



CITY COUNCIL AGENDA REPORT

DATE: April 4, 2019

AGENDA OF: April 9, 2019

DEPARTMENT: City Attorney

SUBJECT: Standard Operating Procedures for Vacating Homeless Encampments that Contain Significant Health and Safety or Nuisance Conditions (CA)

RECOMMENDATION: Resolution adopting Standard Operating Procedure for Removal of Homeless Encampments on City or Non-City Owned Public Property that Contain Significant Health and Safety or Nuisance Conditions.

BACKGROUND: At the special meeting held on March 19, 2019, the City Council received a presentation from staff and the City Attorney's office that included, among other items, a discussion of recent court decisions concerning the enforcement of laws prohibiting camping on public property against homeless individuals, including *Martin v. Boise* (2018) 902 F.3d 1031, and *Miralle v. City of Oakland* (2018) U.S. Dist. LEXIS 201778. At that time, among other actions, the Council directed staff to bring back to the Council for approval the implementation of standard operating procedures for closing or vacating encampments that contain significant hazards to public health and safety or nuisance conditions, consistent with legal standards set forth in current case law. The attached draft Standard Operation Procedure (SOP) is intended to be responsive to that direction.

FISCAL IMPACT: No significant impact associated with adoption of proposed SOP. Implementation of camp closures pursuant to the SOP will entail significant cost and City resources in an amount to be ascertained.

Submitted by:

Tony Condotti
City Attorney

Attachments: Resolution
Draft Standard Operating Procedure