



Unauthorized Urban Camping Updates

January 8, 2024

Unauthorized Urban Camping Ord. 2431

- In November 2022, City Council adopted Ordinance 2431 amending the municipal code by adding a section restriction unauthorized camping.
- Per the ordinance, it is unlawful for any person to camp on public or private property without the express written consent of the property owner, except in any location where camping has been expressly authorized by the city.
- Enforcement of the ordinance requires available shelter space.



Enforcement Requirements

- No city employee authorized to issue a citation shall issue a citation, make an arrest, or otherwise enforce this section against a person camping on public property unless:
 - 1) A city employee or a law enforcement official has issued the person in a camp a verbal or written order, including a publicly posted notice, to move from the camp and take their property with them.
 - 2) The city has a shelter option available for the person ordered to move from the camp and the person has been offered placement in the shelter option.
 - 3) *Exception to this section.* If a person is offered a shelter option and refuses to go to the shelter option and the person refuses or fails to move from the camp location when ordered this person may be issued a citation and is subject to arrest.

CCRMC sec. 12-3012(c)



Recent Case Law

- *Nothing binding in the Tenth Circuit*
- *Martin v. City of Boise*, 920 F.3d 584, 604 (9th Cir. 2019)
 - “As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”
- *Blake v. City of Grants Pass*, 72 F.4th 868 (9th Cir. 2023)(certificate of certiorari **pending** at SCOTUS)
- *Feet Forward et al v. City Of Boulder et al*, 2022CV030341
 - Allegations of cruel and unusual punishment (Eighth Amendment) challenge against Police Chief and City of Boulder because there were not enough shelter beds for the number of unhoused individuals
 - “Tent Ban” and “Blanket Ban”-Court allowed Blanket Ban claim to proceed



Encampment Cleanup Policy

- Ordinance 2431 requires:
 - The City Manager shall establish policy and procedure, and cause the same to be published on the City web page, addressing the means and manner by which campsites and encampments will be remediated, including provisions addressing notice, the removal and return of personal property, the disposal of trash and hazardous materials, and the remediation of the associated grounds, as may be reasonably necessary in their discretion.



Encampment Policy Status

- A policy has been drafted and is included in the Council Packet for this presentation.
- The policy is ready for implementation, pending finalization, signatures and public posting.
- [Following the finalization and posting of the policy] The shelter space is the only remaining obstacle to enforce Ordinance 2431 in its current form.



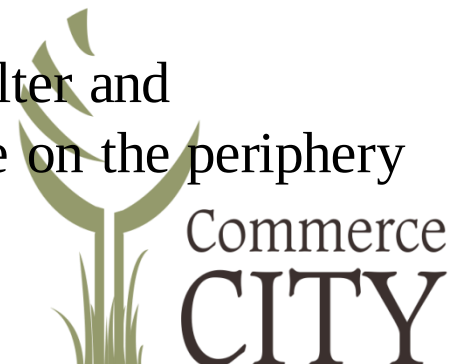
Encampment Clean-Up Policy

- Policy intends to outline how to preserve the public health and safety of the public, and maintain City property while balancing individual property rights and other constitutional concerns.
- Policy addresses encampment inspection, abandoned encampments, the role of CWB, differences between enforcement on public and private property, and removal of property.



Community Well Being Stats

- As of December 27, CWB had 1,133 contacts with people experiencing homelessness during 2023.
- 23 people have been housed through assistance and support.
- 52 active clients are currently enrolled in the City's Homeless Management Integration program
 - 13% are families and 87% are individuals.
- Adams County and non-Adams Aurora have 4,567 people experiencing homelessness, and 800 people are unsheltered.
- CWB reached out to Denver to inquire about shelter space, but their beds are already near or above 90% utilization.
- Adams County and Broomfield only have 823 shelter and supportive housing beds; the majority of which are on the periphery of the region in North Aurora.





Discussion

