

CITY OF MONTPELIER
ENCAMPMENT RESPONSE POLICY:
Part I. HIGH SENSITIVITY AREAS

Policy Summary:

The City of Montpelier and its staff shall take a general non-involvement approach to any found emergency sleeping camp sites, with the particular lens of not criminalizing people creating shelter due to a lack of housing. Staff will intervene and ask encampments to relocate if they are found in ~~identified~~ “high-sensitivity areas” ~~meeting~~, ~~or if~~ specific health and safety criteria as outlined in this policy ~~are encountered~~. Staff shall offer to connect people sleeping in “high-sensitivity areas” to any available overnight shelters (a public or private shelter, with an available overnight space, for an individual experiencing homelessness, at no charge).

This Policy Aims To:

1. Establish criteria for determining “Designate high-sensitivity areas.”, where encampments are presumed to cause unreasonably high levels of health and safety impacts due to the nature of the location;
2. Emphasize the continued illegality of emergency sleeping encampments, except during times when shelter space is full.

High-Sensitivity Areas:

“High-sensitivity areas” are locations where the health and safety impacts of encampments have a heightened potential to degrade public safety, public health, environmental protection, or sensitive natural resources, critical infrastructure, or have the potential to create significant obstruction to residences, businesses, emergency routes, and rights-of-ways.

These areas ~~may also~~ include public facilities where the presence of encampments could disrupt environmentally sensitive areas, City operations, School operations, and/or present a health or safety concern to City Staff, School Staff, or Montpelier residents using the facilities. They may also be areas that present significant safety concerns for those who are sleeping.

An encampment in an area that meets this definition is in a per se “high sensitivity area.” In addition to this definition, City Staff shall use any of the following factors for determining whether an encampment is located in a “high-sensitivity area”:

• Public health factors:

- Confirmed case of infectious disease(s) present at encampment;
- Excessive animal or vermin vector hazards (e.g., rats) present at encampment;
- Presence of biological vector hazards (e.g., blood, fecal matter) present at encampment;

- Camping on or encroachment of the grounds of a facility tied to public health (e.g., water treatment or water resource recovery facility) where such activity is interfering or likely to interfere with the operations, integrity, or public health obligations of the facility;
- Notice of public health emergency at a site of an encampment declared by a local, state, or federal public health entity present at encampment; or
- Need for cleaning or restoration, at the encampment site, as identified by City staff.

● **Public safety factors:**

- Location of an encampment at or on ground adjoining a school, childcare facility, adult day-care facility, or other public facility with serving a young or vulnerable population;
- Location of encampment is on privately owned land and the City has been requested to intervene;
- Location of encampment is on public land where individuals have a private easement or ownership interest or where the City owes a duty to maintain said lands in perpetual care to the benefit or partial benefit of private individuals (i.e. City cemeteries);

~~Location is within The City of Montpelier, in coordination with the City Council, Parks Commission, and Cemetery Commission, designates the following as high sensitivity areas, in which emergency sleeping is not permitted:~~

- ~~All City Parks~~
- ~~Schools and adjoining grounds~~
- ~~On grounds of Licensed daycare facilities (including City run day camps)~~
- ~~On the City's multi-use paths~~

- ~~Walking/biking trails/paths in City Parks~~
- ~~Inside wetlands, waters, and waterways~~
 - ~~Within 50 feet of the property boundaries of private property (boundary of any off-site residence or business, unless adjoining permitted by the owner consents); Montpelier water treatment facility, Montpelier water resource recovery facility, or Montpelier-Roxbury School District property;~~
 - ~~Individual is a registered sex offender and the location is in violation of his or her on-going terms of probation, parole, or release;~~
 - ~~Location of encampment obstructs or impedes the right-of-way, lane of traffic, bike lane, hydrant, 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 present at encampment;~~
 - ~~Damage to essential infrastructure (e.g., reservoirs, bridges, public utilities, drainage and sewer systems) present at encampment;~~
 - ~~Excessive amounts of waste/garbage/debris as determined by City Staff present at encampment;~~
 - ~~Excessive fire hazards and/or calls for service as determined by Fire and/or Police, including unpermitted outside fires present at encampment;~~
 - ~~Presence of open electrical splices or illegal wiring present at encampment; or~~
 - ~~Storage of tires, gasoline, or propane tanks, and unsafe storage of combustible materials or accumulation of combustible waste present at encampment.~~
- Environmental protection factors:
 - Location of encampment is in an area that is protected, deemed sensitive, or protected from development by federal, state, or local law, such as a wetland, vernal pool, or steep slope;
 - The Location ~~Within 50 feet~~ of the encampment is within a federal, state, or locally recognized wildlife habitat area;
 - The Location of ~~property boundary of a playground, soccer field, baseball field, basketball court, tennis court or golf course.~~ If the encampment is

substantially interfering with a park, wilderness environment or wildlife habitat;

- The Location of the encampment is in an area where there is concern with erosion;
- The Location obstructs or impedes an established outdoor activity or use, such as mountain biking or hiking;
- Location is an area that City Staff or the Conservation Commission have deemed to be environmentally sensitive or fragile; or
- There is evidence of substantial impairment of a natural resource(s) as a result of the encampment.

Purpose of Designation

Any designation or action taken under this policy is not intended to penalize ~~includes~~ an individual found camping under emergency circumstances. Rather this designation is to prioritize the removal and relocation of such individuals in recognition of the public health, public safety, and/or environmental protection issues implicated by the site or circumstances. ~~who is a registered sex offender, this boundary extends to 2,000 feet.~~

Nothing in this policy is intended to permit or affirmatively allow individuals to camp or locate a campsite on public property owned by, controlled by, or within the boundaries of the City of Montpelier. This policy is intended to address emergency situations where individuals without other resources have been left with no other option apart from camping.

The City recognizes that individuals in these emergency circumstances may not know or be aware that they are siting an encampment in a high sensitivity area. The purpose of this designation and policy is, in part, to educate and assist such individuals in connecting with community services and/or relocating to a site that will not implicate the factors listed above. This policy shall at all times be interpreted and implemented in a manner that affords dignity and care to the individual being asked to move or relocate.

City Intervention:

- ~~The City's Water Resource Recovery Facility~~
- ~~The City's Water Treatment Plant~~
- ~~On Cemetery plots, paths, or roads~~

Findings Prompting City Interventions:

Encampments ~~determined to be found~~ in “high-sensitivity areas” will be subject to intervention, and asked to move ~~or relocate by City staff~~, given their potential degradation to ~~the environment, public safety, public health, or natural areas,~~ critical infrastructure ~~and/or,~~ their presence being an obstruction to egress, or ~~presenting specific~~ safety risks.

ENCAMPMENT RESPONSE POLICY:

Part II. CITY STAFF PROTOCOL

Policy Summary:

Staff shall report any seen encampments, regardless of their location, to the City Manager's Office and the Police Department, who will in turn report the location to the Peer Support Outreach Worker (currently through Good Samaritan Haven) to ensure emergency sleepers can be accounted for in case of an emergency, and to ensure service providers are aware of people who may need connection to further support services.

This Policy Aims To:

1. Determine findings that will prompt intervention; and
2. Provide guidance on addressing unreasonable health and safety risks, promoting voluntary compliance, and strategies to address non-compliance.

General City Approach if Staff Encounters an Emergency Sleeping Encampment on City Owned Property:

- If a City staff member identifies an encampment, regardless of its location on City land, they are asked to leave the campsite alone, other than reporting its location and site -description to the City Manager's Office, the Police Department, and their Department- Director via email.
 - Copy the following on the email: Department Director, Bill Fraser, Chief Brian Peete, Captain Eric Nordenson, Cameron Niedermayer
- After receiving a report of an encampment, the City Manager's Office will notify the Peer Support Outreach Worker (currently through Good Samaritan Haven).
 - This email should note the location, site description, and if the site will require mitigation or other action from the City. This would include whether# the site has beenencampment is in an identified as a "high-sensitivity area."?"
- After receiving a report that a camp is located in a "high-sensitivity area" or if the encampment will prompt an intervention the City Manager's Office and the Police Department will then coordinate their response as outlined in this policy's "*Compliance*" section.
- Further outlines for intervention to any campsite is outlined in this policy under "*Findings Prompting Intervention*".

If a campsite is deemed uninhabited by City Staff, Staff will apply the "*Unattended Camp Clean-Up Protocol Policy*", which is attached here as **APPENDIX 1**.

General Public Safety Considerations:

- If there are any public safety emergencies requiring a fire, medical, and/or police response at any encampments, it is to 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.
- Regarding public safety considerations that are not necessarily public safety emergencies (e.g. accumulation of trash/debris, right-of-way obstructions, distancing of tents/vehicles/structures, etc.), the City Manager’s Office, in consultation with Department Directors from Public Works, Fire, Police, the Health Officer, and City Council as needed, shall determine the level of intervention depending on specific findings, outlined here in the “*Findings Prompting City Interventions*” section.
- The City will aim to help facilitate public safety by adding trashcans and sharps containers at known encampment sites as needed and available, as determined by findings outlined in the “**APPENDIX 2: City of Montpelier Encampment Response Form**” for each specific situation.
- Departments that are most likely to interact with camps (Parks & Trees, Recreation, Police, Fire, and DPW) will be given copies of the Washington County Survival Guide, which can be distributed as needed to encourage connection to County-wide resources.

Findings Prompting City Interventions:

~~Encampments found in “high-sensitivity areas” will be subject to intervention, and asked to move, given their potential degradation to critical infrastructure, their presence being an obstruction to egress, or safety risks.~~

~~For encampments located on City-owned property that do not meet the criteria of a “high-sensitivity area”, the City Manager in consultation with City staff, will consider the following findings to decide if any level of intervention is appropriate:~~

● ~~Public health findings:~~

- ~~, other vector vermin) present at encampment;~~
- ~~Notice of public health emergency at a site of an encampment declared by a local, state, or federal public health entity present at encampment;~~

● ~~findings:~~

- ~~Location of encampment is on privately owned land and the City has been requested to intervene;~~
- ~~Location of encampment obstructs or impedes the right of way, lane of traffic, bike lane, hydrant, 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 present at encampment;~~
- ~~Damage to essential infrastructure (e.g., reservoirs, bridges, public utilities, drainage and sewer systems) present at encampment;~~
- ~~Excessive amounts of waste/garbage/debris as determined by City Staff present at encampment;~~
- ~~Excessive fire hazards and/or calls for service as determined by Fire and/or Police, including unpermitted outside fires present at encampment;~~
- ~~Presence of open electrical splices or illegal wiring present at encampment;~~
- ~~Storage of tires, gasoline, or propane tanks, and unsafe storage of combustible materials or accumulation of combustible waste present at encampment.~~

Compliance:

The City must balance the rights of individuals who are emergency sleeping against its fundamental duty to maintain public safety, ~~and~~ public health, ~~and environmental protection~~. If a City staff member encounters or receives a complaint of an encampment that may be in a high-sensitivity

area or have public health or safety findings, they will notify their department director, the City Manager's Office, and the Police Department.

The City Manager's Office, and the Police Department, and the Department Director will organize the following response:

- Staff will only engage with campsites when social service agencies are normally open and available (typically 8am-5pm)
- Staff will ask the camper to relocate voluntarily
- If the camper does not comply with voluntary relocation, the following steps should be taken:
 - Call a representative from an appropriate partner agency, so they can be on site to provide connections to other local services as available from State and local community agencies.
 - o The first response should come from the Peer Support Outreach Worker, if they are available.
 - If they are not available, or if they need backup or support, responding City staff should convene an on-site meeting with representatives from community partners or other City Departments as available and appropriate
 - Shelter, or a shelter referral, must be offered
 - Use the attached "Encampment Response Form" (Appendix 2) to document their observations and conclusions.
- If the encampment residents are unwilling or unable to voluntarily comply, the City may intervene in ways, including but not limited to:
 - Seek out restorative justice opportunities as appropriate and available sleeping
 - Posting the area against Trespassing and having the individuals cited and/or removed in coordination with the State's Attorney
- City staff will also convene an after-action meeting to determine how we can improve our response.

Except when urgent health and safety concerns require shorter notice, encampment residents will be given 24 hours to relocation or accept an offer of shelter or alternative housing if such referrals are available. All declinations will be documented.

Outreach efforts and service offers will continue, as resources allow, with the goal of ending the individual's unsheltered status. During this 24-hour period, encampment

residents will receive notice that they must remove and relocate any personal possessions. Anything remaining after that time will be subject to the retention policy outlined in the ***“APPENDIX 1: Unattended Camp Clean-Up Protocol Policy”***.

APPENDIX 1: Unattended Camp Clean-Up Protocol Policy

Summary:

When City of Montpelier Staff encounters an unattended camp site on City owned land, the City Staff will take the following steps to both ensure the safety and security of the individual(s) and the public land. This policy aims to address the unique needs of people who are experiencing homelessness in the City of Montpelier with the City's overall responsibilities to keep public land protected.

In this policy, "Staff" refers to staff from the department who manages the land an unattended campsite is located on (for example, the Parks & Trees Department would handle camp sites in Hubbard Park). If the land is not maintained by any specific Departments, the City Manager's office, in partnership with the Montpelier Department of Public Works would address the issue.

If an unattended camp site is in a "high-sensitivity" area, as defined in the Encampment Response Policy, the same protocol applies, but with a ~~3-4~~ day (~~72-24~~ hour) time limit for relocation or clean-up.

Procedure:

1. When staff encounter an unattended campsite, they will first announce themselves as City Staff. If no one is present at the campsite, staff will leave a laminated packet prominently displayed on the encampment that includes the following information:
 - a. That sleeping is not permitted in High-Sensitivity Areas of City Property or on Privately owned land (without permission from owner),
 - b. The time/date staff visited, and the time/date that staff will return to the site to remove the encampment, which will be ~~75~~ days (~~168-120~~ hours) after the initial visit, unless contact has been made and other arrangements have been made,
 - c. A note will be left explaining that any materials taken in the cleaning of the encampment will be stored out of the elements and labeled if the material is not removed during the ~~7-5~~ day (~~168-120~~ hour) time limit,
 - d. A copy of the Washington County Survival Guide and other supportive materials.
2. Staff will take photos of the encampment, including proof that the notice has been left. a. Staff should attach these photos in an email and send them to their Supervisor and their Department Director.
3. After leaving the notice, staff will notify the Montpelier Police Department and the City Manager's office of the encampment, its location, its contents, and the intention of staff

to revisit the site in 75 days (~~168~~~~-or-120~~ hours).-

4. After the 7-5-day (~~168~~~~120~~ hour) period, if the encampment has not been removed, staff will take the following steps:

- a. Take a photo of the encampment before beginning cleaning
- b. Leave a notice in a protective covering explaining the above, giving contact information for how to reach the Department to retrieve the items, and leave another copy of the Washington County Survival Guideⁱ. Staff will assign the box a number and write the number on the notice
- c. Remove the encampment and bring it back to the Recreation Center Building basement to be stored for 90~~30~~ days
- d. Take a photo after the encampment has been removed
- e. Notify the CMO and the Montpelier Police Department that the encampment has been dismantled,
- f. **ALL dismantled camps will be brought to and stored in the Rec Center Basement**
55 Barre Street Montpelier, VT 05602

5. Unclaimed Property- Disposal of:

- a. When personal property has been in the custody and possession of the City of Montpelier for a period of 30-90 days, and when reasonable efforts and opportunities have been allowed for the owner to reclaim such property, and no reasonable claim of ownership has been made, the City is empowered and authorized to dispose of such property. Disposal may also include donation of the items.

Contact Numbers:

Good Samaritan: (802) 479-2294

Another Way: (802) 229-0920

Washington County Mental Health: (802) 479-4055

Montpelier Police: (802) 223-3445

Montpelier Parks: (802) 223-7335

Montpelier Recreation: (802) 225-8699

Montpelier City Manager's Office: (802) 223-9502 or (802) 262-6250

Montpelier DPW: (802) 223-9508

APPENDIX 2: City of Montpelier Encampment Response Form

Location: _____

Date and Time of Meeting: _____

Staff/Community Partners Present:

Next Steps:

General Description of the Encampment Site:

General Staff Observations of Encampment:

Noted High-Sensitivity Concerns:

Health and Safety Findings:

Interaction, (if Any), with Unhoused Camper: