalize Volunteer Training Material	Nov/Dec 2025
Host Countywide and Local Volunteers Training Sessions	Mid January 2026
PIT 2026 Event	Late January 2026
PIT Data Analysis Phase	January – July 2026
PIT Report Available	Summer 2026

Discussion and Questions

info@viewcommunityadvisors.com





AGENDA REPORT

TO: Honorable Council President Jenkins
and City Councilmembers

FROM: "Son of Oakland"
Ken Houston
Councilmember – District 7

SUBJECT: Repeal 2020 Encampment
Management Policy and Adopt 2025
Encampment Abatement Policy

DATE: August 28, 2025

RECOMMENDATION

ADOPT A RESOLUTION AMENDING RESOLUTION NO. 88341 TO REPEAL THE 2020 ENCAMPMENT MANAGEMENT POLICY AND REPLACE WITH A 2025 ENCAMPMENT ABATEMENT POLICY THAT (A) DEFINES "ENCAMPMENT" TO EXCLUDE VEHICLES AND AUTHORIZES CITATION AND TOWING OF INHABITED VEHICLES BY CITY DEPARTMENTS PURSUANT TO THE CALIFORNIA VEHICLE CODE AND OAKLAND VEHICLE CODE; (B) CONTINUES TO REQUIRE 7-DAY NOTICE PRIOR TO NON-URGENT ENCAMPMENT CLOSURES; AND (C) CLARIFIES EMERGENCY AND URGENT HEALTH AND SAFETY CONDITIONS THAT AUTHORIZE IMMEDIATE, 24-HOUR, OR 72-HOUR NOTICE FOR ENCAMPMENT CLOSURES, INCLUDING ENCAMPMENTS BLOCKING SIDEWALKS

EXECUTIVE SUMMARY

Recommendation for the City Council to adopt a resolution amending Resolution No. 88341 to Repeal The 2020 Encampment Management Policy to adopt the 2025 Encampment Abatement Policy.

REASON FOR URGENCY

Over the past decade, Oakland has become the epicenter of street encampments. As of January 25, 2024, the city is home to 5,484 unsheltered individuals, accounting for a staggering 58% of the unsheltered population in Alameda County. The rapid growth of the unsheltered population has led to escalating threats to public safety, sanitation, and environmental health. These conditions have reached a crisis point, underscoring the urgent need for comprehensive and effective policy solutions.

Following the U.S. Supreme Court's (SCOTUS's) June 28, 2024, decision in *Grants Pass v. Johnson* – which reversed the Ninth Circuit ruling and held that the enforcement of anti-camping

Special Public Safety Committee
September 10, 2025

ordinances does not violate the Eighth Amendment – the City of Oakland now has clear constitutional authority to prohibit encampments in public spaces.

BACKGROUND / LEGISLATIVE HISTORY

In September of 2018 the United States Court of Appeals for the Ninth Circuit in Boise, Oregon issued a ruling in the case of [Martin v. City of Boise](#), stipulating how local municipalities establish constitutionality for unhoused individuals specifically “...sitting, sleeping, or lying outside on public property...”¹ In 2019, the Oakland City Council Adopted the Permanent Access to Housing (PATH) Framework to address the growing homeless crisis in Oakland through prevention, emergency response, and housing development strategies. This led to the creation of the 2020 Encampment Management Policy (EMP), designed to address the growth of encampments and the adversities faced by unhoused populations.

At the Federal Judicial level, a SCOTUS ruling provided the legal foundation that catalyzed the City to take a more decisive action on encampments. U.S. Supreme Court case, [Grants Pass v. Johnson](#) challenged precedent set by *Martin v. City of Boise*. A majority ruling by SCOTUS issued on June 28, 2024, found that it is not a violation of the Eighth Amendment Cruel and Unusual Punishments clause of the U.S. Constitution for local municipalities to issue and enforce camping and sleeping bans on public property. *Grants Pass* gives Oakland an opportunity to:

- **Restore Local Control:** The City can now adopt clear, enforceable rules governing use of public property.
- **Take Balanced Action:** Combine enforcement with increased shelter when available and provide treatment options.
- **Mandate for Responsibility:** Failure for the City to act can no longer be based on-legal uncertainty.

Strengthened by recent federal authority, the 2025 Encampment Abatement Policy (EAP) has been developed to restore public health and safety in Oakland. The City remains firmly committed to protecting the well-being of all Oakland residents, and the EAP reflects a robust strategy to achieve that goal. This policy represents a decisive shift in approach – an assertion of the City’s responsibility to reclaim and restore public spaces. Prior to guidance from the U.S. Supreme Court, Oakland was largely constrained to managing encampments, which strained public resources and, in some cases, perpetuated the crisis. With a clearer legal framework now in place, Oakland has the ability to pursue more effective and lasting solutions.

ANALYSIS AND POLICY ALTERNATIVES

Oakland has a moral duty to **intervene compassionately** but **firmly**. The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents (i.e., unhoused, housed, business community), focusing encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. This policy aims to:

¹ Section 2 – C (Pg 31)

- Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location.
- Designate low-sensitivity areas, where enforcement will not be prioritized.
- Determine findings that will prompt intervention and situations that authorize departments to take action.
- Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

The adoption of the 2025 Encampment Abatement Policy will also direct the City Administrator to establish an interdepartmental Encampment Abatement Team (EAT). The EAT will comprise of staff from the Oakland Public Works Department (OPW), Human Services Department (HSD), the Police Department (OPD), the Fire Department (OFD), the Department of Transportation (OakDOT), and other departments as deemed necessary.

Each Stakeholder Department shall:

- Provide regular input on issues governed by this policy, based in their departmental expertise.
- Participates in collective decision-making for any intervention proposed under this policy.
- Performs any aspect(s) of an intervention delegated to their department once the intervention is approved by the EAT under this policy; and
- Participates as needed in developing procedures to effectuate this policy.
- The full scope of work assigned to the EAT consists of **interventions, detailed cleaning, and closures** of specific types.
- **Health & Hygiene Intervention.** This intervention may include placing handwashing stations, portable toilets.
- **Detailed cleaning.** This intervention may require individuals encamped at a site to temporarily relocate to mitigate public safety and/or public health risks, allowing individuals to return to the site after the intervention is complete. This intervention may be used when one or more public safety/public health findings as identified by the EAT are present. In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss as outlined in OPW's Standard Operating Procedures (SOPS). However, city staff may determine that some property must be abated to protect the public. When possible, this intervention will be coordinated with relevant public agencies.
- **Partial closure.** This intervention may include partially moving and/or closing an encampment due to construction, work zone access, or ongoing public safety and/or

health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing.

- **Closure.** This intervention may include fully closing an encampment due to its location within a high-sensitivity zone, construction, work zone access, or ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing.
- **Re-encampment Closure.** If an encampment returns to the same site (defined as: within the same block on either side of the street) within 60 days of the original Closure or Partial Closure notice, such encampment is subject to re-encampment closure with a 72-hour notice. If the area is also posted with “No Encampment” and/or “No Parking” signs, the EAT is not required to make offers of shelter and/or alternative housing. Individuals who return to the same encampment location with posted “No Encampment” and/or “No Parking” signage may be subject to citation and/or arrest.
- **Vehicles.** All vehicles parked in violation of the California Vehicle Code (CVC) and/or Oakland Municipal Code (OMC) are subject to enforcement by OakDOT and OPD according to applicable laws. In addition, encampment vehicles are also subject to the EAT’s SOPs. The EAT may request OakDOT and/or OPD to tag and tow vehicles located within encampments during a cleaning or closure operation. OakDOT and OPD are encouraged, but not required, to coordinate with the EAT to address inhabited vehicles when tents or makeshift structures surround such vehicles. City staff will continue to explore best practices and programs as it relates to RVs and RV parking.
- **Emergency Actions Due To Catastrophic Events, Natural Disasters, or other Urgent Health and Safety Concerns.** For any emergency Deep Cleaning, Partial Closure, or Closure, the City will make reasonable efforts to provide those encamped with some form of notice, such as outreach workers visiting the site and sharing information verbally or in writing, if such noticing is feasible. For certain public health or public safety emergency interventions like fires, the City may be unable to provide prior notice due to the urgency of the emergency. The City will make reasonable efforts to provide prior notice for urgent health and safety concerns that are not emergencies.

Policy Alternatives

An alternate policy option is to maintain the status quo by not adopting a resolution to repeal the 2020 EMP and not adopting the 2025 EAP. This would result in:

- 1) **Ever increasing percentage of City funds used to manage encampments:** The Human Services Department and Public Works Department in Oakland spends millions in clean-up and encampment related services. With the substantial growth of unauthorized vehicle encampments in Oakland, the cost of “managing” encampments will surge year over year. Cost of encampment clean-ups, closures, relocations will continue to grow, further cutting into the City’s available budget to provide basic city services to Oaklanders. Critical services such as public safety (Police and Fire), public health (OPW, OakDOT, Human Services), and other vital public services (Parks & Recreation, Youth and Senior Services, Library, etc.) will be further reduced as more and more City dollars are allocated to an ever-growing unhoused population.
- 2) **Further Decline in Quality-of-Life Metrics for Oaklanders**
A failure to address homeless encampments more effectively will likely contribute to worsening outcomes across multiple quality-of-life indicators, including public safety, sanitation, mental health, and neighborhood livability. Oakland residents routinely report exposure to unsafe or unsanitary conditions, including open drug use, human waste, and environmental hazards in public areas. Public parks, sidewalks, and transit corridors are inaccessible or unsafe, disproportionately affecting seniors, children, and people with disabilities. This decline in the City’s livability directly contributes to a sense of civic distrust and erosion of confidence in City leadership, which fuels Oaklanders’ desire to move to communities outside Oakland.
- 3) **Further Increase in Number of Businesses Leaving Oakland**
Maintaining the status quo and not enhancing the City’s encampment policy can directly impact economic stability by accelerating the rate businesses leave Oakland – particularly small and mid-sized enterprises that lack the ability to absorb increasing costs for security, sanitation, and liability insurance. Business owners cite declining foot traffic, vandalism, and concerns over employee and customer safety as major deterrents to remaining in Oakland. As businesses relocate to neighboring municipalities with more stable public spaces, Oakland risks long-term reputation damage as a place to invest or grow.
- 4) **Continued Decline in City Revenues from Lower Business and Sales Taxes**
The compounding effects of business closures and relocations contribute to a shrinking tax base. This results in reduced revenue from sales taxes, business license taxes, and property taxes, which directly weakens the City’s ability to fund critical services like affordable housing, public safety, and infrastructure maintenance. If left unaddressed, this adverse fiscal impact could force Oakland to make ever more difficult budgetary trade-offs, leading to service reductions that further erode public trust and quality of life.

FISCAL IMPACT

The fiscal impact of this policy is yet to be determined as the City Council will need to collaborate with the City Administrator's Office to ascertain the resources required to operationalize and enforce the policy.

PUBLIC OUTREACH / INTEREST

This is a call to action. For years, Oakland residents have looked to their leaders to address the encampment crisis. They have called, emailed, written letters, and attended City Hall meetings to share the serious impacts encampments have had on their lives

Oakland needs decisive leadership to use every available tool to restore our neighborhoods. Residents are entrusting City leaders to clearly define what is and is not acceptable on our streets and to be held accountable for addressing misconduct in public spaces. The City must be empowered with the authority and resources necessary to return Oakland to a healthy, clean, and safe environment.

COORDINATION

This policy was prepared in collaboration with OPW, OakDOT, OPD, OFD, Office of the City Attorney, City Administrator's Office, and the Encampment Management Team (EMT).

SUSTAINABLE OPPORTUNITIES

Economic: The 2025 Encampment Abatement Plan (EAP) is designed to deliver long-term returns on investment. While encampment closures may involve significant upfront costs, the new elements of the EAP strives to make the abatement of encampments a one-time expense. In contrast, ongoing intervention and management of active encampments require continuous funding and resources. The 2025 EAP authorizes the deployment of resources for a set period until an encampment is fully closed, reducing the need for repeated interventions.

Environmental: Encampments contribute to substantial debris on Oakland's streets, which harms the environment. Human waste and vehicle discharge left exposed can enter storm drains and release harmful gases into the air. Waste material also prevents City storm drain systems from functioning at capacity to prevent flooding during heavy rains. Fires originating in encampments release toxic pollutants into the atmosphere and soil, further impacting public health and environmental quality.

Race & Equity: A formal race and equity analysis has yet to be completed at the time of the writing of this report. It is important to note that a comprehensive equity and impact analysis will extend well into the policy's implementation and evaluation stages. To this end, this policy will undergo a semi-annual equity review to determine its effectiveness in relation to the equity indicators and outcomes consistent with the guidance and best practices promoted by the City's Department of Race and Equity.

To: Honorable Council President Jenkins and City Councilmembers

Subject: Repeal 2020 Encampment Management Policy and Adopt 2025 Encampment Abatement Policy

Date: September 10, 2025

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

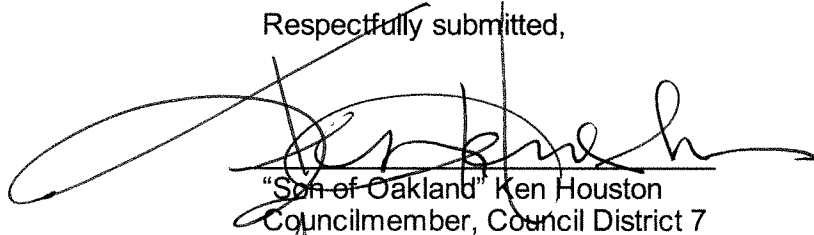
The action taken by this Resolution is not a “project” subject to the California Environmental Quality Act.

ACTION REQUESTED OF THE CITY COUNCIL

ADOPT A RESOLUTION AMENDING RESOLUTION NO. 88341 TO REPEAL THE 2020 ENCAMPMENT MANAGEMENT POLICY AND REPLACE WITH A 2025 ENCAMPMENT ABATEMENT POLICY THAT (A) DEFINES "ENCAMPMENT" TO EXCLUDE VEHICLES AND AUTHORIZES CITATION AND TOWING OF INHABITED VEHICLES BY CITY DEPARTMENTS PURSUANT TO THE CALIFORNIA VEHICLE CODE AND OAKLAND VEHICLE CODE; (B) CONTINUES TO REQUIRE 7-DAY NOTICE PRIOR TO NON-URGENT ENCAMPMENT CLOSURES; AND (C) CLARIFIES EMERGENCY AND URGENT HEALTH AND SAFETY CONDITIONS THAT AUTHORIZE IMMEDIATE, 24-HOUR, OR 72-HOUR NOTICE FOR ENCAMPMENT CLOSURES, INCLUDING ENCAMPMENTS BLOCKING SIDEWALKS

For questions regarding this report, please contact Patricia Brooks at (510) 238-6672, or Trinity Hall at (510) 238-3649

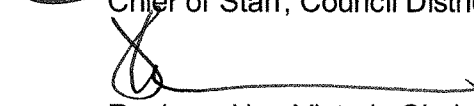
Respectfully submitted,



"Son of Oakland" Ken Houston
Councilmember, Council District 7



Reviewed by: Patricia Brooks
Chief of Staff, Council District 6



Reviewed by: Victoria Chak
Chief of Staff, Council District 7



Prepared by: Trinity Hall
Council Aide, Council District 7

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER HOUSTON

RESOLUTION AMENDING RESOLUTION NO. 88341 TO REPEAL THE 2020 ENCAMPMENT MANAGEMENT POLICY AND REPLACE WITH A 2025 ENCAMPMENT ABATEMENT POLICY THAT (A) DEFINES “ENCAMPMENT” TO EXCLUDE VEHICLES AND AUTHORIZES CITATION AND TOWING OF INHABITED VEHICLES BY CITY DEPARTMENTS PURSUANT TO THE CALIFORNIA VEHICLE CODE AND OAKLAND VEHICLE CODE; (B) CONTINUES TO REQUIRE 7-DAY NOTICE PRIOR TO NON-URGENT ENCAMPMENT CLOSURES; AND (C) CLARIFIES EMERGENCY AND URGENT HEALTH AND SAFETY CONDITIONS THAT AUTHORIZE IMMEDIATE, 24-HOUR, OR 72-HOUR NOTICE FOR ENCAMPMENT CLOSURES, INCLUDING ENCAMPMENTS BLOCKING SIDEWALKS

WHEREAS, the number of homeless persons in the City of Oakland continues to increase, with the latest 2024 point-in-time count of 5,485 individuals experiencing homelessness in Oakland, an increase of 8.5% from 2022, with the largest growth in people living in recreational vehicles (RVs) and cars, and this number is likely to increase given the substantial upward pressure of residential rents; and

WHEREAS, the current number of homeless individuals living in Oakland far outpaces the number of existing safe parking spots, shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, the adverse impacts of tent and make shift structure encampments in Oakland continue to increase significantly, including a rise in service calls for fire, assault, robbery, drug trafficking, medical emergencies, right-of-way obstructions, storage of combustible materials, and illegal electrical wiring, all of which jeopardizes housed and unhoused residents' safety and health; and

WHEREAS, unauthorized vehicle encampments have increased substantially across Oakland within the public right of way, thus exposing unhoused individuals to traffic hazards, increased vulnerability to crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services and other conditions that are detrimental to their health and safety; and

WHEREAS, similar increases have been reported throughout the State of California, prompting the creation of statewide homelessness task force by Governor Gavin Newsom; and

WHEREAS, Oakland residents are being affected by the increasing number of unsheltered individuals living in vehicles with regard to traffic and pedestrian safety, lack of sanitation and debris services, waste and sewage discharge into the storm drain systems; and

WHEREAS, when a vehicle is abandoned or otherwise improperly maintained, it will eventually leak hazardous substances such as transmission fluid, radiator coolant, brake fluid, motor oil, battery acid, and/or fuel; and

WHEREAS, since vehicles are extremely heavy and are frequently parked on streets, they are more likely to present serious obstacles to emergency vehicles and emergency personnel, and are more likely to block critical infrastructure, than a tent or similar dwelling structure; and

WHEREAS, unlike tents, RVs often have sewage collection tanks, and if emptied improperly, the sewage creates serious biological hazards in the immediate area, and fecal matter enters the City's storm drain system and flows into the San Francisco Bay; and

WHEREAS, RVs, unlike tents, are often designed with heating and/or cooking systems that rely on propane; when these systems are improperly used or maintained, they pose serious threats to the RV's occupants, other people in the vicinity, and first responders; and

WHEREAS, vehicles typically have passenger compartments and/or trunks that can be locked, meaning they can be used to secure and conceal weapons or other dangerous contraband in ways that tents and similar dwelling structures cannot; and

WHEREAS, on October 20, 2020, pursuant to Resolution No. 88341 C.M.S., the City Council adopted the Encampment Management Policy (2020 EMP), which governs the City's notice, shelter, and storage policies for actions to clean or close encampments undertaken by the City's Encampment Management Team (EMT); and

WHEREAS, separate from the EMP, the California Vehicle Code (CVC) allows City officials in the Oakland Department of Transportation (OakDOT) and/or the Oakland Police Department to tow and impound vehicles that present health and safety threats or impede traffic; and

WHEREAS, OakDOT currently cites vehicles, including RVs, in violation of these CVC sections; however, OakDOT does not typically tow inhabited vehicles except in coordination with a noticed EMT operation; and

WHEREAS, the City Council desires to allow OakDOT and/or OPD to cite, tow, and/or impound vehicles according to generally applicable tow authorities regardless of whether they are being used as dwellings; and

WHEREAS, the CVC is the exclusive authority allowing removal of vehicles from public streets and sets minimum baseline notice requirements; and

WHEREAS, in some cases, the Oakland Municipal Code extends such notices requirements beyond the minimum, including but not limited to requiring 72-hour notice for vehicles parked in construction zones; and

WHEREAS, the CVC authorizes vehicles obstructing traffic or presenting imminent threats to public safety to be towed immediately, including vehicles that are stolen, in a signed tow-away zone, or that present a hazard, obstruction or other immediate health and safety threat as determined by OakDOT or OPD; and

WHEREAS, the City desires to replace the 2020 EMP with a 2025 Encampment Abatement Policy to redefine “encampment” to exclude vehicles, and authorize OakDOT and/or OPD to cite, tag, and tow vehicles in accordance with the CVC or OMC provisions, whichever provides greater notice; and

WHEREAS, in June 2024, the United States Supreme Court issued a decision in *City of Grants Pass v. Johnson* (2024) that overturned existing Ninth Circuit precedent in *Martin v. City of Boise* (2018), and held that it is not a violation of the Eighth Amendment Cruel and Unusual Punishments Clause of the United State Constitution for cities to remove encampments from public property without offering an alternative location or shelter; and

WHEREAS, the 2020 EMP incorporated the prior Ninth Circuit precedent and required shelter offers prior to removal of encampments from public property; and

WHEREAS, in the past several years, shelter spaces have become more limited, and there are not enough shelter beds to accommodate every unhoused person moved from encampments; and

WHEREAS, the proposed 2025 Encampment Abatement Policy would remove the requirement to make shelter offers prior to closing encampments and removing and storing personal property, but criminal citations for camping would still only be authorized in cases of imminent danger to public health and safety; and

WHEREAS, in October 2022, the City Council approved an Injunctive and Monetary Relief Settlement in *Miralle v. City of Oakland*, which specified certain notice and storage requirements for EMT actions, but such changes have not yet been included in the EMP; and

WHEREAS, the *Miralle* settlement agreement requires 7-day notice before the EMT closes any non-urgent encampment, but allows immediate closure in the case of emergencies or less than 72-hour closure in the case of urgent health and safety conditions; and

WHEREAS, the former Mayor issued Executive Order 2024-1, which clarified the conditions authorizing encampment closures with less than 7-day notice, including immediate closures for imminent dangers and less than 72-hour notice for urgent conditions, consistent with the terms of the *Miralle* settlement; and

WHEREAS, the City desires to incorporate the terms of *Miralle* settlement agreement and Executive Order 2024-1 into the 2025 Encampment Abatement Policy; and

WHEREAS, such revisions would authorize the City Administrator or relevant departments to determine, on a case-by-case, that an encampment must be closed immediately or with little notice in order to address emergency or urgent conditions such as, imminent fire hazards, imminent or active damage to critical infrastructure, sidewalk obstructions in noncompliance of the ADA, obstructed waterways, or other objective dangers; now, therefore, be it

RESOLVED: That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby amends Resolution No. 88341 C.M.S. and adopts the 2025 Encampment Abatement Policy, attached as Exhibit A, which repeals and supersedes the 2020 EMP, which changes are shown in underline additions and strikethrough deletions in Exhibit B; and be it

FURTHER RESOLVED: That the City Attorney and City Administration are authorized to make non-substantive edits to the 2025 Encampment Abatement Policy, consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the City Administrator is authorized to complete all required actions consistent with this Resolution and its basic purpose, including issuing departmental standard operating procedures to further implement the 2025 Encampment Abatement Policy, subject to City Attorney review and approval.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A

[Attached]

Exhibit B

[Attached]

CITY OF OAKLAND

2025 ENCAMPMENT ABATEMENT POLICY

Revised By City Council Resolution On [xxx]

I. INTRODUCTION

In December 2019, the Oakland City Council adopted the Permanent Access to Housing (PATH) Framework, which among other things, recommended strategies and interventions to address the growing homelessness crisis in Oakland.

The PATH Framework groups response strategies into three major categories:

1. **Prevention:** to protect vulnerable tenants from losing the housing they have and stabilizing those most at risk of becoming homeless;
2. **Emergency Response:** to shelter and rehouse households and improve health and safety on the street.
3. **Housing Development:** to expand the number of Extremely Low Income (ELI) and Permanent Supportive Housing (PSH) units prioritized for individuals and families experiencing homelessness.

Prevention strategies and affordable housing development strategies are not addressed in this particular policy; however, it is important to acknowledge that the emergency response strategies outlined in this policy fall within a broader framework to ultimately exit unhoused individuals and families from the homelessness system to permanent housing.

The PATH Framework specifically called for the development of an Encampment Management Policy to address the adverse health and safety impacts of unsheltered homelessness, with compassion and care to not criminalize poverty. Additionally, the PATH Framework highlights the importance of developing an encampment policy through a race and equity lens, given the disproportionate impact of homelessness on African Americans in Oakland, as well as disproportionate health and safety impacts from encampments on low income communities of color.

A. Equity Considerations

African Americans are disproportionately impacted by unsheltered homelessness. In Oakland, 53 percent of the homeless population are African American and the vast majority of known encampments at this time are located within communities of concern. For these reasons, this policy was developed with an intentional focus on the following equity outcomes:

EXHIBIT A

- Health and safety standards are achieved and maintained for encampment residents who are disproportionately Black, Indigenous, and Persons of Color (BIPOC).
- BIPOC neighborhoods and businesses are not disproportionately impacted by vehicle and street encampments.
- Service provisions close disparities in BIPOC groups' representation in homelessness.

An equity impact analysis will be conducted in coordination with the City's Department of Race and Equity after the adoption and implementation of this policy to ensure the stated outcomes above are achieved and maintained.

It is important to note that an equity impact analysis is a comprehensive process that begins during the policy development stage and extends well into the implementation and evaluation stage of the policy process.

To this end, this policy will undergo a semi-annual equity review to determine its effectiveness in relation to the equity indicators and outcomes consistent with the guidance and best practices promoted by the City's Department of Race and Equity.

B. Public Safety Considerations

It is important to distinguish between public safety "emergencies" and public safety "factors" to determine the appropriate encampment intervention.

Public safety emergencies requiring a fire, medical, and/or police response should be immediately reported to 911, and those departments shall respond according to the ordinances, codes, statutes, and/or regulations under which they operate and are authorized to enforce (e.g., Health & Safety Code, Fire Code, Penal Code, etc.).

The status of being unsheltered does not create immunity from generally enforced state codes and local ordinances. For example, the Oakland Police Department ("OPD") or other relevant agencies shall conduct investigation of crimes committed at encampments, especially violent crimes, arson, and narcotics trafficking, consistent with the laws and policies that currently govern all other criminal investigations, irrespective of location or whether the suspect is sheltered or unsheltered. Although the City does not enforce ordinances or policies that criminalize the "status" of being homeless (e.g. citing or arresting for sitting, lying, or sleeping outdoors), the City will enforce laws, ordinances and policies aimed at punishing criminal conduct unrelated to the status of being homeless (e.g. drug and sex trafficking, arson, assault, vandalism, trespass, theft, etc.). The City shall enforce against all criminal activities in encampments regardless of housing status.

The City will also enforce California Vehicle Code ("CVC") and Oakland Municipal Code ("OMC") violations that address health and safety concerns regardless of an occupant or owner's homelessness status, as further described in this Policy.

EXHIBIT A

Regarding public safety factors that are not necessarily public safety emergencies (e.g., accumulation of trash and/or debris, hazardous waste and toxic substances, distancing of tents, vehicles, structures, etc.), the Encampment Management Team shall determine the level of intervention depending on specific findings, which are presented later in this policy. Certain public safety factors (e.g., imminent damage to critical infrastructure, excessive fires, right of way obstructions) may rise to the level of public safety emergencies requiring immediate intervention or urgent health and safety interventions, as further described below in Section III.C.

C. Encampment Management Team

The Encampment Abatement Team (EAT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland's Public Works Department ("OPW"), Human Services Department ("HSD"), Oakland Police Department ("OPD"), Oakland Fire Department ("OFD"), the City Administrator's Office ("CAO"), and other consulted departments as necessary (e.g., the Mayor's Office, the City Attorney's Office, Oakland Parks, Recreation & Youth Development Department). The EAT is facilitated by the CAO via the Homelessness Administrator.

The division of responsibilities between each member department of the EAT may be adjusted as necessary by the CAO depending on available resources, capacity, and emergency responsiveness. Each department may, from time to time, promulgate additional specific procedures necessary to effectuate the roles and duties described in this policy under department specific Standard Operating Procedures (SOPs). The CAO may also promulgate guidance to all EAT member departments that further defines each department's roles and responsibilities.

The EAT's role is limited to addressing the health and safety impacts of *encampments* on City property. For the purposes of this revised policy, an "encampment" subject to EAT intervention is any area on City property or in the right of way where two or more households are living, for longer than 48 hours, in tents or makeshift structures. This definition specifically excludes any type of vehicle, even if a person resides in such vehicle.

Each stakeholder department:

- Provides regular input on issues governed by this policy, based in their departmental expertise;
- Participates in collective decision-making for any intervention proposed under this policy;
- Performs any aspect(s) of an intervention delegated to their department once the intervention is approved by the ~~EMT~~EAT under this policy; and
- Participates as needed in developing procedure(s) to effectuate this policy.

The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing

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the interests of all residents (i.e. unhoused, housed, business community), focusing encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. This policy aims to:

1. Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;
2. Designate low-sensitivity areas, where enforcement will not be prioritized;
3. Determine findings that will prompt EAT intervention and situations that authorize other departments to take actions separate from the EAT;
4. Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

II. DESIGNATION OF ENCAMPMENT SENSITIVITY AREAS

This revised policy designates two distinct areas – high and low sensitivity – of City property.

A. High-Sensitivity Areas

High-Sensitivity Areas are formally designated by the City Council and can include parks, particularly those with playground structures or tot lots, protected waterways, and other public lands. High-sensitivity areas are locations where the health and safety impacts of homeless encampments are heightened due to the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way. In these locations, the City would prioritize maintaining the areas free of encampments. Parks with playground structures or tot lots, or that host City-sponsored programs or classes for children shall be the City's highest priority high-sensitivity areas.

This policy hereby establishes the following public property locations as high-sensitivity areas:

- Locations designated as High Fire Severity Zones (HFSZ) by the Oakland Fire Department and/or CalFIRE.
- Within 150 feet of an elementary, middle, pre-school or child care center, and 100 feet from a high school.
- Within 50 feet of a protected waterway as established by any governing body.
- Within 50 feet of a residence.
- Within 50 feet of a retail business, and 50 feet from the main entrance and any emergency exits from all other businesses, including places of worship.

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- Within 50 feet of a city park or other public land that has a children's playground, play structure, tot lot, or recreation center in which children participate in city-sponsored programs/classes*
- Within 50 feet of a public park, soccer field, baseball field, basketball court, tennis court, and/or golf course.
- Areas directly adjacent (within 25 feet) to emergency shelter interventions.
- Within 200 feet of a construction zone.
- Within 25 feet of hospitals or emergency rooms or any medical facility where compromised immune filtration systems could be compromised.
- Where obstruction of sidewalk and path of travel is a violation of American Disabilities Act (ADA) and requires pedestrians to modify path that would take them into a dangers situation as defined by public safety officials. (All vehicular traffic lanes, bike lanes, and sidewalks must comply with ADA sidewalk and street requirements and must allow for passage of emergency vehicles.)

B. Low-Sensitivity Areas

Low-Sensitivity Areas are all other areas not included above, and the following standards are to apply to all encampments and to all inhabited single tents, vehicles, and structures in these locations:

- Shall not impede vehicle, bike, or pedestrian traffic.
- Shall not impede ADA access points.
- Shall not impede emergency ingress/egress routes.
- Compliance with applicable and generally enforced state codes and local ordinances.
- Maintain a maximum footprint of 12 x 12 sq. ft per person.
- Area directly adjacent to an inhabited vehicle must remain clear at all times.
- No gray or black water dumping.
- No illegal electrical or water taps.
- No storage of automobiles, tires, gasoline, generators, or propane tanks, or unsafe storage of combustible materials or accumulation of combustible waste.
- Structures and tents shall maintain not less than six (6) feet distance between one another.

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- Vehicles must be in a legal parking space, operable, and registered.

III. EAT INTERVENTION

A. Findings Prompting EAT Intervention

Encampments located in high-sensitivity areas are always subject to EAT intervention given the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way.

For encampments located in low-priority areas that do not meet the standards outlined above, the EAT will consider the following findings in deciding what level of intervention is appropriate.

Public health findings:

- Confirmed case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);
- Confirmed exposure(s) to case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);
- Excessive animal or vermin vector hazards (e.g., rats, other vector vermin);
- Presence of biological vector hazards (e.g., blood, fecal matter);
- Notice of public health emergency at an encampment site declared by a county, state, or federal public health entity;
- Need for encampment decompression as identified by public health officials;
- Location of encampment in a public recreational area, or shared facility for recreational activity should such facility require repurposing; and/or
- Impeding the ability of a hospital or clinic to provide critical care or creating a significant risk of compromising patient care and welfare.

Public safety findings:

- Location of encampment impedes the right-of-way, lane of traffic, bike lane, or ADA access;

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- Location of encampment such that First Responders (including, but not limited to, Fire, Police, and any health care workers), are impeded in performing their essential government functions;
- Pervasive criminal activity;
- Damage to essential infrastructure (e.g., reservoirs, bridges, public utilities, drainage and sewer systems);
- Excessive amounts of waste/garbage/debris as determined by OPW.
- Proximity of encampment to objective dangers (e.g., edge of a steep slope, on an active train track, in a vehicular lane of traffic).
- Excessive fire hazards and/or calls for service as determined by OFD.
- Unpermitted outside fires burning less than 30 feet away from any structure, tent, or vehicle.
- Presence of open electrical splices or illegal wiring.
- Roadway does not have 20 feet of unobstructed width for Fire Apparatus Access
- Fire hydrant obstructions with less than twenty-five (25) feet radial clearance around hydrants.
- Storage of tires, gasoline, or propane tanks, and unsafe storage of combustible materials or accumulation of combustible waste.
- Parking and storage of vehicles with propane tanks, and unsafe combustible materials or accumulation of combustible waste under critical infrastructure, such as electrical and any overhead utility and transportation infrastructure.

B. Types of EAT Interventions

It is the goal of the City to provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are serviced regularly as needed, and that encampments receive regular deep cleanings to ensure that our unhoused residents are not living in conditions that threaten health and/or safety.

- **Health & Hygiene Intervention.** This intervention may include placing handwashing stations or portable toilets, and/or providing routine waste collection services at an encampment.
- **Deep Cleaning.** This intervention may require individuals encamped at a site to temporarily relocate to mitigate public safety and/or public health risks, allowing individuals to return to the site after the intervention is complete. This intervention may be used when one or more of the public safety and/or public health findings identified above are present and, due to its presence, the EAT or another City

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department decides that performing this intervention is necessary to protect the public. In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. When possible, this intervention will be coordinated with relevant public agencies.

- **Partial closure.** This intervention may include partially moving and/or closing an encampment due to construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high-sensitivity area, an opportunity to voluntarily relocate to a low-sensitivity area). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public safety and/or public health findings identified above are present and, due to its presence, the EAT decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. When shelter is available, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.
- **Closure.** This intervention may include fully closing an encampment due to location within a high-sensitivity zone, construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high sensitivity zone, an opportunity to voluntarily relocate to a low sensitivity zone). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public health and/or public safety findings identified above are present and, due to its presence, the EAT decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined by OPW's SOPs, but may determine that some property must be removed to protect the public and/or to complete the process of closing the encampment. When shelter is available, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.
- **Re-encampment Closure.** If an encampment arises on the same site (within the same block on either side of the street) within 60 days of the notice of a prior Closure or Partial Closure, such encampment is subject to closure with 72-hour notice. If the area is also posted with No Encampment and/or No Parking signs, the EAT is not required to make offers of shelter and/or alternative housing. Individuals who return to the same or similar encampment location with posted No Encampment and/or No Parking signage may be subject to citation and/or arrest.

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- **Vehicles.** All vehicles parked in violation of the CVC and/or OMC are subject to enforcement by DOT and/or OPD according to applicable law and are not considered encampments subject to this policy. The EAT may request that DOT and/or OPD tag and tow vehicles in connection with an encampment cleaning or closure operation in the event vehicles are located within encampments otherwise subject to an EAT intervention. In those cases, all such vehicles present are still tagged under the CVC and/or OMC and not in accordance with the EAT's outreach, storage and notice procedures when CVC and/or OMC towable violations are present, except that vehicles present in the location of a noticed EAT operation will not be towed prior to the expiration of the notice applicable to the operation (7-days if not an emergency or urgent intervention) absent imminent risks. DOT or OPD is encouraged, but not required, to coordinate with the EAT to address inhabited vehicles when tents or makeshift structures surround such vehicles.

C. Public Noticing of EAT Interventions

To the extent feasible, the City will follow the procedures stated below to provide notice prior to any encampment intervention.

Non-emergency Actions

For any non-urgent intervention, the City will provide adequate notice. For Health & Hygiene interventions, the City will work with those encamped to ensure the effectiveness of the intervention. For all Deep Cleaning interventions and Re-encampment Closures, the City will provide at least a 72-hour notice unless there is an emergency or urgent public health and safety concern that prevents such notice from being provided, as described in the section below. For all Partial Closure and Closure operations, the City will provide at least 7-day notice unless there is an emergency or urgent public health and safety concern that prevents such notice from being provided, as described below. The applicable notice will be provided in writing, posted around the site in multiple languages, and, as feasible, verbally to those encamped. The notice will: state the date that the intervention will begin; state the date of the posting; identify whether the intervention will take place over multiple days by stating the days on which the intervention will occur; be reposted if the intervention does not occur on the day (or time) as posted; include a 4-hour window for the intervention start time; and include contact information for homelessness services outreach.

Emergency Actions Due To Catastrophic Events, Natural Disasters, or other Urgent Health and Safety Concerns

For any emergency Deep Cleaning, Partial Closure, or Closure, the City will make reasonable efforts to provide those encamped with some form of notice, such as outreach workers visiting the site and sharing information verbally or in writing, if such notice is feasible. For certain emergency interventions, like fires, the City may be unable to provide prior notice due to the nature of the emergency. The City will make reasonable efforts to provide prior notice for urgent health and safety concerns that are not emergencies.

The EAT or another City department may conduct an immediate closure for emergency conditions where the City will attempt to provide same-day notice where there is a:

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1) Determination with findings by OPD and/or OFD of imminent risk of serious injury or death, including but not limited to:

- a) active fires or fires having occurred within past 24 hours;
- b) criminal investigations; and
- c) encampments attached to residential or business structures determined by OFD to be an imminent fire hazard; or a

2) Determination by applicable City Department of imminent or active destruction to critical infrastructure, including:

- a) traffic signal and equipment;
- b) emergency warning equipment;
- c) light poles and power poles;
- d) electrical energy stations;
- e) active train tracks or bridges
- f) drainage and sewer systems, including active dumping of hazardous waste or debris into sewer system;
- g) obstruction of traffic lanes, including bike lanes or on and offramps; and
- h) disruption of US mail service, and/or trash service.

The EAT or other City Department may conduct an immediate closure for urgent health and safety concerns where the City will attempt to provide 24-hour to 72-hour notice:

1) Determination with findings by OPD and/or OFD of risk of serious injury or death, including but not limited to:

- a) unpermitted fires burning less than 30 feet from any structure, tent, or vehicle;
- b) open electrical splices or illegal wiring;
- c) roadway with less than twenty (20) feet unobstructed width;
- d) fire hydrants with less than three (3) feet unobstructed radial clearance;
- e) storage of tires, gasoline, or propane tanks, and other combustible materials;
- f) accumulation of combustible waste;

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g) pervasive criminal activity.

- 2) Sidewalk obstructions that block pedestrian access or safe passage, as determined by the City Administrator;
- 3) Obstructed waterways or storm drains;
- 4) Obstructed signed construction zones;
- 5) Unsafe proximity to objective dangers, such as active train tracks, as determined by the City Administrator;
- 6) Any location where necessary to comply with regulatory requirements from oversight agencies;
- 7) Any location experiencing an outbreak of contagious disease or vermin infestation.

A vehicle that presents an emergency or urgent health and safety concern will be towed and/or impounded by DOT or OPD immediately if prior notice is not reasonable or feasible.

D. Storage of Individuals' Property

In performing any intervention, the City will respect and protect individuals' rights to their property while also following applicable local, state, and federal laws, as well as the injunctive relief and settlement described in *Miralle v. City of Oakland* (2022).

During the course of any EAT intervention, OPW and other EAT member departments may remove debris, trash, waste, illegal dumping, hazardous materials, and/or other materials, following ordinary procedures with respect to handling such materials and the disposal thereof. OPW and other EAT member departments may also encounter property that is not debris, trash, waste, illegal dumping, or hazardous materials. For any such property: (1) whose ownership cannot be clearly determined but does not seem abandoned; or (2) whose ownership is known but the owner cannot transport it, the City will make reasonable efforts to store up to one (1) cubic yard of such property per individual. Any such effort will comport with OPW's ordinary practices with respect to property storage during encampment interventions. Should OPW require additional procedures for performing these property-related functions under this policy, OPW may promulgate such additional SOPs. Note that if a law enforcement agency must effectuate an arrest, the Alameda County Sheriff's Department, which operates the County's detention and incarceration facilities, will set any and all rules regarding property storage at their facilities.

While this policy is in effect, the EAT will explore reasonable methods of safe, secure, property storage potentially available to the City, including, but not limited to, OPW's storage facility; self-storage; and partnering with other public agencies or businesses to develop storage capacity.

IV. COMPLIANCE

The City must balance the rights of encamped individuals against its fundamental duty to maintain public safety and public health, in both high- and low-sensitivity areas. Where necessary, and when voluntary compliance cannot be achieved, the EAT may perform one or more of the interventions described above to maintain public safety and public health. The City will enforce criminal laws in an ordinary manner to protect unsheltered and sheltered residents alike.

Encampments located within a high-sensitivity area will be subject to a Closure intervention as outlined above. Except when emergency or urgent health and safety concerns require shorter notice, encampment residents will be given at least 72-hours to accept an offer of shelter or alternative housing if such referrals are available. If after 72 hours, an individual declines an offer of a specific shelter program, the program spot will be provided to another individual. A person is also free to voluntarily relocate to a low-sensitivity area if shelter provisions are declined. All declinations will be documented. Emergency shelter provisions cannot be reserved for greater than 72-hours at a time, given the current demand.

Encampments in low-sensitivity areas that are in compliance with the standards outlined above are not prioritized for EAT intervention, unless an emergency or urgent public health and safety situation arises.

Encampments in low-sensitivity areas that are not in compliance with the standards established in this policy are subject to EAT intervention as follows:

- Encampment residents will be notified by the EAT of any public safety and/or public health findings and, unless urgent health and safety concerns require shorter notice, will be given 7 days to obtain voluntary compliance. Outreach workers may assist encampment residents during this period to achieve voluntary compliance.
- If the Outreach Team is unsuccessful, the encounter is documented and scheduled for a Deep Cleaning, Partial Closure, or Closure as determined by specific findings of the EAT, adhering to all noticing and storage requirements outlined above.
- Outreach efforts and service offers will continue, as resources allow, with the goal of ending the individual's unsheltered status if possible. Encampments in compliance with the standards established for low-sensitivity areas must still abide by all relevant local, state and federal laws.

The City cannot require any individual to accept any offered form of shelter and/or alternative housing, even if such acceptance is strongly recommended for public health or public safety reasons. Instead, an individual offered shelter and/or alternative housing who declines the offer may continue to camp without risk of being issued a citation or arrested for remaining encamped, unless the encampment must be partially or fully closed as

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described above for public health and/or public safety reasons. In those limited circumstances, the City will make reasonable efforts to allow and, where feasible, assist the encamped individual in moving to a new location. The City will avoid citation or arrest unless either is necessary to protect against imminent risks to public safety and alternative shelter or housing has been offered and declined.

Encampments will be regularly monitored and managed by the EAT. In the case of a medical or public safety emergency, 911 should be called. Inquiries and complaints should be forwarded to 311 and/or homelessness@oaklandca.gov for action.

LINKS:

<https://www.oaklandca.gov/documents/2019-permanent-access-to-housing-path-framework-update>

CITY OF OAKLAND

2025 ENCAMPMENT ABATEMENT POLICY

Revised By City Council Resolution On [xxx]

I. INTRODUCTION

In December 2019, the Oakland City Council adopted the Permanent Access to Housing (PATH) Framework, which among other things, recommended strategies and interventions to address the growing homelessness crisis in Oakland.

The PATH Framework groups response strategies into three major categories:

1. **Prevention:** to protect vulnerable tenants from losing the housing they have and stabilizing those most at risk of becoming homeless;
2. **Emergency Response:** to shelter and rehouse households and improve health and safety on the street.
3. **Housing Development:** to expand the number of Extremely Low Income (ELI) and Permanent Supportive Housing (PSH) units prioritized for individuals and families experiencing homelessness.

Prevention strategies and affordable housing development strategies are not addressed in this particular policy; however, it is important to acknowledge that the emergency response strategies outlined in this policy fall within a broader framework to ultimately exit unhoused individuals and families from the homelessness system to permanent housing.

The PATH Framework specifically called for the development of an Encampment Management Policy to address the adverse health and safety impacts of unsheltered homelessness, with compassion and care to not criminalize poverty. Additionally, the PATH Framework highlights the importance of developing an encampment policy through a race and equity lens, given the disproportionate impact of homelessness on African Americans in Oakland, as well as disproportionate health and safety impacts from encampments on low income communities of color.

A. Equity Considerations

African Americans are disproportionately impacted by unsheltered homelessness. In Oakland, ~~5370~~ percent of the homeless population are African American and the vast majority of known encampments at this time are located within communities of concern. For these reasons, this policy was developed with an intentional focus on the following equity outcomes:

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- Health and safety standards are achieved and maintained for encampment residents who are disproportionately Black, Indigenous, and Persons of Color (BIPOC).
- BIPOC neighborhoods and businesses are not disproportionately impacted by vehicle and street encampments.
- Service provisions close disparities in BIPOC groups' representation in homelessness.

An equity impact analysis will be conducted in coordination with the City's Department of Race and Equity after the adoption and implementation of this policy to ensure the stated outcomes above are achieved and maintained.

It is important to note that an equity impact analysis is a comprehensive process that begins during the policy development stage and extends well into the implementation and evaluation stage of the policy process.

To this end, this policy will undergo a semi-annual equity review to determine its effectiveness in relation to the equity indicators and outcomes consistent with the guidance and best practices promoted by the City's Department of Race and Equity.

B. Public Safety Considerations

It is important to distinguish between public safety "emergencies" and public safety "factors" to determine the appropriate encampment intervention.

Public safety emergencies requiring a fire, medical, and/or police response should be immediately reported to 911, and those departments shall respond according to the ordinances, codes, statutes, and/or regulations under which they operate and are authorized to enforce (e.g., Health & Safety Code, Fire Code, Penal Code, etc.).

The status of being unsheltered does not create immunity from generally enforced state codes and local ordinances. For example, the Oakland Police Department ("OPD") or other relevant agencies shall conduct investigation of crimes committed at encampments, especially violent crimes, arson, and narcotics trafficking, ~~shall be conducted~~ consistent with the laws and policies that currently govern all other criminal investigations, irrespective of location or whether the suspect is sheltered or unsheltered. Although the City does not enforce ordinances or policies that criminalize the "status" of being homeless (e.g. citing or arresting for sitting, lying, or sleeping outdoors), the City will enforce laws, ordinances and policies aimed at punishing criminal conduct unrelated to the status of being homeless (e.g. drug and sex trafficking, arson, assault, vandalism, trespass, theft, etc.). The City shall enforce against all criminal activities in encampments regardless of housing status.

The City will also enforce California Vehicle Code ("CVC") and Oakland Municipal Code ("OMC") violations that address health and safety concerns regardless of an occupant or owner's homelessness status, as further described in this Policy.

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Regarding public safety factors that are not necessarily public safety emergencies (e.g., accumulation of trash and/or debris, hazardous waste and toxic substances, right of way obstructions, distancing of tents, vehicles, structures, etc.), the Encampment Management Team shall determine the level of intervention depending on specific findings, which are presented later in this policy. Certain public safety factors (e.g., imminent damage to critical infrastructure, excessive fires, right of way obstructions) may rise to the level of public safety emergencies requiring immediate intervention or urgent health and safety interventions, as further described below in Section III.C.

C. Encampment Management Team

The ~~Encampment Management Team (EMT)~~Encampment Abatement Team (EAT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland's Public Works Department ("OPW"), Human Services Department ("HSD"), Oakland Police Department ("OPD"), Oakland Fire Department ("OFD"), the City Administrator's Office ("CAO"), and other consulted departments as necessary (e.g., the Mayor's Office, the City Attorney's Office, Oakland Parks, Recreation & Youth Development ~~Department Parks and Recreation~~). The ~~EMT~~EAT is facilitated by the CAO via the Homelessness Administrator.

The division of responsibilities between each member department of the ~~EMT~~EAT may be adjusted as necessary by the CAO depending on available resources, capacity, and emergency responsiveness. Each department may, from time to time, promulgate additional specific procedures necessary to effectuate the roles and duties described in this policy under department specific Standard Operating Procedures (SOPs). The CAO may also promulgate guidance to all ~~EMT~~EAT member departments that further defines each department's roles and responsibilities.

The EAT's role is limited to addressing the health and safety impacts of encampments on City property. For the purposes of this revised policy, an "encampment" subject to EAT intervention is any area on City property or in the right of way where two or more households are living, for longer than 48 hours, in tents or makeshift structures. This definition specifically excludes any type of vehicle, even if a person resides in such vehicle.

Each stakeholder department:

- Provides regular input on issues governed by this policy, based in their departmental expertise;
- Participates in collective decision-making for any intervention proposed under this policy;
- Performs any aspect(s) of an intervention delegated to their department once the intervention is approved by the ~~EMT~~EAT under this policy; and
- Participates as needed in developing procedure(s) to effectuate this policy.

The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing

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the interests of all residents (i.e. unhoused, housed, business community), focusing encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. This policy aims to:

1. Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;
2. Designate low-sensitivity areas, where enforcement will not be prioritized;
3. Determine findings that will prompt EAT intervention and situations that authorize other departments to take actions separate from the EAT;
4. Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

II. DESIGNATION OF ENCAMPMENT SENSITIVITY AREAS

This revised policy designates two distinct areas – high and low sensitivity – of City property with respect to presumed health and safety concerns related to vehicle and street encampments.

A. High-Sensitivity Areas

High-Sensitivity Areas are formally designated by the City Council and can include parks, particularly those with playground structures or tot lots, protected waterways, and other public lands. High-sensitivity areas are locations where the health and safety impacts of homeless encampments are heightened due to the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way. In these locations, the City would prioritize maintaining the areas free of encampments. Parks with playground structures or tot lots, or that host City-sponsored programs or classes for children shall be the City's highest priority high-sensitivity areas. ~~The City Council reserves the right to allow smaller encampments in high-sensitivity areas, however, it is recommended that the operation and management of encampments in these areas be in collaboration with a managing agency. The managing agency would work in collaboration with encampment residents and the City to mitigate safety and health hazards. The managing agency can be a nonprofit organization, advocacy group, faith-based organization, another public agency, or a grassroots collective. The managing agency must meet the City's insurance requirements (or obtain a fiscal sponsor that is able to meet the City's insurance requirements). Guidance on the implementation of this model can be found in Appendix A.~~

~~Adoption of this policy would establish~~ This policy hereby establishes the following public property locations as high-sensitivity areas:

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- Locations designated as High Fire Severity Zones (HFSZ) by the Oakland Fire Department and/or CalFIRE.
- Within 150 feet of an elementary, middle, pre-school or child care center, and 100 feet from a high school.
- Within 50 feet of a protected waterway as established by any governing body.
- Within 50 feet of a residence.
- Within 50 feet of a retail business, and 50 feet from the main entrance and any emergency exits from all other businesses, including places of worship.
- Within 50 feet of a city park or other public land that has a children's playground, play structure, tot lot, or recreation center in which children participate in city-sponsored programs/classes*
- ~~(*) Other public parks that contain ball fields, basketball courts or tennis courts shall be discouraged as encampments, but not initially considered high-sensitivity locations.~~
- Within 50 feet of a public park, soccer field, baseball field, basketball court, tennis court, and/or golf course.
- Areas directly adjacent (within 25 feet) to emergency shelter interventions.
- Within 200 feet of a construction zone.
- Within 25 feet of hospitals or emergency rooms or any medical facility where compromised immune filtration systems could be compromised.
- Where obstruction of sidewalk and path of travel is a violation of American Disabilities Act (ADA) and requires pedestrians to modify path that would take them into a dangers situation as defined by public safety officials. (All vehicular traffic lanes, bike lanes, and sidewalks must comply with ADA sidewalk and street requirements and must allow for passage of emergency vehicles.)

B. Low-Sensitivity Areas

Low-Sensitivity Areas are all other areas not included above, and the following standards are to apply to all encampments and to all inhabited single tents, vehicles, and structures in these locations:

- ~~Shall be limited to one side of the street.~~
- Shall not impede vehicle, bike, or pedestrian traffic ~~(on at least one side of the street).~~

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- Shall not impede ADA access points, ~~consistent with goal of limiting encampments to one side of the street.~~
- Shall not impede emergency ingress/egress routes.
- Compliance with applicable and generally enforced state codes and local ordinances.
- ~~Encampment footprint shall not exceed~~ Maintain a maximum footprint of 12 x 12 sq. ft per person.
- Area directly adjacent to an inhabited vehicle ~~dwelling~~ must remain clear at all times.
- No gray or black water dumping.
- No illegal electrical or water taps.
- No storage of automobiles, tires, gasoline, generators, or propane tanks, or unsafe storage of combustible materials or accumulation of combustible waste.
- Structures and tents ~~and vehicle dwellings~~ shall maintain not less than six (6) feet distance between one another.
- Vehicles must be in a legal parking space, operable, and registered.

III. EAT INTERVENTION

A. Findings Prompting ~~EMT~~EAT Intervention

Encampments located in high-sensitivity areas are always subject to ~~EMT~~EAT intervention ~~(except for exceptions approved by the City Council)~~ given the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way.

For encampments located in low-priority areas that do not meet the standards outlined above, the ~~EMT~~EAT will consider the following findings in deciding what level of intervention is appropriate.

Public health findings:

- Confirmed case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);

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- Confirmed exposure(s) to case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);
- Excessive animal or vermin vector hazards (e.g., rats, other vector vermin);
- Presence of biological vector hazards (e.g., blood, fecal matter);
- Notice of public health emergency at an encampment site declared by a county, state, or federal public health entity;
- Need for encampment decompression as identified by public health officials; ~~and/or~~
- Location of encampment in a public recreational area, or shared facility for recreational activity should such facility require repurposing, ~~pursuant to the Order of the Alameda County Health Officer to Shelter in Place No. 20-04 or other similar subsequent orders; and/or~~
- Impeding the ability of a hospital or clinic to provide critical care or creating a significant risk of compromising patient care and welfare.

Public safety findings:

- Location of encampment impedes the right-of-way, lane of traffic, bike lane, or ADA access;
- Location of encampment such that First Responders (including, but not limited to, Fire, Police, and any health care workers), are impeded in performing their essential government functions;
- Pervasive criminal activity;
- Damage to essential infrastructure (e.g., reservoirs, bridges, public utilities, drainage and sewer systems);
- Excessive amounts of waste/garbage/debris as determined by OPW.
- Proximity of encampment to objective dangers (e.g., edge of a steep slope, on an ~~in-use~~active train track, in a vehicular lane of traffic).
- Excessive fire hazards and/or calls for service as determined by OFD.
- Unpermitted outside fires burning less than 30 feet away from any structure, tent, or vehicle.
- Presence of open electrical splices or illegal wiring.
- Roadway does not have 20 feet of unobstructed width for Fire Apparatus Access

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- Fire hydrant obstructions with less than ~~three~~ twenty-five (25) feet radial clearance around hydrants.
- Storage of tires, gasoline, or propane tanks, and unsafe storage of combustible materials or accumulation of combustible waste.
- Parking and storage of vehicles with propane tanks, and unsafe combustible materials or accumulation of combustible waste under critical infrastructure, such as electrical and any overhead utility and transportation infrastructure.

~~The City will not cite or arrest any individual solely for camping, or otherwise for the status of being homeless, and will make reasonable efforts to allow and, where feasible, assist the encamped individual with gaining compliance with the encampment standards outlined in this policy.~~

B. Types of ~~EMT~~TEAT Interventions

It is the goal of the City to provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are serviced regularly as needed, and that encampments receive regular deep cleanings to ensure that our unhoused residents are not living in conditions that threaten health and/or safety.

- **Health & Hygiene Intervention.** This intervention may include placing handwashing stations or portable toilets, ~~mobile shower facilities, and/or~~ providing routine waste collection services ~~and/or outreach services~~ at an encampment. ~~This intervention may be used at as many encampments as the City can reasonably serve given its resources. When possible, this intervention will be coordinated with partner public agencies. The EMT will use the 2018 Minimum Health and Safety Standards to determine which encampments are eligible for this intervention.~~
- **Deep Cleaning.** This intervention may require individuals encamped at a site to temporarily relocate to mitigate public safety and/or public health risks, allowing individuals to return to the site after the intervention is complete. This intervention may be used when one or more of the public safety and/or public health findings identified above are present and, due to its presence, the ~~EMT~~TEAT or another City department decides that performing this intervention is necessary to protect the public. In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. When possible, this intervention will be coordinated with relevant public agencies.
- **Partial closure.** This intervention may include partially moving and/or closing an encampment due to construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high-sensitivity area, an opportunity to voluntarily relocate to a low-sensitivity area). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public safety and/or public

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health findings identified above are present and, due to its presence, the ~~EMTEAT~~ decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. When shelter is available, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.

- **Closure.** This intervention may include fully closing an encampment due to location within a high-sensitivity zone, construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. When available, affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high sensitivity zone, an opportunity to voluntarily relocate to a low sensitivity zone). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public health and/or public safety findings identified above are present and, due to its presence, the ~~EMTEAT~~ decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined by OPW's SOPs, but may determine that some property must be removed to protect the public and/or to complete the process of closing the encampment. When shelter is available, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.
- **Re-encampment Closure.** If an encampment arises on the same site (within the same block on either side of the street) within 60 days of the notice of a prior Closure or Partial Closure, such encampment is subject to closure with 72-hour notice. If the area is also posted with No Encampment and/or No Parking signs, the EAT is not required to make offers of shelter and/or alternative housing. Individuals who return to the same or similar encampment location with posted No Encampment and/or No Parking signage may be subject to citation and/or arrest.
- **Vehicles.** All vehicles parked in violation of the CVC and/or OMC are subject to enforcement by DOT and/or OPD according to applicable law and are not considered encampments subject to this policy. The EAT may request that DOT and/or OPD tag and tow vehicles in connection with an encampment cleaning or closure operation in the event vehicles are located within encampments otherwise subject to an EAT intervention. In those cases, all such vehicles present are still tagged under the CVC and/or OMC and not in accordance with the EAT's outreach, storage and notice procedures when CVC and/or OMC towable violations are present, except that vehicles present in the location of a noticed EAT operation will not be towed prior to the expiration of the notice applicable to the operation (7-days if not an emergency or urgent intervention) absent imminent risks. DOT or OPD is encouraged, but not required, to

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coordinate with the EAT to address inhabited vehicles when tents or makeshift structures surround such vehicles.

C. Public Noticing of ~~EMT~~EAT Interventions

To the extent feasible, the City will follow the procedures stated below to provide notice prior to any encampment intervention.

Non-emergency Actions

For any non-urgent intervention, the City will provide adequate notice. For Health & Hygiene interventions, the City will work with those encamped to ensure the effectiveness of the intervention. For all Deep Cleaning, ~~Partial Closure, and Closure~~ interventions and Re-encampment Closures, the City will provide at least a 72-hour notice unless there is an emergency or urgent public health and safety concern that prevents such notice from being provided, as described in the section below. For all Partial Closure and Closure operations, the City will provide at least 7-day notice unless there is an emergency or urgent public health and safety concern that prevents such notice from being provided, as described below. The ~~72-hour~~applicable notice will be provided in writing, posted around the site in multiple languages, and, as feasible, verbally to those encamped. The notice will: state the date that the intervention will begin; state the date of the posting; identify whether the intervention will take place over multiple days by stating the days on which the intervention will occur; be reposted if the intervention does not occur on the day (or time) as posted; include a 4-hour window for the intervention start time; and include contact information for homelessness services outreach.

Emergency Actions Due To Catastrophic Events, Natural Disasters, or other Urgent Health and Safety Concerns

For any emergency Deep Cleaning, Partial Closure, or Closure, the City will make reasonable efforts to provide those encamped with some form of notice, such as outreach workers visiting the site and sharing information verbally or in writing, if such notice is feasible. For certain ~~public health or public safety~~ emergency interventions, like fires, the City may be unable to provide prior notice due to the nature of the emergency. The City will make reasonable efforts to provide prior notice for urgent health and safety concerns that are not emergencies.

The EAT or another City department may conduct an immediate closure for emergency conditions where the City will attempt to provide same-day notice where there is a:

1) Determination with findings by OPD and/or OFD of imminent risk of serious injury or death, including but not limited to:

a) active fires or fires having occurred within past 24 hours;

b) criminal investigations; and

c) encampments attached to residential or business structures determined by OFD to be an imminent fire hazard; or a

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2) Determination by applicable City Department of imminent or active destruction to critical infrastructure, including:

- _____ a) traffic signal and equipment;
- _____ b) emergency warning equipment;
- _____ c) light poles and power poles;
- _____ d) electrical energy stations;
- _____ e) active train tracks or bridges
- _____ f) drainage and sewer systems, including active dumping of hazardous waste or debris into sewer system;
- _____ g) obstruction of traffic lanes, including bike lanes or on and offramps; and
- _____ h) disruption of US mail service, and/or trash service.

The EAT or other City Department may conduct an immediate closure for urgent health and safety concerns where the City will attempt to provide 24-hour to 72-hour notice:

1) Determination with findings by OPD and/or OFD of risk of serious injury or death, including but not limited to:

- _____ a) unpermitted fires burning less than 30 feet from any structure, tent, or vehicle;
- _____ b) open electrical splices or illegal wiring;
- _____ c) roadway with less than twenty (20) feet unobstructed width;
- _____ d) fire hydrants with less than three (3) feet unobstructed radial clearance;
- _____ e) storage of tires, gasoline, or propane tanks, and other combustible materials;
- _____ f) accumulation of combustible waste;
- _____ g) pervasive criminal activity.

2) Sidewalk obstructions that block pedestrian access or safe passage, as determined by the City Administrator;

3) Obstructed waterways or storm drains;

4) Obstructed signed construction zones;

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5) Unsafe proximity to objective dangers, such as active train tracks, as determined by the City Administrator;

6) Any location where necessary to comply with regulatory requirements from oversight agencies;

7) Any location experiencing an outbreak of contagious disease or vermin infestation.

A vehicle that presents an emergency or urgent health and safety concern will be towed and/or impounded by DOT or OPD immediately if prior notice is not reasonable or feasible.

D. Storage of Individuals' Property

In performing any intervention, the City will respect and protect individuals' rights to their property while also following applicable local, state, and federal laws, as well as the injunctive relief and settlement described in *Miralle v. City of Oakland* (2022).

During the course of any ~~EMTEAT~~ intervention, OPW and other ~~EMTEAT~~ member departments may remove debris, trash, waste, illegal dumping, hazardous materials ~~hazmat~~, and/or other materials, following ordinary procedures with respect to handling such materials and the disposal thereof. OPW and other ~~EMTEAT~~ member departments may also encounter property that is not debris, trash, waste, illegal dumping, or hazardous materials ~~hazmat~~. For any such property: (1) whose ownership cannot be clearly determined but does not seem abandoned; or (2) whose ownership is known but the owner cannot transport it, the City will make reasonable efforts to store up to one (1) ~~square~~ cubic yard of such property per individual. Any such effort will comport with OPW's ordinary practices with respect to property storage during encampment interventions. Should OPW require additional procedures for performing these property-related functions under this policy, OPW may promulgate such additional SOPs. Note that if a law enforcement agency must effectuate an arrest, the Alameda County Sheriff's Department, which operates the County's detention and incarceration facilities, will set any and all rules regarding property storage at their facilities.

While this policy is in effect, the ~~EMTEAT~~ will explore reasonable methods of safe, secure, property storage potentially available to the City, including, but not limited to, OPW's storage facility; self-storage; and partnering with other public agencies or businesses to develop storage capacity.

IV. COMPLIANCE

The City must balance the rights of encamped individuals against its fundamental duty to maintain public safety and public health, in both high- and low-sensitivity areas. Where necessary, and when voluntary compliance cannot be achieved, the ~~EMTEAT~~ may perform one or more of the ~~four~~ (4) interventions described above to maintain public safety and public health. The City will ~~not cite or arrest solely for camping, but will enforce criminal laws in an ordinary manner to protect unsheltered and sheltered residents alike.~~

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Encampments located within a high-sensitivity area ~~that are not approved by the City Council~~ will be subject to a Closure intervention as outlined above. Except when emergency or urgent health and safety concerns require shorter notice, encampment residents will be given at least 72-hours to accept an offer of shelter or alternative housing if such referrals are available. If after 72 hours, an individual declines an offer of a specific shelter program, the program spot will be provided to another individual. A person is also free to voluntarily relocate to a low-sensitivity area if shelter provisions are declined. All declinations will be documented. Emergency shelter provisions cannot be reserved for greater than 72-hours at a time, given the current demand.

Encampments in low-sensitivity areas that are in compliance with the standards outlined above are not ~~subject to prioritized for EAT~~ intervention, unless an emergency or urgent public health and safety situation arises.

Encampments in low-sensitivity areas that are not in compliance with the standards established in this policy are subject to ~~EMTEAT~~ intervention as follows:

- Encampment residents will be notified by the ~~EMTEAT~~ of any public safety and/or public health findings and, unless urgent health and safety concerns require shorter notice, will be given ~~72 hours~~ 7 days to obtain voluntary compliance. Outreach workers may assist encampment residents during this period to achieve voluntary compliance.
- If the Outreach Team is unsuccessful, the encounter is documented and scheduled for a Deep Cleaning, Partial Closure, or Closure as determined by specific findings of the ~~EMTEAT~~, adhering to all noticing and storage requirements outlined above.
- Outreach efforts and service offers will continue, as resources allow, with the goal of ending the individual's unsheltered status if possible. Encampments in compliance with the standards established for low-sensitivity areas must still abide by all relevant local, state and federal laws.

The City cannot require any individual to accept any offered form of shelter and/or alternative housing, even if such acceptance is strongly recommended for public health or public safety reasons. Instead, an individual offered shelter and/or alternative housing who declines the offer may continue to camp without risk of being issued a citation or arrested for remaining encamped, unless the encampment must be partially or fully closed as described above for public health and/or public safety reasons. In those limited circumstances, the City will ~~not cite or arrest any individual solely for camping, or otherwise for the status of being homeless, and will~~ make reasonable efforts to allow and, where feasible, assist the encamped individual in moving to a new location. The City, and will avoid citation or arrest unless either is necessary to protect against imminent risks to public safety and alternative ~~in-door~~ shelter or housing has been offered and declined.

Encampments will be regularly monitored and managed by the EAT. In the case of a medical or public safety emergency, 911 should be called. Inquiries and complaints should be forwarded to 311 and/or homelessness@oakalndca.gov for action.

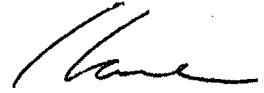
EXHIBIT B

LINKS:

<https://www.oaklandca.gov/documents/2019-permanent-access-to-housing-path-framework-update>

~~In an effort to create more shelter and housing options for individuals encamped in high sensitivity areas, the City shall launch at least one co-governed encampment pilot on public land within the next four months, working collaboratively with the unhoused community to design the program, advocates, housed and business neighbors and the Councilmember of the district.~~

2020 OCT 29 AM 10:26



City Attorney's Office

REVISED AT 10/20/2020 CITY COUNCIL MEETING

OAKLAND CITY COUNCIL

RESOLUTION NO. 88341 C.M.S.

A RESOLUTION ADOPTING THE 2020 ENCAMPMENT MANAGEMENT POLICY, TO BE IMPLEMENTED BY THE ADMINISTRATION UPON ADOPTION

WHEREAS, the City of Oakland has experienced a 47 percent increase in its homeless population between 2017 and 2019, the majority of whom live in tents, make-shift structures, vehicles, and places not meant for human habitation; and

WHEREAS, the number of tent and vehicle encampments tracked in Oakland currently exceeds 140, with over half of these encampments considered of significant size; and

WHEREAS, the adverse impacts of tent and vehicle encampments in Oakland continue to increase significantly, including a rise in service calls for fire, assault, robbery, drug trafficking, right-of-way obstructions, storage of combustible materials, and illegal electrical wiring, all of which jeopardizes housed and unhoused residents safety and health; and

WHEREAS, similar increases have been reported throughout the State of California, prompting the creation of statewide homelessness task force by Governor Gavin Newsom; and

WHEREAS, the City of Oakland voters passed the 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act (Measure Q) in March 2020 to support the maintenance of parks, water quality, and homelessness services; and

WHEREAS, this encampment management policy is related to the second prong of the City's three-prong approach to addressing our homelessness crisis, which includes: (1) prevention incorporating our Keep Oakland House programs, (2) crisis management and response, and (3) long-term housing for our unhoused residents; and

WHEREAS, the City recognizes the need for varied interventions to address the need of unsheltered residents or those at risk of homelessness, including but not limited to shelter services, emergency beds, safe parking sites, hygiene services, prevention services, and employment services;

WHEREAS, at the request of the City Council, the City Administrator undertook the development of a new encampment management policy in coordination with multiple City departments; and

WHEREAS, a draft policy was presented to the Life Enrichment Committee on September 21, 2020, and feedback from the committee members and the public was received and considered; and

WHEREAS, the City Administrator has set forth in its entirety the policy that was developed in coordination with multiple City departments as the "2020 Encampment Management Policy" in Exhibit A to this resolution; and

WHEREAS, it is understood that staff will implement the 2020 Encampment Management Policy as written, and shall not deviate from the principles set forth therein without returning to Council, except that it is understood that during the current COVID-19 emergency, increased risk of exposure to the virus shall be a vital consideration as part of implementation of this Policy; now, therefore, be it

RESOLVED: That the City Council adopts the proposed 2020 Encampment Management Policy (EMP), set forth in its entirety in Exhibit A to this resolution (document #2987429v1), which outlines a comprehensive process to mitigate the adverse impacts of tent and vehicle encampments on housed and unhoused residents, focusing encampment interventions on the mitigation of negative outcomes related to public safety and public health hazards; and be it

FURTHER RESOLVED: That the City Administrator or their designee shall provide an implementation update to the Council's Life Enrichment Committee within four month of Council adoption followed by semi-annual updates to the City Council and the public by issuing informational memoranda that reports EMP outcomes and analyses; and be it

FURTHER RESOLVED: That the Homeless Advisory Commission shall review the policy and implementation plan, and provide recommendations to the Life Enrichment Committee within four months after Council adoption and annually thereafter; and be it

FURTHER RESOLVED: That, in accordance with the City Charter, the City Administrator or their designee, shall be responsible for overall implementation of this policy and for directing coordination among city departments, and shall engage the new Homeless Advisory Commission for input and advice on implementation of this policy; and be it

FURTHER RESOLVED: That the Homeless Audit findings shall be incorporated into the informational report to the Life Enrichment Committee four months after Council adoption of the policy; and be it

FURTHER RESOLVED: That any recommendations from the Reimagining Public Safety Task Force regarding police response or involvement in homeless issues and police alternatives related to homeless issues shall be considered for incorporation into the policy and for adoption in the FY 2021 - 2023 budget process; and be it

FURTHER RESOLVED: The City Administration shall immediately work to establish part of the currently unused acreage of the Army Base Site as a place to be for homeless residents living in high sensitivity areas of District 3. This should accommodate both RVs and people living in tents on an emergency basis until negotiations with future tenants are completed; and be it

FURTHER RESOLVED: The City Administration shall work to identify comparable areas across all seven council districts to host encampments. Where public spaces are not available, the City may work with private organizations, such as churches to use their site for camping; and be it

FURTHER RESOLVED: The City Administration shall prioritize the encampment on Martin Luther King Jr. Way heading north from Grand Avenue for immediate services, disallowing camping along the west side of that stretch of Martin Luther King Jr. Way and in the bike lane on both sides of the street, and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate, submit and execute all documents, including, but not limited to, applications, contracts, grant agreements, amendments, payment requests, reports, and to take all related actions necessary to carry out the implementation of the EMP; and be it,

FURTHER RESOLVED: That any corresponding agreements shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and executed copies placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 20 2020

PASSED BY THE FOLLOWING VOTE:

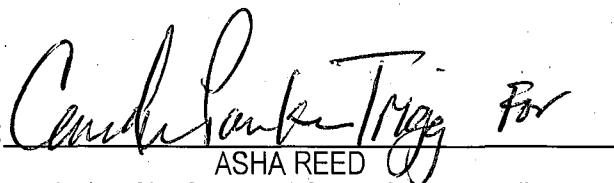
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


ASHA REED

Acting City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A:
2020 Encampment Management Policy
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I. INTRODUCTION

In December 2019, the Oakland City Council adopted the Permanent Access to Housing (PATH) Framework, which among other things, recommended strategies and interventions to address the growing homelessness crisis in Oakland.

The PATH Framework groups response strategies into three major categories:

1. **Prevention:** to protect vulnerable tenants from losing the housing they have and stabilizing those most at risk of becoming homeless;
2. **Emergency Response:** to shelter and rehouse households and improve health and safety on the street.
3. **Housing Development:** to expand the number of Extremely Low Income (ELI) and Permanent Supportive Housing (PSH) units prioritized for individuals and families experiencing homelessness.

Prevention strategies and affordable housing development strategies are not addressed in this particular policy; however, it is important to acknowledge that the emergency response strategies outlined in this policy fall within a broader framework to ultimately exit unhoused individuals and families from the homelessness system to permanent housing.

The PATH Framework specifically called for the development of an Encampment Management Policy to address the adverse health and safety impacts of unsheltered homelessness, with compassion and care to not criminalize poverty. Additionally, the PATH Framework highlights the importance of developing an encampment policy through a race and equity lens, given the disproportionate impact of homelessness on African Americans in Oakland, as well as disproportionate health and safety impacts from encampments on low income communities of color.

A. Equity Considerations

African Americans are disproportionately impacted by unsheltered homelessness. In Oakland, 70 percent of the homeless population are African American and the vast majority of known encampments at this time are located within communities of concern. For these reasons, this policy was developed with an intentional focus on the following equity outcomes:

- Health and safety standards are achieved and maintained for encampment residents who are disproportionately Black, Indigenous, and Persons of Color (BIPOC)
- BIPOC neighborhoods and businesses are not disproportionately impacted by vehicle and street encampments
- Service provisions close disparities in BIPOC groups' representation in homelessness

An equity impact analysis will be conducted in coordination with the City's Department of Race and Equity after the adoption and implementation of this policy to ensure the stated outcomes above are achieved and maintained.

It is important to note that an equity impact analysis is a comprehensive process that begins during the policy development stage and extends well into the implementation and evaluation stage of the policy process.

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To this end, this policy will undergo a semi-annual equity review to determine its effectiveness in relation to the equity indicators and outcomes consistent with the guidance and best practices promoted by the City's Department of Race and Equity.

B. Public Safety Considerations

It is important to distinguish between public safety "emergencies" and public safety "factors" to determine the appropriate encampment intervention. **Public safety emergencies requiring a fire, medical, and/or police response should be immediately reported to 911, and those departments shall respond according to the ordinances, codes, statutes, and/or regulations under which they operate and are authorized to enforce (e.g. Health & Safety Code, Fire Code, Penal Code, etc.). The status of being unsheltered does not create immunity from generally enforced state codes and local ordinances.** For example, the investigation of crimes committed at encampments, especially violent crimes, arson, and narcotics trafficking, shall be conducted consistent with the laws and policies that currently govern all other criminal investigations, irrespective of location or whether the suspect is sheltered or unsheltered. Although the City does not enforce ordinances or policies that criminalize the "status" of being homeless (e.g. citing or arresting for sitting, lying, or sleeping outdoors), the City will enforce ordinances and policies aimed at punishing criminal conduct unrelated to the status of being homeless (e.g. drug and sex trafficking, arson, assault, vandalism, etc.). The City shall enforce against all criminal activities in encampments regardless of housing status.

Regarding public safety factors that are not necessarily public safety emergencies (e.g. accumulation of trash/debris, right-of-way obstructions, distancing of tents/vehicles/structures, etc.), the Encampment Management Team shall determine the level of intervention depending on specific findings, which are presented later in this policy.

C. Encampment Management Team

The Encampment Management Team (EMT) is an interdepartmental working group tasked with implementing and administering this policy, consisting of representatives from Oakland's Public Works Department ("OPW"), Human Services Department ("HSD"), Oakland Police Department ("OPD"), Oakland Fire Department ("OFD"), the City Administrator's Office ("CAO"), and other consulted departments as necessary (e.g., the Mayor's Office, the City Attorney's Office, Parks and Recreation). The EMT is facilitated by the CAO via the Homelessness Administrator.

The division of responsibilities between each member department of the EMT may be adjusted as necessary depending on available resources, capacity, and emergency responsiveness. Each department may, from time to time, promulgate additional specific procedures necessary to effectuate the roles and duties described in this policy under department specific Standard Operating Procedures (SOPs). The CAO may also promulgate guidance to all EMT member departments that further defines each department's roles and responsibilities.

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Each stakeholder department:

- Provides regular input on issues governed by this policy, based in their departmental expertise;
- Participates in collective decision-making for any intervention proposed under this policy;
- Performs any aspect(s) of an intervention delegated to their department once the intervention is approved by the EMT under this policy; and
- Participates as needed in developing procedure(s) to effectuate this policy.

The purpose of this policy is to protect and serve all Oaklanders, sheltered and unsheltered, and to manage the adverse impacts of homeless encampments by balancing the interests of all residents (i.e. unhoused, housed, business community), focusing encampment actions on mitigating negative outcomes as they pertain to public safety, public health, and equity outcomes. This policy aims to:

1. Designate high-sensitivity areas, where unmanaged encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;
2. Designate low-sensitivity areas, where enforcement will not be prioritized.
3. Determine findings that will prompt EMT intervention;
4. Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

II. DESIGNATION OF ENCAMPMENT SENSITIVITY AREAS

This policy designates two distinct areas – high and low sensitivity - with respect to presumed health and safety concerns related to vehicle and street encampments.

A. High-Sensitivity Areas

High-Sensitivity Areas are formally designated by the City Council and can include parks, particularly those with playground structures or tot lots, protected waterways, and other public lands. High-sensitivity areas are locations where the health and safety impacts of homeless encampments are heightened due to the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way. In these locations, the City would prioritize maintaining the areas free of encampments. Parks with playground structures or tot lots, or that host City-sponsored programs or classes for children shall be the City's highest priority high-sensitivity areas. The City Council reserves the right to allow smaller encampments in high-sensitivity areas, however, it is recommended that the operation and management of encampments in these areas be in collaboration with a managing agency. The managing agency would work in collaboration with encampment residents and the City to mitigate safety and health hazards. The managing agency can be a nonprofit organization, advocacy group, faith-based organization, another public agency, or a grassroots collective. The managing agency must meet the City's insurance requirements (or obtain a fiscal sponsor that is able to meet the City's insurance requirements). Guidance on the implementation of this model can be found in Appendix A.

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Adoption of this policy would establish the following public property locations as high-sensitivity areas:

- All vehicular traffic lanes, bike lanes, and sidewalks (at least on one side of the street) must comply with American Disabilities Act (ADA) sidewalk and street requirements and must allow for passage of emergency vehicles.
- Locations designated as High Fire Severity Zones (HFSZ) by the Oakland Fire Department and/or CalFIRE.
- Within 150 feet of an elementary, middle, pre-school or child care center, and 100 feet from a high school.
- Within 50 feet of a protected waterway as established by any governing body.
- Within 50 feet of a residence.
- Within 50 feet of a retail business, and 50 feet from the main entrance and any emergency exits from all other businesses, including places of worship.
- Within 50 feet of a city park or other public land that has a children's playground, play structure, tot lot, or recreation center in which children participate in city-sponsored programs/classes*
(*Other public parks that contain ball fields, basketball courts or tennis courts shall be discouraged as encampments, but not initially considered high-sensitivity locations.)
- ~~Within 50 feet of a public park, soccer field, baseball field, basketball court, tennis court, and/or golf course.~~
- Areas directly adjacent (within 25 feet) to emergency shelter interventions.

B. Low-Sensitivity Areas

Low-Sensitivity Areas are all other areas not included above, and the following standards are to apply to all encampments in these locations:

- Shall be limited to one side of the street.
- Shall not impede vehicle, bike, or pedestrian traffic (on at least one side of the street).
- Shall not impede ADA access points, consistent with goal of limiting encampments to one side of the street.
- Shall not impede emergency ingress/egress routes.
- Compliance with applicable and generally enforced state codes and local ordinances.
- Encampment footprint shall not exceed 12 x 12 sq. ft per person.
- Area directly adjacent to a vehicle dwelling must remain clear at all times.
- No gray or black water dumping.
- No illegal electrical or water taps.
- No storage of tires, gasoline, generators, or propane tanks, or unsafe storage of combustible materials or accumulation of combustible waste.
- Structures, tents, and vehicle dwellings shall maintain not less than six (6) feet distance between one another.

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Encampments in low-sensitivity areas are monitored and managed by the EMT (barring emergency situations that require a fire, medical, police, or other emergency response). In the case of a medical or public safety emergency, 911 should be called.

Encampments that do not comply with the standards outlined above as well as with applicable and generally enforced state codes and local ordinances are subject to EMT intervention, and inquiries and complaints should be forwarded to 311 and/or homelessness@oakalindca.gov for action.

III. EMT INTERVENTION

A. Findings Prompting EMT Intervention

Encampments located in high-sensitivity areas are always subject to EMT intervention (except for exceptions approved by the City Council) given the potential degradation of critical infrastructure, restriction of public amenities or services, or significant obstructions to residences, businesses, emergency routes and rights-of-way.

For encampments located in low-priority areas that do not meet the standards outlined above, the EMT will consider the following findings in deciding what level of intervention is appropriate.

Public health findings:

- Confirmed case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);
- Confirmed exposure(s) to case(s) of infectious disease(s) (e.g., Bubonic plague, Tuberculosis, Zika, COVID-19);
- Excessive animal or vermin vector hazards (e.g., rats, other vector vermin);
- Presence of biological vector hazards (e.g., blood, fecal matter);
- Notice of public health emergency at an encampment site declared by a county, state, or federal public health entity;
- Need for encampment decompression as identified by public health officials; and/or
- Location of encampment in a public recreational area, or shared facility for recreational activity should such facility require repurposing, pursuant to the Order of the Alameda County Health Officer to Shelter in Place No. 20-04 or other similar subsequent orders.

Public safety findings:

- Location of encampment impedes the right-of-way, lane of traffic, bike lane, or ADA access;
- Location of encampment such that First Responders (including, but not limited to, Fire, Police, and any health care workers), are impeded in performing their essential government functions;
- Pervasive criminal activity;
- Damage to essential infrastructure (e.g., reservoirs, bridges, public utilities, drainage and sewer systems);
- Excessive amounts of waste/garbage/debris as determined by OPW.
- Proximity of encampment to objective dangers (e.g., edge of a steep slope, on an in-use train track, in a vehicular lane of traffic).

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- Excessive fire hazards and/or calls for service as determined by OFD.
- Unpermitted outside fires burning less than 30 feet away from any structure, tent, or vehicle.
- Presence of open electrical splices or illegal wiring.
- Roadway does not have 20' unobstructed width for Fire Apparatus Access
- Fire hydrant obstructions with less than three (3) feet radial clearance around hydrants.
- Storage of tires, gasoline, or propane tanks, and unsafe storage of combustible materials or accumulation of combustible waste.

The City will not cite or arrest any individual solely for camping, or otherwise for the status of being homeless, and will make reasonable efforts to allow and, where feasible, assist the encamped individual with gaining compliance with the encampment standards outlined in this policy.

B. Types of EMT Interventions

It is the goal of the City to provide regular and adequate trash collection from encampments, to ensure that porta-potties and hand-washing stations are serviced regularly as needed, and that encampments receive regular deep cleanings to ensure that our unhoused residents not living in conditions that threaten health and/or safety.

- **Health & Hygiene Intervention.** This intervention may include placing handwashing stations, portable toilets, mobile shower facilities, providing routine waste collection services, and/or outreach services at an encampment. This intervention may be used at as many encampments as the City can reasonably serve given its resources. When possible, this intervention will be coordinated with partner public agencies. The EMT will use the 2018 Minimum Health and Safety Standards to determine which encampments are eligible for this intervention.
- **Deep Cleaning.** This intervention may require individuals encamped at a site to temporarily relocate to mitigate public safety and/or public health risks, allowing individuals to return to the site after the intervention is complete. This intervention may be used when one or more of the public safety and/or public health findings identified above are present and, due to its presence, the EMT decides that performing this intervention is necessary to protect the public. In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. When possible, this intervention will be coordinated with relevant public agencies.
- **Partial closure.** This intervention may include partially moving and/or closing an encampment due to construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. Affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high-sensitivity area, an opportunity to voluntarily relocate to a low-sensitivity area). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public safety and/or public health findings identified above are present and, due to its presence, the EMT decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to

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mitigate any individual or group property loss, as outlined in OPW's SOPs, but may determine that some property must be removed to protect the public. Additionally, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.

- **Closure.** This intervention may include fully closing an encampment due to construction, to provide access to a work zone, or to abate ongoing public safety and/or health hazards. Affected encamped individuals will be offered shelter and/or alternative housing (or, if located in a high sensitivity zone, an opportunity to voluntarily relocate to a low sensitivity zone). This intervention may be used when the City is alerted to an impending construction or work project, and/or one or more of the public health and/or public safety findings identified above are present and, due to its presence, the EMT decides that performing this intervention is necessary to protect the public (including, but not limited to, the health and/or safety of the individuals living in the encampment). In performing this intervention, the City will make reasonable efforts to mitigate any individual or group property loss, as outlined by OPW's SOPs, but may determine that some property must be removed to protect the public and/or to complete the process of closing the encampment. Additionally, the City, on its own or in conjunction with another public agency, will make offers to all affected encamped individuals of shelter and/or alternative housing.

C. Public Noticing of EMT Interventions

To the extent feasible, the City will follow the procedures stated below to provide notice prior to any encampment intervention.

Non-emergency Actions

For any non-urgent intervention, the City will provide adequate notice. For Health & Hygiene interventions, the City will work with those encamped to ensure the effectiveness of the intervention. For all Deep Cleaning, Partial Closure, and Closure interventions, the City will provide at least a 72-hour notice unless there is an emergency that prevents such notice from being provided, as described in the section below. The 72-hour notice will be provided in writing, posted around the site in multiple languages, and, as feasible, verbally to those encamped.

Emergency Actions Due To Catastrophic Events, Natural Disasters, or other Urgent Health and Safety Concerns

For any emergency Deep Cleaning, Partial Closure, or Closure, the City will make reasonable efforts to provide those encamped with some form of notice, such as outreach workers visiting the site and sharing information verbally or in writing, if such notice is feasible. For certain public health or public safety interventions, like fires, the City may be unable to provide prior notice due to the nature of the emergency.

D. Storage of Individuals' Property

In performing any intervention, the City will respect and protect individuals' rights to their property while also following applicable local, state, and federal laws.

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During the course of any EMT intervention, OPW and other EMT member departments may remove debris, trash, waste, illegal dumping, hazmat, and/or other materials, following ordinary procedures with respect to handling such materials and the disposal thereof. OPW and other EMT member departments may also encounter property that is not debris, trash, waste, illegal dumping, or hazmat. For any such property: (1) whose ownership cannot be clearly determined but does not seem abandoned; or (2) whose ownership is known but the owner cannot transport it, the City will make reasonable efforts to store up to one (1) square yard of such property per individual. Any such effort will comport with OPW's ordinary practices with respect to property storage during encampment interventions. Should OPW require additional procedures for performing these property-related functions under this policy, OPW may promulgate such additional SOPs. Note that if a law enforcement agency must effectuate an arrest, the Alameda County Sheriff's Department, which operates the County's detention and incarceration facilities, will set any and all rules regarding property storage at their facilities.

While this policy is in effect, the EMT will explore reasonable methods of safe, secure, property storage potentially available to the City, including, but not limited to, OPW's storage facility; self-storage; and partnering with other public agencies or businesses to develop storage capacity.

IV. COMPLIANCE

The City must balance the rights of encamped individuals against its fundamental duty to maintain public safety and public health, in both high- and low-sensitivity areas. Where necessary, and when voluntary compliance cannot be achieved, the EMT may perform one of the four (4) interventions described above to maintain public safety and public health. The City will not cite or arrest solely for camping, but will enforce criminal laws in an ordinary manner to protect unsheltered and sheltered residents alike.

Encampments located within a high-sensitivity area that are not approved by the City Council will be subject to a Closure intervention as outlined above. Except when urgent health and safety concerns require shorter notice, encampment residents will be given 72-hours to accept an offer of shelter or alternative housing if such referrals are available. A person is also free to voluntarily relocate to a low-sensitivity area if shelter provisions are declined. All declinations will be documented. Emergency shelter provisions cannot be reserved for greater than 72-hours at a time, given the current demand.

Encampments in low-sensitivity areas that are in compliance with the standards outlined above are not subject to EMT intervention, unless an emergency arises. Outreach efforts and service offers will continue, as resources allow, with the goal of ending the individual's unsheltered status. Encampments in compliance with the standards established for low-sensitivity areas must still abide by all relevant and generally enforced local, state and federal laws.

Encampments in low-sensitivity areas that are not in compliance with the standards established in this policy are subject to EMT intervention as follows:

- Encampment residents will be notified by the EMT of any public safety and/or public health findings and, unless urgent health and safety concerns require shorter notice, will be given 72-hours to obtain voluntary compliance. Outreach workers may assist encampment residents during this period to achieve voluntary compliance.
- If the Outreach Team is unsuccessful, the encounter is documented and scheduled for a Deep Cleaning, Partial Closure, or Closure as determined by specific findings of the EMT, adhering to all noticing and storage requirements outlined above.

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The City cannot require any individual to accept any offered form of shelter and/or alternative housing, even if such acceptance is strongly recommended for public health or public safety reasons. Instead, an individual offered shelter and/or alternative housing who declines the offer may continue to camp without risk of being issued a citation or arrested for remaining encamped, unless the encampment must be partially or fully closed as described above for public health and/or public safety reasons. In those limited circumstances, the City will not cite or arrest any individual solely for camping, or otherwise for the status of being homeless, and will make reasonable efforts to allow and, where feasible, assist the encamped individual in moving to a new location, and will avoid citation or arrest unless either is necessary to protect against imminent risks to public safety and alternative indoor shelter or housing has been offered and declined.

In an effort to create more shelter and housing options for individuals encamped in high sensitivity areas, the City shall launch at least one co-governed encampment pilot on public land within the next four months, working collaboratively with the unhoused community to design the program, advocates, housed and business neighbors and the Councilmember of the district.