



City of Seattle
Edward B. Murray, Mayor

Date: February 13, 2015

To: Eric McConaghy, Council Central Staff

From: Maggie Thompson, Office of Policy and Innovation

Subject: **Responses to initial Central Staff questions on Mayor's proposed Encampment Ordinance (CB 118310)**

Please note that these are responses to questions received on February 9th. We will be prepared to address additional questions that were received in the Central Staff memo (dated February 12th) in the PLUS Committee meeting on February 20th.

- 1. What is the intent of the language about encampments of fewer than 10 persons (see the proposed new Section 23.42.056.A.6): “(dispersion requirement)...shall not apply...to any legally-established transitional encampment interim use that provides shelter for fewer than ten persons.”**

The intent is that small encampments, due to their limited size and “presence” in any given area, would not need to be counted in the dispersion. (There may be some small assemblages of vehicles used for shelter.) We also believe these are not very likely to occur, due to the significant amount of management, facilities, etc. needed for a few number of people, but included the statement in the ordinance for clarity in case they do exist.

Does the current version of the bill accomplish the intent, or is an amendment necessary to do so?

We believe it does and that it is clear about allowing the exception.

- 2. Could the location of any encampment operating with a temporary use permit affect where an encampment under the proposed permit could locate?**

As currently drafted, that is not specified. We believe that the temporary use permit is unlikely to be utilized under this new ordinance because:

- Added time needed for public notice, response to public comments and possible appeal process which could take as much time as term of the permit itself. Would not allow an encampment to be set up quickly to address immediate shelter needs, as in a winter emergency situation.
- Limited term, maximum of 6 months, would require more frequent moves.
- Cost of temporary use permit is \$2,500, generally beyond the financial reach of encampment operators.
- For the above reasons, we anticipate it would only be used if three interim use encampments have already been established and an operator found another suitable site.

3. Will DPD administer the interim use permits for encampment with or without consultation with HSD?

DPD and HSD will be working closely together throughout the operator selection and permitting process, from development of the Director’s Rule to working with potential operators and matching them up with a City site, if they so choose, through to the permitting process.

4. Also, how will competition for permits be handled?

We do not anticipate that there will be a “competition for permits” per se. By the time someone applies for a permit, that operator will have been approved through the HSD pre-screening process that will establish a roster of approved providers and a secondary competitive process to match up a City-owned site with an operator. Additionally, if it is a City-owned site, lease negotiations would already be underway with the land-owning department. Thus, the potential for competition among operators will occur before the actual permit process. The DPD permitting process is not a competitive process, but based on consistency with adopted regulations: one applicant per site, with up to three sites for a transitional encampment.

5. A recital of the proposed ordinance states that it is the “intent of the Mayor and the City Council that any encampment operator seeking City funding for operations or a lease agreement for use of any designated City-owned properties to site an encampment would be required to participate in the City’s Homelessness Management Information System (HMIS) as managed by the Human Services Department.”

Use of the HMIS is standard practice for all HSD contracted program. It is the expectation of HSD that any provider selected to operate an encampment will be able to fulfill this requirement.

How will this work in practice, given that these operators may not have access to computers or have staff to fulfill the requirement?

The operator will be expected to recite how they will meet this requirement as part of the selection process conducted by HSD. HSD offers training and support to all users of the HMIS system. An encampment operator could request funding to purchase a computer for the purpose of data entry if needed. This has been done in the past for other HMIS users.

Will residents have the choice to opt-out of providing sensitive personal information?

Absolutely, it is a state law that all clients have to the right to opt out of identified data being recorded in HMIS. Opting to not be identified in the system will not limit services the client has access to.

Are we confident that we are only collecting the data that we absolutely need for compliance with Federal reporting requirements?

We will only collect minimum data needed to support effective service delivery and ensure that clients have access to housing resources.

6. The proposal requires that an encampment operator prepare an “Encampment Operations Plan that shall address:...provision of Human/Social Services...” Does this mean that an encampment operator would be required to provide these services or could another party provide them?

It may be that the operator can offer to manage the site and provide services. Conversely, an operator may need to coordinate with other providers to ensure services can be delivered effectively. In any event the proposed operator will need to articulate their plan and substantiate any proposed collaboration with providers through a letter of commitment.

If the former, how would a self-managed site like Nickelsville meet this requirement?

It is likely that an operator like SHARE or Nickelsville would need to partner with another organization for service delivery. An example of current efforts to coordinate is through the City funded Kids Plus program and the YWCA Late Night program.

7. How would the process to permit an interim use encampment work in practice, as provided for in the proposed legislation?

This would be processed like most other permits, but with a few additional requirements:

- Outreach to the neighboring community is required prior to applying for permit
- Applicant applies, with simple plan showing layout of site
- Applicant would need to be one of the pre-approved (HSD process) operators
- Approval by land owner required at time of application, if different from applicant. IF City-owned, lease may not be final, but the City would have to indicate that it is okay for the applicant to apply to use the site.
- Review proposal for consistency with adopted regulations for site, use and operational management of the encampment (in consultation with HSD). For City property, much of the review related to site and location would be completed during the City-owned site selection process. For non-City properties, permit review would include consistency with locational and site requirements.
- Require revisions if not consistent with adopted regulations

- DPD has identified key staff who will be assigned to review such encampments, to help ensure familiarity with the process and requirements, and consistent review.
- As a reminder and as mentioned above, HSD will be pre-screening operators in advance of the permit process. Additionally, HSD will assign a single staff person who will help to coordinate with encampment operators in anticipation of the process for rotation onto other sites after the 12 month duration has ended.

8. How would Seattle write a lease agreement with a permitted encampment operator to use City property for an encampment?

HSD will develop and implement an encampment-operator approval process that will match qualified operators with available sites. Once an encampment operator is selected, HSD and the land-owning department will negotiate a lease agreement with the operator that includes service and data requirements.

9. Does this proposed legislation signal that the Executive is prepared to contract with service providers to manage transitional encampments?

Yes, we are prepared to contract with service providers that meet certain criteria and will hold them accountable through written agreements.

10. In the context of the previous three questions, when would the first encampment open, as provided for under the proposed legislation?

We will provide a graphic during the committee presentation that will address the flow and timeline of these processes.

11. What is the policy rationale for not allowing the proposed interim use permit in residential zones?

The proposed legislation started with the encampment legislation that was developed in 2013 (CB 117791), which did not allow such encampments in residential zones. In addition, recognizing that religious facilities and properties are often in residential zones, we wanted to make sure encampments could/would be dispersed around the city. Most City properties, other than Parks, are located in non-residential zones, which also tend to have better access to transit and human services. We also believe that there are not a significant number of vacant residential lots that are not environmentally critical areas, and are of a suitable size to provide setbacks, screening, etc. from other residential sites.

What is the practical rationale for the same?

Ultimately, we believe that we will be able to accomplish the policy goals of the legislation without expanding in residential zones.

12. What would be the criteria for selecting City land for encampment?

- Sites that are currently available, or could be available within the coming five years
- Sites that could be available for at least 1 year, possibly for up to 4 years
- Sites that meet the various locational standards in proposed legislation Sec. 23.42.056

13. Can DPD provide a map of the allowed zones, showing access to transit and to human/social services?

Yes, DPD and HSD are working on drafting these and we will provide maps at committee meeting.

14. The duration and timing requirements of the proposal limit the permit to one year and require that “12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.” How could the bill be amended to allow for an extension of a permit?

DPD does allow some permits to be renewed under certain conditions and through an appropriate process. It is possible to amend the bill to allow for an extension, assuming certain conditions are met by the operator.

Similarly, how could the bill be amended to allow for a shorter elapsed time between encampments on a given site?

Change Sec. 23.42.056 D.2. Duration and timing – to require a shorter lapsed time, such as 9 months or 6 months.