

CITY OF PORT ORFORD

WORKSHOP OF THE COMMON COUNCIL

Thursday, July 13th, 2023 AT 5:30 P.M.

Please join this meeting from your computer, tablet or smartphone.

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United States (Toll Free): 1 866 899 4679
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AGENDA

- 1. Call to Order/Roll Call**

- 2. Workshop: Homelessness in Port Orford**

- 3. City Administrator Updates**

- 4. Adjourn**



TO: Mayor and City Council

FROM: City Administrator

DATE: July 13, 2023

RE: Time Place and Manner Workshop Homeless Ordinance

ISSUE:

A workshop to further consider and develop reasonable time place and manner regulations for persons experiencing homelessness.

BACKGROUND:

Due to statutory imposed time-lines, the City adopted its Time, Place and Manner regulations on Persons Experiencing Homelessness as an Emergency Ordinance. After that, the Common Council instructed staff to meet with Neighbor to Neighbor Port Orford (N2NPO) to consider further refinement of the regulations.

Staff has met with N2NPO and has further reviewed literature provided by that group as well as other articles regarding homelessness. The following is a summary of the meeting and some of the literature.

DISCUSSION:

The meeting began with N2NPO asking where the City was in relation to time, place and manner regulations. CA explained that our position was expressed in the recently adopted ordinance, but City Council was seeking information and options.

N2NPO then explained that it had agreements with persons experiencing homelessness. Those persons with an agreement would receive services from N2NPO. It is possible that if persons did not sign an agreement with N2NPO, they would not be welcomed in the area designated by the City as a safe harbor.

At the June 15, 2023 public hearing, N2NPO explained that it was requiring persons to leave the designated area every morning. It also says that in its agreement. However, that is not what is happening.

Instead, N2NPO was making decisions to have persons leave on a case-by-case basis. For example, Bobbi who recently had hip surgery, was allowed to remain in camp. Some kind of order prevents her from living in her home.

What N2NPO says would help is some building that could act as a “day center” for the population, where they could go during the day. Apparently Coast Community Health had such a facility, but no longer has one. There is a winter time “warming center” at a church in town.

Tanya Miller has been acting as a volunteer case worker for the population. She interviews homeless persons, and contacts agencies and other resources. She is a certified State Community Health Worker, and has taken the course to become Health coach. She is now retired and working as a volunteer. She works with Health facilities, State and Federal programs in coordinating care in this state, and other states. She did several years of field work as a care coordinator and case manager and did assessments for individuals.

With her help, N2NPO recently re-housed a homeless person back to their tribal lands in Northern California. They have had other successes as well. N2NPO has insurance.

In the time the homeless have been administered to by N2NPO, there has been an outbreak of fleas, and another outbreak of head lice.

What N2NPO proposes is presence at the designated location. The idea is to fence the location off from the public, and then to have at least two designated areas within the fenced area.

One area would be for persons who were committed to transition. Those persons would be given access to a 12ft x 12ft area which would have a 10ft x 10ft tent and a sun shelter on top of that. The persons would have to agree to get into a rehabilitation program, apply for any available disability payment support, subject to a medical examination, and receive mental health treatment as prescribed.

The other area would be for those not committed to transition. These would be the persons who would be required to leave every day.

N2NPO feels that the current population is being preyed upon by persons who dump garbage and steal their things.

From a City Administration perspective, random inspections of the site reveal lots of garbage, and not very many occupants. At one time, a fire pit was discovered, but has since been removed. The CA has heard complaints of theft and abuse of restroom facilities from a near-by merchant.

Lessons from other jurisdictions are mixed, but there are examples of very negative experiences. Also, cities have changed the way they are handling homeless populations from when they began to address the issue. The pattern described is one where, initially, a local jurisdiction would more-or-less attempt to accommodate and provide services to homeless individuals. Such policies resulted in an over-abundance of homeless persons, and the local jurisdictions changed their stance and treatment of homeless.

Those cities are now instead of housing homeless populations, finding where they came from, who can assist, and sending the homeless away. Other cities have decided to enforce the laws that homeless people are violating on a regular basis. From public defecation to blocking of right of way with respect to accessibility for the disabled.

Port Orford should learn from these cities – cities with far greater resources than Port Orford.

N2NPO recommends an agreement with the city whereby N2NPO leases an area, and establishes rules for the population served. See attached proposal.

However, this can have adverse consequences. The city itself can be exposed to liability for the actions of N2NPO, notwithstanding such agreements. There are at least two examples of private entities using public property and then governments being held responsible. One case was an airshow that happened on a public air strip, but was leased by a private entity. That private entity had rules and the police enforced those rules to trespass individuals. The government was held responsible. Similar was a New York case where a music organization had a concert, and the police arrested a person who spoke out against the organization.

Similarly, it could be the City either enforcing the rules and regulations of N2NPO, or the city allowing N2NPO to enforce its rules, which because of their ability to eject a person from the leased area – the only area designated by the city as a safe harbor for homeless individuals, thereby eliminating the constitutionally protected sleeping area.

RECOMMENDATION:

At this point, staff has no further recommendation, other than that the City is ill-equipped to address the issue.

N2NPO and staff seek to know if the City Council needs additional information, or if the City Council has additional direction

AGENDA FOR 7/5 MEETING BETWEEN CITY OF PORT ORFORD AND NEIGHBORS 2 NEIGHBORS PORT ORFORD

AGENDA:

1. WHAT ARE THE CITIES EXPECTATIONS AND PLANS (ORDINANCES) FOR THE HOMELESS. John Hutl
2. NEIGHBORS 2 NEIGHBORS PO : Quick overview of what we have accomplished over the last year we have been in place. Members,
3. SITE OVERVIEW:
 - A: WHAT WE LIKE HELP WITH FROM THE CITY
 1. Port A Potty
 2. Dumpster
 3. Hand Wash Station
 - B. IDEAS FOR THE FUTURE OF N2N SITE
 1. Fence between the N2N SITE and private area
 2. 12 actual living areas on the N2N Site
 - a. posted rules that must be followed by ALL persons taking advantage of the site.
 - b. each site will be 10 by 10 site
 - c. 2 person tent ONLY on a site.
 - d. site will be divided between Long Term residents and any Short Term users. (length of time transient users can stay to be determined).
 - C. JOINT EFFORTS BETWEEN CITY AND N2N PO FOR WHOLE OF COMMUNITY
 1. City to look for monies to assist in helping those in our with affordable housing. This is an issue for not only the homeless but those being pushed closer and closer to the edge of being homeless.
 2. A Critical Issue is providing even the possibility of Mental Health Assistance. Here the City can take the lead by pushing the County to provide more access to the ADAPT facility which at this point is not being used. The County is taking money from PO to pay for this!!!!

N2N SAFE SLEEP CAMP RULES ACCEPTANCE SHEET

Sign Off:

I _____ understand that N2N

Please Print Your Name

reserves the right to change its policies at any given time, and that notice will be given of any policy change. I understand that N2N will not be responsible for my personal property. I will not hold N2N or the City of Port Orford responsible for any injuries that occur at the camp. Any crime that happens at the camp must be reported.

I have read and understand the above policies, and understand that not following them will result in dismissal from the Safe Sleep Programs. If I am dismissed from the program I will remove my belongings within 24 hrs.

Do You Agree to Follow the Policies and Procedures you have read?

YES _____ NO _____ DATE: _____

Signature

If you have a pet please acknowledge (cat/dog) _____

- * Waste must be immediately picked up and disposed of properly.
- * If your animal behaves in an aggressive manner it will be removed immediately from the site.
- * Must be registered with the staff of N2N.

Safe Sleep guests should be good representatives of N2N program and must keep all areas clean, as well as areas up to the Parking Lot and throughout the woods.

- * ONLY people in the Safe Sleep Program may be on the property.
- * ONLY 4 items will be allowed outside of your tent, but kept tidy and neat within your 10 X10 space.
- * Examples of acceptable items, each item is equal to one item, include one chair, one tote, one cooler, one bike, or a bike trailer. If you have an extra one of these items that's two items which means you only have two items left.
- * No Tarps allowed in any fashion. Do not attach anything to trees.

Being Given Notice by N2N:

- * All trespassed guests must take all their belongings with them and leave the premises immediately. (The 24 hr rule is forfeit if you are trespassed.)
- * Individuals given notice to vacate the premises may not give and or sell any property to another guest at SAFE SLEEP CAMP.
- * After 7 nights of unexcused absence notice will posted to vacate the premises. To make room for others your tent and possessions will be removed from the property. Even if you notify N2N that you are leaving town for a time, to protect your items you will be asked to take your tent down and find a safe place to store your property.

NEWS STORY

The 12 Biggest Myths about Homelessness in America

Silver School of Social Work professor Deborah K. Padgett's scholarship upends common assumptions about substance abuse, mental illness, and 'bad choices.'



Sep 24, 2019 | by Robert Polner

Modified Sep 24, 2019

Posted in [Education and Social Sciences](#)

Tagged [Silver School of Social Work](#),

[NYU Homepage Feature](#)

[New York, N.Y.](#)

On a single night in January 2018, the US Department of Housing and Urban Development collected nationwide data to determine that there are now about 553,000 homeless people across the country—or nearly the same number as the entire the population of Albuquerque, New Mexico. While that is an improvement on the estimated 647,000 Americans who were homeless in 2007, it also reflects a lingering inability to solve a four-decade-old national crisis.

What exactly caused the American homeless rate to reach and sustain such heights? Some have cited the shutting of mental hospitals in the 1970s. Others have pointed to the lack of safety nets for military veterans with Post Traumatic Stress Disorder. Still others have called out urban housing prices and cuts in government subsidies for

affordable housing. Blaming the homeless, too, is not uncommon—bad choices, substance abuse, or a preference for life on the street are all popular explanations.

But the statistical realities of homelessness upend many common assumptions about its causes, and how best to address it. Two-thirds of all homeless are single adults, while the remaining third are made up of families and unaccompanied youths. Most “self-resolve,” or exit homelessness within a few days or weeks—in fact, only about 16 percent are chronically homeless. And while there are 190,000 visible homeless each night on the street in the United States, many more live in shelters or are otherwise hidden from public view—sleeping in cars, for example. Most often, popular perceptions of exactly why a person might be homeless are driven by those who are most visible, and by their portrayals in the media.

Silver School of Social Work professor Deborah K. Padgett, a leading scholar on homelessness, is the co-principal author of a recent study that found that New York City policies to stem street homelessness, while well-intended, can increase rather than reduce alienation because they rarely take into account a homeless person’s individual needs—such as pet ownership, health issues, or difficulties obtaining identification documents, among other factors. Much of Padgett’s work has explored the long-term cost benefit and effectiveness of providing housing and support to homeless individuals up front, without first requiring treatment compliance and drug and alcohol abstinence. This increasingly used approach, which originated in New York, is known as “Housing First.”

NYU News asked Padgett to debunk some of the most common homelessness myths:

1. Most are mentally ill.

Decades of epidemiological research reveals that one-third, at most, have a serious mental illness. De-institutionalization or closure of mental hospitals was initially

believed to be a prime cause of homelessness, but this occurred well before the sharp increase in the 1980s.

2. The majority abuse drugs and alcohol.

It is believed that only about 20 to 40 percent of homeless have a substance abuse issue. In fact, abuse is rarely the sole cause of homelessness and more often is a response to it because living on the street puts the person in frequent contact with users and dealers.

3. They're dangerous and violent.

Homeless persons are far more likely to be the victims of violence than the perpetrators. Of course, some homeless individuals may commit acts of violence beyond self-defense but such acts rarely affect the non-homeless individuals they encounter. To put it another way, any violence by homeless persons is either self-defense or due to the rare violent perpetrator who preys on other homeless people. Non-homeless need to understand this.

4. They're criminals.

Homeless persons *are* more likely to have criminal justice intervention. However, this is primarily because many of their daily survival activities are criminalized—meaning they might be given a summons or arrested for minor offenses such as trespassing, littering, or loitering.

5. “Bad choices” led to their homelessness.

Everyone makes mistakes, but the descent into homelessness is not necessarily the direct result of “choices.” Far more often a sudden illness or an accident, losing one's job, or falling into debt leads to eviction—or doubling up with family or friends becomes untenable.

6. They prefer the freedom of life on the street.

There is no evidence to support this notion that homeless persons are “service resistant.” Since “Housing First” began in New York City in 1992 at the nonprofit Pathways to Housing, Inc., it became clear that the offer of immediate access to independent housing with support services is welcomed and accepted by most homeless. People on the street often reject the option of crowded, unsafe shelters—*not* housing in general.

7. They spend all their money on drugs and alcohol.

Interviews with street homeless persons show that most of their money goes to buying food and amenities such as socks, hygiene products, and bottled water. Although some do spend money on alcohol or drugs, the same can be said of anyone.

8. They just need to get a job.

A significant portion of homeless people do have jobs—they just cannot afford to pay rent. Some receive disability income due to physical or mental problems but still cannot afford rent. For those wanting to work—a common refrain among those interviewed by my research team—the complications of applying for a job with no address, no clean clothes, no place to shower, and the stigma of being homeless (or having a criminal record), make such individuals far less competitive in the low-wage job market.

9. The homeless are not part of “our community.”

Surveys have shown 70 to 80 percent of homeless persons are from the local area or lived there for a year or longer before becoming unhoused.

10. They live in unsanitary conditions because they don’t care.

Living outdoors means having no regular place for bodily functions, to dispose of trash, to store food safely, or to bathe. A homeless person who “cares” has few alternatives.

Our research shows that lacking access to a shower is one of the more humiliating aspects of being homeless.

11. The legal “right to shelter” is the best way to end homelessness.

Currently, shelter construction and maintenance absorb the vast majority of the \$3 billion spent yearly by the City of New York to address homelessness. Meanwhile, building affordable housing—the purview of state and local authorities that is left up to private developers—has not kept pace. Thus the “right to shelter” can, in practice, displace “the right to housing.”

12. In coastal cities with low rental-housing vacancy rates, it is impossible to find enough housing for homeless individuals and families.

New York City has a vacancy rate of 3.6 percent. Of an estimated 2.2 million rental units in the city, this means 79,000 are vacant. This number is greater than the approximately 61,000 persons labeled “homeless” in the city. It means that the argument that “we simply do not have enough existing housing” should be examined more closely.

DEPRESSION MAY LOOK DIFFERENT IN BLACK WOMEN

THIS SEMESTER IN OUTREACH

DEPRESSION MAY LOOK DIFFERENT IN BLACK WOMEN

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Featured Articles

Depression May Look Different in Black Women



This Semester in Outreach

Myths and Questions About Homelessness

There are many myths and stereotypes that people believe about homelessness. This misinformation is problematic, as it further contributes to the stigmatization of a population that is already marginalized. In order to appropriately tackle the issue of homelessness and create a society where individuals feel comfortable accessing supports, these myths must be deconstructed and understood to be false by the general public.

Below are six of the many misconceptions about homelessness, each followed by the reality.

1. Myth: People choose to be homeless.

Fact: A variety of different factors can contribute to an individual's experience of homelessness. Often, people experience homelessness when all other options have been exhausted, and/or they are dealing with circumstances that make it difficult to maintain housing. Some of the obstacles that may lead people to their experiences of homelessness include:

- Eviction
- The affordable housing crisis
- Coping with mental illnesses or addictions, which makes it difficult to maintain independent housing

2. Myth: People experiencing homelessness are lazy.

Fact: In order to survive, many people who experience homelessness are constantly in search for the necessities of life, such as food, shelter and a source of income. Therefore, due to the barriers that they face, many people experiencing homelessness do not have the option of being stagnant or lazy. For example, searching for a job becomes even more challenging when an individual does not have access to a phone, computer, or fixed address on a regular basis.

3. Myth: All people who experience homelessness are addicts.

Fact: Many people who experience homelessness do not struggle with substance abuse problems or addictions. Just like in the general population, only a percentage of those who are experiencing homelessness deal with addictions. People experiencing homelessness may deal with other issues related to their experiences of homelessness, including trauma and mental illness, for example.

4. Myth: People experiencing homelessness should just find a job.

Fact: There are already people experiencing homelessness who are employed; however, it is much more difficult to find a job while experiencing homelessness. A number of different challenges, such as: lacking a permanent address, not having regular access to showers, barriers to transportation, and other difficulties like mental illness, make it difficult to obtain employment. Even when individuals experiencing homelessness find jobs, they are often part-time or minimum wage positions. This work fails to adequately meet their needs, due to expensive housing costs.

5. Myth: There are plenty of adequate services and supports to help those experiencing homelessness.

Fact: Many of the solutions and supports for homelessness have focused on emergency services, such as shelters and food banks. For individuals who are trying to escape a cycle of poverty and homelessness, emergency services alone are not adequate. There is a need to focus on the larger systemic factors, including the lack of affordable housing and the criminalization of homelessness that prevent people from obtaining permanent and suitable shelter.

6. Myth: Property values will go down if we let homeless shelters into our neighbourhoods.

Fact: Downtown Toronto, Canada is a concentrated area with supports and services for people experiencing homelessness. Despite the large numbers of people who go into the downtown core to access these services, housing prices remain high and there is no evidence to support this myth. This common misperception and attitude is referred to as “Not in My Backyard” (NIMBY) and can have detrimental effects for people who need to access services in different neighbourhoods.

Overall, the myths that exist about homelessness are generalizations of a more complicated reality. It is important for those who have never experienced homelessness before to understand that every homeless individual faces a different and complex set of circumstances. It is the responsibility of the general public to educate themselves about issues related to homelessness. This will hopefully result in sensitive and compassionate conversations and solutions to homelessness.

Responses to the Problem of Homeless Encampments

Analyzing your local problem should give you a better understanding of the factors contributing to it. Once you have analyzed your local problem and established a baseline for measuring effectiveness, consider possible responses to address the problem.

The following responses, drawn from a variety of research studies and police reports, provide a foundation of ideas for addressing your problem. Several of these strategies may apply to your community's problem. It is critical that you tailor responses to local circumstances and that you can justify each response based on reliable analysis. In most cases, an effective strategy involves implementing several different responses. Law enforcement responses alone are seldom effective in reducing or solving the problem. Do not limit yourself to considering only what the police can do; give careful thought to others in your community who share responsibility for the problem and can help police better respond to it. The responsibility of responding, in some cases, may need to shift toward those who can implement more effective responses. (For more detailed information on shifting and sharing responsibility, see Response Guide No. 3, *Shifting and Sharing Responsibility for Public Safety Problems*).

General Principles for an Effective Strategy

1. Enlisting community support to address the problem. Because of the intense public debate in many cities about how to deal with homelessness, it is a very good idea to involve homeless advocacy groups early in your planning process. Otherwise, you risk being derailed later by legal challenges. Other stakeholders, particularly those who may be making demands for police action, such as residents, business owners, politicians, and city officials should be involved in negotiating what is acceptable in public spaces. § Dismantling homeless encampments or altering their environmental features to discourage living there can easily be perceived as cruel by some if they don't understand how the overall effort will improve the lives of both transients and the larger community. Notwithstanding your efforts, it is unlikely that all will agree with the goal of eradicating homeless encampments.

§ In Clearwater, a Neighborhood Advisory Committee was set up to monitor, advise, and provide volunteer services at a shelter established by the police department. Eventually the community dropped its resistance to the new shelter and became actively involved with it (Clearwater, Florida, Police Department, 2001).

2. Educating the community about homelessness. Community members often don't understand the factors that give rise to homelessness and the constitutional limits on police trying to manage problems associated with chronically homeless people on the streets. Better-informed citizens may be more receptive to fundraising efforts for programs and services for the homeless and may be less resistant to the placement of facilities for homeless people in their neighborhoods.

3. Educating police officers about homelessness. Negative interactions between police officers and homeless people can be avoided through educational efforts to change police culture and attitudes toward homelessness. Inviting homeless advocacy groups to help design and offer the curriculum can be very useful in building positive inter-agency relationships.

The Fort Lauderdale Police Department's two-hour departmentwide course "Homelessness 101" was developed by the Broward Coalition for Homeless (Fort Lauderdale (Florida) Police Department, 2002).

4. Helping with your community's long-range homelessness plan. Police involvement in planning community-wide strategies to end homelessness is beneficial. Other people involved in planning need to hear what resources your department can bring to the table as well as any limits on your involvement.

Specific Responses to Homeless Encampments

Providing Alternatives to Homeless Encampments

5. Promoting the "Housing First" model. This strategy for housing chronically homeless people puts them into their own permanent housing units first instead of first treating the underlying problems to make them "housing ready." The housing is seen mainly as a place to live. Treatment comes later.

An evaluation of this strategy in San Francisco found that the number of people living on the streets dropped by 41 percent in three years. More than 1,000 units of "permanent supportive housing" were established, and, of those who moved into such units, 95 percent remained housed.⁴⁴ In New York City, placing chronically homeless people with severe mental illnesses into supportive housing led to significantly fewer visits to emergency rooms, psychiatric wards, shelters, and jail. About 95 percent of the cost of providing the supportive housing was made up for by reductions in public service expenditures.⁴⁵ Other studies found that this approach results in more stable housing outcomes for

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participants (in terms of the percentage of participants still in housing after certain time frames) compared with standard care that begins with encouraging abstinence from alcohol and leads eventually to long-term housing.⁴⁶

This strategy seems promising for those living in homeless encampments. Surveys of these populations find that a large majority (about 75 percent) list their most preferred shelter option as a place of their own, followed by encampments. Very few prefer government-run camps, and hardly any of the people surveyed wanted to live in a mission or shelter.⁴⁷

6. Lobbying for more resources for mental health and substance abuse. Given the strong relationship between residency in homeless encampments and dual diagnoses of addiction and mental illness, effective strategies to get people out of encampment life include long-term integrated treatment (i.e., treatment for both substance abuse and mental illness in the same program) and comprehensive case management.⁴⁸ Many communities have groups actively working to increase state and local government funding of these services.

7. Regulating structured camping facilities. This involves setting up an area where transients can encamp in relative safety, without the fear of violating laws and ordinances, and receive services as long as they follow facility rules. In Phoenix, Arizona, authorities established a campus for the unsheltered homeless that centralized their social services demands, including food, shelter, medical care, and employment services.⁴⁹ Such facilities are likely to garner negative reactions from nearby residents and business owners who fear an influx of petty criminals and a drop in property values and quality of life. Involving them early in the planning process, as Clearwater, Florida, police did when they built a homeless shelter, can help reduce these NIMBY ("not in my backyard") responses.

Tent cities, if they are not properly run, can be problematic.⁵ Typical restrictions specified in municipal codes for jurisdictions that permit tent cities include:

- Requiring a meeting with the community before establishing the encampment
- Limiting the encampment's existence to a few months
- Limiting the number of encampments that can operate in the jurisdiction at any one time
- Limiting the number of times a location can be used for an encampment in a particular time period
- Requiring a certain number of toilet and shower facilities
- Restricting the use of heating and cooking devices
- Specifying a minimum distance for the encampment from sensitive areas, such as schools, churches, playgrounds, and day care centers
- Specifying a minimum distance from public transportation
- Specifying the provision of social services to help homeless people out of their situations
- Setting codes of conduct for residents

⁵ See www.mrsc.org/Subjects/Housing/TentCity/TentCity.aspx for a comprehensive list of ordinances governing tent cities.

Changing the Physical Environment

8. Clear-cutting overgrown brush.[§] Transients like encampments to be surrounded by overgrown vegetation, but this can make the camps difficult for police to enter safely, especially at night. Before clearing brush, first determine who owns the land. Multi-agency cooperation may be necessary on land owned by the park service, municipal parks and recreation departments, or transportation and highway departments. You may also need to consult a landscape architect about what kinds of plants should replace what is removed. If a lot of brush needs to be cleared, consider asking neighborhood residents to help out.

[§] In San Diego, clearing brush along the side of an interstate resulted in a 100 percent reduction in calls-for-service, crime, out-of-service time for law enforcement, citations, arrests, and community complaints (San Diego (California) Police Department, 2003). In Anchorage, Alaska, a few homeless people lived in a small wooded strip between a residential area and a high-traffic roadway. After the low-lying brush was mysteriously cut back one weekend, the encampments disappeared.

Clearing brush can be effective short term. However, unless there are other changes to the area that make it unattractive to transients, the encampment is likely to reappear when the brush grows back. It is also possible the encampment will move to another location. If the encampment is close to neighboring jurisdictions, it can be worthwhile to work with agencies in these jurisdictions to anticipate and prevent this displacement.

9. Deploying water sprinklers. If the chronically homeless have set up camps in relatively small urban parks, setting water sprinklers to go off at various times can make sitting or lying on the grass less comfortable. Sprinklers on buildings can also be used to prevent people from sleeping on sidewalks.

10. Encouraging private property owners to secure vacant lots and buildings. Fencing and other barriers can make spaces less desirable for encampments because of the increased effort needed to reach the camp. On the other hand, making it harder to get to the encampment means it is

less likely to be detected by police on routine patrol, which may actually serve to make the site more attractive.

11. Removing or altering street furniture. Dismantling park benches and the like, or installing spikes and other devices to discourage sitting or lying on flat, raised surfaces, can make places less attractive for idle transients. But this will affect the street homeless and the legitimate user of public space equally, as each will be denied a place to sit and rest. Better approaches involve encouraging property owners to modify surfaces in fairly benign ways or construct them so they do not promote long-term sitting. Examples include central armrests on benches, slanted surfaces at the bases of walls, prickly vegetation in planter boxes, and narrow or pointed treatments on tops of fences and ledges. However, some observers of public spaces argue that the way to lessen the impact of loitering homeless people is to construct even more desirable sitting environments to attract more legitimate users, thus decreasing the ratio of homeless to legitimate users.⁵⁰

Restricting Access to Goods and Services that Promote Encampments

12. Restricting public feeding of transients. Health codes in many communities prohibit feeding people in public without appropriate permits and measures to ensure food safety. Zoning codes often specify what activities are allowable when providing services to homeless people. Religious groups have argued these prohibitions violate the freedom of religious expression under the First Amendment, the Equal Protection clause of the Fourteenth Amendment, and the Religious Freedom Restoration Act of 1993.⁵¹

Responding to Public Feedings in Anchorage, Alaska

Instead of first enforcing health or zoning codes, it can be more productive to first engage stakeholders in discussions. For example, community leaders in Anchorage, Alaska, raised concerns about the negative impact on its commercial center of large groups of chronically homeless people showing up throughout the day and late at night for feedings from the back of a van. A short-term working group was formed to address the issue. The main stakeholders were the community members, the state office of Faith-Based Initiatives, the municipal department of health and human services, and leaders in the faith community. After several meetings and hearing the neighborhood's concerns, the faith leaders communicated to their congregations that this activity was unwelcome at that location. Congregants were encouraged to move to the grounds of a nearby soup kitchen that did not serve an evening meal. The majority of the food-givers relocated. One person refused to comply, arguing that she was doing "God's work" and would not be stopped. The police contacted the property owner where the feedings occurred and secured a letter asking the police to enforce trespassing laws against the woman. This, coupled with the threat of citations for health code violations, finally brought an end to public feedings at that location.

13. Diverting donations from the public. Well-intentioned people who leave donations of food and clothing at encampment sites may not realize that their actions may do more to enable transients than help them out of their chronically homeless lifestyle. Public education can encourage citizens to direct their charitable energies toward programs and services that reduce the need for homeless encampments rather than supporting them.

Reducing Negative Impacts of "Routine Activities" of the Chronically Homeless

14. Installing more public toilets. If your community has a problem with homeless people excreting and urinating in public, it may be because there is no place else for them to go. Seattle put in more public toilets, automated stand-alone units with doors that open after 10 minutes, seats that retract for cleaning, and a system to hose down the floors. However, some community members thought the toilets were havens for drug dealers and prostitutes. There were also some mechanical failures.⁵² Because some members of the public might object to the high price of automated toilets, it may be better to start with portable toilets. In Fresno, California, and Grand Rapids, Michigan, several portable toilets were recently installed next to homeless encampments, although not without opposition from those who argued that this would legitimize the encampments. Health and sanitation concerns were deemed more important. Another approach to dealing with citizens' concerns about the cost of public toilets is to contract with companies that can provide public toilets in addition to other street "furniture" (such as litter receptacles, bus shelters, newsstands, and benches). Revenue is generated by placing advertising on the street furniture and charging people a small fee to use the toilets (which have cleaning systems and automatic doors to prevent long stays). These arrangements can make money for local government—New York City expects to bring in \$1 billion over 20 years.⁵³

§ An architect in Winnipeg, Manitoba, troubled by the strong smell of urine in doorways by his business, teamed up with the local Business Improvement Zone (BIZ) to install two portable toilets. Police and BIZ employees checked the toilets regularly to ensure they were not being used for criminal activity. Despite a reported reduction in urine odors, the city ordered their removal and declined to issue a permit (CBC News, 2008).

15. Opening a day resource center. These are "one-stop shops" where the chronically homeless can access services, use bathing facilities, and receive health care, food, etc.⁵⁴ People who reside in urban encampments are likely to benefit, and, at the very least, will be off the streets and out of public view for much of the day. Encampment dwellers who work during the day do not need the "drop-in" component of a day resource center, but could more efficiently access services. Opponents

think this will just bring in more people, so providers of these facilities should strongly consider connecting the receipt of services to some sort of programming to transition people from homelessness.⁵⁵

In Fontana, California, the police worked with local churches and other service providers to create TEN-4 (Transient Enrichment Network for Fontana), a processing center that provides a hot shower, clean clothes, food, and assistance finding housing, employment, or placement in a long-term substance abuse treatment program. The facility is in a strip mall in an area of the city with a long-standing homelessness problem. If someone brought to the TEN-4 facility did not enter the program, he or she was given a ride away from the area. This helped alleviate business owners' concerns that the area around the center would be overrun by homeless people who were "dropped off" there. Also, homeless people who did not enter the program were not given any food or clothing, and were not allowed to use any restroom or shower facilities. These measures satisfied the business owners, who soon became strong supporters of TEN-4.⁵⁶

16. Working with land use enforcement officers. Most jurisdictions have land use codes that can prohibit homeless encampments on private property. They include restrictions or specifications on the type of ancillary dwelling units permitted on property and regulations against camping. Squatting in buildings is generally prohibited through codes setting safety standards for occupancy of structures.

17. Cleaning up camp sites. Removal of trash and debris from homeless encampments can improve the unsanitary conditions there. However, without taking steps to permanently remove the inhabitants, this response is unlikely to result in long-term change to the encampment.



18. Shutting down homeless encampments. This response takes cleaning up camp sites much further and includes strategies to permanently remove the transients and discourage their return. The procedure for shutting down homeless encampments is multi-staged. Most successful plans include these elements, generally in this order:⁵⁷

- Visit the encampment to determine 1) how many people live there and if they have any special needs; 2) if there are any environmental hazards that need to be handled by trained personnel; and 3) the proper deployment of police officers and others to adequately carry out the plan.
- Determine which law enforcement agencies have jurisdiction in the encampment area. If there is more than one, as is often the case in wilderness areas where state or federal agencies may have jurisdiction, establish a Memorandum-of-Understanding (MOU) that specifies which agency will be responsible for law enforcement, safety, and environmental protection, and who will do what while the response is being implemented.
- Find out who owns the property in question. The laws pertaining to legality of encampments vary depending on whether the land is privately or publicly owned.
- Become familiar with your jurisdiction's laws regarding removal of personal property and people from transient encampments.
- Meet with representatives from homeless advocacy groups to advise them of your plan and why you are doing it. Data collected during the scanning phase of your project will be useful here. Consider inviting these groups to come along on your subsequent contacts with transients at the encampment.
- Arrange alternate shelter for all the transients *before* you begin to remove them from the encampment. This is an important step to avoid legal challenges on the basis of the unconstitutionality of punishing someone for carrying out a "physiological need"—sleeping.

- Provide all transients with a written notice advising them 1) they are violating the law by camping in the park, under the freeway overpass, etc; 2) they are subject to further law enforcement if they remain in the area; 3) of the location of the alternate shelter arranged specifically for them; and 4) by which date they must vacate the area.
- After the date of vacation passes, return to the encampment and issue citations to those still there. Tell them the date by which they must vacate and that they will be subject to arrest and seizure of property if they do not leave by then.
- After the second notice passes, arrest any remaining transients and store their belongings. Ask other agencies or government departments to assist you in removing this property. Be careful about potential constitutional violations regarding searches of property.
- Establish another MOU detailing who will be responsible for ensuring the encampment is not rebuilt. Consider having each agency contribute some resources for regular patrols of the affected areas, and ensure you have the capacity to immediately clean up an area if it begins to reestablish itself.
- Cut back any excessive foliage that hides the encampment area.
- Post signage in the former encampment indicating that camping is not permitted in the area.



Example of signage posted in a former encampment. Photo credit: Anchorage Responsible Beverage Retailers Association (ARBRA)

19. Retrieving shopping carts. Some transients store their personal belongings in shopping carts, making it relatively easy for them to move from place to place. Often what is transported in the carts is not food or other grocery items but debris, soiled clothing, or animals. If a cart is returned to the store, its use by shoppers may constitute a health hazard.

Stores in areas populated by transients may be especially vulnerable to cart theft because many of their customers are pedestrians and cannot transport their goods home without a shopping cart. Further, these stores may lack the resources to install security devices on the carts or to allocate staff and a vehicle to patrol the neighborhood to pick up stray carts. Some cities, such as Phoenix, Arizona, allocate government funding to hire shopping cart pickup vendors to work in areas particularly afflicted by discarded carts.⁵⁸ Other cities have ordinances that require stores to contract with vendors whose business is retrieving abandoned shopping carts,⁵⁹ or to develop a plan to contain their carts on their property. This ordinance is widespread in California, where state law places numerous restrictions on the capacity of local governments to quickly retrieve abandoned shopping carts.[§]

§ See the City of Burbank, California City Council March 2007 meeting minutes for a good discussion about the legal implications of different methods of controlling abandoned shopping carts.

Improving Police Interactions with Transients

20. Developing a departmental policy. About a quarter of sheriffs' offices and local police departments have written policies for contacts with homeless people.⁶⁰ A policy should include procedures for casual contacts and arrests, as well as details about how give notice to illegal campers and deal with the property of homeless people.[§] The use of appropriate record-keeping tools (to support efforts to assess the effectiveness of your intervention) could also be mandated by policy.

§ For examples of policies, see the Fort Lauderdale (Florida) Police Department and the Cincinnati (Ohio) Police Department (www.cincinnati-oh.gov/police/downloads/police_pdf7158.pdf).

21. Creating a specialized unit. Police departments in many cities, such as Santa Monica and San Diego, California, Pinellas Park and Fort Lauderdale, Florida, New York City, and Albuquerque, New Mexico, have established units to deal specifically with homeless people. There are different types of these units. In one variation, police accompany outreach workers on patrols through areas frequented by homeless people. Contacted homeless people are referred or transported to services. In Fort Lauderdale, police officers on the Homeless Outreach Team learned that wearing a uniform and driving a marked patrol car actually made it easier to contact homeless people. Being approached by someone in plain clothes and an unmarked car made the homeless

fearful.⁶¹ Another variation is based less on patrol and more on crisis intervention. An example is the Homeless Outreach Team in San Diego, where in addition to homeless outreach efforts, police officers partner with mental health clinicians in a Psychiatric Emergency Response Team.⁶² A third variation is exemplified by the Homeless Liaison Program (HLP) in Santa Monica. There, a specially trained unit of about six police officers reaches out to transients and refers them to services. The HLP Team established contacts with short-term and long-term housing providers, job placement services, and treatment programs for mental illness and substance abuse disorders.⁶³

Responses with Limited Effectiveness

22. Enforcing "sidewalk behavior" ordinances. "Sidewalk behavior" ordinances prohibit behaviors on public sidewalks. Examples of these prohibited behaviors include lying or sitting on the sidewalk, or on any object placed on the sidewalk; impeding or obstructing the passage of pedestrians by getting in their way or putting obstacles on the sidewalk; leaving belongings unattended on sidewalks; and soliciting.⁶⁴ There have been successful class-action legal challenges[§] to arrests of homeless people for sleeping in public places and carrying out other "life-sustaining functions."⁶⁵ The courts' decision rules have generally been:

1) Are the plaintiffs involuntarily homeless? If your community does not have enough shelter beds to house all the homeless people, a court is likely to rule, based on precedent, that homelessness is not a choice and thus involuntary.

2) Do the plaintiffs have access to non-public spaces to carry out the punished activities? If your community lacks bathing and toilet facilities for the homeless, enforcement of laws prohibiting these activities could run into legal challenges.

3) Are the activities for which the plaintiff is being punished involuntary? Courts have tended to rule that sleeping and excretion are involuntary.

§ See, for example, *Pottinger v. City of Miami*, *Johnson v. City of Dallas*, and *Jones v. City of Los Angeles*.

Beyond the legal impediments to enforcing these ordinances, it is likely that some offenders might welcome being arrested for these sorts of activities. It gives them a chance to be off the street for a short period of time in a place where they can eat, get warm, and clean up. Before long, they will back in the same area doing the very things for which they were arrested.⁶⁶

23. Enforcing ordinances against panhandling. Only a small percentage of chronically homeless people are panhandlers.^{§67} Therefore, cracking down on panhandlers is not likely to have a significant impact on transient encampments. Furthermore, the legal impediments to successful enforcement of anti-begging laws are great.^{§§}

§ American ethnographic studies and small-scale surveys of people living on the street or in transient encampments show that about 20–30 percent engage in panhandling. This percentage was considerably higher in a Scottish study however (Fitzpatrick and Kennedy, 2000).

§§ See Problem-Specific Guide No. 13, *Panhandling* for more information.

24. Doing "bum" sweeps. One common strategy is the "bum sweep," where police temporarily concentrate resources in a troubled area and arrest a lot of homeless people for minor offenses or on outstanding warrants. Sweeps can clean up an area very quickly, but they are not generally effective for a number of reasons. First, they can create an adversarial relationship between this group and the police, and, second, they can encourage unproductive interaction with homeless advocates.⁶⁸ Finally, there is no evidence that sweeps have any long-term effect. As an isolated response, crackdowns against the street homeless are not advised. However, there is evidence from studies of crackdowns on serious crime (mostly drug markets) that they can be effective if done in conjunction with other strategies.^{§§§ 69}

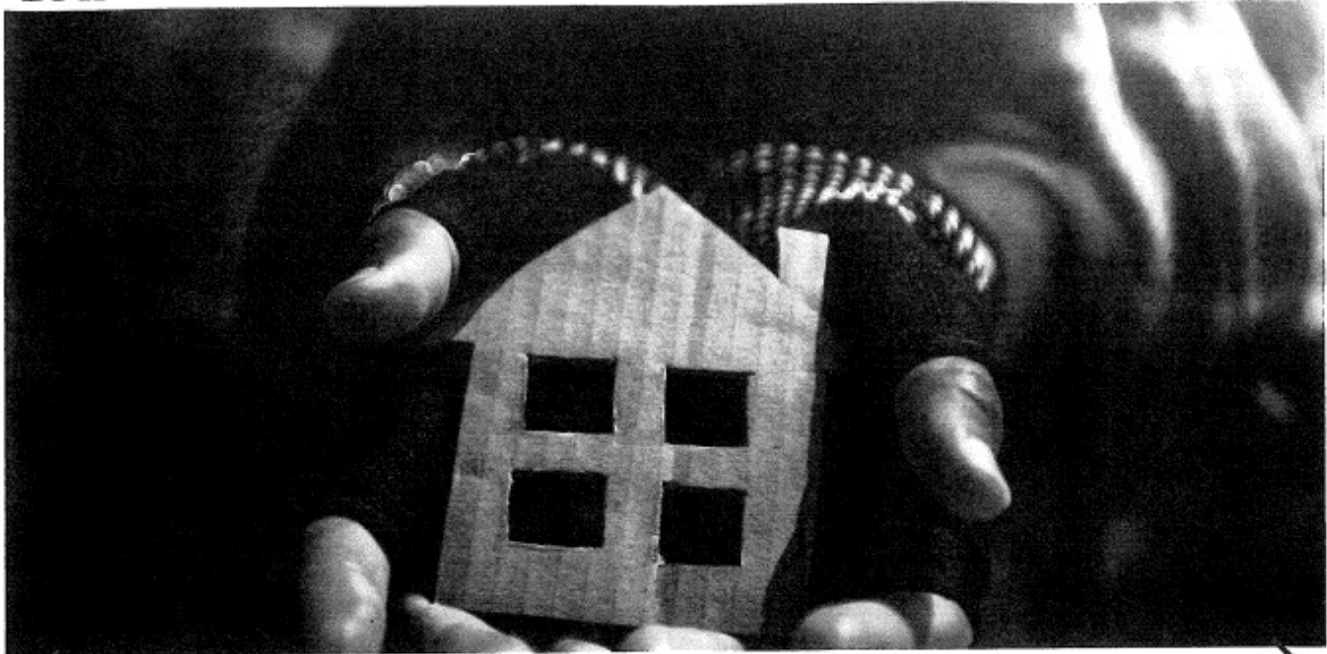
§§§ See Response Guide No. 1, *The Benefits and Consequences of Police Crackdowns* for more information.

25. Creating safe zones. These areas, wherein homeless people can live without fear of arrest for carrying out the routine behaviors of daily life, typically combine temporary shelter with services such as medical care, meals, and employment assistance. Homeless encampment residents prefer these to shelters.⁷⁰ In practice though, safe zones are not effective. Their location in industrial parts of cities makes community opposition unlikely, but also isolates inhabitants from the services and employment opportunities that might help them transition out of chronic homelessness. It is also possible that this isolation might actually increase the divide between safe zone residents and "housed" people.⁷¹ The city of Fort Lauderdale, Florida, was compelled by court order to establish a safe zone—four tents in a downtown parking lot. It had feedings, showers, and restrooms, and ended up attracting new homeless people to the city. The safe zone became rife with crime. Overall, the effort proved not to be cost-effective.⁷²

26. Increasing the capacity of local shelters. It is not always true that people reside in transient encampments due to lack of shelter space. Campers resist going to shelters for a variety of reasons. Some shelters cost too much, prohibit alcohol use, couple shelter with religious outreach, or refuse admittance to those with certain types of criminal histories (sex offenders in particular). Those who are denied entry once are not likely to try again. Relaxing these rules might make shelters more palatable to this group of chronically homeless people. On the other hand, allowing anyone into shelters would lead others to avoid them for personal safety reasons. Finding a balance can be difficult.⁷³

In two studies of homeless encampment residents, only 25–41 percent said they would go willingly to shelters. If forced to leave their encampment, a larger percentage said they would just find a more secluded place to live, and others said they would continue to stay at their encampment, even if it meant risking arrest.⁷⁴

**RED
NOSE
DAY**



What are the four types of homelessness?

News 6 DEC 2021



SHARE

Homelessness is a global issue. Although a safe home should be considered a fundamental human right, nearly 31 million children around the world are left unhoused. Many of these children and their families are forced to flee their homes due to war, persecution, and natural disasters. Some are left without shelter due to circumstances beyond their control.

As this winter season approaches, the needs of people facing homelessness could not be more urgent. But to help the unhoused in America, we must also understand that each case presents its own different root causes and challenges. Some reasons for homelessness include periods of unemployment, waning public assistance programs, domestic abuse, and mental illness.

In America, homelessness has been rapidly growing since the early 1990s, with exponential growth in suburban and rural areas. For youth and young adults in America, there are about 4 million who experience homelessness.



LEADS, AND WASHINGTON.

In order to find sustainable solutions to this national crisis, we need to understand the types of homelessness millions of people in this country face every day.

Here is a breakdown of the four types of homelessness people face in the United States:

1. Transitional Homelessness

There is a popular misconception that homelessness is a chronic condition. While it's true in some cases, in reality, the most common type of homelessness is transitional.

Transitional homelessness is “a state of homelessness that’s a result of a major life change or catastrophic event”. These life changes might be job loss, a health condition, divorce, domestic abuse, a substance use disorder, or personal or family crisis, among many others, resulting in people being in unhoused situations for less than a year. →

People who experience transitional homelessness may enter a transitional housing program for a limited time. They may also sleep in their cars or outside. Oftentimes people experiencing transitional homelessness still have jobs, but cannot afford housing and other expenses.

Many people experiencing transitional homelessness tend to be younger. Youth are often harassed and discriminated against when they seek alternative housing, contributing to their disproportionately high rate of homelessness. Compared to older people, young people are often considered “invisible homeless,” and statistics about them are scarce as they don't typically access services. The first sign of homelessness for them may be couch surfing or sleeping over with friends, which is considered less serious and obvious than sleeping on the street. About 8% of those who are experiencing homelessness identify as youth or young adults. On average, there are around 550,000 people under the age of 24 and 380,000 under the age of 18 experiencing homelessness per year.

The LGBTQ community faces unique challenges and is often more likely to face violence, abuse, and exploitation. According to the Williams Institute, the most common factor to LGBTQ homelessness is family rejection based on sexual orientation and gender identity.

2. Episodic Homelessness



with in a calendar year without a home.

Like transitional homelessness, many of those facing episodic homelessness are younger or dealing with a disabling condition. These conditions could be substance use disorder, mental illness, and other mental and/or physical health conditions. In some cases, some episodically unhoused people have seasonal or minimum wage income jobs.

Episodic homelessness can eventually become chronic homelessness without adequate resources and support.

3. Chronic Homelessness

A person experiencing chronic homelessness is defined as "an unaccompanied homeless individual with a disabling condition" who has been homeless for more than one year. It's more common for people experiencing chronic homelessness to also deal with a certain disability, mental health condition, addiction, and other debilitating conditions that restrict their ability to escape homelessness.

According to the [National Alliance to End Homelessness](#), chronically homeless people tend to be older and makeup about 17% of the homeless population. Many chronically unhoused people have complex, long-term health issues and live on the street, in parks, in cars, or in other places that are not suitable or safe for living.

4. Hidden Homelessness

The fourth type of homelessness is referred to as "hidden homelessness."

Individuals who live with others temporarily without a permanent home are considered "hidden homeless," as it is often most unnoticed. Since they lack access to housing support resources and cannot be identified, they are 'hidden' from national statistics on homelessness.

Since they lack access to housing support resources and cannot be identified, they are 'hidden' from national statistics on homelessness.

People who experience hidden homelessness, often turn to friends, family, and neighbors for a shelter or a place of refuge. In a lot of cases, many of these people cannot afford to pay rent or

 FACT SHEET

What employers need to know about hazards associated with homelessness



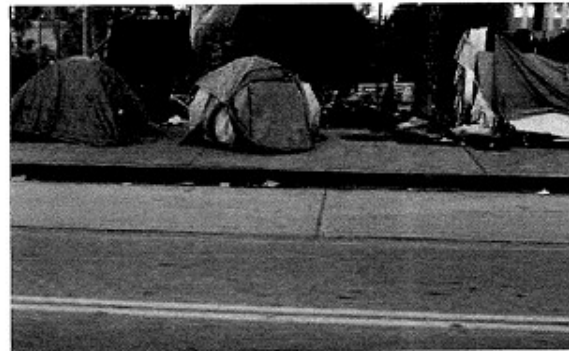
Oregon has one of the highest rates of people experiencing homelessness in the country, and more than 60 percent of them live in unsheltered locations. But the plight of homelessness extends beyond homeless camps to streets, sidewalks, businesses, school playgrounds, and construction sites where workers may encounter discarded needles and trash contaminated with potentially infectious materials.

This fact sheet describes what employers need to know about hazards associated with homelessness and what Oregon OSHA rules they must follow to protect their employees.

Key hazards

Bloodborne pathogens and other potentially infectious materials

Bloodborne pathogens are microorganisms that can cause serious illness or death when transmitted through blood and some body fluids. The most common illnesses caused by bloodborne pathogens are hepatitis B (HBV), hepatitis C (HCV), and the human immunodeficiency virus (HIV), which causes AIDS. Even small droplets of blood can contain pathogens that could harm a worker. Other potentially infectious materials (OPIM) include human body fluids and human tissue other than intact skin.



Bloodborne pathogens and OPIM are hazards associated with living on the street, but they also pose hazards for workers. When they are working in public places, workers should always be aware of their risk of exposure to these hazards.

Employers must determine if their employees could be exposed to blood or OPIM. If exposures are possible, employers must identify the employees who could be exposed and the circumstances in which those exposures are possible. Employers must follow the requirements in *Bloodborne pathogens (1910.1030)* to ensure their employees are protected.

Sources of bloodborne pathogens and OPIM include:

- Waste receptacles used by the public, which may contain needles
- Hidden needles discovered during routine cleaning
- Medical events involving blood and other human body fluids



Consumer and
Business Services
Oregon OSHA

Salem Central Office
350 Winter St. NE
Salem, OR 97301-3882

Phone: 503-378-3272
Toll-free: 800-922-2689
Fax: 503-947-7461

The hazard assessment must be certified.

Employers must prepare a document stating they have completed the hazard assessment. The document must include:

- A heading stating the document is a “certification” of the hazard assessment
- The name of the workplace evaluated
- The name of the person certifying the hazard assessment was completed
- The date of the hazard assessment

See *Personal protective equipment*, [437-002-0134\(1\)](#) and *Bloodborne pathogens*, [1910.1030\(d\)\(3\)](#) for more



information about PPE requirements.

What first aid supplies are required?

First aid is emergency care provided for injuries or sudden illnesses before emergency medical treatment is available.

Employers must provide first-aid supplies that are readily available to employees based on the types of injuries that could occur. First-aid supplies must be stored in containers that protect the contents from damage. The container must be clearly marked and must not be locked. See [437-002-0161](#), *First aid*, for more information.

Employers are also required to provide appropriate PPE for employees who are expected to give first aid and have exposure to blood or other potentially infectious materials while using first-aid supplies. See the requirements in *Bloodborne pathogens*, [1910.1030\(d\)\(3\)](#) and [1910.1030\(f\)\(3\)](#) for more information.



- Laundry that has been contaminated with blood or OPIM, or that may contain needles

Required training: Employees who could be exposed to bloodborne pathogens or OPIM must receive bloodborne pathogen training when they are first hired. The training must be conducted during working hours and at no cost to the employee. Training must be repeated at least once a year. Keep training records, containing the training date, training content, name and qualification of the trainer, and the name and job title of the trainee, for three years. See *Bloodborne pathogens, 1910.1030(g)(2)*, for more information about training requirements.

Human waste

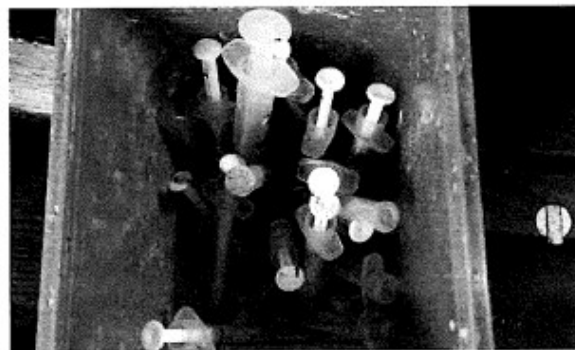
Human waste – feces and urine – is not a bloodborne pathogen unless it contains human blood. However, human waste is a potential source for other viral and bacterial diseases, and also a serious health hazard if it contaminates drinking water. Workers should take proper precautions when cleaning up human waste:

- Put on disposable gloves.
- Solid waste: Scoop up solid waste using a disposable scoop; deposit the scoop and waste in a plastic garbage bag.
- Liquid waste: Pour absorbent material, such as kitty litter, onto liquid waste, or use paper towels to soak up the liquid; use a disposable scoop to put the material in a plastic garbage bag. Pour 10 percent bleach solution onto all contaminated areas of the surface. Let the bleach solution remain on the contaminated area for 20 minutes, then wipe up the remaining bleach solution.
- Disinfect all nondisposable cleaning materials, such as mops and scrub brushes, with 10 percent bleach solution and let them air dry.
- Remove disposable gloves and place in a plastic garbage bag with other soiled cleaning materials.

- Securely tie the plastic garbage bag and discard in a regular waste bin.
- Wash your hands with soap and warm running water for at least 20 seconds.

Needles and other sharps

Workers should know how to handle and dispose of needles and other sharps they find in trash receptacles, parking lots, public restrooms, and on sidewalks. Improper disposal raises the risk of exposures to other workers and the public. Take proper precautions when handling needles and other sharps:



Sharps disposal **incorrect** (above): Container is not sealed.

Sharps disposal **correct** (below): Container is sealed and properly labeled.





- Use tongs, pliers, or a “trash grabber” to pick up sharps.
- Drop sharps in a puncture-resistant leak-proof container.
- Close and seal the container.
- Write “SHARPS. DO NOT RECYCLE” on the outside of the container.
- Dispose of the container properly. It is against the law to throw sharps in the garbage, even if they are in a secure plastic container. Drop the container in a sharps box or take it to a hazardous waste facility.

Aggressive behavior

Employers should have a violence prevention program that includes information on how their employees can recognize situations involving homeless people who may become hostile. Employers should also provide violence prevention training to all employees so they know how to respond to such situations in ways that minimize their risk of injury.

What workers may be affected?

Any time that workers interact with the public or work in public places there is a potential for

exposure to infectious materials and other hazards associated with homelessness. Workers who may be affected include:

- Construction workers
- Janitors
- Law enforcement and security officers
- Restaurant workers
- Teachers
- Transit workers
- Workers at volunteer organizations

What personal protective equipment is required?

Employers must determine if their workplaces have hazards that cannot be eliminated or controlled without personal protective equipment (PPE). If there are such hazards, employers must:

- Select the PPE that protects their employees from the hazards
- Communicate their selection decisions to each affected employee
- Ensure the PPE fits each employee
- Require employees to use the PPE when they are exposed to the hazards

Examples of PPE that workers might need for cleaning up hazards associated with homelessness include:

- Disposable N95 respirator
- Protective eyewear
- Hypoallergenic disposable gloves

If employees could be exposed to bloodborne pathogens or OPIM, employers also must provide (at no cost) PPE that does not permit blood or OPIM to pass through to or reach the employee’s clothes, skin, eyes, mouth, or other mucous membranes.

To whom it may concern,

First, as always, THANK YOU City Councilors for your valued and thoughtful time consuming service to our community.

I understand, but do not necessarily agree with, the apparent mandate from the State for communities to provide areas for "homeless encampments" (my wording may be inappropriate...I apologize).

That being said; I STRONGLY OBJECT to the possibility of using ANY part of the 12th ST Boat ramp for this possible project. The boat ramp is used DAILY as a BOAT RAMP. It is a place locals and travelers and tourists alike use for dock fishing and as a boat ramp to access one of our treasures; Garrison Lake. It is a recreation site; not a site for an encampment. It is noted on many written sites beyond Port Orford as a great recreation place. The fishing report in weeklies always report on our lake. Garrison Lake is stocked with trout every every year specifically for fishing.

If it becomes an encampment it will NO LONGER be a place for recreation: fishing, boating, and fishing from the dock. Users will be subject to excessive trash, in and around the lake, tents etc making the area unpleasant for those who use it every day. Parking will become an issue ; most likely simple unavailable.

We have already lost the Wetlands Walkway (another once noted and used recreation spot of quiet beauty) to over abuse ; in part by homeless in the area.

My thoughts are:

1) DISCARD the 12th St Boat ramp as a potential site

2) Ask Public Works and Law Enforcement what City owned property they would suggest as a site for an encampment. They will be the most impacted in terms of work (clean up) and response (policing /calls to service). Those agencies and employees are already overworked and underpaid so it is essential to keep their additional work load as safe and minimal as possible.

3) Ensure that the potential site will NOT impact ANY residential area (renters/owners). Quality of life of our residents is essential to all of us as well as property values. It is also our responsibility to maintain the quiet small town safe way of life we all value for all residents. The City relies on tax income for financial support of our services. If properties and neighborhoods are devalued due to non paying encampments is a losing proposition for all of us.

Thank you for your time.

Respectfully,



Gayle Wilcox

Sea Breeze Florist/business owner

Property owner within the City of Port Orford

June 15, 2023

Dear Mayor and City Council of Port Orford, Oregon,

My thoughts on the issue of the local homeless situation and camping at the 12th Street Boat Dock in Port Orford, Oregon are as follows:

The question at hand is whether or not to allow camping at the 12th Street Boat Dock. I say NO. For a multitude of reasons that everyone in town knows. For myself, I go there every day, twice a day. Sometimes more. I both start and end my day there. The reason being that no matter what went on during the day, at least my day both begins and ends in peace and serenity. And I'm NOT willing to give that up. But the bigger issue at hand is the children. For the safety, the integrity, and the innocence of the children, I say a resounding NO. And for the safety of the natural environment there, I also say a resounding NO.

I had thought of other places for camping. I thought of Elk River Campgrounds, the place where the surfers park near Fir Rd / Hubbard Creek, the large grassy area on Arizona Rd near the dump. Then people are saying it's down to choices of the 12th Street Boat Dock or the lot adjacent to Ray's. In that case, don't let it be the 12th Street Boat Dock. If it has to be the lot near Ray's, then put up a fence that is not see through but also withstands the local winds that surrounds the entire lot and has a gate. That way whoever wishes to camp in there can come and go. Whatever rules and regulations you want to put on that as the designated camping area are up to you. However, please remember that whoever chooses to "camp" there are people just like

the rest of the citizens of Port Orford. If they choose to come out of that area and are respectful and upstanding citizens then great. If they choose to come out there and like hooligans or anything else, then they needed to be treated as such. The people everyone is worried about are not unattended minors, they are adults and they need to be treated as such. Whatever their choice of behavior, that's on them. But they will have consequences either way. Tell the cops to stop looking the other way and do something. Even if all they do is talk to the people, those who are consistently making bad choices will eventually get tired of talking to the cops and move on and they will know that the cops are on to them which allows the cops to do their job and protect and serve this community.

My overall suggestion is that because the word "camping" is so vague and we don't know who may or may not want to "camp" at whatever location you decide – follow the registered sex offender guidelines as to where and where not they are allowed to live. That way both now and in the future whoever decides to "camp" there, the location will be in a safe location for both the camper and the surrounding area.

Thank You.

Sincerely,

Hallie M. Wyatt

(928) 581-8321

halliewyatt@gmail.com

A handwritten signature in cursive script that reads "Hallie M. Wyatt". The signature is written in black ink and is positioned to the right of the typed name "Hallie M. Wyatt".

CITY OF PORT ORFORD
COMPLAINT FORM

7-5-23

DATE:

TIME:

ASSIGNED TO:

COMPLAINANT: Jennifer Ewins

ADDRESS: P.O. Box 167 (93060 Salal Dr.) Port Orford, OR

PHONE NO: 541-332-0309 CONTACT: YES/NO

COMPLAINT: I see that the city has allowed the local homeless people to set up camp in the area adjacent to Ray's property in Port Orford.

Please be aware that the camp is located on dry grass among gorse plants. Gorse is full of volatile oil and is extremely flammable. If a spark of fire from anything such as a cigarette, candle, stove, etc. ignites in this area, it will greatly endanger all surroundings. With help from the strong winds we are experiencing this summer, it wouldn't take long to create a city-wide disaster.

Don't forget, Bandon burned down due to gorse catching fire.

J Ewins

Ashland Chronicle

"If you have any images to share, or any other information about the Almeda Fire, please contact the Ashland Police Department at 541-482-5211 to be put in touch with an investigator," APD said.

Ashland Police has been the lead agency on the Almeda Fire case since it happened. Just two days after the fire began Sheriff Nathan Sickler confirmed that the fire's origins were considered criminal in nature.

The fire resulted in three deaths — 55-year-old Donald Schmidt, 92-year-old Violet Lobdell, and a third person who remains unidentified — destroying more than 2,500 homes and nearly 200 businesses.

The Post Mellinial

A man arrested on suspicion of arson in Phoenix on the night of the Almeda Fire, 41-year-old Michael Bakkela, faces a multitude of charges for his alleged actions that day. However, the Jackson County Sheriff's Office has maintained that the case is considered separate from the Almeda Fire's origin.

Reportedly homeless, Bakkela was initially detained on Tuesday for a probation violation related to unlawful possession of methamphetamine, greater than 2 ounces. Authorities charged him the following day for the fire, which he denied starting.

The Post Millennial researched Bakkela's lengthy criminal background stretched back to 1997 for marijuana use. An open harassment case is still leveled against the suspect. In 2015, he was charged for theft in the third degree and reporting false information to law enforcement.

Bakkela was also charged in 2019 with a drug-related class C felony for the same substance abuse.

KTVL

An Oregon man charged with setting an arson fire in the southwest part of the state that damaged more than a dozen properties has been sentenced to 11 years in prison.

KTVL reports Michael Bakkela was sentenced this week after pleading no contest to arson, 15 charges of criminal mischief, and two charges of animal abuse for the deaths of two animals.

Court documents say Bakkela, of Salem, Oregon, started a fire behind a home in Phoenix on Sept. 8, 2020, as strong, dry winds pummeled the state.

He was not charged with starting a much larger fire in Ashland, Oregon, which started the same day.

PUBLIC SAFETY

Homeless crisis ruling creates bitter divide among West Coast appeals court judges

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People camp in tents next to the Interstate 405 freeway in Portland, Ore., on March 31, 2023. Judges with the 9th U.S. Circuit Court of Appeals are arguing among themselves about two rulings that have affected how many West Coast cities respond to people sleeping and camping in public places. AP

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By [Maxine Bernstein | The Oregonian/OregonLive](#)

A federal appeals court Wednesday refused to rehear a three-judge panel's ruling that prohibited the city of Gran-s-Pass from criminally punishing homeless people who sleep in public places when they have nowhere else to go.

The denial of a full court review by the 9th U.S. Circuit Court of Appeals prompted unusually scathing dissents and statements by 16 other 9th Circuit judges who either blasted the original decision and urged it be corrected or argued that at least the full court be given the chance to reconsider the matter.

Many who dissented argued that the Grants Pass ruling created a confusing set of rules based on a flawed interpretation of the U.S. Constitution and made the court's judges into inappropriate ^U homeless policy czars."

Advertisement

The original ruling placed a "straitjacket" on West Coast cities that are now left with little recourse to deal with an insurmountable and widespread rise in homelessness, the dissenters wrote.

In response, the two judges who made up the majority opinion on the three-judge panel defended the denial of a full court review and also stood by their underlying 2022 opinion and claimed those criticizing it had mischaracterized it.

Highlighting the significant division among the 9th Circuit active and senior judges, a lawyer representing the city of Grants Pass said the city plans to petition the U.S. Supreme Court to review the case.

Last year, the three-judge 9th Circuit panel upheld a lower court's injunction that directed Grants Pass not to enforce its public camping and park exclusion ordinances against "involuntarily homeless persons" for the "mere act of sleeping" or camping in public spaces when "there is no other place in the city for them to

The city appealed to have the case heard by the full federal appellate court. A majority of the court's 29 active judges voted not to allow a full court rehearing, according to Wednesday's 155-page order and amended opinion.

The two judges who wrote the majority opinion Roslyn O. Silver, a U.S. District judge in Arizona designated to sit on the 9th Circuit and 9th Circuit Judge Ronald M. Gould said the Eighth Amendment imposes "substantive" limits on what's punishable as a crime.

Without a fix, the 9th Circuit has required cities, particularly those in the West such as Portland, Los Angeles and San Francisco "to surrender their sidewalks and other public places to homeless encampments," he wrote.

The full court needed to "reconsider our unfortunate constitutional mistake," O'Scannlain wrote.

O'Scannlain contended that the Grants Pass decision rested partly on an earlier ruling in a case involving the city of Boise, which he wrote "invented" a federal constitutional right to sleep on

public property. He noted that the 9th Circuit remains the "only federal court of appeals to have recognized an individual constitutional 'right' to sleep or to camp on sidewalks and other public property."

The three-judge panel that issued the Grants Pass ruling wrongly applied the Eighth Amendment that prohibits cruel and unusual punishment, O'Scannlain wrote.

It is "not a boundless remedy for all social and policy ills, including homelessness. It does not empower us to displace state and local decisionmakers with our own enlightened view of how to address a public crisis over which we can claim neither expertise nor authority, and it certainly does not authorize us to dictate municipal policy here," he wrote,

He also argued that the U.S. Supreme Court hasn't found that the Eighth Amendment applies to conduct not of one's free choice and that local officials should have the right to prohibit a "species of antisocial conduct."

The attempt by Grants Pass to punish people with nowhere to go for the "life-sustaining act of sleeping" outside rose to one of those circumstances and is consistent with U.S. Supreme Court precedent, Silver and Gould argued.

Senior 9th Circuit Judge Diarmuid O'Scannlain called the panel's initial ruling an "egregiously flawed and deeply damaging" mistake that is "at war with constitutional text, history, and tradition, and Supreme Court precedent."

O'Scannlain, joined by 14 other judges, argued that the original opinion has paralyzed cities from addressing the significant problem of homelessness and removed their authority to craft public policy.

O'Scannlain and judges who signed onto his statement urged the court to come out from behind its "marble walls and sealed doors" to consider the practical "grave and troubling" ramifications of the Grants Pass ruling.

"One need only walk through our neighborhoods — through the Tenderloin (San Francisco) or Skid Row (Los Angeles) — to know that our communities are fast coming undone," he wrote. "Tents crowding out sidewalks, needles flooding parks, and rubbish (and worse) marring public squares reflect a threat to the public welfare that should not be taken lightly."

Ninth Circuit Judge Milan D. Smith Jr., in his own dissent, wrote that the Grants Pass and Boise decisions have left "local governments without a clue of how to regulate homeless encampments without risking legal liability."

Smith said the Grants Pass ruling has set up unelected federal judges as "homelessness policy czars" instead of doing what they should be doing: Applying the rule of law.

The Boise ruling, he said, "handcuffed local jurisdictions" trying to respond to the homelessness crisis while the Grants Pass case "now places them in a straitjacket."

Smith criticized the formula that the judges set in the Grants Pass case that the city couldn't prosecute homeless people for sleeping in public "if there is a greater number of homeless individuals in a jurisdiction than the number of available shelter spaces."

That's unrealistic and doesn't take into account individual circumstances, such as people who refuse an offer to go to a shelter, Smith wrote.

In response to the vigorous dissents, the majority slightly amended its original ruling, removing the "beds-versus-population" formula.

"The holding in Grants Pass is not that involuntarily homeless persons in the City of Grants Pass and elsewhere in the Ninth Circuit are allowed to sleep wherever and whenever they wish," the two wrote. "When there is space available in shelters, jurisdictions are free to enforce prohibitions on sleeping anywhere in public."

Further, when someone refuses an offer of shelter, that person may be punished for sleeping in public, the majority judges wrote.

Senior Circuit Judge Susan P. Graber sought to offer a middle ground. She said she agreed with the legal premise that the Eighth Amendment protects against criminal prosecution of the "involuntary act of sleeping," but that the relief granted in the Grants Pass case went too far. "Given the widespread nature of the homelessness crisis in our jurisdiction, it is crucial that we get it right," she wrote. "Our court should have reheard this case en banc."

Theane Evangelis, the attorney representing the city of Grants Pass, said the city plans to petition the U.S.

Supreme Court for review.

"We hoped the full Ninth Circuit would reconsider recent decisions that have contributed to the growing problem of encampments in cities across the West," Evangelis said by email. "The Ninth Circuit's decisions in this case and *Martin v. Boise* are legally wrong and are only harming the very people they were meant to help."

To clear up any potential confusion, Silver and Gould removed a statement from their original opinion that referenced the number of homeless individuals in a jurisdiction compared to the number of shelter spaces available.

"When there is no shelter space, jurisdictions may still enforce limitations on sleeping at certain locations," they wrote in their amendment. "The assertion that jurisdictions must now allow involuntarily homeless persons to camp or sleep on every sidewalk and in every playground is plainly wrong."

They accused O'Scannlain and Smith of mischaracterizing their ruling with exaggerations. Their decision, they wrote, holds only that governments can't criminalize the act of sleeping "with the use of rudimentary protections, such as bedding, from the elements in some public places when a person has nowhere else to sleep."

Silver and Gould said nowhere in their ruling do they "establish an unrestrained right for involuntarily homeless persons to sleep anywhere they choose. Nor does it require jurisdictions to cede all public spaces to involuntarily homeless persons."

In Boise, a three-judge panel of the the 9th U.S. Circuit Court of Appeals in 2018 upheld a district court's ruling on the city's enforcement of its camping and disorderly conduct ordinances against people experiencing homelessness.

The panel found that "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." When Boise sought a full court review of the ruling, the 9th Circuit rejected such a review. The U.S. Supreme Court in 2019 then denied a Boise petition to review the ruling.

Senior status judges don't have a vote on whether a case should be heard by the full court. That's why O'Scannlain's position is called a "statement," rather than a formal dissent.