



Legislation Text

File #: CB 119796, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to activities to relocate or remove sanctioned and unsanctioned encampments of people experiencing homelessness during the COVID-19 pandemic; amending Ordinance 126000, which adopted the 2020 budget; imposing provisos; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, the latest point-in-time count of people experiencing homelessness in King County estimated that 1,276 people live in tents or unsanctioned encampments on a given night; and

WHEREAS, on March 3, 2020, Seattle Mayor Jenny Durkan issued a proclamation of civil emergency to ramp up the City's efforts to prepare for and respond to local cases of coronavirus; and

WHEREAS, the Centers for Disease Control and Prevention recommend against removing encampments while there is community spread of COVID-19 unless there is adequate housing available defined as individual housing and non-congregate shelter options; and

WHEREAS, there may be circumstances in which moving people is necessary, even in a pandemic, but in those limited cases such activity should be planned and implemented with great care and alternative workable living arrangements made available; and

WHEREAS, as of March 17, 2020, during the period of civil emergency in response to new cases of COVID-19, the Mayor halted encampment removals except under extreme circumstances that included situations where "living structures completely block the entire sidewalk, living structures prohibit safe entry and exit from a building or use of a facility, or are a public safety danger to occupants and/or greater community" with examples that include a living structure located on a ramp or roadway,

blocking an entire sidewalk or bike lane, presenting fire or safety hazards to infrastructure (i.e. freeway supports/bridges), blocking entry or exit to a building, or being located in a play area; and

WHEREAS, on May 4, 2020, the Navigation Team removed an unsanctioned encampment in and around Ballard Commons Park on the basis that the encampment presented a danger to residents and the surrounding community due to the potential spread of both Hepatitis A and COVID-19; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (“Council”) makes the following legislative findings of fact and declarations:

A. In the exercise of The City of Seattle’s police powers, the City is granted authority to pass regulations designed to protect and promote public peace, health, safety, welfare, and prosperity.

B. On January 24, 2020, the Seattle Office of Emergency Management announced that the first reported case in Washington and in the United States of COVID-19 occurred in Snohomish County.

C. On February 28, 2020, Public Health-Seattle and King County announced the first King County and United States death due to COVID-19 at Evergreen Hospital in Kirkland, Washington.

D. On February 29, 2020, Washington Governor Jay Inslee declared a state of emergency in response to new cases of COVID-19, and has since issued orders prohibiting all gatherings and non-essential travel, closing all schools for the remainder of the school year, requiring all Washingtonians to stay home except for a limited number of circumstances, and closing non-essential businesses.

E. On May 14, 2020, Public Health-Seattle and King County confirmed 7,307 cases of COVID-19, including 514 deaths, in King County.

F. The Centers for Disease Control and Prevention have issued guidance that localities should “allow people who are living unsheltered or in encampments to remain where they are: because “clearing encampments can cause people to disperse throughout the community and break connections with service

providers,” which “increases the potential for infectious disease spread.”

G. It is expected that displacing individuals experiencing homelessness in unsanctioned encampments would further undermine the limited access they have to handwashing and hygiene or force them into more concentrated living situations, such as group shelters without separated living areas or more densely populated encampments, that would increase the potential for transmitting COVID-19.

H. Limiting the removal of encampments that do not present risks to public health is expected to reduce the risk of COVID-19 transmission and contraction by allowing individuals residing in those encampments the opportunity to develop better connections to hygiene services and increase their self-distancing, rather than focusing their efforts on locating new areas to camp or clustering into fewer areas.

I. Local and national modeling anticipate subsequent waves of COVID-19 cases as social isolation restrictions are lifted and that continued prohibitions on encampment removals for the length of the public health emergency will reduce risks to public health.

J. Governor Jay Inslee’s Proclamation 20-28 prohibits agencies from taking action (as defined in RCW 42.30.020), unless the matter is (1) necessary and routine; or (2) necessary to respond to the COVID-19 public health emergency.

K. This legislation is necessary to respond to the COVID-19 public health emergency because it clarifies the approach the City should take to limit the spread of COVID-19 by limiting the removal of encampments to reduce the risk of COVID-19 transmission.

Section 2. The following proviso is imposed on the 2020 Budget until December 31, 2020, or until termination of the civil emergency proclaimed by the Mayor on March 3, 2020, whichever is earlier:

Of the appropriations in 2020 for the Addressing Homelessness (HSD-BO-HS-H3000), Patrol Operations (SPD-BO-SP-P1800), Cost Center Maintenance and Repairs (SPR-BO-PR-10000), and Regulatory Compliance and Consumer Protection (FAS-BO-FA-RCCP) Budget Summary Levels in the General Fund (00100), and notwithstanding powers provided to the Mayor by Section 3 of the Proclamation of Civil Emergency dated March 3, 2020, no funds shall be used to relocate or remove unsanctioned encampments of people experiencing homelessness unless at least one of the following conditions describes the encampment that would be subject to the relocation or removal:

- A. Constitutes an active health threat (excluding the transmission of communicable diseases, including COVID-19 and its subsequent mutations) to occupants or the surrounding neighborhood, where:
 - 1. Appropriate public health resources have first been provided to address the conditions of concern;
 - 2. The services provided in A.1 of this proviso did not resolve the health threat; and
 - 3. It is anticipated that relocation would resolve the health threat;
- B. Poses an immediate hazard as defined in Clerk File 320204;
- C. The path of travel clearance from the encampment is not 4 feet wide or greater for sidewalks, pursuant to the requirements under the Americans with Disabilities Act and the City's Guidelines in Streets Illustrated, or blocks a curb ramp, or a bike lane;
- D. Presents a fire or safety hazard to infrastructure;
- E. Obstructs an entrance or exit to a building; or
- F. Is located in a children's play area.

Section 3. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 4. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.I of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)