



City of Hamilton

EMERGENCY & COMMUNITY SERVICES COMMITTEE ADDENDUM

Meeting #: 20-004
Date: July 13, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

6. WRITTEN DELEGATIONS

- *6.1 Kevin Gonci, Hamilton Collaborative Partnership Group, respecting Response to City of Hamilton Staff Report HSC20026 (City Wide) dated June 19, 2020
- *6.2 Dr. Jill Wiwcharuk and Dr. Tim O'Shea, Hamilton Social Medicine Response Team, respecting the City's strategy about homeless encampments
- *6.3 Jody Ans and Lisa Nussey, Keeping Six, respecting request that the City re-evaluate and change its approach to encampments
- *6.4 Sharon Crowe, Nadine Watson, and Wade Poziomka, Hamilton Community Legal Clinic, respecting Dismantlement of Homeless Encampments

8. DISCUSSION ITEMS

- *8.3 Adaptation and Transformation of Services for People Experiencing Homelessness Update 1 (HSC20020(a)) (City Wide)

10. NOTICES OF MOTION

- *10.1 Signing of the AMO-OFIFC Declaration of Mutual Commitment and Friendship with Local Municipality and Friendship Centre Support

12. PRIVATE AND CONFIDENTIAL

- *12.2 Potential Litigation Report (LS20019) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.



Hamilton Collaborative Partnership Group
Community Hub/Multi-Sport Indoor Facility Project

July 6, 2020

Chairperson and Members
Emergency and Community Services Committee
Hamilton City Hall
71 Main Street West
Hamilton, Ontario.
L8P 4Y5

Response to City of Hamilton Staff Report HSC20026 (City Wide) dated June 19, 2020

Dear Chairperson and Members.

Our Project Team is comprised of several, dedicated community leaders who have devoted a great deal of personal time and resources towards a proposed Community Hub & Multi-Sport Indoor Facility that will provide significant benefits to over thirty community groups and organizations within our community and in particular programs and services to serve Hamilton's underserved populations.

On July 8, 2019, members of our group met with Hamilton City Staff to submit our formal proposal which consisted of nearly five hundred pages of details and supporting documentation which could have possibly answered or clarified most of the questions raised at the recent June 19th meeting. I'd also like to point out the obvious difficulties involved with the current restrictions for Public Delegations and the complexities involved within our proposal which is hindering our ability to communicate a clear and accurate message in order to provide you with the opportunity to make informed decision.

The attached Information Report responds to the information submitted by City Staff on June 19th and some of the questions raised by members of your Committee and will hopefully clarify a few of the critical areas of our proposal. In particular the recommended business plan will address current City of Hamilton infrastructure deficiencies and provide a significant cost benefit which offers a fully sustainable, public facility, which will have the potential of generating millions of dollars in economic benefits to our community.

The areas you may find of particular interest include details related to our current Investing in Canada Infrastructure Program (ICIP) funding application and synergies created as a possible joint-project initiative with the proposed Commonwealth Games bid. The "stack funding" scenario being highlighted would provide the City of Hamilton with a direct \$44 million dollar contribution towards several proposed Games venues and most of all, \$0 additional dollars from Hamilton taxpayers.

Respectfully,

Kevin Gonci
Chairman



Hamilton Collaborative Partnership Group
Community Hub/Multi-Sport Indoor Facility Project

INFORMATION REPORT

Response to City of Hamilton Staff Report HSC20026 (City Wide) dated June 19, 2020

Date: July 3, 2020

Hamilton Collaborative Partnership Group – Information Report

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COUNCIL DIRECTION

At its meeting of February 21, 2019, the Emergency and Community Services Committee directed staff to meet with the Hamilton Collaborative Partnership Group and report back to the Emergency and Community Services Committee with any and all options be explored including the feasibility of the City of Hamilton partnering with this group.

FURTHER DIRECTION

At its meeting of October 17, 2019, the Emergency and Community Service Committee passed the Motion which supported the Hamilton Collaborative Partnership Group's submission of an Investing in Canada Infrastructure Program (ICIP) funding application. This motion included:

- The City of Hamilton provide a letter of support for HCPG's Multisport Facility Funding Application;
- That if the HCPG are successful in obtaining Infrastructure funding, HPCG be directed to appear before the Emergency and Community Services Committee with the financial update; and
- That should the HCPG not be successful in obtaining Infrastructure funding for the project, that staff be directed to include this project as part of the Commonwealth Games Facilities Master Plan, should Council approve the Games 100 bid.

BACKGROUND

The Hamilton Collaborative Partnership Group (HCPG) is a non-profit organization which represents a consortium of groups and interests in the City of Hamilton who have collectively expressed the need for additional indoor program space. This need was identified through a comprehensive feasibility study completed by the firm of Architecture 49 and included a series of community online surveys, public consultations, interviews and research.

Based on the results of this study, the community groups and organizations listed in **Table 1** have expressed an interest in making use of the facility for programs, services, activities, special events and competitions.

PROPOSAL OVERVIEW

Ownership Model

We are proposing a City of Hamilton Ownership Model (property/facility/equipment) which will involve a design/build/operation/maintain tendering process and third-party Operational Maintenance Agreement. This model has a proven record of success through the current Four Pad Arena facility between the City of Hamilton and Hamilton Arena Partners in which Nustadia Recreation Inc. is responsible for the day-to-day facility operations. We have identified that this facility would qualify as a Municipal Capital Asset designation which will allow for annual tax savings.

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Table 1 – Community Groups and Organizations

Hamilton YWCA
Boys and Girls Club of Hamilton
Aboriginal Health Centre
Indigenous Youth and Employment & Training Program
City Kidz
Redeemer University
Variety Village of Ontario
Hamilton Accessible Sports Council
Canada Basketball
Volleyball Canada
Athletics Canada
Ontario Basketball
Ontario Volleyball
Ontario Lawn Bowling Association
Ontario Special Olympics
Ontario Masters Athletics
Sport Hamilton
Hamilton CANUSA Games
Blessed Sacrament Yellow Jackets Basketball Club
UPLAY Canada Basketball
Hamilton Celtics Basketball
Maga Basketball Camps
Ancaster Lions Volleyball Club
Hamilton Smash Volleyball Club
Mountain Volleyball Club
Mountain Athletics Volleyball Club
Hamilton Olympic Club
Golden Horseshoe Track & Field Council
Royal Canadian Legion – Ontario Command
Niagara Olympic Club
91 st Highlanders Athletics Association
Hamilton Elite Athletic Team
Stoney Creek Athletics
Thorold Elite Track & Field Club
Monte Cristo Track Club
Westdale Fencing Club
Pickleball Hamilton
Extreme Dodgeball Hamilton
Hamilton Hornets Rugby Football Club
XCEL Sport Testing
Wishbone Athletics
ALP Training Institute

Facility Operations

Our proposal recommends the creation of an Operational Maintenance Agreement between a third-party operator and the City of Hamilton with a contribution from the Hamilton Collaborative Partnership Group in accordance with an agreed upon Anchor Tenant Agreement. The following points are recommended for inclusion within the Operational Maintenance Agreement.

- Inclusion of a subsidized access policy in accordance with the City of Hamilton Recreation Assistance Program.
- A “break-even” approach to facility operations.
- The creation of a Facility Management Review Team (FMRT) comprised of representatives from the City of Hamilton, Third-Party Operator and Hamilton Collaborative Partnership Group.
- The FMRT will oversee issues related to the operational management of the facility and will report to Hamilton City Council on an annual basis.
- Any operating deficits will be recovered through future surpluses before disbursements of any shared surpluses.
- Any surpluses will be shared between the City of Hamilton and Third-Party Operator and Hamilton Collaborative Partnership Group.
- Conversely, any deficit will be shared equally between the three parties.
- Financial accountability will include an annual audit review by an independent Financial Auditor.
- The third-party operator will receive an annual management fee in addition to a percentage of the gross revenues from sponsorships, advertising, vending, leasing, pouring and naming rights.
- The City of Hamilton will maintain a Capital Reserve Fund used primarily to finance major capital repairs to the facility and any future deficits.

Facility Operation – Hamilton Collaborative Partnership Group

We are proposing that the community stakeholders (comprising the HCPG) would have the capacity to contribute to the facility operations through the following roles/functions/activities:

- Licensed Anchor Tenant Agreement with the City of Hamilton.
- Member of the Facility Management Review Team.
- Guaranteed minimum number of facility booking hours.

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- Contribution towards any annual operating deficits.
- Contribution towards Capital Reserve Fund.
- Contribution towards the Operating Stabilization Account.
- Provision and maintenance of program specific equipment.
- Participation in any facility capital fundraising campaigns, including revenue generation activities involving grant applications, sponsorships, advertising and naming rights.
- Coordination of bid submissions o host major events and competitions in conjunction with Hamilton Tourism office.
- Provision of inclusive & accessible community programs & services which target underserved populations.

Building Program & Conceptual Design Plan

Table 2 refers to the proposed building program and conceptual design plan which was based on a community consultation process and stakeholder engagements.

Our estimates should be treated as a preliminary starting point and does not necessarily reflect the final plan which will require further stakeholder commitments and City of Hamilton input.

Table 2 – Building Program & Conceptual Design Plan

Building Program	Square Meters	Square Feet
Level 1		
Field House with IAAF 200m track & field area with optional turf infield or three multi-court areas with spectator seating.	6,131.6	66,000
6 Multi-Court Gymnasiums.	5,470	58,879
Change Rooms (Male/Female/Family)	1,115	12,000
Fitness/Sports Therapy Space	836	9,000
Community & Cultural Centre Space.	857	9,222
Lobby, Café, Reception, Circulation	1,579	17,000
Storage/Receiving/Mechanical/Electrical	249	2,680
Sub-Total Level 1	16,238	174,781
Level 2		
Administration/Sport Offices/Meeting Rooms	1,498	16,119
Restaurant & Washrooms	845	9,100
Sub-Total Level 2	2,343	25,219
Total Building Area	18,580.6	200,000

CAPITAL FUNDING PLAN

Our Capital Funding Plan is based on the successful submission and approval of the recently announced Investing in Canada Infrastructure Program (ICIP) funding application which involves a typical cost-sharing system involving federal, provincial and municipal or community contributions.

Summary

- Approximately 200,000 sf facility.
- Based on \$300.00 per square feet – (See Cost Per Square Foot Calculation).
- Federal contribution \$24 million.
- Provincial contribution \$19.9 million.
- Municipal/Community contribution \$16 million (split equally) – See “Community Contribution” and “City of Hamilton Cost Recovery”.

Cost Per Square Foot Calculation

Our Capital Building Cost estimate is based on industry standards in accordance with the various building systems available. Final decisions towards the preferred building system or combination of two or more systems (such as fabric/dome, pre-fabricated or bricks & mortar) will determine the final building cost total and will be based on budgetary considerations, functionality and location.

The bench mark used to calculate our estimated building cost was based on a “high-end” square footage calculation. The availability of alternative building material options can result in a significant building cost reduction of approximately \$20 million dollars.

Community Contribution

We have secured up to \$10 million dollars in conditional funding involving debt financing and capital contributions as well as identifying alternative funding strategies (totalling \$10 million dollars) available through eligible grants, sponsorships and naming rights.

City of Hamilton Cost Recovery

We are proposing that the City of Hamilton contribution will be recovered through annual operational revenues and any non-eligible “tax” costs will be recovered through projected Development Charges (DC) between \$4 to \$6 million dollars and eligible community partner tax rebates.

Cost Remediation Strategies

Similar to the Arena Four Pad Development (which was completed under budget) we are proposing that an “on budget” stipulation be included with the public tendering process. Combined with a 25% contingency allowance, we do not anticipate any project cost overruns.

We are proposing a flexible square footage calculation based on variable building materials which can result in an overall building cost reduction of up to \$20 million dollars. We have also identified other planning and design efficiencies which have the potential of providing nearly \$2 million dollars in additional building cost savings including:

- Roofing materials \$1.3 million.
- Inner partitions \$56,000.
- Floor coverings \$168,000.
- Gymnasium flooring \$36,000.
- Acoustics \$100,000.

CAPITAL COST PROJECTIONS

Table 3 provides a summary of the identified capital cost projections consisting of the “soft” cost estimates including ICIP eligibility.

Table 3 – Summary Capital Cost Projections

COST	ICIP ELIGIBLE	NOTE
Development Charges (DC)	YES	\$4 to \$6 million
Contingency	YES	Up to 25% or \$15 million
Legal	NO	\$10,000 to \$25,000
Project Management	YES	\$300,000 to \$400,000
Taxes	NO	\$7 to \$8 million - Recovered through Development Charge fees.
Land/Property	NO	Proposed City of Hamilton contribution.
Design	YES	\$2 to \$3 million
Geotech Report	YES	\$25,000 to \$30,000
Financing	NO	
Climate Lens Assessment	YES	
Community Employment Plan	YES	
Permits	YES	\$8,000 to \$10,000
Site Services/Utilities	YES	\$180,000 to \$300,000
Surveys	YES	\$30,000 to \$40,000
Furnishing & Equipment	YES	\$250,000 o \$300,000

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Considerations

Our initial per square foot cost calculation included many of the Capital Cost Projections identified in Table 3. The uncertainty of the cost estimate arises because the scope of the project is defined at only a conceptual level and there are many uncertainties including:

- Geotechnical considerations such as soil bearing capacities;
- Location;
- Servicing, including requirements for storm water management and drainage, water, sanitary, gas and electric services;
- Construction timing;
- Desired level of finishes;
- Changes in the facility program;
- Market conditions (such as the price of steel).

BENCHMARK PROJECTS

To validate our conceptual estimate, it is useful to examine similar recent projects identified in **Table 4**.

Table 4 – Comparable Benchmark Comparisons.

PROJECT	DESCRIPTION	COST	COST/SF
Lakeshore Multi-Use Recreational Facility (Phase 1)	17,000 sf (2014) 3 pad arenas, indoor walking track, gymnasium, library branch and community spaces.	\$43.8 M	\$267
Libro Credit Union Centre	165,000 sf (2010) twin pad arena, indoor regulation soccer field, track, meeting and banquet facilities.	\$23.9 M	\$164
Young's Sportsplex (Welland)	127,700 sf (2012) Indoor regulation soccer field, 4 tennis courts, offices and ancillary facilities.	\$15.8 M	\$134

LOCATION

Our Project Group has not established a preferred site and our various community partners have indicated a commitment regardless of location. To this end, we have recently identified several possible options which would include both cost-effective benefits and joint development opportunities which align with the City of Hamilton Recreation Strategic Plan. Although we have proposed a variety of different property options, we would recommend a City of Hamilton property contribution or possible available land swap alternative.

FACILITY REVENUE

We are proposing a fully sustainable facility operation based on diversified funding sources from various operations as indicated within **Table 5** including:

- Track & Field Facility operations.
- Multi-Court Facility Operations.
- Turf Field Facility Operations.
- Commercial Leased Space Operation.
- Food Services (Restaurant/Snack Bar/Vending) Operations.
- Multi-Use Room Space Operations.
- Potential Outdoor Space Operations.
- Corporate Sponsorship & Advertisements.

Table 5 – Summary of Estimated Annual Revenue

Track & Field Area	\$646,968.00
Multi-Court Area	\$1,079,680
Turf Field Area	\$329,600
Leased Space Area	\$617,800.00
Misc. Other Revenue	\$626,000
Total estimated annual revenue	\$3,300,048.00

FACILITY EXPENSES

The annual facility operational and management costs are detailed within **Table 6**.

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Table 6 – Summary of Annual Operational and Management Costs

Costs	Year 1	Year 2	Year 3	Year 4	Year 5
Salaries & Wages	\$649,795	\$662,791	\$676,047	\$689,568	\$703,359
Utilities	\$250,000	\$255,000	\$260,100	\$265,302	\$270,608
Facility Management Fees	\$150,000	\$153,000	\$156,060	\$159,181	\$162,365
Repairs, Maintenance, Supplies	\$100,000	\$102,000	\$104,040	\$106,121	\$108,243
Insurance	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
Marketing & Advertising	\$36,000	\$36,720	\$37,454	\$38,203	\$38,968
Other	\$50,000	\$51,000	\$52,020	\$53,060	\$54,122
Total Costs	\$1,285,795	\$1,311,511	\$1,337,741	\$1,364,495	\$1,391,787

FACILITY NET PROFIT/LOSS

Our Net Profit/Loss calculation is determined by calculating the total annual revenue minus annual costs as indicated within **Table 7**.

Table 7 – Summary of Net Profit/Loss Assessment

Revenue	
Track & Field Area	\$646,968.00
Multi-Court Area	\$1,079,680
Turf Field Area	\$329,600
Leased Space Area	\$617,800.00
Misc. Other Revenue	\$626,000
Total estimated facility revenue	\$3,300,048.00
Costs	
Operational Costs	\$636,000
Personnel Costs	\$649,795
Total estimated facility costs	\$1,285,795
Net Benefit Calculation (costs subtracted from revenue)	Net \$2,014,253.00

ECONOMIC BENEFITS – SPORTS TOURISM

For the purpose of calculation, we have used the Ministry of Tourism, Culture and Sport (MTCS) TRIEM model to assess the overall estimated economic impact of our facility based on the identified user groups. Data input was derived from benchmark events previously hosted in other jurisdictions in conjunction with stakeholder input or expressions of interest towards hosting future events/competitions. The following calculations are based on the estimated total number of visitors to our community taking into consideration the number of days visited (overnight stays) and historical spending patterns previously documented for Sporting Events.

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We have completed 34 TRIEM Reports representing four specific sport areas including: Indoor Track & Field; Basketball; Volleyball; and Multi-Sport/Other who have collectively reported to have the interest and capacity to host nearly 90 major events and competitions through the use of our facility.

Table 8 – Summary of Sports Tourism Events & Economic Impact

Basketball	Events (11)	\$2,554,094
Track & Field (Sub-Total)	Events (10)	\$676,581
Volleyball (Sub-Total)	Events (6)	\$744,928
Multi-Sport/Other (Sub-Total)	Events (9)	\$724,205
Combined Total Economic Impact	Total Events (36) *Total Eligible Events (90)	\$4,699,808

OTHER ECONOMIC BENEFITS

Construction Jobs - Proposed facility will create an average of **1,040 construction jobs** over the scheduled construction period of the build. (Source: Toronto Construction Association, which estimates that 20 person years of employment are created for each \$1 million in construction cost.).

- Employment – Proposed facility will employ the equivalent of **13 FTE permanent jobs**.
- Estimated Economic Spin-offs of **\$6.5 million for first year** - based on the following assumptions:
 - Total Net revenues collected \$1.7 million.
 - Estimated spending on third lease tenants – food & beverage, sport retail, fitness centre, sport injury clinic etc. \$3 million.
 - Approximately \$4.7 million in revenue a year would flow directly in the local economy resulting in new investment, job creation and additional consumer spending.
 - Using an average industry multiplier of 2.0, our proposed facility will provide an estimated \$9.4 million in economic spin-offs annually.

CITY OF HAMILTON RECREATION STRATEGIC PLAN – STATUS QUO

The current City of Hamilton Recreation Strategic Plan has identified the future need for Recreation Centre facilities in Binbrook and Waterdown. **Table 9** illustrates a comparison between a Status Quo approach and the facility development plan we are proposing. Both options are presented based on the current ICIP funding model.

Table 9 – Status Quo Comparison

City of Hamilton Recreation Centre		Hamilton Collaborative Partnership Group Multi-Sport Facility
54,000 sf	SIZE	200,000 sf
\$28 million dollars	COST	\$60 million dollars
\$7.3 million dollars	ICIP CONTRIBUTION	\$8 million repayable dollars
100% Tax Payer Supported	TAXPAYER IMPLICATIONS	Fully sustainable
N/A	ANNUAL REVENUE	\$2 million dollars
\$0	ECONOMIC IMPACT	\$14 million dollars

POTENTIAL JOINT – PROJECT OPPORTUNITIES

The Hamilton Collaborative Partnership Group is committed to addressing the needs of our community and values the cost-effective synergies which potentially exist through joint-project initiatives. We have identified up to three potential joint-project initiatives which we are willing to explore however are unable to commit unless our ICIP funding application is approved. It is unlikely that our proposed facility development will succeed without this funding however, if approved, will be very difficult to execute with City of Hamilton involvement.

Potential Joint-Project Opportunities

1. Multi-Purpose Community Hub for Diverse & Marginalized Communities proposal.
2. Indoor Soccer Facility proposal.
3. Commonwealth Games proposal.

INVESTING IN CANADA INFRASTRUCTURE PROGRAM (ICIP) – APPLICATION STATUS

Overview

- Athletics Ontario is the Provincial Sport Governing Body for Athletics in the Province of Ontario and has agreed to serve as the Lead Applicant for our application in collaboration with thirty community partner groups and organizations.
- We have been advised by Provincial Intake Staff that unresolved areas of our application (partnership with the City of Hamilton, location, confirmed funding commitments) do not disqualify us from

Hamilton Collaborative Partnership Group – Information Report

submitting an application, however, these areas will need to be resolved before final funding decisions are approved.

- Applications are currently being reviewed at the Provincial level and should be completed by the end of August 2020.
- Successful Provincial applications will be forwarded for Federal approval with decisions being made in the fall of 2020.
- It is highly recommended that the City of Hamilton consider joining our application as a “Joint Partner” in order for our application to be successful.
- We would recommend that the unresolved areas (partnership with the City of Hamilton, location, confirmed funding commitments) be resolved before our application advances to the Federal review in the fall of 2020.
- Timeline - Projects must be completed by March 31, 2027.
- Joint project initiatives are highly recommended.
- Stack funding allows for multiple funding sources to be combined to create larger project outcomes.

COMMONWEALTH GAMES VENUE OPTION

Initial projections have indicated that the City of Hamilton will be asked to contribute an estimated \$100 million dollars towards hosting the Commonwealth Games. We are proposing that our ICIP funding application has the potential of contributing approximately \$60 million dollars towards this total.

We have also confirmed that this option would qualify as a joint-project initiative and be eligible for “stack funding” contributions which equals to \$0 additional dollars being required from the City of Hamilton and provide for a significant cost savings to Hamilton tax payers.

Our proposed facility has the potential of serving as a stand-alone Commonwealth Games venue or has the potential of being severed into multiple projects which can serve as Commonwealth Games venues or infrastructure.

Taking into consideration our current ICIP funding application amount, we have identified the potential direct financial benefit of up to three possible venue developments including:

- \$20 million dollars (Multi-Sport Facility) Waterdown.
- \$20 million dollars (Multi-Sport Facility) Binbrook.
- \$20 million dollars (Track & Field venue) Mohawk Sports Park.

Table 10 – Sample of ICIP Contribution towards Commonwealth Games Venue Plan (Stack Funding)

City of Hamilton Commonwealth Games Contribution	\$100 million dollars
ICIP Application - Federal Contribution	\$24 million
ICIP Application – Provincial Contribution	\$20 million
ICIP Application – Municipal Contribution	\$0

Benefits

- Up to \$44 million dollars available as part of the City of Hamilton CWG contribution amount.
- Resulting in a \$44 million dollar savings for Hamilton taxpayers.
- Providing up to \$44 million dollars towards potentially three CWG venue developments.

CITY OF HAMILTON CONTRIBUTION – SUMMARY

1. \$8 million dollars direct capital contribution. – Payable over a four-year period (2021 to 2024).
2. Up to \$8 million dollars in debt financing provided to Community Partner Group if unsuccessful at capital fundraising campaign - Any debt financing contribution will be repaid through the projected facility operational revenues.
3. 50% of “Non-Eligible” ICIP funding costs (financing, taxes, legal) totalling approximately \$5 million dollars (City portion) - Recovered through project Development Charges (DC) estimated at approximately \$6 million dollars. Remaining 50% or \$5 million dollars (community portion) to be rolled into the debt financing portion.
4. Land contribution from available City inventory or suitable land swap option. – Exact acreage requirement will be determined by final building plan requirements.

RECOMMENDATION

That Hamilton City Council approve a Memorandum of Understanding between the Hamilton Collaborative Partnership Group and the City of Hamilton to allow City Staff to accurately assess the feasibility of a collaborative, joint-project initiative and to present these findings and recommendations to the Chairperson and members of the Emergency & Community Services Committee.

Delegation to Chair and Members of Emergency and Community Services Committee

July 13th, 2020

RE: Homeless Encampments

Thank you for accepting my delegation today. And thank you for all of your work throughout these unprecedented times.

Since the start of the pandemic, Hamilton has seen an increasing number of people experiencing homelessness who are choosing to sleep outside or “sleep rough”. This is certainly not a new phenomenon and there are many reasons that people avoid the shelter system. Some people find the rules too restrictive at shelters (there are curfews and bed checks in place). Others lament all the theft that occurs and simply don’t feel secure sleeping in a dorm style setting. Still others have pets that are not welcome in shelters and when people have so few supports in their lives, sometimes their pets take precedence above all else. As you know, people who are homeless suffer from a disproportionately high level of mental health issues and we often see people who are simply too anxious or too paranoid to be in close contact with so many people. Other people want to avoid the drug use that is often rampant in shelters. And on the flip side of that there are people who use drugs who are repeatedly evicted from shelters due to their drug use. Many times people are asked to leave shelters just because they have drug use paraphernalia on them. Peoples belongings are routinely searched and a clean needle or an unopened can of beer is enough to be restricted from a shelter. Lastly, there are very few shelter beds open for couples so different-sex couples are either forced to go to different shelters or opt to sleep outside so that they can stay together.

These are all reasons that people choose to sleep rough. Then you add a pandemic on top of that and hearing the repeated message that people living in congregate sleeping settings are at highest risk can be an added worry for people.

I have been working with many people who are sleeping rough during this pandemic. From a health perspective, I see how unwell these individuals often are. I have seen people with severe life-threatening infections, people who have untreated spinal cord issues that put them at risk of becoming paraplegic, women who are in their last few weeks of pregnancy, and so many folks who have addictions that they are desperate to get help with but lack the stability in their lives to make that possible. Imagine trying to get to a pharmacy every day for a dose of methadone when you don’t know where your next meal is coming from, you have to somehow protect your belongings from theft, find a place to charge a cell phone so that you won’t miss a call from your housing worker and acquire water for your dogs. Never mind finding a place to simply relieve yourself in the morning.

I know that in the past the City has felt they had to dismantle homeless encampments in response to complaints from residents. We saw that at Sir John A McDonald, Jackie Washington

Park and Ferrie Street not long ago. When this happens the connections that were made with people are lost. The outreach workers who have been working on housing applications, the health care workers who have been working on the physical and mental health piece – these connections are all lost when people are told to move along. I was working with an elderly gentleman with a fever and pneumonia who could not do much more than lay on the floor of his tent but refused to go to hospital. With minimal notice he was told to move along and I have not seen him since.

The city has slowed down on dismantling homeless encampments in recent weeks and I am grateful for that, as are my patients. I am asking that this continue to be the overarching principle in dealing with homeless encampments: let them be. This pandemic is unprecedented. We can't expect that responses that might have seemed reasonable in the past are appropriate during a pandemic. People do not cease to exist when they are told to move along. They still need a place to be and by virtue of sleeping rough they have shown that they do not fit into the current shelter system as it is. **The Centre for Disease Control (CDC) has issued guidelines stating that "Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread."**

We are imploring you to recognize the severe health consequences facing people who do not have housing, to recognize that we are in a new era where the old rules are not necessarily the best ones and to refrain from moving encampments along whenever possible. From our perspective, it would only be acceptable to move people along when they are either being moved to housing units with appropriate supports or to an ultra low-barrier, highly supportive shelter model that will give them a chance of success. Moving people into one of the current shelters or hotels to have them evicted two days later only further decreases the trust that people have in the system, making them less likely to engage in the future.

We need to recognize that the current shelter system does not meet the needs of many of these individuals. I ask that, in the re-imagining of our city's response to homelessness that the pandemic has instigated, we make this group of high-needs individuals who sleep rough a priority. Currently, we see many of these folks being service restricted from all of the shelters in the city and turned down from city-run hotels due to the fact that their needs are too high. In the healthcare world, that is like saying that you are too sick so we are not going to offer you any care. Instead of turning our backs on them and continually telling them to move somewhere else so that they won't be seen, we need to find something that WILL work for them. What about a motel space that is as low-barrier as possible with intensive social and health supports? Other jurisdictions in Canada have done this with great success. The city has recently made a precedent of helping two people get directly from a homeless encampment into permanent housing. This was successful and there is no reason that it would not work for other folks as well. What this group needs are options and at this point viable options for them do not exist.

I understand that the focus for you right now is likely the encampment outside of First Ontario Centre. But our concerns about this issue predate that encampment. Part of the reason the FOC encampment developed was due to smaller encampments in the city being dismantled – groups of two or three tents at the back of a park that were told to move along, or a single tent along the rail trail somewhere. Another group of people outside FOC are people who have been service restricted from all of the shelters in the city. And other people sleeping outside of FOC have been illegally evicted from their residential care facilities (RCF's). The encampment developed in that particular spot likely because of the neighbouring shelters that offered community to people as well as the fact that amenities existed in that area. Toilets and meals have not been as easy to come by during the pandemic and people will go to areas where services exist.

So please, stop dismantling homeless encampments for the duration of the pandemic unless people are being moved to an indoor space where they will have a modicum of success. This is not only a matter of public health and best practise as per the Centre for Disease Control, it is also a matter of human dignity and human rights. We need to recognize that the current system does not work for many people who are sleeping rough and work to either get them directly into permanent housing with appropriate supports or accommodate them in a shelter/motel that is low-barrier and high-support enough to meet their needs. Barring that, our city needs to be following an evidence-based approach to this issue, follow the international health guidelines that are available to us and stop dismantling homeless encampments.

Dr Jill Wiwcharuk and Dr Tim O'Shea, Hamilton Social Medicine Response Team (HAMSMaRT)



July 13, 2020

Dear Chair and Members of the Emergency and Community Services Committee,

Thank you for receiving our delegation. We are writing to you today on behalf of Keeping Six, Hamilton Harm Reduction Action League to request that the City re-evaluate and change its approach to encampments to better support the needs of those living in them and to facilitate service provision and access to housing. We believe that this can be accomplished in the following ways:

- that there be an explicit acknowledgement that the shelter system (including the pandemic hotels) do not meet the needs of many, and this is a significant contributing factor to the encampments in the city
- by including people with lived experience of living in encampments in the City led Encampments working group and providing the supports necessary for participation
- that people living in encampments be prioritized for supportive housing
- that ultra-low barrier shelter option or options be created
- that in the absence of suitable housing or shelter, people be offered the option of sanctioned encampments in locations suitable to the City and the encampments' inhabitants
- that, barring an alternative suitable to the people or person in question, a person's housing not be dismantled, at least for the duration of the pandemic, as recommended by the [Center for Disease Control](#).

Let us begin by saying that we appreciate that this is a difficult subject and that you face extraordinary pressure from the tax and voting base to "get rid" of this problem and restore access to perceived security and tranquil green space. We also acknowledge that the issue has been hurtled into the minds and emails of many because of the highly visible First Ontario Centre Encampment.

As a group comprised of people and supporters of people living or who have lived in such encampments, we need for you to understand that the problem for us is broader than FOC and more pressing than access to green space. Further, we are not the pariah that people want to make us out to be, and that the moral leadership of the city on this issue could go a long way toward shifting that narrative and building a more inclusive city.

A mainstay of our work as an organization led by people with lived experience is being connected to the people on the ground. A constant refrain from the streets is that people are exhausted and undermined by being in a perpetual state of dislocation. Always being moved

along. It is next to impossible to make any *progress* in life while being consumed by sorting out where to be.

Another pillar of our work is to insist that the voices of people impacted by policy create that policy, or at least have a hand in it. Nothing about us, without us. This is of course about representation but also practicality; you would be surprised by how smart we are, how well we understand the issues and their nuance, and the ways in which we are able to propose realistic solutions and create buy in for them.

Our community has several times raised the idea of sanctioned sites, where we could establish some modicum of stability by doing away with the perpetual need to find a new place to live and acquire new belongings destroyed in the dismantlement. While it may not seem obvious at first glance, the stability and predictability of sanctioned or tacitly supported sites will decrease the problems associated with encampments, not increase them. Firstly, we will have an opportunity to create stable community and a sense of cohesion and ownership which fosters accountability to one another, our surroundings, and the community. Second, it facilitates access and continuity to services that might help us gain access to more stable housing (one of our number one goals), and health care. There is successful precedent for this in other cities in Canada and we would be happy to connect you to folks doing that work. K6 would also be first to engage people in such an encampment and would make it a priority for our existing outreach program.

Finally, a note to say, it gives us no great joy to come before you today and beg for people to be left to camp in the city. It is not what most of us want. But in the acknowledged absence of an alternative, with a run of systems failures that cross all levels of government, it is what we are left with.

The existing services for shelter in the city are valued and have hard working dedicated people in them and, we acknowledge, consume a great deal of resources. But we are all in agreement that the existing services do not meet some people's needs. Some of us simply do not succeed in them. Teams of people worked extremely hard to humanely and respectfully clear people from the Sir John A encampment. On a Friday most if not all were in shelter or hotel. By Monday many were discharged and back on the street.

Now, we can discuss why that it is and disagree about where to "lay the blame" as it were, but the facts the ground remain that as it stands, it doesn't work for some. We and many before us have long been in discussion about what could work. At every turn to every suggestion we hear: there are no resources for that, we have no funds, no staff. Excellent supportive programs like HOMES are oversubscribed and have long waitlists. The reality is that our current suite of Housing First services in Hamilton does not meet the housing needs of people who experience the most complex barriers to housing. The encampments we are talking about today are exacerbated by that gap in services.

This plea to not move encampments unless an acceptable alternative is available is an acceptance of that proposition, that the resources to solve this crisis don't currently exist. Our preference is definitely for people to have access to suitable indoor living arrangements. But in the current climate, we know that this is not possible. In a time when everyone comes to the city asking for

everything, we are asking for an end to the resource intensive perpetual make work project of moving people around from place to place, which only undermines any effort to “get rid of people”, because no matter what the complaining tax payers or voters want, moving us on does not make us evaporate. We need to be somewhere.

We appreciate that it is a complex subject that lends itself best to conversation and answering of questions. We have tried to anticipate some of your questions in the appendix and provide brief answers. We are happy to sit down at any time to discuss further how this shift in strategy could work.

Sincerely,

Jody Ans
Founding member of K6

Lisa Nussey
Co-coordinator of K6

Frequently Asked Questions

What is an encampment?

There is no agreed upon definition of an encampment. To us, in this submission, it means a person or group of people sleeping outdoors in temporary shelter, like a tent or an impermanent structure fashioned out of any number of materials, like tarps, umbrellas, wood, etc.

Don't people just want to sleep rough?

This may *occasionally* be true, but this choice is the exception, not the rule. People who are truly choosing to sleep rough are few and far between, and they are not the subject of this submission.

Aren't encampments dangerous to the people living in them?

Yes. Sleeping on the street is dangerous. There have been instances fires in some encampments. There have also been incidents of violence between people in encampments. This is part of the reason why we advocate first for safe, dignified housing for all. Until that is possible, however, people will sleep rough. This means that we must do our best to make rough sleeping safer. Moving people does not remove the potential for fire or violence. It simply displaces it and frankly aggravates it, by making people more on edge. Further, the stability of not moving encampments allows for us to make them safer by building community and supplying people with safety equipment.

Aren't encampments dangerous to people living near them?

We do not have good evidence to answer this question. Without oversimplifying, our intuition and experience is that when people are treated with respect and kindness, they largely give the same in return. Certainly, reduced displacement is a gesture of respect and provides opportunity for building links across differences in communities. There is some [evidence out of the US](#) to show that broadly speaking, crime stays the same or goes down in neighborhoods around sanctioned or tacitly supported encampments. There have always been similar arguments leveled against the creation of sanctioned Consumption and Treatment Centres, and this fear of increased crime has not borne out in reality.

What do we mean by a sanctioned site?

A sanctioned encampment is one where the City either explicitly or implicitly permits people to erect temporary shelter, offering the continuity and stability required to take some next steps in the journey toward housing. Beyond that, there could be on site hygiene facilities like toilets and handwashing stations. Services can be brought on site and more reliably connect with people. Food delivery by area agencies could take place. Regular garbage pickups could be organized. Resident led systems of governance and accountability could be fostered. There is some preliminary evidence out of the US that shows that this strategy could be successful in reducing homelessness.

Understanding Encampments of People Experiencing Homelessness and Community Responses

Emerging Evidence as of Late 2018



Understanding Encampments of People Experiencing Homelessness and Community Responses:

Emerging Evidence as of Late 2018

January 7, 2019

Submitted by:

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INTRODUCTION

Introduction

Cities, suburban communities, and rural areas across the United States have seen in recent years the rise of groups of people experiencing unsheltered homelessness together. The term *encampment* is widely used by journalists and researchers to describe these groups, but other terms include *tent cities*, *homeless settlements*, and *homeless camps*. Although their existence is not unprecedented, media reports suggest that the number of encampments has increased sharply in recent years (National Law Center on Homelessness and Poverty, 2017).

People experiencing unsheltered homelessness may perceive staying in an encampment as a safer option than staying on their own in an unsheltered location or in an emergency shelter; however, encampments can create both real and perceived challenges for the people who stay in them as well as for neighbors and the broader community. As community leaders seek to develop and deploy a response, they often are called on to balance multiple, sometimes competing priorities and demands from a diverse group of stakeholders, including community residents, business owners, public health and safety officials, and advocates for disadvantaged populations—as well as the people living in the encampments.

This paper documents what is known about homeless encampments as of late 2018, based on a review of the limited literature produced thus far by academic and research institutions and public agencies, supplemented by interviews with key informants. This paper is part of a larger research study sponsored by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research. This study’s goal is to contribute to our understanding of homelessness, including the characteristics of homeless encampments and the people who stay in them, as well as local ideas about how to address encampments and their associated costs.

What Are Encampments, and What Do We Need to Know About Them?

The term *encampment* has connotations of both impermanence and continuity. People are staying in temporary structures or enclosed places that are not intended for long-term continuous occupancy on an ongoing basis. Inhabitants may be a core group of people who are known to one another and who move together to different locations when necessary, or they may be a changing group of people who cycle in and out of a single location. The physical structures that make up encampments can take many forms, including tents on pallets and shanties, or lean-to shacks built with scavenged materials. Structures may be simple or complex multiroom compounds. People experiencing homelessness in encampments may also stay in groups of cars or vans or in manmade tunnels and naturally occurring caves.

Community reactions to encampments have taken a variety of forms. Some communities send police to quickly clear (“sweep”) encampments, with no attempt to provide services or referrals to help people at the encampment find another place to stay. At the other end of the spectrum, some communities permit (“sanction”) encampments formally. Local government or community organizations provide running water and places to prepare food and dispose of waste, as well as healthcare and other services.

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The research questions that guided this review are shown in Exhibit 1. In the larger research study, we will attempt to provide information about encampments and the people who are staying in them and to answer these research questions. We sought preliminary information for these questions through a formal examination of the peer-reviewed literature; we also identified and examined non-peer-reviewed reports by academic institutions, public agencies, and other organizations (sometimes called *gray literature*). In addition to conducting literature reviews, we interviewed several key informants who are subject matter experts on encampments. We selected them because they are conducting research on encampments and related topics or they are helping communities devise and implement best practices for dealing with encampments.

Exhibit 1. Research Questions for the Study of Encampments
Understanding Encampments

1. What factors are driving the increase in people living in encampments?
2. What infrastructure or state or local ordinances or other policies impede or promote the establishment of encampments?
3. Who lives in encampments? Are there some subpopulations of people experiencing homelessness who are more likely to form or attach themselves to homeless encampments? Do people staying in the same encampment share certain characteristics? Are there any differences between the unsheltered population living in encampments and those who are unsheltered in other locations?
4. How large are encampments? Do their characteristics vary by size?
5. What types of social structures characterize encampments?
6. Why do people choose to live in encampments? What are the “pull” and “push” factors?

Community Efforts to Address Encampments

7. What steps are communities taking to prevent the establishment of encampments?
8. How are communities responding to encampments? What are the major activities, and which stakeholders are engaged?
9. Can approaches to encampments be categorized—for example, as sanctioning, clearing, or relocating?
10. How do responses to encampments relate to the broader homelessness services system?
11. How do responses to encampments differ across different types of communities?
12. In what ways do these efforts differ from efforts to serve the unsheltered population not living in encampments?

Costs Associated with Encampments

13. What are the direct costs incurred by communities in their efforts to address encampments?
14. How do costs differ depending on different community approaches?
15. How do the costs of managing or addressing encampments compare with the cost of emergency shelter and the cost of permanent supportive housing?
16. What health and safety issues have communities encountered with people staying in encampments?
17. What are the broader societal costs associated with encampments?

INTRODUCTION

We summarize the nascent evidence on encampments in the following two sections. *Understanding Encampments* reviews what we know about why encampments form and what they look like. *Community Responses to Encampments* describes the factors that lead communities to adopt various approaches and what we know so far about their effectiveness. Then we describe the *Limitations of the Current Evidence on Encampments*, including some suggestions for additional research beyond the scope of this study. Finally, Appendix A describes how we conducted the literature review and key informant interviews, Appendix B provides additional details on selected studies that were particularly informative as we completed our review, and Appendix C summarizes selected practitioner resources to assist with addressing encampments.

UNDERSTANDING ENCAMPMENTS

Understanding Encampments

This section describes what we know as of late 2018 about encampments: why there has been a sudden increase in encampment homelessness in the past few years and how encampments vary in resident characteristics, in social structure, and regionally. As discussed herein, conditions can be harsh, volatile, and unhealthy. Still, people may live in encampments (rather than shelters or in other, unsheltered locations) for a variety of reasons, including factors that lead them to reject other types of shelter and factors that attract them to encampments. Section 3 will cover what we know about emerging community responses to encampments.

Explanations for the Increase in Encampments

Researchers generally agree that increases in homelessness are first and foremost the result of severe shortages of affordable housing, combined with a lack of political will to dedicate sufficient resources to address this problem (Shinn and Khadduri, forthcoming). According to a key informant who is helping communities understand how to deal with encampments, when people are in crisis, their decisions about where to stay represent pragmatic choices among the best available alternatives, based on individual circumstances at a particular moment in time. Encampments form in response to the absence of other, desirable options for shelter.

Within this underlying context, several related factors seem to influence whether people experiencing homelessness form or go to encampments rather than stay in shelters or on their own in unsheltered locations. Primary among those factors are (1) shortcomings in the shelter system, (2) a sense of safety and community within encampments, and (3) a desire for autonomy and privacy. Only one peer-reviewed article (Herring, 2014) mentions the potential for greater access to food and services or other material comforts as reasons that people congregate in encampments rather than stay on their own in unsheltered locations. Key informants and other peer-reviewed articles did not identify this as a primary factor influencing the decisions of people experiencing homelessness.

The Shelter System Falls Short

Shortcomings in the shelter system are consistently identified as a primary factor that “pushes” people to congregate in encampments. Many communities have literal shortages in the capacity of the shelter system to provide beds for everyone experiencing homelessness (Herring and Lutz, 2015; National Coalition for the Homeless, 2016; National Law Center on Homelessness and Poverty, 2014; Speer 2018a). In other communities, shelter beds are available but go unused because of regulations or conditions that are incompatible with potential clients’ expectations or needs. Exhibit 2 lists some of the reasons cited in the literature and in key informant interviews why people experiencing homelessness may eschew shelters in favor of encampments. The availability and type of shelter available seem to be key drivers of encampments, as people weigh the disadvantages of staying in a shelter against their tolerance for the difficulties of staying in an unsheltered location (City of San Francisco, 2015; Herring and Lutz, 2015; National Law Center on Homelessness and Poverty, 2014).

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Exhibit 2. Shortcomings in the Shelter System

Specific shortcomings in the shelter system that may contribute to increased numbers of people congregating in encampments:

- A supply of shelter beds insufficient to meet the demand; this problem may be exacerbated by limited funding for emergency shelters and by community opposition to creating new or expanded shelter and bridge housing facilities or permanent supportive housing.
- Restrictions in shelters that would result in separation from a partner, family member, or pet.
- Shelter entry/exit times and locations that are inconvenient or incompatible with people's daily routines, including work schedules.
- Concerns about the security of personal belongings; restrictions on the ability to store belongings and difficulty moving belongings in and out of shelters on a daily basis.
- Concerns about personal safety and exposure to germs and disease within shelters.
- Specific barriers to entry, including sobriety requirements and entry fees.
- General perceptions of shelters as "inhospitable," "alienating," "demeaning," and offering little or no support or case management to find permanent housing.

Sense of Safety and Community

People who stay in encampments may see them as offering greater safety and protection from police harassment and aggression (Burness and Brown, 2016), and from assaults or the theft of belongings (Donley and Wright, 2012; Speer, 2017), than if they were unsheltered on their own. This sense of "safety in numbers" may be particularly prevalent in long-standing and highly organized encampments, in which residents have established around-the-clock security patrols and mutually enforced norms and standards for behavior (Lutz, 2015; National Law Center on Homelessness and Poverty, 2014; Sparks, 2017a). In high-cost cities in particular, individuals' decision to congregate in an encampment may be influenced by the behavior of their peers, according to a key informant who is conducting research on encampments. Once a critical mass of people has determined that encampments are a way of dealing with their housing crisis, others may feel emboldened to follow suit. Some cities respond to the presence of an established encampment by providing bathroom facilities and other basic services, making encampments seem to be a reasonable alternative to constant moving, threats of eviction, or shelters.

Desire for Autonomy and Privacy

In contrast to the rules that govern many aspects of shelter stays, staying in an encampment means that people can generally come and go as they please. The ability to exercise autonomy and freedom of movement appears to be a powerful factor that draws some people to encampments (Lutz, 2015; National Law Center on Homelessness and Poverty, 2014; Sparks, 2017a). This independence is sometimes eroded in communities that "normalize" encampments, introducing regulations that restrict residents' activities in the process. When that happens, encampments may in effect become an extension of the same shelter system that people reject in favor of encampments (Herring, 2014; Speer, 2018a).

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Access to Illegal Substances

Residents of encampments may or may not be using illegal substances. Nothing in the literature suggests that most or even many encampments are where people congregate primarily to support their drug addiction. That said, in at least one high-profile example, the location of an open-air drug market directly influenced the formation and continued existence of an encampment, according to a key informant studying encampments. In that instance, the availability of a dependable supply of heroin close-by led addicts to stay in encampments in the Kensington area of Philadelphia even though the city had available shelter space.

Variation in Encampments

Researchers and other experts have not yet developed a single, standard set of criteria defining a group of people experiencing unsheltered homelessness as an “encampment.” In this review, the definition we used encompasses a wide variety of scenarios—from established settlements that have a well-defined set of mutually agreed-on and enforced rules to loose congregations that have little to no organization or cohesion. In this section, we describe what our literature search and key informant interviews revealed about the variation among encampments in resident characteristics and social structure; we then summarize how encampments may vary in different parts of the United States.

Resident Characteristics, Social Structure, and Motivations of Residents

The literature has little to say about characteristics that distinguish people experiencing unsheltered homelessness in encampments from those who experience unsheltered homelessness on their own. The U.S. Interagency Council on Homelessness is leading an effort to analyze data records for people experiencing homelessness, along with partner organizations including U.S. Department of Housing and Urban Development, the National Alliance to End Homelessness, California Policy Lab (a nonprofit partnership between the Universities of California Los Angeles and Berkeley), and the consulting firm OrgCode. That effort will provide insights into the characteristics and experiences of people experiencing homelessness in unsheltered locations, including whether they are distinctly different from people who experience sheltered homelessness; however, the data will not make it possible to distinguish people in encampments from people in unsheltered locations generally.

Some studies describe variations in the racial and ethnic composition of encampments. For example, one study conducted outside Orlando, Florida, engaged 39 people staying in encampments in focus groups. Nearly three-fourths of participants were men, and most were White—a demographic composition characterized by the local outreach team as generally representative of people experiencing unsheltered homelessness in the area. In contrast, downtown shelters in Orlando had a much larger population of African Americans (Donley and Wright, 2012). Seattle’s evaluation of its sanctioned encampments also found fewer people of color in encampments relative to emergency shelters (City of Seattle, 2017). The demographic makeup of people staying in encampments in Oakland, California, seems to include a larger share of people of color, but individual encampments are segregated along racial and ethnic lines (Jones et al., 2015).

The internal organization and motivations of residents significantly vary among encampments. Some encampments have a strong social structure and organization, sometimes with oversight or assistance from local charitable or faith-based organizations. Residents may be required to assume responsibility

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for day-to-day operations, including security patrols and other duties (City of Seattle, 2017; Lutz, 2015). Residents may vote in governance decisions, and they may be expected to attend weekly resident meetings in accordance with an encampment-wide code of conduct (Sparks, 2017a). A key informant conducting research on encampments described the social structure established by a group of mothers staying with their children in a recently cleared encampment in Oakland, California. Residents of the encampment prohibited drug use and shared responsibility for childcare. These expectations promote a sense of community and have been credited with helping encampment residents “feel human” and believe that they have something to contribute (Sparks, 2017b).

Other encampments have less cohesion and more informal rules and structure, which may on occasion result in friction and conflict among residents (Sparks, 2017a). Larger encampment “communities” may be less cohesive than smaller groups composed of family members and friends (City of San Francisco, 2015). In addition, the potential for exploitation exists in encampments, according to key informants conducting research on encampments. For example, younger people may offer to provide protection to older residents but then expect some form of compensation in exchange. Encampments formed around access to opioids in Philadelphia seem to have no leadership structure at all; however, according to a key informant conducting research on encampments, rarely do people living in an encampment have a complete lack of interaction with each other. People staying together in encampments tend to look out for one another and have some sense of solidarity.

Motivations of encampment residents may differ, as well. According to key informants who are helping communities develop responses to encampments, some residents of encampments are eager to access services and permanent housing. Others clear out in advance of a sweep, even if the sweep may provide them with access to services. Such variation might occur within one encampment if it is large enough. For example, when more than 700 people were cleared from the Santa Ana River encampment in Orange County, California, some people accepted help and were able to find housing or went to drug treatment centers, whereas others simply left for another encampment. When encampments have formed in areas that provide dependable access to illegal drugs in general and opioids in particular, referrals to housing and services are likely to be met with a mixed reaction, depending on the timing of individual residents’ addiction trajectories and the characteristics of the shelters that are an alternative to staying in the encampment.

Regional Differences in Encampments

Cities in the Northeast, where winters can be harsh, are more likely than cities in other parts of the country to have relatively large shelter systems. According to a key informant who is conducting research on homelessness, this difference in the homelessness services system is reflected in the characteristics of people experiencing unsheltered homelessness, including those who stay in encampments. According to her observations, in cities with large numbers of shelter beds, the unsheltered population tends to have high rates of disability and mental health issues, which may create challenges to entering shelters. In contrast, in West Coast cities with limited shelter availability (or where barriers to shelter use are higher), the unsheltered population represents a greater mix of people, including those who do not have behavioral health disabilities but are unable to access shelter for other reasons. They may be recently homeless and unfamiliar with the shelter system, or they could be unwilling or unable to comply with the requirements of relatively high-barrier shelters on the

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West Coast, or they may simply be unable to find an available shelter bed. As on the East Coast, many people in West Coast encampments are not able to tolerate or navigate the shelter system because of mental health or substance abuse disorders; however, West Coast encampments are also likely to include people who do not face those challenges.

According to researchers in the San Francisco Bay Area, those who stay in encampments may even have support from family members who visit regularly and bring food and medication or who invite them in to shower and do laundry (Jones et al., 2015). According to key informants who are researching encampments in the West, people who are now staying in encampments in western states could maintain stable housing without supportive services if they had rental assistance or other income support. For those individuals, the lack of access to affordable housing and shortages of shelter beds are the primary factors driving them to experience homelessness in encampments.

The physical nature of encampments often reflects regional differences in the geographic setting, including the natural features and available land. For example, an encampment in Southern California's Coachella Valley consists of a variety of structures detached and spread out across a contiguous area. In Columbus, Ohio, encampments are composed of tightly clustered tents and lean-tos. In San Francisco, people form encampments along the edges of highways and train tracks and under elevated freeways. In Las Vegas, encampments can be found in an underground tunnel system. The location of encampments balances two factors: maximizing convenience (that is, ease of access to the resources people use to address their daily needs) and minimizing visibility (that is, avoiding complaints to the city that could result in the encampment being cleared) (City of San Francisco, 2015).

Regional variation in encampments may also reflect the different ways that cities respond to encampments. Section 3 presents a typology of community responses to encampments and discusses the evidence—at this point, scant—on the effectiveness of those various approaches.

COMMUNITY RESPONSES TO ENCAMPMENTS

Community Responses to Encampments

Local responses to encampments are evolving in many communities, as stakeholders seek to identify the best strategies to address this growing phenomenon. Approaches vary along many dimensions but can be broken into four basic categories, as described in Exhibit 3. Specific activities range from sending police to quickly clear (“sweep”) the encampment—providing little or no support to help people find another place to stay—to formally sanctioning encampments and providing onsite services.

Communities commonly use more than one response at a time to manage encampments, depending on resource availability, the location of encampments, and the characteristics of people congregating in encampments. For example, Las Vegas has created the Courtyard, a one-stop resource center that includes secure space to sleep outside, but it also deploys outreach teams that include law enforcement officers to clear encampments. Jurisdictions within the same region may adopt different strategies to address encampments. According to key informants helping communities to develop responses to encampments, communities may need to use a variety of approaches at the same time to serve populations that have different needs. When those efforts are not well coordinated across departments or neighboring jurisdictions, however, they may act at cross-purposes. For example, a jurisdiction that clears encampments, with little notice and no support, may undermine efforts to build relationships and trust in a neighboring jurisdiction that tacitly approves encampments.

Exhibit 3. Typology of Responses to Encampments

Category	Characteristics
Clearance With Little or No Support	<ul style="list-style-type: none"> • Notice of pending sweeps provided only a few days in advance, if at all • Belongings stored for a short period of time, if at all • Few or no shelter or service referrals provided • Regulatory or physical barriers to secure the site of the former encampment and keep it from being reoccupied
Clearance With Support	<ul style="list-style-type: none"> • Notice of pending sweeps provided weeks in advance, often by trained outreach workers who have experience working with people experiencing unsheltered homelessness • Longer term storage of belongings available • Referrals to shelter or services provided by outreach workers, who also accompany the first responders and sanitation crews who clear encampments

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Category	Characteristics
Tacit Acceptance	<ul style="list-style-type: none"> • Encampments allowed to persist regardless of whether laws or ordinances explicitly authorize or prohibit their existence • Longer term storage of belongings available • Basic services or infrastructure provided, in particular to address public health and sanitation concerns (for example, portable toilets, showers, and potable water) • Outreach workers may visit the encampment to provide referrals to permanent housing, shelter, and services
Formal Sanctioning	<ul style="list-style-type: none"> • Encampments permitted by law or ordinance on public and or privately owned property, usually only in designated locations • May have established rules that govern the size, location, or duration of encampments • May have a public agency or nonprofit organization manage encampments • Infrastructure and public services—which may include laundry and potable water, common spaces for eating and meeting, lockers for storing belongings (including on a longer term basis), meal services and food donations, job training programs, access to mail and voice mail services—provided by the municipality and private or faith-based organizations and volunteers • May provide case management, including assistance applying for transitional or permanent housing and other benefits, appealing denials, and managing funds

Cities also use strategies to prevent encampments from forming. Some communities enact laws prohibiting activities associated with encampments, such as lying down or erecting structures on public space. More than one-third of U.S. cities have adopted camping bans, citing health and safety concerns (National Coalition for the Homeless, 2016). Researchers at the University of Denver identified more than 350 antihomelessness ordinances in Colorado’s largest cities (Adcock et al., 2016). Other approaches include physical modifications to the built or natural environment, such as securing vacant lots and buildings to restrict access, clear-cutting brush that could provide cover for encampments, and installing sprinklers in areas where encampments might form (Chamard, 2010; National Law Center on Homelessness and Poverty, 2014). When an encampment is cleared, with or without support, the community may also impose new regulatory or physical barriers to keep the encampment from reemerging in the same location or in other parts of the community.

Factors that Drive Local Responses

Cities respond to encampments for a variety of reasons, and the goals of the interventions may vary—from cleaning up a business area, to helping people access shelter, to helping people obtain permanent housing. Even within the same jurisdiction, different stakeholders may have different definitions of success in dealing with encampments. For example, the transit authority may have a goal of breaking up encampments adjacent to a railroad bed, the department of public health may want to prevent the

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spread of disease, the housing department may be working to end homelessness, and community homeless advocates may be focused on avoiding adverse consequences for the encampment population. Those differing views will also influence the strategy, or set of strategies, used by the city to address encampments (Burness and Brown, 2016; Jones et al., 2015) and can make comparing interventions across communities difficult. The factors that were most commonly cited in the literature as influencing cities' approaches to encampments are (1) community and political pressure, (2) resource availability, and (3) fear of litigation.

Community and Political Pressure

According to researchers and key informants who are helping communities devise strategies to address encampments, the “nuisance” factor is the key policy driver. Outreach teams or police usually are deployed only when community residents or other stakeholders complain about an encampment. At that point, interventions need to be visible and quick to demonstrate responsiveness to community concerns and to relieve political pressure (National Law Center on Homelessness and Poverty, 2014). In the absence of sufficient resources to move everyone into permanent housing, communities often employ a clearance strategy, with or without support, that moves people out of sight or farther from central business districts, where their presence can affect economic growth (Speer, 2018b).

Cities typically prioritize efforts in neighborhoods where political pressure is greatest. Not surprising, those neighborhoods often are not the locations with the highest levels of unsheltered homelessness and encampments, according to key informants who are helping communities devise strategies to address encampments. In areas with low visibility, with little or no community pressure, cities may pursue a policy of tacit acceptance—even if encampments exist in violation of a no-camping ordinance (Herring, 2014).

Resource Availability

Concern for community and resident well-being would, ideally, be the primary factor shaping cities' encampment response strategies; however, resource limitations may require city leadership to make trade-offs and choose an approach that works within existing constraints (Herring and Lutz, 2015; Loftus-Farren, 2011; National Law Center on Homelessness and Poverty, 2014). In Philadelphia, for example, according to a key informant conducting research on encampments, recent efforts that could be characterized as clearance with a high level of support were limited to two of four known opioid encampments because the city lacked funding to provide services and shelter for people congregating in all four. Without the ability to provide rent assistance or needed services, the city adopted a policy of tacit acceptance at the remaining two encampments. Cities may also create sanctioned encampments in lieu of providing permanent rent subsidies, or cities may pursue clearance with little or no support if they lack the resources to provide any additional assistance.

Fear of Litigation

Fear of legal challenges influences how cities approach closing encampments. Local jurisdictions want to avoid being taken to court over due process and cruel and unusual punishment challenges, according to a key informant engaged in research on encampments. This concern is likely to grow following the September 2018 ruling of the Ninth Circuit Court of Appeals in *Martin v. City of*

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Boise.¹ Courts have found that depriving homeless people of the rights to perform survival activities in public spaces when no alternatives are available violates the 1st, 4th, 5th, 8th, and 14th Amendments to the Constitution (Kieschnick, 2018; National Law Center on Homelessness and Poverty, 2014). In *Martin v. City of Boise*, the court held that “as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property.”

Some legal challenges have resulted in settlements, which generally call for minimum notice before clearance of encampments, requirements for storage of personal belongings, and compensation for people who are swept from encampments and for their attorneys (National Law Center on Homelessness and Poverty, 2017). In January 2018, advocates brought a lawsuit against officials in Orange County, California, following the clearance of a massive encampment along the Santa Ana riverbed. As of October 2018, elements of a preliminary settlement agreement were more expansive and included a commitment to provide proactive outreach and engagement, as well as referrals to services, before evicting people from encampments; development of “standards of care” by the county for homelessness services programs; drawdown of funds already available to support “programs, services, and activities” for people experiencing homelessness; adoption of due process protections; establishment of a method for formally addressing requests for accommodations under the Americans with Disabilities Act; and referrals to collaborative courts² to handle citations.³

Effectiveness of Various Responses

The effectiveness of responses to encampments may be thought of as creating positive outcomes for the people who stay in encampments, creating positive outcomes for the broader community, or both. At this point, research that attempts to measure any such outcomes in a rigorous way is limited. Findings from anecdotal reports in individual cities are not broadly generalizable or transferable. To begin to address gaps in existing knowledge, the National Alliance to End Homelessness, U.S. Interagency Council on Homelessness, and U.S. Department of Housing and Urban Development are working with state and local partners to develop and test strategies for addressing unsheltered homelessness, including encampments. The Arnold Foundation (2018) is exploring the effectiveness of interventions that first responders can use to address unsheltered homelessness. Those projects are still in the early stages and are complicated, according to a key informant, by the absence of baseline data from which to evaluate the effectiveness of the responses. According to a researcher currently working on encampments, intensive outreach work will be needed to establish study samples, and a

¹ The Ninth Circuit has jurisdiction over nine states in the western United States, including Alaska and Hawaii, as well as the District of Guam and the District of the Northern Mariana Islands.

² Collaborative courts are an alternative justice model that focuses on treatment and behavior change (rather than sentencing) to help defendants improve their lives. Homeless courts are one type of collaborative court. According to the California Association of Collaborative Courts, these are “special court sessions held in a local shelter or other community site designed for homeless citizens to resolve outstanding misdemeanor criminal warrants.” <https://www.ca2c.org/types-of-collaborative-justice-courts/>

³ Orange County Catholic Worker et al. v. County of Orange et al., Joint Statement of Settlement Progress (Central District of California, 2018) <https://scng-dash.digitalfirstmedia.com/wp-content/uploads/2018/10/oc-homeless-plaintiffs-lawsuit-settlement.pdf>.

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high level of resources will be required to track people's experiences over time and to measure outcomes, but those efforts will be necessary to develop appropriate policy responses.

Without the availability of strong evidence, cities adopt approaches that seem to be best practices. Local responses also depend on the community's goals and priorities, which may include reducing crime, eliminating health hazards, or improving a business district—and may or may not include housing people experiencing homelessness. In the following sections, we provide descriptive and inferential information on the factors that may determine the effectiveness of responses, including the approach selected, the characteristics of encampment populations, and available resources. We summarize the current state of knowledge for various types of approaches.

Clearance with Little or No Support

Cities that adopt a policy of clearance with little or no support may justify this approach as “tough love” that encourages people in encampments to enter city-operated shelters (Lutz, 2015; National Coalition for the Homeless, 2016). The literature and key informants, however, agree that sweeps of encampments do little to increase shelter usage or otherwise resolve the problem of encampments (National Law Center on Homelessness and Poverty, 2014). Especially in communities with many low-visibility places, people are likely to simply pack up and move on to another location (Junejo, Skinner, and Rankin, 2016) or reestablish the encampment at the former site once the city has cleaned the area.

Clearance with little or no support may actually *reduce* the likelihood that people will seek shelter because it erodes trust and creates an adversarial relationship between people experiencing homelessness and law enforcement or outreach workers. In a survey of encampment residents in Honolulu, 21 percent of respondents said that they were less able or likely to enter shelters after sweeps, and 68 percent said that the sweeps had no effect on whether or not they went to shelters, although those responses seem mostly to be the result of undesirable shelter conditions (Dunson-Strane and Soakai, 2015). Another study conducted in Seattle finds that only one-third of encampment residents “accepted offers of alternative shelter after a sweep” (Junejo, Skinner, and Rankin, 2016: 16). Analyzing interviews with both outreach staff and encampment residents in Oakland, California, Jones and his colleagues hypothesized that continuous sweeps cause people experiencing unsheltered homelessness to “focus on short-term needs and immediate coping strategies,” disrupting the level of stability necessary for encampment residents to engage in long-term planning (2015: 82). People forced to relocate during a sweep may have difficulty reconnecting with outreach workers who have been working with them, and any progress made toward moving into housing or accessing services could be lost. Experiences in Honolulu, Seattle, and Oakland suggest that sweeps are disruptive to people who are attempting to stabilize their lives and find a pathway to housing, and they may have lasting traumatic psychological and emotional impacts (Jones et al., 2015; Junejo, Skinner, and Rankin, 2016).

Clearance with Support

The support provided in responses that can be characterized as clearance with support may include extensive outreach in advance of clearance and referrals to existing shelters or housing programs. Communities may also make changes to policies on eligibility and rules for supportive housing or

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drug treatment programs. They may create entirely new programs to facilitate entry by people formerly staying in encampments. For example, San Francisco created a new type of shelter, Navigation Centers, to provide shelter-averse people with room and board and access to case management and other services provided by public, nonprofit, and faith-based partners. The low-barrier model waives many of the policies commonly cited as obstacles to shelter: Navigation Centers do not have sobriety requirements, and people may come with their pets and partners, bring their belongings, and stay all day—there are no required entry or exit times. Space in the Navigation Centers is limited, however, and drop-ins are not accepted; instead, access is determined by the city’s Homeless Outreach Team (SF HOT) case by case as space becomes available, with a focus on serving the most vulnerable people in San Francisco’s encampments. Considerations by the outreach team include the length of time someone has been experiencing homelessness, shelter usage over a 6-month period, and motivation to move to permanent housing (San Francisco Health Network, 2018). Some evidence suggests that people strategically make themselves visible on the street in areas where the SF HOT will be making referrals so that they can gain access to the Navigation Centers, but no evidence indicates that people leave shelters in pursuit of a referral to a Navigation Center (City of San Francisco, 2015).

An evaluation of efforts to clear two encampments in Philadelphia’s Kensington neighborhood provides a comprehensive look at another approach to clearance with support. After intensive and continuous outreach to and engagement of people staying in the Kensington encampments, outreach workers offered their clients emergency shelter in low-barrier “respite” and “navigation” centers, with access to case management and drug treatment services. The city also relaxed shelter admission requirements and rules and expectations for residents (Metraux et al., 2019). According to key informants developing policies to address such “drug encampments,” enrolling people who are addicted to opioids and other substances into rehabilitation services may be difficult. Efforts to streamline access to drug treatment, however—including waiving requirements for identification and preauthorization and helping people get their documents in order—may ensure that treatment is available to them when they are ready to accept it.

Several key informants reported that communities are beginning to add social workers or community mental health workers to outreach teams. Law enforcement officials often are the only people on call to handle complaints around the clock, and community members may be more likely to call the police than to call a homeless hotline. When outreach teams include trained members, they can offer referrals to services and can begin to establish trust and build relationships with people experiencing homelessness in encampments. Without adequate funding for affordable, bridge, or permanent supportive housing, however, clients may end up back in encampments despite a robust outreach effort.

As of this review, policymakers and practitioners are developing promising practices to support residents of cleared encampments, and researchers are developing descriptive data and hypotheses for testing that approach.

Tacit Acceptance

Some cities tacitly accept encampments, not through sanctioning by law but by a lack of enforcement or by selective enforcement. Cities may tacitly accept homeless encampments to reduce the costs of

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enforcing anti-camping ordinances or ordinances that prohibit lying down or sitting down in public places. Homeless people are permitted to congregate in areas that do not generate complaints from local businesses and residents (Herring, 2014). In Fresno, California, for example, police have carried out a more active clearance approach in the higher rent, downtown business districts, but they take a hands-off approach within an abandoned industrial zone (Herring, 2014; Speer, 2018b). In some cases, cities may provide basic services, such as potable water and security, without formally sanctioning the encampment (Loftus-Farren, 2011), and outreach workers charged with helping people resolve unsheltered homelessness may focus on people staying in the tacitly accepted encampments. In addition to having political reservations to sanctioning encampments, city officials may refuse to formally sanction encampments “on the grounds of increased liability, expenditures, and conflicts with health and zoning codes” (Herring, 2014: 298).

The literature we reviewed did not provide any indication of the effectiveness of tacit acceptance of encampments either in helping people resolve the circumstances that made them homeless or in limiting the negative consequences of encampments for the community.

Formal Sanctioning

Some cities formally sanction encampments through a variety of mechanisms: issuing temporary use permits; changing land use and zoning ordinances to permit encampments (which may place limits on the duration and number of people at each site); and creating designated campgrounds that have standards for operations and services to be provided on site. Some sanctioned encampments are managed publicly; others are self-governed but have public and private assistance and oversight.

- ***Publicly managed encampments.*** In some cases, sanctioned encampments are created and operated by the city, sometimes with nongovernmental community partners. Establishment of those encampments often is motivated by a desire to contain people who are unsheltered in a specified area where service delivery can be concentrated and public health risks controlled. For example, in 2017, the City of Las Vegas established the Courtyard Homeless Resource Center, where people can sleep in a secure, open-air, and sheltered courtyard with access to an array of amenities. The Courtyard is funded with public dollars and is currently operated by the city, with medical, employment, and other services provided on site through a variety of partners (City of Las Vegas, 2018).
- ***Safe parking programs*** provide similar structure and access to services for people who are experiencing homelessness and using a car, van, or RV as their primary place of shelter. People staying in their vehicles apply for a permit to safely and legally park overnight in designated lots that typically have some form of security and access to restrooms and other sanitation facilities. These programs are intended to offer transitional assistance for people who are interested in securing permanent housing and, as such, the programs provide access to extensive case management and other social services. Most programs use background checks to screen out sex offenders and recent violent felons, and program participants are required to have their own car insurance and comply with program rules and regulations. Safe parking programs are most common in West Coast cities. Program data from local jurisdictions in California indicate that participants have successfully accessed housing,

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although rates of placement vary widely, from 5 percent in Santa Barbara to 65 percent in San Diego (Homelessness Policy Research Institute, 2018).

- ***Self-governed encampments with public and private assistance and oversight.*** Rather than establishing new areas for unsheltered people to congregate, some cities sanction existing encampments. This process typically involves establishing a legal framework for their continued existence and organizing services but allowing the encampment to continue as a self-governed enterprise. In 2011, the Seattle City Council adopted an ordinance to permit transitional encampments as an “accessory use” on land owned or controlled by a religious organization and established health and safety standards for those encampments. A similar ordinance passed in 2015 extended those standards to city-owned or private, nonreligious property. Seattle’s Human Services Department selected several nonprofit organizations with experience supporting unsheltered homeless people to provide service-enriched case management, including referrals to diversion programs and shelters, access to legal services and rapid rehousing programs, and employment training and educational referrals at three newly established, permitted encampments (City of Seattle, 2017).

In a city-sponsored evaluation (City of Seattle, 2017) that attempted to assess the effectiveness of formal sanctioning, Seattle documented a positive response from communities around the new encampments. Data and information about crime levels collected by the Seattle Police Department suggest that crime has not significantly increased in the areas surrounding the encampments since they were established. Authors of the evaluation view the self-managed governance structure positively, as an opportunity for residents to build confidence and leadership skills. Between September 2015 and May 2017, 759 people stayed in Seattle’s six permitted encampments, and 16 percent (121 people) transitioned to permanent housing. It is unclear how generalizable these findings are to other communities.

Sanctioned encampments are best understood as an interim solution to address the immediate conditions of people experiencing unsheltered homelessness. Such encampments are not themselves a solution to homelessness, and cities will need to invest in permanent solutions, such as housing that is affordable to extremely low-income people, permanent supportive housing, mental health services, affordable healthcare, and perhaps also supervised drug consumption sites and low-barrier employment opportunities (Junejo, Skinner, and Rankin, 2016; Loftus-Farren, 2011; Parr, 2018). Currently, limited evidence suggests that sanctioned encampments help to reduce homelessness; we also do not know whether certain types of sanctioned encampments are more effective than others.

LIMITATIONS OF THE CURRENT EVIDENCE

Limitations of the Current Evidence on Encampments

In this section, we describe limitations in the rigor and scope of the literature considered in preparing this review, as well as challenges to collecting data on the encampment population. We conclude with some recommendations for additional research found in the published literature or made by key informants interviewed as part of this scan of current evidence on encampments.

Scope and Rigor of the Current Literature on Encampments

Research on the nature and causes of homeless encampments is still in the nascent stages, as is evaluation of community responses to encampments. In many ways this is parallel to the state of research on homelessness during the 1980s, when modern homelessness, sheltered and unsheltered, first became apparent and was the focus of news reports and efforts to document and understand the phenomenon. As of late 2018, the research literature on encampments is primarily descriptive, relying on reviews of articles in the news media, along with some ethnographic research and fieldwork that includes interviews with encampment residents, service providers, city staff, and community members. Administrative data are used in only a few cases (Metraux et al., 2019; Speer, 2017). In general, sample sizes are small, with analysis limited to interviews with a small number of community stakeholders or encampment residents.⁴ Researchers almost exclusively use convenience samples rather than representative samples of encampment populations. Evaluators have not yet begun to use methods that compare the results of a response to encampments with what would have happened in the absence of the policy or practice.

So far the literature focuses heavily on West Coast cities, especially Fresno and San Francisco, California; Portland, Oregon; and Seattle, Washington. An exception is a descriptive study by the National Law Center on Homelessness and Poverty (2014) that deliberately focuses on East Coast and Southern cities.⁵ The ethnographic research reviewed for this paper focuses on people in encampments that are sanctioned, either formally or tacitly. This type of research, which relies on observation of people and conditions within encampments, would be more difficult to carry out in communities that have an encampment clearance policy.

Our scan of the literature identified only one study that begins to develop standards for evaluating the effectiveness of various responses to encampments. Jones and his colleagues (2015) provided standards for three criteria—effectiveness, equity, and implementation feasibility—and use them in connection with resident, service provider, and stakeholder interviews to assess whether alternative approaches would be more effective than a current policy of clearing encampments in Oakland, California (see Appendix B for a description of the study). Some local jurisdictions have started to track housing placements among people who formerly stayed in publicly sanctioned encampments

⁴ Research methods and rigor differ little between the peer-reviewed literature and the reports of public agencies and other organizations. Both types of literature rely heavily on media reports and on qualitative interviews.

⁵ The cities are Lakewood, New Jersey; New Orleans, Louisiana; Providence, Rhode Island; and St. Petersburg, Florida.

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(City of Seattle, 2017; Hunter et al., 2016), but assessing how rigorous and successful those tracking efforts will be is difficult.

Little information is available on the direct and indirect community costs associated with encampments. Some reports provide partial accounts of the costs of various activities associated with local responses to encampments. None attempt a rigorous analysis of the costs of a response type or a comparison with the costs of other interventions for people experiencing homelessness. Adcock and her colleagues (2016) provided a thoughtful methodology for calculating the cost of enforcing ordinances that criminalize homelessness in Denver and the state of Colorado, but that analysis pertains to unsheltered homelessness in general; it is not limited to encampments. Some case studies report expenditures associated with various activities related to encampments (City of Seattle, 2017; Jones et al., 2015). Complicating the documentation of costs, encampment-related expenditures often are spread across multiple agencies and contracts (for example, department of public works for refuse disposal, department of human services for case management), sometimes without a budget category or line item specific to encampments (Junejo, Skinner, and Rankin, 2016).

Challenges to Collecting Data on People in Encampments

Some local jurisdictions have started to collect and report data on the characteristics of people who stay in encampments. The types of information collected include these:

- Basic demographic data, such as gender, age, race, veteran status and discharge type, and first language (City of Seattle, 2017; Metraux et al., 2019)
- Earned income or benefits receipt (City of Seattle, 2017)
- History of domestic violence (City of Seattle, 2017)
- Physical and mental health conditions (City of Seattle, 2017)
- Duration of homelessness (City of Seattle, 2017; Hunter et al., 2016; Metraux et al., 2019)
- Current living conditions (Metraux et al., 2019)
- Where they were staying before the encampment (City of Seattle, 2017; Hunter et al., 2016)
- Potential barriers to entering shelter, such as pets, partners, or a significant number of belongings (Hunter et al., 2016)

That type of data may be collected during the intake process at sanctioned encampments, through outreach to people staying in tacitly accepted encampments, or during the process of encampment clearance. One of the key challenges of any data collection effort associated with encampments is capturing a representative sample of people. As described by a key informant who is conducting research on encampments, people who stay in unsanctioned encampments often strive to keep off the public radar, and they may differ in important ways from the subset of people who are visible for data collection efforts. According to this key informant, outreach workers are generally better received when they make low demands, offer something that people in encampments might want or need, and share demographic characteristics or lived experiences with those in encampments. People who stay

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in encampments may be wary of authority figures and are more likely to welcome outreach workers who do not act or present as such. These same considerations may also apply to sanctioned encampments.

Data collection efforts are also hampered by the transient nature of people experiencing unsheltered homelessness and the limited capacity of outreach teams to comprehensively canvas the less visible and less accessible geographies within their communities. Intensive and time-consuming outreach and follow-up efforts are required to collect information about encampment residents over time. Mental illness and substance use can also complicate data collection because the responses of affected individuals to questions may be unreliable.

Suggestions for Additional Research

As part of this review of the current evidence base on encampments, we gathered suggestions from the key informants we interviewed—people who are conducting research on encampments or advising communities on strategies for addressing encampments—for additional research that could advance the field in a variety of ways. Some of the published literature we reviewed also included suggestions for additional research that would support deeper understanding of the nature of encampments and would inform program design going forward. These ideas for additional research include the following:

- ***Understanding the characteristics of people who are living in encampments.*** What are the characteristics of people in encampments, including their immediate past experience? Are they different in meaningful ways from other people experiencing unsheltered homelessness? Are there significant differences in the characteristics of people who live in different types of encampments—for example, in groups of cars or other vehicles compared with encampments of tents or other structures? How long have they lacked stable housing? Where were they living before their stay in the encampment? What were their circumstances that contributed to them staying in an encampment? How often are families with children living in encampments, and how are their characteristics, needs, and vulnerabilities different from those of individual adults? This type of information could help to improve the targeting of efforts to prevent homelessness and stays in encampments.
- ***Understanding the experience of people experiencing unsheltered homelessness in encampments.*** How do they spend their days? How long do people stay in encampments, and where do they go when they leave encampments (how often do people continue to experience unsheltered homelessness, how often do they find housing, and how often do they go to shelters or other settings, including treatment programs)? What are their service utilization patterns and the costs of their service use? With a better understanding of the behaviors and needs of people who are living in encampments, practitioners and policymakers can design and implement more effective interventions that meet those needs. Research projects can draw on integrated data systems, real-time surveys, and interviews with people with lived experience. Some of the best early opportunities may be in states and local jurisdictions that already link data systems.

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- ***Understanding the relative effect of interventions currently in use.*** Do people who receive extensive outreach and referrals in advance of an encampment clearance fare better than those who stay in formally sanctioned encampments? Do outcomes vary depending on who conducts the outreach? Do sanctioned encampments achieve higher rates of exits from homelessness than do other approaches to ending homelessness for unsheltered people? Do the outcomes of people who formerly stayed in encampments differ over time, depending on the type of assistance they receive?
- ***Exploring racial/ethnic disparities in access to the homeless services system.*** Studies in Oakland, Orlando, and Seattle point to the possibility of racial segregation, and perhaps self-segregation, of encampment populations—and, by inference, of populations using shelters. Research could explore the reasons for these patterns, including possible barriers to entry into shelters or to programs providing permanent housing that affect particular racial/ethnic groups.
- ***Understanding community responses to the presence of encampments.*** What are community members' expectations regarding responses to unsanctioned encampments in their neighborhoods and approaches to resolving them? How are community members' responses shaped by stigma or bias related to race, homelessness, poverty, mental health needs, and substance use? How do community members respond to sanctioned encampments, and are factors present that determine whether sanctioned encampments experience more or less acceptance? What strategies can public and private agencies use to keep community members informed of their approaches to assist people living in encampments?

Conclusion

In recent years, encampments of people experiencing homelessness have become pervasive in communities across the United States. They can be found in busy neighborhoods in large cities, isolated rural areas, and everywhere in between. Encampments may be as small as a cluster of 8 to 10 households next to a highway entrance ramp, or they may encompass multiple structures scattered across several acres of parkland or industrial areas. The encampments that are visible to outside observers take many forms, including tents, lean-to shacks and shanties, and groups of cars or vans; other encampments that are not so visible are hidden in manmade infrastructure or natural features. The motivations and circumstances of people staying in encampments are as varied as their size, shape, and location.

Despite this diversity, at the root of all encampments is a need for greater investment of resources to address severe shortages of affordable housing. Absent this commitment, people experiencing homelessness are forced to find other places to stay, and encampments may be the best alternative among a limited set of options. Articles in the peer-reviewed and gray literature document a consistent set of factors that contribute to people's decisions to stay in encampments rather than in shelters or in other, unsheltered locations. Shortages in the availability of shelter beds, policies that create barriers to entry, and undesirable conditions inside shelters all influence people to seek an alternative place to stay. When shelters cannot fulfill their needs for safety, sense of community, and the freedom to come and go at will, people experiencing homelessness may decide to stay in encampments.

Local jurisdictions are pursuing a variety of strategies to address encampments and the challenges they pose to health, safety, and well-being. The most rudimentary of those approaches is to “sweep” encampments, the primary goal of which is clearing out the people staying in them. Preliminary evidence suggests that this response of clearance without support results in disruption and trauma for inhabitants of the encampments but does little to resolve the problem. Encampments are quickly reestablished in a new location or even back on the recently cleared site. We know little about the effects of other responses that provide support to people in encampments, including responses that allow encampments to persist—through either tacit acceptance or formal sanctioning—and clearance efforts that are accompanied by outreach and referrals to housing and services.

Communities are experimenting with new service approaches to assisting people living in encampments. The Navigation Centers that were first established in San Francisco now are being replicated elsewhere but, so far, not based on strong evidence of their effectiveness. The logic is that removing many of the barriers that cause people to seek alternatives to emergency shelters and including intensive case management to help clients secure permanent housing will prevent encampments from forming and provide a transition to permanent housing for people moved out of encampments. Other cities are relaxing admission requirements for drug treatment programs to expedite entry by people in encampments. Still others are pairing first responders with trained outreach workers who can help make connections to appropriate services. More research will be needed to assess the results of these and other initiatives.

CONCLUSION

We do not know enough about the characteristics and experiences of people who stay in encampments. Collecting even baseline information can be difficult when many people actively try to escape public notice. Data collection challenges also complicate efforts to understand the costs and effectiveness of public responses to encampments. Practical and political barriers will have to be overcome to arrive at meaningful findings that can inform policymaking and practice.

This review of what we know as of late 2018 about encampments is part of a larger study sponsored by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research that will help increase the body of knowledge. We will use interviews with stakeholders in nine communities and site visits to four communities to collect information on the causes and characteristics of encampments and on community responses to encampments. The site visits to four communities also will attempt to document the public costs of various strategies for addressing encampments.

APPENDIX A

Appendix A. Methods Used to Conduct the Literature Review and Interviews with Key Informants

Scan of Peer-Reviewed Literature

To identify relevant peer-reviewed literature, we searched EBSCO Discovery Service, which provides a comprehensive search of academic journals and databases, and Google Scholar. Specific search strings and limiters used are listed in Exhibit 4.

Exhibit 4. Search Strings and Limiters

Search string used:

- “homeless encampment” OR “tent city” OR “homeless settlement” OR “homeless camp”

Limiters used:

- Peer-reviewed journals
- Published on or after January 1, 2011
- Published in English

We compiled references and abstracts from all database returns using Zotero software. We then reviewed all abstracts, identifying 43 articles for retrieval and further review. We excluded articles if they focused on encampments serving a non-homeless population, such as refugees or protesters. We also excluded research on homeless encampments in an international context because experiences with encampments and unsheltered homelessness in other countries diverge in important ways from the experience in the United States.

We identified 16 articles from more than 500 returned results that addressed the research questions shown in Exhibit 1 in the introduction. Those 16 articles include several written by the same primary author that draw on a single dataset. Under other circumstances, we might exclude a portion of the similar articles from review; however, given the small body of research on encampments, we opted to consider them all.

Scan of Gray Literature

We searched websites of government agencies, nongovernmental organizations, and academic institutions to supplement the peer-reviewed literature and identify relevant unpublished literature, white papers, presentations, and research briefs. When a website included a search function, we used the search string identified in Exhibit 4 to identify relevant resources. We also scanned relevant website sections for pertinent materials.

We found reports, publications, and conference proceedings on the official websites of the following agencies and organizations: U.S. Department of Justice, National Alliance to End Homelessness, National Coalition for the Homeless, National Law Center on Homelessness and Poverty, Seattle University School of Law, University of Denver Sturm College of Law, and San Francisco Office of

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the Controller. We identified 41 documents through this process, 17 of which were determined to be relevant to this project.

We identified additional resources during interviews with key informants and by following references in the peer-reviewed and gray literature.

Interviews with Key Informants

We conducted interviews with key informants to augment information collected during the literature reviews. We identified an initial list of interviewees based on recommendations from the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, and the U.S. Department of Housing and Urban Development, Office of Policy Development and Research staff and from project team members with expertise in homelessness, substance use disorder, and criminal justice. We identified additional individuals by asking at the conclusion of each interview for suggestions of other academics or practitioners who may be studying encampments.

Exhibit 5 lists the key informants we interviewed.

During the interviews, we asked about ongoing research projects focused on the recent growth in unsheltered homelessness and encampments; the characteristics of people in encampments and the factors that lead them to congregate there; and communities' responses, including their costs and effectiveness. We also asked key informants targeted questions about specific research projects or programs, based on our background research.

Exhibit 5. Key Informants

Name	Title	Affiliation	Date Interviewed
Sharon Chamard, PhD	Associate Professor	University of Alaska, Anchorage	November 8, 2018
Dennis Culhane, PhD	Dana and Andrew Stone Professor of Social Policy; Co-Principal Investigator, Actionable Intelligence for Social Policy	University of Pennsylvania	October 16, 2018
Margot Kushel, MD	Professor; Director of the Center for Vulnerable Populations	University of California, San Francisco	October 25, 2018 December 27, 2018
Stephen Metraux, PhD	Associate Professor; Director of the Center for Community Research & Service	University of Delaware	October 26, 2018
Colleen Murphy	Manager, Coordinated Entry System Access	Los Angeles Homeless Services Authority	November 16, 2018
Barbara Poppe	Founder and Principal	Barbara Poppe & Associates LLC	November 2, 2018
Kelly Robson	Chief Social Services Officer	HELP of Southern Nevada	October 29, 2018
Nan Roman	President and CEO	National Alliance to End Homelessness	November 1, 2018

Appendix B. Summaries of Selected Studies

In this appendix, we provide details on the approach, methodology, limitations, and key findings from selected studies in the peer-reviewed and gray literature. These studies were particularly informative as we completed our review.

City of Seattle, Human Services Department. (2017). *Seattle Permitted Encampment Evaluation*. Seattle, WA: City of Seattle.

This internal evaluation assesses the performance of three temporary, permitted encampments in the City of Seattle in 2016: Ballard, Interbay, and Othello. The encampments were created by the city on public land. They are operated by nonprofit partners with oversight from the city's Human Services Department. The authors used HUD's Annual Performance Report, Seattle Police Department data, and stakeholder interviews to inform their analysis, which focuses on (a) determining whether temporary, permitted encampments are an effective homelessness response strategy, and (b) identifying areas where the model works well or could be improved. Data collection challenges include people departing from the encampment before they interact with a case manager, case manager staff turnover, and missing responses (client doesn't know/client refused, data not collected).

The Human Services Department found that several features contributed to the success of the encampments:

- Inhabitants of encampments benefited from being able to stay in one location for a longer period, as they could make progress toward stability goals and build relationships with the community.
- The self-management model used at all three encampments empowered inhabitants and enabled them to build confidence, camaraderie, and leadership skills.
- The provision of structured case management services, including referrals to local shelters and rapid rehousing when appropriate, referrals to employee training and education, domestic violence services, and access to a mobile medical van.

The evaluation concludes that Seattle's sanctioned encampment model is successfully serving people who have been living outside in greenbelts, on the streets, in cars, and in otherwise hazardous situations. The neighboring communities have responded positively, and crime did not increase significantly when a permitted encampment was established.

Donley, A., and J. Wright. 2012. "Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters," *Journal of Forensic Psychology Practice* 12 (4): 288–306. [doi:10.1080/15228932.2012.695645](https://doi.org/10.1080/15228932.2012.695645).

This study examines why people experiencing homelessness in Orange County, Florida, stay in encampments instead of available rooms in local shelters. The authors conducted a series of five focus groups with 39 people who lived in the East Orange encampments. All participants were

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recruited for the study by the Orlando Homeless outreach team. Each focus group averaged 2 hours in duration and included, on average, eight people from two or three camp sites. The study is limited by the small and localized sample size; in addition, although the study was published in 2012, the focus groups were conducted in February of 2007. The authors do not discuss local preventive or punitive ordinances with regard to encampments in Orange County.

Participants “described their experiences with downtown [Orlando] homeless services and downtown itself in negative terms and said they would not venture back downtown for any conceivable reason, no matter how many services might be available there.” Although participants gave many reasons for this decision, the most prevalent themes centered on the undesirable location of shelter facilities, prior negative experiences with shelters, and the sense of companionship, freedom, and safety associated with encampments.

Herring, C., and M. Lutz. 2015. “The Roots and Implications of the USA’s Homeless Tent Cities,” *City* 19 (5): 689–701. [doi:10.1080/13604813.2015.1071114](https://doi.org/10.1080/13604813.2015.1071114).

Herring and Lutz explain the resurgence of homeless encampments in the United States through comparative case studies of encampments in Fresno, California, and Seattle, Washington. They draw from interviews and field notes completed by both authors between 2009 and 2011, along with the preexisting peer-reviewed and gray literature on encampments. The authors chose to focus on Fresno and Seattle because those cities contain large, persistent camps—including some that are legally recognized and others that are illegal and tacitly accepted.

Herring and Lutz argue that homeless encampments were not rooted in the 2008 recession, nor can they be explained by a general expansion in the homeless population. Using their case studies as supplementary evidence, they conclude that the “crisis of welfare provision in the form of perpetual shelter shortages and repulsive shelter arrangements led homeless people to prefer large encampments and led advocates and city officials to recognize large encampments as legitimate shelter alternatives.”

Jones, P., K. Parish, P. Radu, T. Smiley, and J. van der Heyde. 2015. *Alternatives to Unsanctioned Homeless Encampments*. Berkeley, CA: Goldman School of Public Policy, University of California, Berkeley.

The authors of this report interviewed Oakland, California, encampment residents, service providers, and city stakeholders to understand their needs and concerns. The needs assessment and interviews with Oakland stakeholders revealed that people living in encampments “face serious barriers to both housing and shelter use that makes unsanctioned camps their only viable alternative.” Jones and his colleagues then studied best practice examples of two alternatives to Oakland’s current approach of clearing encampments: (1) establishing city-sanctioned campgrounds and (2) adopting a Housing First approach. They examined those alternatives in four cities: Nashville, Tennessee; Ontario, California; Portland, Oregon; and Seattle, Washington.

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Analyzing the data obtained from interviews in Oakland and the best practices from other cities, the authors assigned a score to each of these approaches (clearance, sanctioned encampments, and Housing First) with respect to three criteria:

- *Effectiveness*, defined as the “degree to which the policy in question addresses the immediate problems associated with homeless encampments, comprehensively and across both the short- and long-term.”
- *Equity*, as a measure of the “differential consequences of the policy for different stakeholders or constituents” and that looks at the degree to which an intervention is likely to have disproportionate effects for any particular group.
- *Implementation feasibility*, or a city’s capacity to implement each policy according to its original design.

The authors weighted the criteria to reflect stakeholders’ stated preferences about the relative importance of each criterion. Effectiveness accounted for 50 percent of the score, equity for 30 percent, and implementation feasibility for 20 percent. Higher scores indicate more preferable alternatives for Oakland.

Jones and his colleagues conclude that Oakland officials could expect a city-sanctioned campground to perform best as measured by effectiveness, equity, and implementation feasibility, followed closely by a Housing First approach. Although the authors found clearing encampments to be the most easily implemented, it scored lowest on effectiveness and equity. Despite efforts to coordinate with outreach services and give sufficient notice to camp residents, the process of clearing camps “prevents residents from complying with important housing or health appointments.” In short, the status quo in Oakland as of 2015 “serves as a cyclical disruption for camp residents and creates an additional barrier on their pathway to housing.”

Metraux, S., M. Cusack, F. Graham, D. Metzger, and D. Culhane. 2019. *An Evaluation of the City of Philadelphia’s Kensington Encampment Resolution Pilot*. Philadelphia, PA: City of Philadelphia.

This report is an independent process evaluation of the City of Philadelphia’s Encampment Resolution Pilot (ERP). The ERP is a cross-departmental city initiative that was established to close down two outdoor homeless encampments in May 2018. The ERP process included extensive outreach to and engagement of people staying in the encampments and the establishment of Navigation Centers to provide them with access to housing and drug treatment assistance and intensive case management. The city also took steps to prevent the encampments from re-forming through police monitoring, continued outreach and community involvement efforts, and physical changes to the site.

To evaluate the ERP, Metraux and his colleagues draw on an array of data sources that include city documents and interviews with key stakeholders and persons directly involved with implementing the pilot. In addition, the authors had direct access to planning and operational activities, and they conducted ethnographic observations at the encampments and in the surrounding community. They

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used a semi-structured interview guide with a sample of residents at the two encampments targeted by the ERP to elicit open-ended responses in four topic areas: living situation, typical day, background and service use, and perspectives on the encampment closure.

The report uses this information to assess the planning, implementation, and initial outcomes of the ERP and to determine strengths and limitations of the pilot.

National Law Center on Homelessness and Poverty. 2014. *Welcome Home: The Rise of Tent Cities in the United States*. Washington, DC: National Law Center on Homelessness and Poverty.

This report documents the rise of homeless encampments and tent cities across the United States and the legal and policy responses to that growth. The authors reviewed media reports on tent cities published between 2008 and April 2012 as well as existing literature on the subject. They also conducted telephone interviews with experts and service providers. Based on this preliminary research, the authors identified four sites for in-depth case studies: Lakewood, New Jersey; New Orleans, Louisiana; Providence, Rhode Island; and St. Petersburg, Florida. The sites were chosen on the basis of their locations, the size and prominence of the former or current encampments they hosted, and their perceived usefulness for gaining a broader understanding of the causes of and responses to homeless encampments. The authors chose to focus on the East Coast because a report documenting tent cities on the Pacific Coast already existed.

Their media survey found documentation of more than 100 tent communities in 46 states and the District of Columbia. While maintaining that the existence of tent cities itself reflects a severe lack of affordable housing, the report finds that “when adequate housing or shelter is not available, forced evictions of tent communities may violate human rights, and may also violate principles of domestic law.” The authors argue that tent cities are a result of the absence of other reasonable options. Where alternative housing facilities are insufficient, municipalities should work together with people staying in encampments “in a manner that prioritizes the autonomy and dignity of homeless individuals and allows them to have a voice in the process.”

Sparks, T. 2017a. “Citizens Without Property: Informality and Political Agency in a Seattle, Washington Homeless Encampment,” *Environment and Planning A: Economy and Space* 49 (1): 86–103. [doi:10.1177/0308518X16665360](https://doi.org/10.1177/0308518X16665360)

Sparks, T. 2017b. *Neutralizing Homelessness, 2015: Tent Cities and Ten Year Plans*. *Urban Geography* 38 (3): 348–356. [doi:10.1080/02723638.2016.1247600](https://doi.org/10.1080/02723638.2016.1247600).

Sparks bases these two articles on his 2006 ethnographic fieldwork, including 6 months living and participating as a resident in Seattle’s Tent City 3. In addition to participant observation, during his time in Tent City 3, he conducted 50 in-depth interviews with people staying there.

In “Citizens Without Property,” Sparks documents the history of Seattle’s encampments and offers an explanation for why people experiencing homelessness often do not take advantage of social services and shelters, even when they are available. That is, within encampments, people

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experiencing homelessness have a venue to “respond, resist, and remake the political landscapes of homelessness” and to “challenge their marginalization and create more habitable and emancipatory spaces.” Sparks centers his theory around the social and political structures in Tent City 3, which allow residents to feel responsible, be independent, and participate in camp activities—in contrast to the demeaning treatment received at shelters.

In “Neutralizing Homelessness,” Sparks claims that the “medicalization and personalization of homelessness” serves to “stabilize and maintain homelessness in seeming perpetuity”—that is, because of this flawed view of homelessness, people experiencing homelessness are blamed for their situation rather than systems, structures, or societal conditions being blamed. Well-intended service providers accept the narrative of “homeless as pathology” and create an environment that dehumanizes people who might otherwise seek assistance, leading them to stay in encampments, where they can be seen as “normal” people.

Speer, J. 2017. “‘It’s Not Like your Home’: Homeless Encampments, Housing Projects, and the Struggle over Domestic Space” *Antipode* 49 (2): 517–35. [doi:10.1111/anti.12275](https://doi.org/10.1111/anti.12275).

Speer, J. 2018a. “The Rise of the Tent Ward: Homeless Camps in the Era of Mass Incarceration,” *Political Geography* 62: 160–169. [doi:10.1016/j.polgeo.2017.11.005](https://doi.org/10.1016/j.polgeo.2017.11.005).

Speer, J. 2018b. “Urban Makeovers, Homeless Encampments, and the Aesthetics of Displacement,” *Social & Cultural Geography* 1–21. [doi:10.1080/14649365.2018.1509115](https://doi.org/10.1080/14649365.2018.1509115).

In these three articles, Speer builds on interviews and ethnographic fieldwork conducted in Fresno, California, in 2013. Of the 24 people Speer interviewed, 9 were officials involved in homeless management, 8 were homeless, and 7 were local activists. She selected homeless participants from multiple racial/ethnic backgrounds, genders, and ages. The author returned to Fresno in 2016 to volunteer at an activist-led encampment and follow up with former research participants. To supplement fieldwork, Speer also relied on two local media sources and reviewed policy reports, legal documents, and online videos and radio programs depicting homeless activism and evictions. Speer believes Fresno to be an ideal city through which to examine the politics of home in relation to homelessness because of its large-scale encampments and intensive housing subsidy program.

“‘It’s Not Like Your Home’” focuses on how people staying in encampments define *home*.

Participants appreciate the sense of community within encampments and the opportunities to exercise autonomy. Speer demonstrates that, by staying in encampments, “homeless Fresnoans were creating a new kind of home in which individuals and families were part of a larger collective tied to each other through relations of mutual care.”

“Urban Makeovers” probes the motivations behind Fresno’s varying responses to homeless encampments. Drawing on personal interviews, media articles, and statements made by city officials and politicians, Speer claims that in the Fresno political discourse, homeless encampments are framed as “unpleasant objects that must be removed to make way for economic opportunities.” Thus, “efforts to reinforce a ‘live play work’ aesthetic resulted in a politics of displacement and criminalization” as city officials worked to move those in encampments to the margins of town, sanction those marginalized encampments, and make them visually uniform and uncluttered.

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“The Rise of the Tent Ward” goes beyond Fresno to look at city-sanctioned and -controlled encampments in King County, Washington; Ontario, California; Portland, Oregon; Reno, Nevada; and St. Petersburg, Florida. Speer terms these encampments as *tent wards* to reflect “how incarceration becomes enmeshed with the provision of care and shelter.” She argues that these encampments “are not simply a cost effective form of shelter: they are a new node in a wider network of quasi-carceral spaces that govern homeless mobility” that “undermine structural efforts to address poverty and housing inequality.”

Appendix C: Selected Practitioner Resources

In the course of conducting this literature review, the study team identified a number of resources that did not meet our criteria for inclusion in the review but may be informative for local leaders and practitioners who are seeking practical guidance on how to address encampments in their communities. We provide links to these resources below.

United States Interagency Council on Homelessness (USICH)

Following conversations with advocates, housing and services providers, and government officials, USICH prepared a suite of resources intended to help local communities develop an action plan to connect people experiencing homelessness in encampments with permanent housing. Those resources include a [paper](#) that discusses the key components of an action plan, a [quick guide](#) that provides an introduction to the concepts covered in the paper, and a [planning checklist](#) with action steps for each of the key components. Those resources were published in 2015 and are available for download at www.usich.gov/tools-for-action/ending-homelessness-for-people-in-encampments/.

USICH has also prepared a [series of case studies](#) of communities that are implementing strategies to address the housing and services needs of people experiencing homelessness in encampments. Published in 2017, the case studies describe lessons learned from the local experience in six communities: Charleston, South Carolina; San Francisco, California; Seattle, Washington; Chicago, Illinois; Philadelphia, Pennsylvania; and Dallas, Texas. Topics covered include the evolution of the city's approach to addressing encampments, key stakeholders and tips for engaging them, and challenges or surprises encountered in the implementation process.

In May 2018, USICH published a brief titled [Caution is Needed When Considering “Sanctioned Encampments” or “Safe Zones”](#). The brief urges communities to proceed with caution when considering the establishment of sanctioned encampments and lists key points to consider for those who decide to proceed. The brief concludes with a list of links to additional USICH resources.

Corporation for Supportive Housing (CSH)

CSH has made available for download an extensive set of templates, provider tools, and draft policies for addressing unsheltered homelessness. Although not specific to encampments, many of these resources may be helpful in working with people experiencing unsheltered homelessness in encampments. All resources are available for download at www.csh.org/communityresponse/.

National Alliance to End Homelessness

The National Alliance to End Homelessness publishes presentation notes and slide decks from sessions at its national conferences. Several sessions at recent conferences address encampments, including the following:

- [Resolving Encampments: Evaluating Different Approaches](#) (July 2018)
- [Sanctioned Encampments: Questions You Should Ask](#) (July 2018)
- [Understanding Unsheltered Homelessness: What We Know So Far](#) (July 2018)
- [A Growing Unsheltered Population: Addressing Encampments](#) (August 2016)

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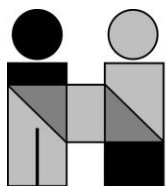
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July 10, 2020
VIA EMAIL

TO: Chair and Members of the Emergency and Community Services Committee

Re: Dismantlement of Homeless Encampments

Thank you for approving our written delegation. We submit this delegation on behalf of the Hamilton Community Legal Clinic and we have further partnered with Wade Poziomka, a partner with Ross & McBride, to highlight concerns relating to the dismantlement of homeless encampments.

The Hamilton Community Legal Clinic has worked with HAMSMaRT and Keeping Six with respect to the ticketing of individuals experiencing homelessness for offences under the *Emergency Management and Civil Protection Act* (“EMCPA”) and related by-laws.

We appreciate that homeless encampments present unique challenges for the City, and that the City is required to respond to resident complaints with respect to same. In the midst of gaining compliance with EMCPA, the *Trespass to Property Act*, and local by-laws regarding the usage of park or public spaces, it is imperative to ensure that vulnerable groups, especially those who are experiencing homelessness, are not being penalized because of their socio-economic circumstances and/or disabilities, including mental health disabilities.

Throughout the duration of the pandemic, HAMSMaRT and Keeping Six have repeatedly implored the City to either not remove individuals from encampments, or to ensure that they are transitioned to stable housing. They have cited the CDC Guidelines, Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Officials, (<https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>), which recommend that people not be moved from encampments “*unless individual housing units are available*” (*Emphasis Added*). Without going into detail, the Guidelines further explain the personal and public health risks involved in displacing people during the pandemic.

We agree that there are significant health-related reasons not to remove individuals experiencing homelessness from their encampments. We further submit that there are significant legal reasons to refrain from this conduct. The issue of homeless encampments, specifically during COVID-19, is not unique to Hamilton. Other municipalities have had to grapple with how to respond to public concerns while protecting private and public health interests. In Toronto, a coalition of legal clinics and advocates for individuals experiencing homelessness recently filed a lawsuit against the City which alleged, amongst other things, that the City failed to provide physical distancing standards across the shelter system. The litigation alleged that, by failing to ensure physical distancing within the shelter system, the City had infringed on the shelter residents’ life, liberty, and security of the person, and their right to equal treatment (guaranteed under sections 7 and 15 of the *Charter of Rights and Freedoms* respectively).

The City of Toronto entered into an Interim Settlement Agreement and committed to numerous enforceable commitments relating to conditions in all shelter, respites, drop-ins and COVID-19 homelessness response hotel rooms operated or funded by the City. As of this week, the same coalition is taking the City back to court for failure to comply with the settlement terms. It is important to note that the declined capacity of the shelter system and failure to provide alternatives to congregate shelter has led hundreds of people to remain in encampments and to continue sleeping rough.

There is also precedent for jurisdictions moving in the right direction. In London, the City made the decision to allow temporary encampments and individual tents on municipal property for the duration of the pandemic with the ultimate goal of getting people housed. On July 7, Kingston City Council voted to extend by-law exemptions allowing an encampment to remain until at least July 31.

In British Columbia, the issue of dismantling homeless encampments as a *Charter* issue was specifically dealt with in two cases. In *Victoria (City) v. Adams*, 2009 BCCA 563 and *Abbotsford (City) v. Shantz*, 2016 BCSC 2437, the application of parks and streets bylaws prohibiting erecting a shelter was challenged primarily under section 7 of the *Charter*. The Courts found that, insofar as the by-laws prevented people from erecting temporary shelter for protection from the elements, this was a violation of their section 7 rights, and consequently of no force and effect. From our perspective, the right to erect temporary shelter for protection from the real and legitimate risk presented by COVID-19, when no other viable options for some individuals, presents a parallel fact pattern.

Housing is a basic human right. The right to adequate, safe housing, is further heightened during the era of COVID-19. Dismantling homeless encampments, in light of the significant risks to the individuals who are forced to move, infringes on their right to life, liberty, and security of the person. Given that many of the affected individuals are racialized, and/or have mental health, addiction and physical disabilities, these groups are also disproportionately impacted by displacement.

The City has a legal duty to accommodate individuals staying in encampments pursuant to its obligations under the *Human Rights Code* (the “Code”). As you know, there are many reasons why individuals “sleep rough” in encampments. Some of those reasons are unique to COVID-19 (a legitimate fear of exposure while in shelter). Other reasons for residing in encampments are directly related to *Code*-protected grounds. For example:

- Some individuals have mental health challenges that effectively preclude them from functioning in a shelter setting;
- Some individuals have drug or alcohol dependencies (addictions), and are ejected from shelters as a result of use (a symptom of their disability);
- Some individuals are unable to give up an animal, often the only companion they have and a necessity for emotional regulation, because some shelters do not permit animals, and
- Some individuals are married or in common law relationships, and most shelters do not accommodate couples.

The list of reasons why people may occupy encampments is extensive – what is clear is that those reasons are frequently related to *Code*-protected grounds. The fractures that exist in the shelter systems during the best of times are highlighted and exacerbated during the pandemic we are all experiencing. Rather than engage in knee-jerk reactions that results in dismantlement, it is imperative the City to work with social service organizations, local communities and experts to fully understand the situation and take steps to correct the problems with the system. The City needs to look at this situation holistically, instead of in a piecemeal fashion primarily focused on the rights of property owners and an unrealistic assessment of the threat posed by encampments.

It is essential that the City follow the principles set out in the Ontario Human Rights Commission’s “Policy Statement on a Human-Rights Approach to Managing the COVID-19 Pandemic” to ensure that everyone’s human rights are protected. Without these considerations, low income, racialized, Black, and First Nations, Inuit and Métis communities, persons with physical and mental health disabilities, youth, and the 2S & LGBTQAI+ communities may be disproportionately impacted in the course of enforcement.

It is also essential that the City follow the principles developed by the UN Special Rapporteur on the Right to Housing in “A National Protocol for Homeless Encampments in Canada: A Human Rights Approach” calling for a rights-based response to encampments. Such a response requires that:

1. All government action with respect to homeless encampments upholds the human rights and human dignity of their residents;
2. Governments will not resort to criminalization, penalization or obstruction of homeless encampments;
3. Governments must explore all viable alternatives to eviction and may not remove residents from encampments without identifying alternative places to live that are acceptable to them;
4. Governments provide adequate alternative housing to all residents prior to any eviction.

5. Residents will meaningfully participate in all decision-making processes that directly affect them and engage in any decisions regarding relocation;
6. Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships.

There have been several incidents of the City dismantling homeless encampments during the pandemic: from small groups or individuals along railways, to Sir John A. MacDonald, Jackie Washington and Ferrie St. While efforts were made to connect displaced individuals with supports, those efforts fell short of meeting actual needs. Several of the individuals placed in hotels or shelters were discharged shortly after for being unable (by virtue of disability) to conform to shelter and hotel rules. Others simply moved on, and have lost contact with the crucial medical and social supports previously accessed.

We acknowledge, and are thankful that the City has refrained from further dismantling in recent weeks. We also understand that there is an expiration date on current encampments, and that the City is facing considerable pressure from residents to move people along. The difficulty is that the City does not have a viable plan for many of those individuals. We therefore call on the City to immediately change its policy on homeless encampments as follows:

1. The City will not dismantle homeless encampments and/or displace of its residents unless it has first arranged for and/or secured inside spaces such as shelters, hotels, interim housing and/or individual housing units in stable, secure housing with appropriate supports. We encourage the City to prioritize individuals experiencing homelessness for urgent housing placement. In the context of shelter and hotel placements, the City must consult with stakeholders in the homelessness/shelter community to determine what supports are needed, how to remove barriers from hotel stays, and how existing shelter rules may need to be changed in order to accommodate individual needs.
2. Where inside spaces are not available, the City will not dismantle homeless encampments and/or displace of its residents. Such objective can be accomplished by one of the following initiatives:
 - a. The designation of specific parks/public lands wherein individuals experiencing homelessness are allowed to set up tents/temporary structures. The City should consult with stakeholders prior to the designation to ensure that the sites are appropriately accessible for individuals and their support network;
 - b. In the alternative, a streamlined, low-barrier, accessible process of issuing permits allowing for tents/temporary structures;
 - c. Where encampments are located on private property, refraining from any enforcement measures save and except where property owners have made complaints. Any individuals removed would then be directed to a viable alternative as set out in subparagraphs a. and b. above.

We acknowledge the complexity of homeless encampments and appreciate the fact that encampments are not a solution to homelessness. However, we submit that it is critical that the City not dismantle homeless encampments until it can provide encampment residents with adequate housing with appropriate supports. Failure to do this will result in a violation of the basic human rights and dignity of all encampment residents in the City of Hamilton.

Respectfully,

Sharon Crowe
Staff Lawyer
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Wade Poziomka
Partner
Ross & McBride

This guidance is an update of <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/plan-prepare-respond.html>

Summary of Recent Changes

A revision was made on 4/21/2020 to reflect the following:

- Revisions to document organization for clarity
- Description of “whole community” approach
- Description of considerations for facility layout
- Description of considerations for facility processes
- Revisions with the understanding that many people might be asymptotically infected with COVID-19
- Clarification of cloth face covering use by clients and staff
- Clarification of personal protective equipment use by staff
- Updated resources

Interim guidance for homeless service providers to plan and respond to coronavirus disease 2019 (COVID-19)

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This interim guidance is based on what is currently known [about Coronavirus Disease 2019 \(COVID-19\)](#). The Centers for Disease Control and Prevention (CDC) will update this interim guidance as needed, and as additional information becomes available.

People experiencing homelessness are at risk for infection during community spread of COVID-19. This interim guidance is intended to support response planning by emergency management officials, public health authorities, and homeless service providers, including overnight emergency shelters, day shelters, and meal service providers.

COVID-19 is caused by a new coronavirus. We are learning about [how it spreads, how severe it is, and other features of the disease](#). Transmission of COVID-19 in your community could cause illness among people experiencing homelessness, contribute to an increase in emergency shelter usage, and/or lead to illness and absenteeism among homeless service provider staff.

Early and sustained action to slow the spread of COVID-19 will keep staff and volunteers healthy, and help your organization maintain normal operations.

Community coalition-based COVID-19 prevention and response

Planning and response to COVID-19 transmission among people experiencing homelessness requires a ["whole community"](#) approach, which means that you are involving partners in the development of your response planning, and that everyone's roles and responsibilities are clear. Table 1 outlines some of the activities and key partners to consider for a whole-community approach.

Table 1: Using a community-wide approach to prepare for COVID-19 among people experiencing homelessness

Connect to community-wide planning
<p>Connect with key partners to make sure that you can all easily communicate with each other while preparing for and responding to cases. A community coalition focused on COVID-19 planning and response should include:</p> <ul style="list-style-type: none"> • Local and state health departments • Homeless service providers and Continuum of Care leadership • Emergency management • Law enforcement • Healthcare providers • Housing authorities • Local government leadership • Other support services like outreach, case management, and behavioral health support
Identify additional sites and resources

Continuing homeless services during community spread of COVID-19 is critical, and homeless shelters should not close or exclude people who are having symptoms or test positive for COVID-19 without a plan for where these clients can safely access services and stay.

Decisions about whether clients with mild illness due to suspected or confirmed COVID-19 should remain in a shelter, or be directed to alternative housing sites, should be made in coordination with local health authorities. Community coalitions should identify additional temporary housing and shelter sites that are able to provide appropriate services, supplies, and staffing.

Ideally, these additional sites should include:

- Overflow sites to accommodate shelter decompression (to reduce crowding) and higher shelter demands
- Isolation sites for people who are confirmed to be positive for COVID-19
- Quarantine sites for people who are waiting to be tested, or who know that they were exposed to COVID-19
- Protective housing for people who are at [highest risk of severe COVID-19](#)

Depending on resources and staff availability, non-group housing options (such as hotels/motels) that have individual rooms should be considered for the overflow, quarantine, and protective housing sites. In addition, plan for how to connect clients to housing opportunities after they have completed their stay in these temporary sites.

Communication

- Stay updated on the local level of transmission of COVID-19 through your local and state health departments.
- Communicate clearly with staff and clients.
 - Use [health messages and materials developed](#) by credible public health sources, such as your local and state public health departments or the Centers for Disease Control and Prevention (CDC).
 - Post signs at entrances and in strategic places providing instruction on [hand washing](#) and [cough etiquette, use of cloth face coverings, and social distancing](#).
 - Provide educational materials about COVID-19 for [non-English speakers](#) or hearing impaired, as needed.
 - Keep staff and clients up-to-date on changes in facility procedures.
 - Ensure communication with clients and key partners about changes in program policies and/or changes in physical location.
- Identify platforms for communications such as a hotline, automated text messaging, or a website to help disseminate information to those inside and outside your organization. Learn more about [communicating to workers in a crisis](#).

- Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to workers, volunteers, and those you serve. Learn more about [reaching people of diverse languages and cultures](#).

Supplies

Have supplies on hand for staff, volunteers, and those you serve, such as:

- Soap
- Alcohol-based hand sanitizers that contain at least 60% alcohol
- Tissues
- Trash baskets
- Cloth face coverings
- Cleaning supplies
- Personal protective equipment (PPE), as needed by staff (see below)

Staff considerations

- Provide training and educational materials related to COVID-19 for staff and volunteers.
- Minimize the number of staff members who have face-to-face interactions with clients with respiratory symptoms.
- Develop and use contingency plans for increased absenteeism caused by employee illness or by illness in employees' family members. These plans might include extending hours, cross-training current employees, or hiring temporary employees.
- Staff and volunteers who are at [higher risk](#) for severe illness from COVID-19 should not be designated as caregivers for sick clients who are staying in the shelter. Identify flexible job duties for these higher risk staff and volunteers so they can continue working while minimizing direct contact with clients.
- Put in place plans on how to maintain social distancing (remaining at least 6 feet apart) between all clients and staff while still providing necessary services.
- All staff should wear a cloth face covering for source control (when someone wears a covering over their mouth and nose to contain respiratory droplets), consistent with the [guidance for the general public](#). See below for information on laundering cloth face coverings.
- Staff who do not interact closely (e.g., within 6 feet) with sick clients and do not clean client environments do not need to wear personal protective equipment (PPE).
- Staff should avoid handling client belongings. If staff are handling client belongings, they should use disposable gloves, if available. Make sure to train any staff using gloves to [ensure proper use and ensure they perform hand hygiene before and after use](#). If gloves are unavailable, staff should perform [hand hygiene](#) immediately after handling client belongings.
- Staff who are checking [client temperatures](#) should use a system that creates a physical barrier between the client and the screener as described [here](#).

- Screeners should stand behind a physical barrier, such as a glass or plastic window or partition that can protect the staff member's face from respiratory droplets that may be produced if the client sneezes, coughs, or talks.
- If social distancing or barrier/partition controls cannot be put in place during screening, PPE (i.e., facemask, eye protection [goggles or disposable face shield that fully covers the front and sides of the face], and a single pair of disposable gloves) can be used when within 6 feet of a client.
- However, given PPE shortages, training requirements, and because PPE alone is less effective than a barrier, try to use a barrier whenever you can.
- For situations where staff are providing medical care to clients with suspected or confirmed COVID-19 and close contact (within 6 feet) cannot be avoided, staff should at a minimum, wear eye protection (goggles or face shield), an N95 or higher level respirator (or a facemask if respirators are not available or staff are not fit tested), disposable gown, and disposable gloves. **Cloth face coverings are not PPE and should not be used when a respirator or facemask is indicated.** If staff have direct contact with the client, they should also wear gloves. Infection control guidelines for healthcare providers are outlined [here](#).
- Staff should launder work uniforms or clothes after use using the warmest appropriate water setting for the items and dry items completely.
- Provide resources for stress and coping to staff. Learn more about [mental health and coping](#) during COVID-19.

Facility layout considerations

- Use physical barriers to protect staff who will have interactions with clients with unknown infection status (e.g., check-in staff). For example, install a sneeze guard at the check-in desk or place an additional table between staff and clients to increase the distance between them to at least 6 feet.
- In meal service areas, create at least 6 feet of space between seats, and/or allow either for food to be delivered to clients or for clients to take food away.
- In general sleeping areas (for those who are not experiencing respiratory symptoms), try to make sure client's faces are at least 6 feet apart.
 - Align mats/beds so clients sleep head-to-toe.
- For clients with mild respiratory [symptoms](#) consistent with COVID-19:
 - Prioritize these clients for individual rooms.
 - If individual rooms are not available, consider using a large, well-ventilated room.
 - Keep mats/beds at least 6 feet apart.
 - Use temporary barriers between mats/beds, such as curtains.
 - Align mats/beds so clients sleep head-to-toe.
 - If possible, designate a separate bathroom for these clients.
 - If areas where these clients can stay are not available in the facility, facilitate transfer to a quarantine site.
- For clients with confirmed COVID-19, regardless of symptoms:
 - Prioritize these clients for individual rooms.

- If more than one person has tested positive, these clients can stay in the same area.
- Designate a separate bathroom for these clients.
- Follow CDC [recommendations](#) for how to prevent further spread in your facility.
- If areas where these clients can stay are not available in the facility, assist with transfer to an isolation site.

Facility procedure considerations

- Plan to maintain regular operations to the extent possible.
- Limit visitors who are not clients, staff, or volunteers.
- Do not require a negative COVID-19 diagnostic test for entry to a homeless services site unless otherwise directed by local or state health authorities.
- Identify clients who could be at [high risk](#) for complications from COVID-19, or from other chronic or acute illnesses, and encourage them to take extra precautions.
- Arrange for continuity of and surge support for mental health, substance use treatment services, and general medical care.
- Identify a designated medical facility to refer clients who might have COVID-19.
- Keep in mind that clients and staff might be infected without showing symptoms.
 - Create a way to make physical distancing between clients and staff easier, such as staggering meal services or having maximum occupancy limits for common rooms and bathrooms.
 - All clients should wear [cloth face coverings](#) any time they are not in their room or on their bed/mat (in shared sleeping areas). Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- Regularly assess clients and staff for [symptoms](#).
 - Clients who have symptoms may or may not have COVID-19. Make sure they have a place they can safely stay within the shelter or at an alternate site in coordination with local health authorities.
 - An on-site nurse or other clinical staff can help with clinical assessments.
 - Provide anyone who presents with symptoms with a cloth face covering.
 - Facilitate access to non-urgent medical care as needed.
 - Use standard facility procedures to determine whether a client needs immediate medical attention. Emergency signs include:
 - Trouble breathing
 - Persistent pain or pressure in the chest
 - New confusion or inability to arouse
 - Bluish lips or face
 - Notify the designated medical facility and personnel to transfer clients that the client might have COVID-19.

- Prepare [healthcare clinic staff](#) to care for patients with COVID-19, if your facility provides healthcare services, and make sure your facility has supply of [personal protective equipment](#).
- Provide links to respite (temporary) care for clients who were hospitalized with COVID-19 but have been discharged.
 - Some of these clients will still require isolation to prevent transmission.
 - Some of these clients will no longer require isolation and can use normal facility resources.
- Make sure bathrooms and other sinks are consistently stocked with soap and drying materials for handwashing. Provide alcohol-based hand sanitizers that contain at least 60% alcohol at key points within the facility, including registration desks, entrances/exits, and eating areas.
- [Cloth face coverings](#) used by clients and staff should be [laundered regularly](#). Staff involved in laundering client face coverings should do the following:
 - Face coverings should be collected in a sealable container (like a trash bag).
 - Staff should wear disposable gloves and a face mask. Use of a disposable gown is also recommended, if available.
 - Gloves should be [properly](#) removed and disposed of after laundering face coverings; clean hands immediately after removal of gloves by washing hands with soap and water for at least 20 seconds or using an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available.
- [Clean and disinfect](#) frequently touched surfaces at least daily and shared objects between use using an [EPA- registered disinfectant](#).

COVID-19 Readiness Resources

- Visit www.cdc.gov/COVID19 for the latest information and resources
- [Printable Resources for People Experiencing Homelessness](#)
- [Guidance Related to Unsheltered Homelessness](#)
- [Department of Housing and Urban Development \(HUD\) COVID-19 Resources](#)
- [ASPR TRACIE Homeless Shelter Resources for COVID-19](#)

A HUMAN RIGHTS APPROACH



A National Protocol for Homeless Encampments in Canada

Leilani Farha

UN Special Rapporteur on the right to adequate housing

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EXECUTIVE SUMMARY

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

Homeless encampments threaten many human rights, including most directly the right to housing. People living in encampments face profound challenges with respect to their health, security, and wellbeing, and encampment conditions typically fall far below international human rights standards. Residents are frequently subject to criminalization, harassment, violence, and discriminatory treatment. Encampments are thus instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims*, advanced in response to violations of the right to housing.

Ultimately, encampments are a reflection of Canadian governments' failure to successfully implement the right to adequate housing.

As encampments increasingly emerge across Canada, there is an urgent need for governments to interact with them in a manner that upholds human rights. This Protocol, developed by the UN Special Rapporteur on the Right to Housing and her lead researcher, Kaitlin Schwan, with the input of many experts, outlines eight Principles to guide governments and other stakeholders in adopting a rights-based response to encampments. While encampments are not a solution to homelessness, it is critical that governments uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol are based in international human rights law, and the recognition that encampment residents are rights holders and experts in their own lives. The Protocol is intended to assist governments in realizing the right to adequate housing for this group.

PRINCIPLES

Principle 1: Recognize residents of homeless encampments as rights holders

All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability.

Principle 2: Meaningful engagement and effective participation of homeless encampment residents

Residents are entitled to meaningful participation in the design and implementation of policies, programs, and practices that affect them. Ensuring meaningful participation is central to respecting residents' autonomy, dignity, agency, and self-determination. Engagement should begin early, be ongoing, and proceed under the principle that residents are experts in their own lives. The views expressed by residents of homeless encampments

must be afforded adequate and due consideration in all decision-making processes. The right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them.

Principle 3: Prohibit forced evictions of homeless encampments

International human rights law does not permit governments to destroy peoples' homes, even if those homes are made of improvised materials and established without legal authority. Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of appropriate forms of legal protection, is defined as a 'forced eviction' and is considered a gross violation of human rights. The removal of residents' private property without their knowledge and consent is also strictly prohibited.

Common reasons used to justify evictions of encampments, such as 'public interest,' 'city beautification', development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.¹

Principle 4: Explore all viable alternatives to eviction

Governments must explore all viable alternatives to eviction, ensuring the meaningful and effective participation of residents in discussions regarding the future of the encampment. Meaningful consultation should seek to maximize participation and should be supported by access to free and independent legal advice. Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

Principle 5: Ensure that relocation is human rights compliant

Considerations regarding relocation must be grounded in the principle that "the right to remain in one's home and community is central to the right to housing."² Meaningful, robust, and ongoing engagement with residents is required for any decisions regarding relocation. Governments must adhere to the right to housing and other human rights standards when relocation is necessary or preferred by residents. In such cases, adequate alternative housing, with all necessary amenities, must be provided to all residents prior to any eviction. Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships.

Principle 6: Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that basic adequacy standards are ensured in homeless encampments while adequate housing options are negotiated and

¹ A/HRC/43/43, para 36.

² A/73/310/Rev.1, para 26.

secured. Governments' compliance with international human rights law requires: (1) access to safe and clean drinking water, (2) access to hygiene and sanitation facilities, (3) resources and support to ensure fire safety, (4) waste management systems, (4) social supports and services, and guarantee of personal safety of residents, (5) facilities and resources that support food safety, (6) resources to support harm reduction, and (7) rodent and pest prevention.

Principle 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for homeless encampment residents

Governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments. This means that Canadian governments must move, on a priority basis, towards the full enjoyment of the right to housing for encampment residents. Any decision that does not lead to the furthering of inhabitants' human rights, that does not ensure their dignity, or that represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

Principle 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with homeless encampments

Governments' engagement with Indigenous Peoples in homeless encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. This begins with recognition of the distinct relationship that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant. Governments must meaningfully consult with Indigenous encampment residents concerning any decisions that affects them, recognizing their right to self-determination and self-governance. International human rights law strictly forbids the forced eviction, displacement, and relocation of Indigenous Peoples in the absence of free, prior, and informed consent.

Given the disproportionate violence faced by Indigenous women, girls, and gender diverse peoples, governments have an urgent obligation to protect these groups against all forms of violence and discrimination within homeless encampments, in a manner that is consistent with Indigenous self-determination and self-governance.

A National Protocol for Homeless Encampments in Canada: A Human Rights Approach

I. Introduction

1 In the face of escalating homelessness and housing affordability crises, many cities across Canada have seen a rise in homeless encampments. In various Canadian communities, people experiencing homelessness have turned to living in s, vehicles, or other forms of rudimentary or informal shelter as a means to survive.³ While they vary in size and structure, the term *'encampment'* is used to refer to any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as *homeless camps, tent cities, homeless settlements or informal settlements*).

2 Homeless encampments in Canada must be understood in relation to the global housing crisis and the deepening of housing unaffordability across the country. Encampments must also be understood in the context of historical and ongoing structural racism and colonization in Canada, whereby Indigenous peoples have been systemically discriminated against and dispossessed of their lands, properties, and legal systems. Other groups have also endured systemic and historical disadvantage that has created barriers to accessing housing and shelters, including 2SLGBTQ+, Black and other racialized communities, people living with disabilities, and people who are criminalized. While encampments are often framed and discussed as matters of individual poverty or deficiency, they are the result of structural conditions and the failure of governments to implement the right to housing or to engage with reconciliation and decolonization materially and in good faith.

3 Homeless encampments threaten many human rights, including most specifically the right to housing. In international human rights law, homelessness - which includes those residing in encampments - is a prima facie violation of the right to adequate housing.⁴ This means that governments have a positive obligation to implement an urgent housing-focused response, ensuring that residents have access to adequate housing in the shortest possible time and, in the interim, that their human rights are fully respected.

4 Government responses to homeless encampments often fail to employ a rights-based approach. Residents of encampments are frequently the victims of abuse, harassment, violence, and forced evictions or 'sweeps.' In many cases, the issues

³ Encampments have arisen in cities across the country, including: Abbotsford, Vancouver, Victoria, Edmonton, Toronto, Ottawa, Gatineau, Peterborough, Winnipeg, Montreal, Nanaimo, Calgary, Saskatoon, Fredericton, Moncton, Oshawa, Halifax, and Maple Ridge.

⁴ A/HRC/31/54, para. 4.

associated with encampments are within the jurisdiction and responsibility of municipal authorities, including through bylaws specific to policing, fire and safety, sanitation, and social services. This has led to a pattern whereby municipal governments deploy bylaws, local police, and zoning policies that displace people in encampments, in turn compromising the physical and psychological health of people who have no place else to go and who rely on encampments to survive, absent accessible alternatives.⁵

5 Provincial, territorial, and federal governments have historically left engagement with encampments to city officials, who receive little (if any) guidance and support. Municipal authorities are often unaware of their legal obligations under international human rights law, including with respect to the duty to ensure the dignity and security of encampment residents.⁶ Further, accountability mechanisms with respect to the right to housing remain weak in Canada, meaning that people living in encampments have limited avenues through which to claim this right.

6 Ensuring a human rights-based response to homeless encampments should be a key concern for every Canadian city, and all governments should employ a human rights-based framework to guide their engagement with encampment residents.

II. Purpose of the National Protocol on Homeless Encampments

7 The purpose of this document is to provide all levels of government with an understanding of their human rights obligations with respect to homeless encampments, highlighting what is and is not permissible under international human rights law. This Protocol outlines 8 broad human rights-based Principles that must guide state⁷ action in response to homeless encampments of all kinds.

8 This Protocol does not attempt to foresee every possible context or challenge that may arise within encampments. Governments and relevant stakeholders must apply human rights principles as described in the Protocol to each case as it arises, endeavouring at all times to recognize and respect the inherent rights, dignity, and inclusion of encampment residents.

9 This Protocol has been developed by the UN Special Rapporteur on the right to housing in consultation with a range of experts from across Canada, including those

⁵ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

⁶ A/HRC/43/43, para 7.

⁷ 'State' refers to all levels and branches of government and anyone exercising government authority.

with lived expertise of homelessness, urban Indigenous leaders, community advocates, researchers, lawyers, and experts in human rights law.⁸

III. Encampments in Canada in the context of the Human Right to Adequate Housing

10 Under international human rights law, everyone has the right to adequate housing as an element of the right to an adequate standard of living.⁹ This requires States to ensure that housing is accessible, affordable, habitable, in a suitable location, culturally adequate, offers security of tenure, and is proximate to essential services such as health care and education.¹⁰ The right to adequate housing includes the right to be protected from: arbitrary or unlawful interference with an individual's privacy, family, and home; any forced eviction (regardless of legal title or tenure status); and from discrimination of any kind.¹¹

11 Homelessness constitutes a prima facie violation of the right to housing. It is a profound assault on a person's dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often, depending on circumstances, violates a number of other human rights, including: non-discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.¹²

12 Encampments constitute a form of homelessness, and thus are a reflection of the violation of residents' right to adequate housing. People living in encampments typically face a range of human rights violations and profound challenges with respect to their health, security, and wellbeing. Encampment conditions typically fall far below international human rights standards on a variety of fronts, often lacking even the most

⁸ This Protocol was prepared by: Leilani Farha and Kaitlin Schwan with the assistance of Bruce Porter, Vanessa Poirier, and Sam Freeman. Reviewers include, among others: Margaret Pfoh (Aboriginal Housing Management Association), Cathy Crowe (Shelter and Housing Justice Network), Greg Cook (Sanctuary Toronto), Tim Richter (Canadian Alliance to End Homelessness), Anna Cooper (Pivot Legal Society), Caitlin Shane (Pivot Legal Society), Emily Paradis (University of Toronto), Emma Stromberg (Ontario Federation of Indigenous Friendship Centres), and Erin Dej (Wilfred Laurier University).

⁹ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

¹⁰ United Nations Committee on Economic, Social and Cultural Rights Committee's General Comment No. 4 (1991) on the right to adequate housing. At the domestic level, adequate housing and core housing need is defined in relation to three housing standards: adequacy, affordability, and suitability. The Canadian Mortgage and Housing Corporation [defines](#) these housing standards in the following ways: "(1) [Adequate](#) housing are reported by their residents as not requiring any major repairs; (2) [Affordable](#) dwellings cost less than 30% of total before-tax household income; and (3) [Suitable](#) housing has enough bedrooms for the size and make-up of resident households, according to National Occupancy Standard (NOS) requirements."

¹¹ A/HRC/43/43.

¹² A/HRC/31/54; A/HRC/40/61, para 43.

basic services like toilets.¹³ Residents of encampments are also frequently subject to criminalization, harassment, violence, and discriminatory treatment.¹⁴

13 In the face of poverty and deep marginalization, people without homes face many untenable choices. For example, they may be forced to choose between ‘sleeping rough’ on their own (putting themselves at risk of violence and criminalization), entering an emergency homeless shelter (which may be inaccessible or inappropriate for their needs, or in which their autonomy, dignity, self-reliance, and/or independence may be undermined), or residing in a homeless encampment (in which they may lack access to basic services and face threats to their health). These choices are further narrowed for those living in communities that lack any emergency shelters, or where existing shelters are at (or over) capacity.

14 For people without access to adequate housing, the availability, accessibility, appropriateness, and adequacy of shelters plays a significant role in determining whether or not a person chooses to reside in a homeless encampment. In some cities, emergency shelters operate at 95-100% capacity,¹⁵ necessitating that some individuals sleep rough or reside in an encampment. Existing shelters may also not be low-barrier, wheelchair accessible, trans-inclusive, or safe for people experiencing complex trauma or other challenges. Homeless persons with mental health challenges, drug or alcohol dependencies, or pets may find themselves barred from shelters. Under such conditions, some individuals may prefer, or feel they have little choice but to, reside in an encampment. Encampments thus may become a necessity or the best option available for some of those the most marginalized people in Canadian society.

15 For Indigenous peoples, a desire to avoid state surveillance and a mistrust of institutional settings, including shelters, may be a factor in turning to or living in an encampment. Negative or harmful interactions with colonial institutions, such as residential schools, the child welfare system, corrections, hospitals, asylums or sanitoriums, and shelters, may be intergenerational in nature and highly traumatic. For these reasons and others, Indigenous peoples are overrepresented in homeless populations across Canada, and further to this, are more likely to be part of “outdoor” or “unsheltered” populations – including homeless encampments.¹⁶

¹³ See Cooper, A. (2020). *Why People Without Housing Still Need Heat*. Pivot Legal Society. Available from: http://www.pivotlegal.org/why_people_without_housing_still_need_heat

¹⁴ A/HRC/43/43, para 31; see also *Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations*. Available from: <https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn35305-eng.pdf>

¹⁵ Employment and Social Development Canada. (2018). *Shelter Capacity Report 2018*. Ottawa. Available from <https://www.canada.ca/en/employment-social-development/programs/homelessness/publications-bulletins/shelter-capacity-2018.html>

¹⁶ See Ontario Federation of Indigenous Friendship Centres. (2020). *Indigenous Homelessness in the 20 Largest Cities in Canada*. Submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Canada.

16 Regardless of the reasons why a person resides in a homeless encampment, homeless encampments *do not* constitute adequate housing, and do not discharge governments of their positive obligation to ensure the realization of the right to adequate housing for all people. Under international human rights law, “States have an obligation to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the right to adequate housing, by all appropriate means, including particularly the adoption of legislative measures.”¹⁷ As part of these obligations, States must prioritize marginalized individuals or groups living in precarious housing conditions - including residents of homeless encampments.¹⁸

17 Governments have an urgent, positive obligation to provide or otherwise ensure access to adequate housing - for residents of encampments as they do for all people experiencing homelessness. Governments must act to immediately pursue deliberate, concrete, and targeted efforts to end homelessness by ensuring access to adequate housing. In the interim, governments must ensure the availability of sufficient shelter spaces - accessible and appropriate for diverse needs - where dignity, autonomy, and self-determination are upheld.

18 The fact that encampments violate the right to housing does not in any way absolve governments of their obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol seek to support governments and other stakeholders to ensure that their engagements with encampments are rights-based and recognize residents as rights holders, with a view to realizing the right to adequate housing for these groups while respecting their dignity, autonomy, individual circumstances, and personal choices.

19 International human rights law does not permit government to use force to destroy peoples’ homes, even if they are made of canvas or improvised from available materials and constructed without legal authority or title. States may not remove residents from encampments without meaningfully engaging them to identify alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection, consistent with international human rights law is defined as a ‘forced eviction’ and is considered a gross violation of human rights.

20 Unfortunately, such forced evictions or sweeps have become common in Canada. Evictions have contravened international law by being carried out without meaningful consultation with communities and without measures to ensure that those affected have access to alternative housing. They have been justified on the basis that the

¹⁷ International Covenant on Economic, Social and Cultural Rights, art. 2 (1).

¹⁸ A/HRC/43/4.

residents are there illegally, are at risk to themselves, are on land that is slated for development, or are obstructing the enjoyment of the community by others. Declining conditions at encampments and public health and safety concerns are also frequently the grounds on which local governments and provinces seek injunctions for removal. The impact of municipalities' failure to proactively provide resources and services to mitigate or improve those conditions and concerns is most often ignored. Some communities have engaged bylaw officers or local police to tear down encampments at first sight.¹⁹

21 None of these reasons, however, justify forced evictions under international law. Forced evictions often have harmful or disastrous consequences for encampment residents.²⁰ Victims may face life-threatening situations that compromise their health and security, or result in the loss of access to food, social supports, social and medical services, and other resources.²¹

22 Few governments have recognized encampments as a response to violations of fundamental human rights and a response to the isolation and indignity of homelessness. They have failed to treat those living in such encampments as legally entitled to the protection of their homes and their dignity.

IV. Relevant Authority

23 Canadian governments' responsibilities and relevant authority to ensure the right to adequate housing, including for people residing in encampments, is found in: (1) international human rights treaties, (2) the *National Right to Housing Act*, (3) the *Canadian Charter of Rights and Freedoms* and human rights legislation, and (4) the UN *2030 Agenda for Sustainable Development (The Sustainable Development Goals)*.

1. International Human Rights Treaties

24 Canada has ratified multiple international human rights treaties that articulate the right to adequate housing. In 1976, Canada ratified the *International Covenant on Economic, Social and Cultural Rights*, which contains the chief articulation of the right to housing under Article 11.1 "the right of everyone to an adequate standard of living for [themselves] and [their] family, including adequate food, clothing and housing, and to

¹⁹ Ball, V. (2019). *Encampment residents fear eviction*. The Expositor. Available from: <https://www.brantfordexpositor.ca/news/local-news/encampment-residents-fear-eviction>

²⁰ A/HRC/43/43, para 36.

²¹ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>; Collinson, R. & Reed, D. (2018). *The Effects of Eviction on Low-Income Households*. Available from: https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf

the continuous improvement of living conditions.”²² The right to housing and the prohibition against forced evictions has been interpreted in General Comments No. 4 and 7²³ by the UN Committee on Economic, Social and Cultural Rights. In addition, Canada has ratified other treaties that codify the right to adequate housing, including:

- *Convention on the Rights of Persons with Disabilities*
- *Convention on the Rights of the Child*
- *Convention on the Elimination of Racial Discrimination*
- *Convention on the Elimination of Discrimination against Women*

25 Human rights ratified by Canada “extend to all parts of federal States without any limitations or exceptions,” thus federal, provincial/territorial, and municipal governments are equally bound by these obligations.²⁴ In interpreting the right to adequate housing, the Committee on Economic, Social and Cultural Rights has emphasized that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.”²⁵

26 Canada has also formally recognized the *UN Declaration on the Rights of Indigenous Peoples*, which also codifies the right to adequate housing and affirms that Indigenous Peoples have the right to be actively involved in developing and determining housing programmes and policies that affect them.²⁶ Further, Indigenous Peoples’ right to land and self-determination is indivisible from the right to housing under international human rights law, meaning that they “shall not be forcibly removed from their lands or territories and that no relocation shall take place without their free, prior and informed consent.”²⁷ All encampments are located on the traditional territories of Indigenous nations, including in cities, towns, and rural areas. On these territories, Indigenous Peoples’ right to land and self-determination is in effect, whether or not those lands are subject to land claims or treaty.

1. Canadian Housing Policy and Legislation

27 The right to housing has also recently been recognized in Canadian legislation. In June 2019, the *National Housing Strategy Act* (the *Act*) received royal assent in Canada. The *Act* affirms Canada’s recognition of the right to housing as a fundamental human

²² ICESCR, Article 11, masculine pronouns corrected.

²³ General Comment 4 (1991), UN Doc. E/1992/23; General Comment 7 (1997), UN Doc. E/1998/22.

²⁴ A/69/274.

²⁵ General Comment 4 (1991), para 7.

²⁶ A/74/183.

²⁷ A/74/183.

right and commits to further its progressive realization as defined under the *International Covenant on Economic, Social and Cultural Rights*.

28 The Preamble and Section 4 of the *Act* underscore the interdependence of the right to housing with other fundamental rights, such as the right to life and an adequate standard of health and socio-economic wellbeing. Specifically, Section 4 states:

It is declared to be the housing policy of the Government of Canada to:

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- (c) support improved housing outcomes for the people of Canada; and
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

2. The Canadian Charter and Provincial/Territorial Human Rights Legislation

29 The government of Canada's international human rights obligations must be considered by courts in Canada when determining the rights of residents of encampments under domestic law,²⁸ particularly the *Canadian Charter of Rights and Freedoms*.²⁹ The Supreme Court has recognized that the right to "life, liberty and security of the person" in section 7 of the *Charter* may be interpreted to include the right to housing under international law.³⁰ Canada has told the UN that it accepts that section 7 at least ensures access to basic necessities of life and personal security.³¹

²⁸ It should be noted that a human rights-based approach under domestic law should entail mindfulness about core human rights and equality principles, such as substantive equality and non-discrimination, which recognizes that state interventions be particularly attuned to the specific needs of particular groups, including those impacted by systemic and historical disadvantage. In this regard, a 'one size fits all' approach may not fully capture the distinct needs of groups residing within encampments.

²⁹ *R. v. Hape*, [2007] 2 S.C.R. 292, 2007 SCC 26, para 56: "In interpreting the scope of application of the Charter, the courts should seek to ensure compliance with Canada's binding obligations under international law where the express words are capable of supporting such a construction."

³⁰ *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927; See Martha Jackman and Bruce Porter, "[Social and Economic Rights](#)", in Peter Oliver, Patrick Maklem & Nathalie DesRosiers, eds, *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017), 843-861.

³¹ Canada's commitments are described in *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 98-99. Online, <http://canlii.ca/t/215hs>

30 In Canada, courts have considered the human rights implications of encampments, and have emphasized that Section 7 life and security of the person interests are engaged where state action poses significant harm to the health and wellbeing of persons enduring homelessness and housing insecurity. For example, Canadian courts have recognized that the daily displacement of people experiencing homelessness causes physical and psychological harm. The Court accepted in the case of *Abbotsford (City) v. Shantz*, that "the result of repeated displacement often leads to the migration of homeless individuals towards more remote, isolated locations as a means to avoid detection. This not only makes supporting people more challenging, but also results in adverse health and safety risks." The court recognized that these health and safety risks include "impaired sleep and serious psychological pain and stress."³²

31 In the case of *Victoria v. Adams*,³³ residents of an encampment challenged a bylaw that prevented them from constructing temporary shelter in a park, on the basis of which city officials had secured an injunction to evict them. The British Columbia Supreme Court agreed that while the *Charter* does not explicitly recognize the right to housing, international law is a persuasive source for *Charter* interpretation and found that the bylaw violated the residents' right to security of the person. The BC Court of Appeal upheld the decision of the BC Supreme Court and other decisions in British Columbia have followed.³⁴ In *British Columbia v. Adamson* 2016,³⁵ for example, the court found that in the absence of alternative shelter or housing for all people experiencing homelessness, encampment residents must not be evicted from their encampment. In *Abbotsford v. Shantz* 2015³⁶ the Court found that denying encampment residents space to erect temporary shelters on public property was "grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."³⁷

32 The right to equality is also protected under the Canadian Charter as well as under federal, provincial, and territorial human rights legislation. Not all levels of government interpret or administer human rights codes in the same manner, with each province and territory administering its own human rights codes.³⁸ Regardless of jurisdiction, the UN Committee on Economic, Social and Cultural Rights has stated that the right to

³² *Abbotsford (City) v. Shantz*, 2015 BCSC 1909, paras 213 and 219.

³³ *Victoria (City) v. Adams*, 2008 BCSC 1363 (CanLII), paras 85-100. Online, <http://canlii.ca/t/215hs>

³⁴ Key examples of case law includes: *Victoria v. Adams* 2008/ 2009, *Abbotsford v. Shantz* 2015, *BC v. Adamson* 2016, and *Vancouver (City) v. Wallstam* 2017.

³⁵ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

³⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁷ *Abbotsford (City) v. Shantz* (2016 BCSC 2437), para 224. Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

³⁸ For an overview of provincial and territorial human rights codes, see: <https://ccdi.ca/media/1414/20171102-publications-overview-of-hr-codes-by-province-final-en.pdf>

equality should be interpreted to provide the widest possible protection of the right to housing and has urged Canadian courts and governments to adopt such interpretations.³⁹

33 While it is clear that the *Charter* provides some protection from forced evictions and sweeps of encampment residents, the extent to which it requires governments to address the crisis of homelessness that has led to reliance on encampments remains unresolved. The Supreme Court of Canada has yet to agree to hear an appeal in a case that would clarify the obligations of governments to address homelessness as a human rights violation. The Supreme Court has, however, been clear that the *Charter* should, where possible, be interpreted to provide protection of rights that are guaranteed under international human rights law ratified by Canada.

34 Governments should not use uncertainty about what courts might rule as an excuse for violating the human rights of those who are homeless. Canadian governments have an obligation, under international human rights law, to promote and adopt interpretations of domestic law consistent with the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights has expressed concern that governments in Canada continue to argue in court against interpretations of the *Canadian Charter* that would protect the rights of homeless persons and residents of homeless encampments.

35 Therefore, it is critically important that, as part of a Protocol based on respect for human rights, municipal, provincial/territorial, and federal governments instruct their lawyers not to undermine international human rights or oppose reasonable interpretations of the *Charter* based on international human rights. They should never seek to undermine the equal rights of residents of homeless encampments to a dignified life, to liberty, and security of the person.

3. UN 2030 Agenda for Sustainable Development

36 In September 2015, member states of the United Nations, including Canada, adopted the *2030 Agenda for Sustainable Development (2030 Agenda)*. Target 11.1 of the SDGs specifically identifies that by 2030, all States must “ensure access for all to adequate, safe and affordable housing and basic services and to upgrade informal settlements.” This means governments must take steps to eliminate homelessness and make cities inclusive, safe, resilient and sustainable. Upgrading informal settlements

³⁹ CESCR, General Comment No. 9, para 15; E/C.12/1993/5, paras 4, 5, and 30.

includes the upgrading of homeless encampments.⁴⁰ States have affirmed that a rights-based approach to the SDG's is critical if they are to be achieved.⁴¹

V. Key Principles

37 It is critical that all levels of government in Canada employ an integrated human rights-based approach when engaging with encampments. The Principles outlined here aim to support the right to housing for all encampment residents as part of Canada's commitment to the right to housing under international human rights treaties and domestic law.

PRINCIPLE 1: Recognize residents of homeless encampments as rights holders

38 All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. For many governments and those exercising governmental authority, this will mean a shift away from criminalizing, penalizing, or obstructing encampments, to an approach rooted in rights-based participation and accountability.⁴²

39 This will mean understanding encampments as instances of both human rights *violations* of those who are forced to rely on them for their homes, as well as human rights *claims* advanced in response to violations of the right to housing. While encampments arise as a result of governments failing to effectively implement the right to housing, they can also be an expression of individuals and communities claiming their legitimate place within cities, finding homes within communities of people without housing, asserting claims to lands and territories, and refusing to be made invisible. They are a form of grassroots human rights practice critical to a democracy such as Canada's.⁴³ For Indigenous peoples, the occupation of lands and traditional territories vis-à-vis encampments may also be an assertion of land rights, claimed in conjunction with the right to housing.

40 In recognition of encampments as rights violations and rights claims, governments must rectify the policy failures that underpin the emergence of homeless encampments, while simultaneously recognizing residents as rights holders who are advancing a legitimate human rights claim. Their efforts to claim their rights to home

⁴⁰ A/73/310/Rev.1.

⁴¹ The *National Housing Strategy* of Canada mirrors many of the commitments made in the *2030 Agenda*. However, the *Strategy* only commits Canada to reducing chronic homelessness by 50%, despite the *2030 Agenda's* imperative to eliminate homelessness and provide access to adequate housing for all.

⁴² A/73/310/Rev.1, para 15.

⁴³ A/73/310/Rev.1.

and community must be supported, not thwarted, criminalized, or dismissed as illegitimate or gratuitous protest.⁴⁴

PRINCIPLE 2: Meaningful engagement and effective participation of encampment residents

41 Ensuring encampment residents are able to participate in decisions that directly affect them is “critical to dignity, the exercise of agency, autonomy and self-determination.”⁴⁵ As rights holders, encampment residents are entitled to “participate actively, freely and meaningfully in the design and implementation of programmes and policies affecting them.”⁴⁶ Meaningful engagement must be grounded in recognition of the inherent dignity of encampment residents and their human rights, with the views expressed by residents of homeless encampments being afforded adequate and due consideration in all decision-making processes.

42 Governments and other actors must engage encampment residents in the early stages of discussion without using the threat of eviction procedures or police enforcement to coerce, intimidate, or harass.⁴⁷ Engagement should proceed under the principle that residents are experts in their own lives and what is required for a dignified life.⁴⁸ Indigenous residents of encampments should also be engaged in decision-making processes in a manner that is culturally-safe and trauma informed.

43 In the context of homeless encampments, the right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them. All meetings with government officials or their representatives regarding the encampment should be documented and made available to encampment residents upon request.

44 Participation processes must comply with all human rights principles, including non-discrimination. Compliance with international human rights law requires:

- i. **Provision of necessary institutional, financial, and other resources to support residents’ right to participate**
In order to participate in decisions that affect them, encampment residents should be provided with financial and institutional resources (e.g., wifi/internet access, meeting spaces) that support their active participation in decision-making. Such supports should include, but are not

⁴⁴ A/73/310/Rev.1.

⁴⁵ A/HRC/43/43, para 20.

⁴⁶ Ibid. See also the Committee on the Rights of the Child’s General Comment No. 21 (2017) on children in street situations.

⁴⁷ A/HRC/40/61, para 38.

⁴⁸ A/HRC/43/43, para 21.

limited to: legal advice, social service supports, Indigenous cultural supports, literacy supports, translation, mobility supports, and transportation costs to attend consultations or meetings.⁴⁹ These resources should support democratic processes within the encampment, including community meetings, the appointment of community leaders, and the sharing of information.⁵⁰ Residents must be granted a reasonable and sufficient amount of time to consult on decisions that affect them.

- ii. **Provision of relevant information about the right to housing**
Encampment residents must be provided with information about their right to housing, including information about procedures through which they can hold governments and other actors accountable, as well as specific information about the rights of Indigenous Peoples.⁵¹
- iii. **Provision of relevant information concerning decisions that affect residents, ensuring sufficient time to consult**
Encampment residents must be provided with all relevant information in order to make decisions in matters that affect them.⁵²
- iv. **Establishment of community engagement agreement between homeless encampment residents, government actors, and other stakeholders**
In order to facilitate respectful, cooperative, and non-coercive communication between residents, government, and other stakeholders, government may seek to collaborate with residents to create a formal community engagement agreement (when appropriate and requested by residents).⁵³ This agreement should outline when and how encampment residents will be engaged,⁵⁴ and should be ongoing and responsive to the needs of the encampment residents.⁵⁵ It should allow the residents of homeless encampments to play an active role in all aspects of relevant proposals and policy, from commencement to conclusion. Residents should be able to challenge any decision made by government or other actors, to propose alternatives, and to articulate their own demands and priorities. Third party mediators should be available to protect against power imbalances that may lead to breakdown in negotiations or create

⁴⁹ Committee on Economic, Social and Cultural Rights' General Comment No. 4, para. 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 39).

⁵⁰ A/73/310/Rev.1.

⁵¹ A/73/310/Rev.1, para 19.

⁵² A/73/310/Rev.1.

⁵³ A/73/310/Rev.1.

⁵⁴ A/73/310/Rev.1.

⁵⁵ United Nations. *Guiding Principles on Extreme Poverty and Human Rights*, foundational principles, para 38.

unfair results.⁵⁶ Relevant government authorities and professionals should also be provided with “training in community engagement and accountability.”⁵⁷

v. **Provision of equitable opportunities for the meaningful participation of all encampment residents**

As a matter of human rights law, particular efforts must be taken to ensure equitable participation by women, persons with disabilities, Indigenous Peoples, migrants, and other groups who experience discrimination or marginalization.⁵⁸ Where possible, members of these groups should be afforded central roles in the process.⁵⁹

Principle 2 in Action – The “People’s Process” in Kabul, Afghanistan

The upgrading of informal settlements was identified as a key goal in the *2030 Agenda for Sustainable Development*, committing States to “upgrade slums” by 2030 (target 11.1). As identified by the UN Special Rapporteur on the right to adequate housing, “Participation in upgrading requires democratic processes through which the community can make collective decisions.” Under international human rights law, the democratic processes required to upgrade slums mirrors encampment residents’ right to participate in plans to resolve their housing needs. As such, democratic processes implemented to upgrade informal settlements in cities around the world can provide helpful examples for Canadian homeless encampments.

One such example is the “people’s process” in Kabul, Afghanistan. This process delineates community leadership and control over the upgrading process, and includes an organizational structure that enables the community to engage different levels of government. As part of this process, “local residents elect community development councils responsible for the selection, design, implementation and maintenance of the projects.” City staff are trained to work alongside informal settlement residents to implement and complete upgrading.

⁵⁶ A/HRC/43/4, para 42.

⁵⁷ A/73/310/Rev.1, para 20.

⁵⁸ A/HRC/43/4.

⁵⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009) on the right of everyone to take part in cultural life, in particular para 16.

PRINCIPLE 3: Prohibition of forced evictions of encampments

45 Under international human rights law, forced evictions constitute a gross violation of human rights and are prohibited in all circumstances, including in the context of encampments.⁶⁰

46 Forced evictions are defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection ... in conformity with the provisions of the International Covenants on Human Rights.”⁶¹

47 Forced evictions are impermissible irrespective of the tenure status of those affected. This means that the forced eviction of encampments is prohibited if appropriate forms of protection are not provided – including all of the requirements described in this Protocol.⁶² It may also be considered a forced eviction when governments’ and those acting on their behalf harass, intimidate, or threaten encampment residents, causing residents to vacate the property.⁶³

48 Common reasons used to justify evictions of encampments, such as ‘public interest,’ ‘city beautification,’ development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions.⁶⁴ Evictions (as opposed to “forced evictions”) may be justified in rare circumstances, but they may only be carried out after exploring all viable alternatives with residents, in accordance with law and consistent with the right to housing, as described in this Protocol.

49 Governments must repeal any laws or policies that sanction forced evictions and must refrain from adopting any such laws, including for example anti-camping laws, move-along laws, laws prohibiting tents being erected overnight, laws prohibiting personal belongings on the street, and other laws that penalize and punish people experiencing homelessness and residing in encampments.⁶⁵

⁶⁰ A/HRC/43/43, para 34; CESCR General Comment No.7.

⁶¹ CESCR General Comment No.7.

⁶² A/HRC/43/43, para 34; also see: “Security of tenure under domestic law should not, consequently, be restricted to those with formal title or contractual rights to their land or housing. The UN guiding principles on security of tenure (A/HRC/25/54, para. 5), states that security of tenure should be understood broadly as “a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home in security, peace and dignity.”

⁶³ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

⁶⁴ A/HRC/43/43, para 36.

⁶⁵ See, for example, Ontario’s *Safe Street’s Act* (1999).

Principle 3 in Action: Forced Eviction & Harassment of Homeless Encampment Residents

In cities around the world, people experiencing homelessness are frequently subject to discriminatory treatment, harassment, and extreme forms of violence because of their housing status. People residing in homeless encampments are exposed to similar or worse treatment, particularly when faced with pressure to relocate or disperse.

In some cases, local laws, policies, or practices can provide the mechanisms for this harassment. For example, in British Columbia local authorities enforced a bylaw prohibiting overnight shelters in parks by using tactics that included spreading chicken manure and fish fertilizer on a homeless encampment. Residents and allies of the homeless encampment subsequently filed a human rights complaint with regard to these practices (*Abbotsford (City) v. Shantz*), and the BC Supreme Court found that certain bylaws violated encampment residents' constitutional rights to life, liberty and security of the person.

Under international human rights law, such activities are strictly prohibited and constitute instances of forced eviction, even if they align with local laws or policies. Given this, it is critical that Canadian governments review local and national policies and laws to ensure they do not violate the prohibition against the forced eviction of homeless encampments.

PRINCIPLE 4: Explore all viable alternatives to eviction

50 Government authorities must explore all viable alternatives to eviction, in consultation with encampment residents.⁶⁶ This means ensuring their meaningful and effective participation in discussions regarding the future of the encampment.

51 Free and independent legal advice should be made available to all residents to help them understand the options, processes, and their rights. Consultations should be conducted at times and locations that are appropriate and accessible for residents to ensure their participation is maximised. Financial and other support should be available to residents so that they can fully participate in all discussions regarding the future of the encampment and so that residents can retain outside consultants (e.g., environmental engineers, architects) where needed to assist them in developing alternative options to eviction.

52 Discussions regarding viable alternatives to eviction must include meaningfully engagement with Indigenous Peoples and be grounded in principles of self-determination, free, prior and informed consent. In urban contexts, for example, urban Indigenous organisations should be engaged early in the planning process to establish service delivery roles and to ensure the availability of culturally appropriate services.

⁶⁶ A/HRC/43/4.

53 Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.

PRINCIPLE 5: Ensure that any relocation is human rights compliant

54 Homeless encampments are not a solution to homelessness, nor are they a form of adequate housing. Governments have an urgent, positive obligation to ensure encampment residents have access to long-term, adequate housing that meets their needs, accompanied by necessary supports. Rather than eviction, governments must engage with homeless encampments with a view to ensuring residents are able to access such housing.

55 Despite this obligation, many governments respond to encampments by simply moving residents from one bad site to another through the use of law enforcement, physical barriers, or other means, and without meaningfully engaging residents. This in no way addresses the underlying violations of the right to housing experienced by residents of encampments, is often costly, and can contribute to increased marginalization. If relocation is deemed necessary and/or desired by encampment residents, it is critical that it is conducted in a human rights compliant manner.

56 As a starting point, meaningful, robust, and ongoing engagement with residents (as defined in Principle 2) is required for the development of any relocation of homeless encampments or of their residents. Meaningful engagement with communities should ensure the development of plans that respect the rights of residents and can be implemented cooperatively, without police enforcement.⁶⁷ Considerations regarding relocation must be grounded in the principle that “the right to remain in one’s home and community is central to the right to housing.”⁶⁸ If relocation is consistent with the human rights of residents, it will almost always be achievable without the use of force.

57 If government authorities propose the relocation of residents of homeless encampments, and the residents desire to remain in situ, the burden of proof is on the government to demonstrate why in situ upgrading is unfeasible.⁶⁹

58 If, after meaningful engagement with those affected, relocation is deemed necessary and/or desired by encampment residents, adequate alternative housing must be provided in close proximity to the original place of residence and source of livelihood.⁷⁰ If governments have failed to provide residents with housing options that

⁶⁷ A/HRC/40/61, para 38.

⁶⁸ A/73/310/Rev.1, para 26.

⁶⁹ A/73/310/Rev.1, para 32.

⁷⁰ A/HRC/4/18, annex I, para. 60.

they find acceptable, residents must be permitted to remain or be provided with a satisfactory alternative location, while adequate permanent housing options are negotiated and put in place.

59 If, in the exceptional case there is no viable alternative to eviction by authorities, eviction must be compliant with all aspects of international human rights law.⁷¹ Compliance with international human rights law requires:

i. **Prohibition against the removal of residents' private property without their knowledge and consent**

The removal of residents' private property by governments and those acting on their behalf, including the police, without their knowledge and consent, is strictly prohibited.⁷² Such actions are contrary to the rights of residents and may contribute to the deepening of residents' marginalization, exclusion, and homelessness.⁷³ Governments and police must also seek to actively prevent the removal of homeless residents' private property by private actors or any other form of harassment.

ii. **Adherence to the right to housing and other human rights standards when relocation is necessary or preferred**

Adequate alternative housing, with all necessary amenities (particularly water, sanitation and electricity), must be in place for all residents prior to their eviction.⁷⁴ Alternative housing arrangements should be in close proximity to the original place of residence and to services, community support, and livelihood.⁷⁵ It is critical that all encampment residents be allowed to participate in decisions regarding relocation, including the timing and site of relocation.⁷⁶ A full hearing of the residents' concerns with the proposed relocation should be held, and alternatives explored.

⁷² A/HRC/4/18, *Basic Guidelines on Development Based Evictions*, see para 50: "States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

⁷³ National Law Centre on Homelessness & Poverty. (2017). *Violations of the Right to Privacy for Persons Experiencing Homelessness in the United States*. Available from: <https://nlchp.org/wp-content/uploads/2018/10/Special-Rapporteur-Right-to-Privacy.pdf>. See para 7: "For them, whatever shelter they are able to construct, whether legally or illegally, is their home, and their right to privacy should inhere to that home the same as it would for any regularly housed person. To deny them that right is to further marginalize and dehumanize this already highly marginalized and dehumanized population."

⁷⁴ A/73/310/Rev.1, para 34.

⁷⁵ Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para. 60) and A/HRC/4/18, annex I, para. 60.

⁷⁶ A/73/310/Rev.1, para 31.

iii. **Relocation must not result in the continuation or exacerbation of homelessness, or require the fracturing of families or partnerships**

Relocation must not result in the continuation or deepening of homelessness for residents.⁷⁷ Relocation must not require the separation of families or partners, as defined by rights-holders themselves, including chosen family and other kinship networks.⁷⁸ Governments should engage encampments with a view to keeping the community intact, if this is desired by the residents.⁷⁹ Governments should also ensure that relevant housing policies are supportive of the ways in which rights-holders define their own families, partnerships, communities and extended Indigenous kinship structures, and accommodate these whenever possible in public or social housing.

iv. **Access to justice to ensure procedural fairness and compliance with all human rights**

Access to justice must be ensured at all stages of government engagement with encampment residents, not just when eviction is imminent.⁸⁰ Access to justice and legal protection must meet international human rights law standards,⁸¹ including the provision of due process, access to legal aid, access to fair and impartial legal advice, and the ability to file complaints in a relevant forums (including Indigenous forums) that are geographically proximate.⁸²

⁷⁷ A/73/310/Rev.1.

⁷⁸ UN Office of the High Commissioner. (2014). *Forced Evictions: Fact Sheet No. 25/Rev.1*. Available from: <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>. See para 52: “States should also ensure that members of the same extended family or community are not separated as a result of evictions.”; also, UNHR Summary Conclusions on the Family Unit, Available at <https://www.unhcr.org/protection/globalconsult/3c3d556b4/summary-conclusions-family-unity.html>, see para 8: “International human rights law has not explicitly defined ‘family’ although there is an emerging body of international jurisprudence on this issue which serves as a useful guide to interpretation. The question of the existence or non-existence of a family is essentially a question of fact, which must be determined on a case-by-case basis, requiring a flexible approach which takes account of cultural variations, and economic and emotional dependency factors. For the purposes of family reunification, ‘family’ includes, at the very minimum, members of the nuclear family (spouses and minor children).”

⁷⁹ A/HRC/43/43, para 42.

⁸⁰ A/HRC/43/43.

⁸¹ Committee on Economic, Social and Cultural Rights, General Comment No. 7, para 3.

⁸² It should be noted that broad and inclusive participatory-based processes can potentially foster access to justice for equity-seeking groups, and such processes should be responsive to the unique barriers to justice these groups face.

Principle 5 in Action - *Melani v. City of Johannesburg*

Globally, there are many compelling examples of courts upholding the rights of informal settlements or homeless encampments right to remain in place (“in situ”) in their community. One such example is *Melani v. City of Johannesburg* in South Africa. In this case, the Slovo Park informal settlement challenged the City of Johannesburg’s decision to relocate the community to an alternative location 11 km away. The court held that the Government’s upgrading policy, as required by the constitutional right to housing, envisages “a holistic development approach with minimum disruption or distortion of existing fragile community networks and support structures and encourages engagement between local authorities and residents living within informal settlements.” The Court concluded that relocation must be “the exception and not the rule” and any relocation must be to a location “as close as possible to the existing settlement.” The Court ordered the City of Johannesburg to reverse the decision to relocate the community, and mandated the city to apply for funding for in situ upgrading.

The South African approach is an example of how some national courts are making the shift to adopt a human rights-based approach to encampments. This is a shift that moves in the right direction and should be applied by all courts in Canada.

PRINCIPLE 6: Ensure encampments meet basic needs of residents consistent with human rights⁸³

60 Much of the stigma attached to residents of encampments is a result of governments failing to ensure access to basic services, including access to clean water, sanitation facilities, electricity, and heat, as well as support services.⁸⁴ These conditions violate a range of human rights, including rights to housing, health, physical integrity, privacy, and water and sanitation.⁸⁵ In these conditions, residents face profound threats to dignity, safety, security, health, and wellbeing.⁸⁶ The denial of access to water and sanitation by governments constitutes cruel and inhumane treatment, and is prohibited under international human rights law.⁸⁷

⁸³ Details regarding securing basic needs consistent with human rights can be found in Schedule B.

⁸⁴ A/73/310/Rev.1.

⁸⁵ A/HRC/43/4.

⁸⁶ UN Water. *Human Rights to Water and Sanitation*. Available from: <https://www.unwater.org/water-facts/human-rights/>

⁸⁷ A/73/310/Rev.1, para 46: “Attempting to discourage residents from remaining in informal settlements or encampments by denying access to water, sanitation and health services and other basic necessities, as has been witnessed by the Special Rapporteur in San Francisco and Oakland, California, United States of

61 Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

- i. **Access to safe and clean drinking water**
Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."⁸⁸ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.⁸⁹
- ii. **Access to hygiene and sanitation facilities**
Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.
- iii. **Resources and support to ensure fire safety**
General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety.
- iv. **Waste management systems**
The lack of waste management systems in encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste. Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the

America, 29 constitutes cruel and inhuman treatment and is a violation of multiple human rights, including the rights to life, housing, health and water and sanitation."

⁸⁸A/RES/64/292, para 2. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

⁸⁹ A/RES/64/292, para 3. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

ground and transmit diseases.⁹⁰ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles. It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems.

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

vi. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,⁹¹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,⁹² thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

vii. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne

⁹⁰ CalRecycle. *Homeless Encampment Reference Guide*. Available at:

<https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste>

⁹¹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.

www.homelesshub.ca/FindingHome

⁹² Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements such as refrigeration facilities, which are also important for storing medicines.

viii. **Resources to support harm reduction**

Governments must provide encampments with the resources to implement effective harm reduction measures. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies.

ix. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments. Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests.

62 In implementing these standards, it must be recognized that residents of encampments are experts with respect to their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, residents must be engaged in planning and carrying out any measures developed to improve access to basic services. Practices, systems, and agreements residents have already put in place should be respected by government officials and should inform any further improvements.

PRINCIPLE 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents

63 As a matter of international human rights law, the rights and dignity of residents must be at the heart of all government engagement with homeless encampments.⁹³ Dignity is an inherent human rights value that is reflected in the *Universal Declaration of Human Rights*. As such, Canadian governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments.

⁹³ ICESCR.

64 Where Canadian governments at any level make decisions with regards to encampments, it is essential that they do so taking into account the full spectrum of human rights of residents and ensure that their enjoyment of those rights is enhanced by all decisions. Any decision that does not lead to the furthering of human rights, fails to ensure their dignity, or represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.

65 More broadly, the Canadian government has an obligation to the progressive realization of the right to housing, alongside all other human rights.⁹⁴ A central component of that obligation is to address on an urgent basis the needs of those in the greatest need. This means that Canadian governments must move, as a matter of priority, towards the full enjoyment of the right to housing for encampment residents.⁹⁵ When governments fail to bring about positive human rights outcomes for encampment residents, they fail their obligation to progressively realize the right to housing.⁹⁶

PRINCIPLE 8: Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagements with encampments

66 Indigenous Peoples in Canada experience some of the most severe and egregious forms of housing need, and are dramatically overrepresented in homeless populations across the country, including specifically amongst those who are sleeping rough.⁹⁷ Under these conditions, many Indigenous Peoples experience profound violations of the right to housing and the right to self-determination, as well as violations of the right to freely pursue their economic, social, and cultural development.⁹⁸

67 For Indigenous Peoples in Canada, encampments and political occupation may occur simultaneously as a means of survival and a means of asserting rights to lands and

⁹⁴ ICESCR, in General Comment No.3 on the nature of states parties' obligations under Art 2(1) of the ICESCR.

⁹⁵ ICESCR, Article 2(1).

⁹⁶ Further, if governments failed to ensure human rights outcomes were obtained for encampment residents, and residents suffered some detriment to their enjoyment of their rights (e.g., loss of dignity or ended up street homeless without any shelter at all), this might be classed as retrogression and a breach of obligations.

⁹⁷ See ESDC (Employment and Social Development Canada). (2019). *Everyone counts highlights: Preliminary results from the second nationally coordinated point-in-time count of homelessness in Canadian communities*. Retrieved from <https://www.canada.ca/en/employment-social-development/programs/homelessness/reports/highlights-2018-point-in-time-count.html#3.5>. Similarly, the [2018 Toronto Street Needs Assessment](#) documented that 16% of those enumerated were Indigenous, and 38% of those sleeping rough were Indigenous. See also Patrick, C. (2014). *Aboriginal Homelessness in Canada: A Literature Review*. Toronto: Canadian Homelessness Research Network Press. Retrieved from <https://www.homelesshub.ca/sites/default/files/AboriginalLiteratureReview.pdf>.

⁹⁸ Article 3 of the *Declaration* and article 1 of the *Covenant*.

territories within cities and elsewhere. Whatever the impetus, any government engagement with Indigenous Peoples in encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. These rights are outlined in the United Nations Declaration on the Rights of Indigenous Peoples, as well as many other international human rights treaties.

68 Under international human rights laws, the enjoyment of the right to housing for Indigenous Peoples is “deeply interconnected with their distinct relationship to their right to lands, territories and resources, their cultural integrity and their ability to determine and develop their own priorities and strategies for development.”⁹⁹ Recognition of the indivisible nature of Indigenous Peoples’ human rights, and the obligation to uphold these rights, must shape all government engagement with Indigenous encampment residents, as well as the Indigenous Peoples who own or occupy the land or territories upon which the encampment is located.

69 Compliance with international human rights law requires:

i. **Recognition of the distinct relationship that Indigenous Peoples have to their lands and territories**

In order to ensure adequate housing for Indigenous Peoples, States, Indigenous authorities, and other actors must recognize the distinct spiritual and cultural relationships that Indigenous Peoples have with their lands and territories.¹⁰⁰ This recognition includes protection for Indigenous residents of encampments, who have the right to utilize their lands and territories in line with their own economic, social, political, spiritual, cultural, and traditional practices (as defined and assessed by the Peoples themselves).¹⁰¹

Under international human rights law, governments “should respect those housing structures which an Indigenous community deems to be adequate in the light of their own culture and traditions.”¹⁰² In the context of encampments, governments must respect Indigenous Peoples’ right to construct shelter and housing in ways that incorporate their lived histories, cultures, and experiences.¹⁰³

ii. **Guarantee of self-determination, free, prior and informed consent and**

⁹⁹ A/74/183, particularly para 6: “The right to adequate housing can be enjoyed by Indigenous Peoples only if its articulation under article 11 (1) of the International Covenant on Economic, Social and Cultural Rights is understood as interdependent with and indivisible from the rights and legal principles set out in the United Nations Declaration on the Rights of Indigenous Peoples.”

¹⁰⁰ A/74/183.

¹⁰¹ A/74/183.

¹⁰² A/74/183, para 62.

¹⁰³ A/74/183.

meaningful consultation of Indigenous Peoples

Governments must ensure the participation of Indigenous Peoples in all decision-making processes that affect them.¹⁰⁴ Governments must consult with Indigenous encampment residents in order to obtain their free, prior, and informed consent before taking any action that may affect them.¹⁰⁵

Engagement with Indigenous communities should involve genuine dialogue and should be guided by “mutual respect, good faith and the sincere desire to reach agreement.”¹⁰⁶ This consultation process must engage representatives chosen by Indigenous Peoples themselves, in accordance with their own procedures and practices.¹⁰⁷ As outlined in Principle 2, governments must provide Indigenous residents with necessary institutional, financial, and other resources in order to support their right to participate.¹⁰⁸ Indigenous women and girls must be consulted on a priority basis.¹⁰⁹

iii. Prohibition against the forced eviction, displacement, and relocation of Indigenous Peoples

Indigenous Peoples’ access to and control over their lands, territories and resources constitute a fundamental element of the realization of their right to adequate housing.¹¹⁰ As such, international human rights law strictly prohibits the relocation of Indigenous Peoples in the absence of free, prior, and informed consent.¹¹¹

iv. Protection and guarantees against all forms of violence and discrimination for Indigenous women, girls, and gender diverse peoples

Indigenous women, girls, gender diverse, and Two-Spirit peoples experience particular forms of violence – including sexual violence and

¹⁰⁴ United Nations Declaration on the Rights of Indigenous Peoples.

¹⁰⁵ United Nations Declaration on the Rights of Indigenous Peoples, in particular arts. 10, 19, and 23.

¹⁰⁶ A/74/183, para 56.

¹⁰⁷ United Nations Declaration on the Rights of Indigenous Peoples, art. 18. See also Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 6(1)(b); American Declaration on the Rights of Indigenous Peoples, arts. XXI (2) and XXIII (1); and A/HRC/18/42, annex (Expert Mechanism advice No. 2 (2011)). See also Human Rights Committee, General Comment No. 23 (1994) on the rights of minorities, para 7.

¹⁰⁸ Committee on Economic, Social and Cultural Rights’ General Comment No. 4, para 12, and the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I, para 39).

¹⁰⁹ A/74/183, para 59.

¹¹⁰ A/74/183, para 51. See also A/HRC/7/16, paras 45–48; The United Nations Declaration of the Rights of Indigenous Art. 26.2: “Indigenous Peoples have the right to own, use, develop, and control the lands, territories and resources that they possess by reason of traditional occupation or use, as well as those which they have otherwise acquired.”

¹¹¹ United Nations Declaration on the Rights of Indigenous Peoples, Art. 10: “Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

homicide – in relation to the intersection of their indigeneity, gender identity, socioeconomic and cultural status, and their housing status.¹¹² Canadian law recognizes the concept of multiple and intersecting forms of discrimination, and under international human rights law all Indigenous women, girls, and those who are gender diverse or Two-Spirited “must enjoy full protection and guarantees against all forms of violence and discrimination, whether inside or outside their communities.”¹¹³

It is incumbent upon governments to provide Indigenous women and girls protection and guarantee against all forms of violence and discrimination within encampments, including from state authorities, in a manner that is consistent with Indigenous self-determination and self-governance.

¹¹² A/74/183, para 59.

¹¹³ A/74/183, para. 59.

SCHEDULE A: Select Case Law on Homeless Encampments in Canada

Victoria (City) v. Adams, [2009 BCCA 563](#)¹¹⁴

The City of Victoria made an application for an injunction to remove a "tent city" at Cridge Park. The City relied on its *Streets and Traffic Bylaw* and *Parks Regulation Bylaw*, which prohibits loitering and taking up an overnight temporary residence in public places. On appeal, the Court of Appeal established that the Victoria City bylaws violated section 7 of the *Canadian Charter* "in that they deprive homeless people of life, liberty and security of the person in a manner not in accordance with the principles of fundamental justice," and the provisions were not saved by section 1 of the *Charter* (para. 42). The Court of Appeal confirmed that the bylaw was overbroad "because it is in effect at all times, in all public places in the City."¹¹⁵

Abbotsford (City) v. Shantz, 2015¹¹⁶

The City of Abbotsford applied for an interim injunction requiring the defendants to remove themselves and their encampment from a city park. The Court concluded that the bylaws were "grossly disproportionate" because:

"the effect of denying the City's homeless access to public spaces without permits and not permitting them to erect temporary shelters without permits is grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless."¹¹⁷

The Court concluded that allowing the City's homeless to set up their shelters overnight and taking them down during the day would "reasonably balance the needs of the homeless and the rights of other residents of the City."¹¹⁸

¹¹⁴ *Victoria(City) v. Adams* (2009, BCCA 563). Online,

<https://www.canlii.org/en/bc/bcca/doc/2009/2009bccca563/2009bccca563.html?resultIndex=1>

¹¹⁵ The Court of Appeal stated at para. 116 that: "The prohibition on shelter contained in the Bylaws is overbroad because it is in effect at all times, in all public places in the City. There are a number of less restrictive alternatives that would further the City's concerns regarding the preservation of urban parks. The City could require the overhead protection to be taken down every morning, as well as prohibit sleeping in sensitive park regions." This case is perhaps one of the most notable successes in homeless litigation in Canada.

¹¹⁶ *Abbotsford (City) v. Shantz* (2016 BCSC 2437). Online,

<https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc2437/2016bcsc2437.html?resultIndex=1>

¹¹⁷ Para 224

¹¹⁸ The Court stated, "The evidence shows, however, that there is a legitimate need for people to shelter and rest during the day and no indoor shelter in which to do so. A minimally impairing response to balancing that need with the interests of other users of developed parks would be to allow overnight shelters to be erected in public spaces between 7:00 p.m. and 9:00 a.m. the following day." [para 276]

British Columbia v. Adamson, [2016 BCSC 584 \[Adamson #1\]](#) and [2016 BCSC 1245 \[Adamson #2\]](#)¹¹⁹

The Province of BC applied for an interlocutory injunction to restrain the defendant encampment residents from trespassing on the Victoria courthouse green space. On the first application, the court concluded that the balance of convenience did not favour the granting of the injunction, stating

“the balance of convenience is overwhelmingly in favour of the defendants, who simply have nowhere to move to, if the injunction were to issue, other than shelters that are incapable of meeting the needs of some of them, or will result in their constant disruption and a perpetuation of a relentless series of daily moves to the streets, doorways, and parks of the City of Victoria.”¹²⁰

Following this, a second injunction was filed based on new evidence of the encampment deterioration conditions, as well as supporting evidence that the Province would make housing available to encampment residents. The court made an order requiring the encampment to be cleared, but granting residents to stay until alternate housing options were made available to them.¹²¹

Vancouver (City) v. Wallstam, [2017 BCSC 937](#)¹²²

The City of Vancouver applied for an interlocutory injunction requiring encampment residents to vacate and remove all tents and other structures from a vacant city lot. The Court relied on the injunction test set out in *RJR-MacDonald*.¹²³ The court noted that:

“The test requires that the *applicant prove it will suffer irreparable harm* if the injunction is not granted...When I asked counsel what harm the *City* would suffer if the injunction was not granted, he answered that not granting the injunction would mean that a ‘vital social housing project won't go ahead’ and that interferes with the public good. He also points out the timeline for development of the project requires the injunction urgently ... While everyone can agree that more social housing is an important goal, I must balance that general concern against the position of the occupants that the tent city, as it currently exists, is now providing shelter and safe living space for the occupants.”¹²⁴

¹¹⁹ *British Columbia v. Adamson* (2016 BCSC 1245). Online, <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1245/2016bcsc1245.html?resultIndex=1>

¹²⁰ Para 183.

¹²¹ Paras 85-86,

¹²² *Vancouver (City) v. Wallstam* 2017 BCSC 937 at para 60. Online, <https://www.canlii.org/en/bc/bcsc/doc/2017/2017bcsc937/2017bcsc937.html?resultIndex=1>

¹²³ In *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311

¹²⁴ Para 46-47.

The court concluded that the City failed to meet the *RJR-MacDonald* test and dismissed the City's application, but without prejudice to bring it forward again on a more complete factual record.¹²⁵

¹²⁵ Para 64.

SCHEDULE B: An Elaboration on Principle 6

Ensure encampments meet basic needs of residents consistent with human rights

Canadian governments must ensure, at a minimum, that rudimentary adequacy standards are ensured in homeless encampments on an urgent and priority basis, while adequate housing options are negotiated and secured. Government's compliance with international human rights law requires:

i. **Access to safe and clean drinking water**

Water and sanitation are critical to health for all people. Through *Resolution 64/292*, the United Nations explicitly recognized the right to safe and clean drinking water and sanitation as a "human right that is essential for the full enjoyment of life and all human rights."¹²⁶ The *Resolution* calls upon States and international organizations "to provide safe, clean, accessible and affordable drinking water and sanitation for all." This obligation extends to those residing in homeless encampments.¹²⁷

To ensure access to safe and clean drinking water, governments should provide homeless encampments with resources for:

- On site/close-proximity clean and safe drinking/potable water, ensuring a sufficient number of access points for water relative to the number of residents
- Dishwashing Station(s) with clean water, sufficient in number for the number of residents

ii. **Access to hygiene and sanitation facilities**

Homeless encampments must be provided with sufficient resources and supports to ensure access to hygiene and sanitation facilities – toilets, showers, hand-washing stations, for example – within the encampment, or within very close proximity. Using existing facilities that remain open to the general public will not be appropriate. Facilities should ensure the hygiene and dignity of all residents irrespective of needs or identity. Peer-led hygiene and sanitation facilities have worked well in some contexts.

Hygiene and sanitation facilities should include:

- Washing stations, including showers with privacy and safety for women and gender diverse peoples, stocked with soap, water, paper towels

¹²⁶A/RES/64/292, para 2. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

¹²⁷ A/RES/64/292, para 3. Available at:

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292.

- Adequate numbers of toilets based on the encampment population which must be accessible for residents with disabilities. Every toilet station must also have a hand-washing station
- Access to cleaning and bathing supplies
- Access to free laundry facilities
- Free feminine hygiene products
- Access to clean bedding

iii. **Resources and support to ensure fire safety**

General safety precautions should be implemented in an encampment environment to ensure residents are safe from fire and chemical exposure. Fire Departments should assist residents in developing a harm reduction approach to fire safety. Residents should be provided with resources to support best safety practices, including:

- Fire-safety approved sources of heat (e.g., safe metal vessels for heat)
- Warming tents
- In-tent heat sources
- Fire-proof tents
- Fire evacuation plan
- Signage indicating evacuation plans
- Accessible information on fire safety tips and how to handle and store flammable materials (e.g., gasoline, butane, propane)
- Fire extinguishers appropriately spaced and training for residents on how to operate them
- Electricity/charging stations for phones and laptops
- On-site ashtrays or cigarette disposal posts

iv. **Waste management systems**

The lack of waste management systems in homeless encampments has serious health and safety implications. Encampments necessarily create garbage during the course of daily activities, including during food preparation or shelter building. Unwanted materials can pile up quickly when there is no waste system in place to remove garbage from the area. Garbage piles can become combustible fire hazards and can increase the risk of exposure to chemical waste.

Human and animal biological waste also poses a particular danger. Without sanitary facilities, accumulated fecal waste can contaminate the ground and transmit diseases.¹²⁸ The improper disposal of needles can also transmit diseases through puncture wounds or re-use of needles.

¹²⁸ CalRecycle. *Homeless Encampment Reference Guide*. Online at <https://www.calrecycle.ca.gov/illegaldump/homelesscamp#SolidWaste>

It is the responsibility of governments to ensure that homeless encampments have sufficient resources for the establishment of waste management systems, which should include:

- Weekly garbage and recycling (more frequent if needed)
- Regular service for waste water and portable toilets
- Independent waste bins for flammable/hazardous waste (e.g., fuel, motor oil, batteries, light bulbs)
- Large rodent-proof waste bins with tight fitting lids
- Garbage bags, cleaning supplies, hand soap, hand sanitizer
- Waste water holding tanks (if there are no sewers near encampment)

v. **Social Supports and Services**

Residents of homeless encampments should be ensured access to health, mental health, addiction, and broader social services in a manner equitable to other community residents and consistent with human rights. All supports should be culturally appropriate and anti-oppressive. Governments should consult encampment residents on how best to provide access to these services, including through approaches such as outreach and/or on-site service provision. The provision of social services should not be linked to data gathering of any kind.

i. **Guarantee Personal Safety of Residents**

Although research indicates that unsheltered people in Canada are disproportionately targets of violence, rather than perpetrators,¹²⁹ interpersonal violence and exploitation can occur within encampments. Interpersonal violence is often exacerbated when people do not have their basic needs met,¹³⁰ thus the provision of meaningful resources and supports will likely help ameliorate issues of safety.

It is the State's duty to protect the safety of all residents, particularly those who may be particularly vulnerable to abuse, harm, trafficking, or exploitation. Responses to violence must be guided by principles of transformative justice, rather than reproduce punitive outcomes and must be based in community-developed safety protocols. Governments must recognize that engaging police or other state authorities as a response to violence in encampments may put people at increased risk of harm, including due to risks of being criminalized or incarcerated.

¹²⁹ Sylvia, N., Hermer, J., Paradis, E., & Kellen, A. (2009). "More Sinned Against than Sinning? Homeless People as Victims of Crime and Harassment." In: Hulchanski, J. David; Campsie, Philippa; Chau, Shirley; Hwang, Stephen; Paradis, Emily (Eds.), *Finding Home: Policy Options for Addressing Homelessness in Canada* (e-book), Chapter 7.2. Toronto: Cities Centre, University of Toronto.
www.homelesshub.ca/FindingHome

¹³⁰ Slabbert, I. (2017). Domestic violence and poverty: Some women's experiences. *Research on social work practice*, 27(2), 223-230.

Any approach to addressing interpersonal safety within encampments must:

- Center on the most vulnerable members of the encampment, namely: BIPOC, women, trans-people and other LGBTQ2S+ persons, persons with disabilities, and other groups who experience discrimination or marginalization.
- Provide resources and supports to allow for Indigenous and other non-colonial approaches to conflict resolution.
- Provide safe, confidential, accessible, and non-coercive mechanisms through which individuals experiencing violence can report these experiences and receive trauma-informed supports and services, ensuring that these individuals are able to access alternative safe housing (as desired).

vi. **Facilities and resources that support food safety**

Consuming contaminated food or water can cause a variety of foodborne illnesses. Encampments are often more susceptible to foodborne illnesses due to a lack of storage, cooling appliances, improperly cooked foods, and limited or no access to clean water. Diseases can spread quickly in an encampment setting.

One of the best ways to prevent the spread of illness is to for governments to provide resources that enable the encampment to implement food safety measurements. This includes:

- Rodent-proof storage containers, with lids that can be sealed
- Shelving units to ensure food is stored off the ground
- Soap and sanitizer to clean food preparation surfaces
- Cooling appliance(s) to prevent spoilage
- Cooking appliance(s) to ensure food is thoroughly cooked

vii. **Resources to support harm reduction**

Governments must provide homeless encampments with the resources to implement effective harm reduction measures within homeless encampments. Appropriate professionals should support residents to establish emergency protocols for responding to overdoses and other health emergencies.

Encampment residents should be provided with:

- Overdose prevention training (e.g., CPR training)
- Overdose prevention supplies (e.g., Naloxone)
- Overdose Prevention Sites, where possible
- Puncture-proof containers for needle disposal
- Harm reduction outreach supports
- Regular servicing of puncture-proof containers by a certified waste-management company

- Information about available emergency services in the event of overdoses or other health-related crises

viii. **Rodent and pest prevention**

The presence of rodents and pests can pose a significant threat to the health of residents. Appropriate prevention and treatment options should be available for pest management that are safe for use in human environments (e.g., diatomaceous earth). Encampment residents should be provided with the resources to prevent and address the presence of rodents and pests, including:

- Resources and information on rodent and pest prevention
- A bait-station to detract rodents from sleeping tents, regularly serviced and monitored
- Cleaning materials and gloves to dispose of rodents

In implementing these standards, it must be recognized that residents of encampments are the experts of their living spaces — they often know what resources are needed and how best to mobilize them. As a matter of human rights, encampment residents must be engaged in planning and carrying out any measures developed to improve access to basic services for the encampment. Practices, systems, and agreements residents already have in place should be recognized by government officials and should inform any further improvements.



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	July 13, 2020
SUBJECT/REPORT NO:	Adaptation and Transformation of Services for People Experiencing Homelessness Update 1 (HSC20020(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brian Kreps (905) 546-2424 Ext. 1782
SUBMITTED BY:	Edward John Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council approve:
- (i) The authority of the General Manager of the Healthy and Safe Communities Department continue to enter into contracts necessary to secure access and purchase of service of the rental of hotel rooms for expanded temporary housing during the Coronavirus pandemic as well as cleaning, food and associated services from vendors and providers satisfactory to the General Manager of the Healthy and Safe Communities Department;
 - (ii) Conditional grants up to a maximum of \$2.0 M in total to shelter providers for the provision of staffing and additional supports to homeless clients receiving emergency shelter in these hotel rooms;
 - (iii) A conditional grant in the maximum amount of \$550 K to the Good Shepherd Centre Hamilton to renovate 378 Main Street East (the former Cathedral Boys School) into a temporary shelter for 45 men;
 - (iv) A conditional grant in the maximum amount of \$700 K to the Good Shepherd Centre Hamilton to operate 378 Main Street East (the former Cathedral Boys School) as a temporary shelter for 45 men for the period of September 1, 2020 to June 30, 2021;

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- (v) A conditional grant in the maximum amount of \$120 K to Mission Services of Hamilton Inc. to renovate their shelter at 325 James St. N. to allow for appropriate physical distancing and to return the shelter to an occupancy of 58 persons; and,
 - (vi) A conditional grant in the maximum amount of \$930 K to Wesley Urban Ministries Inc. to operate its Isolation Centre for people experiencing homelessness for the period of July 6, 2020 to June 30, 2021;
- (b) That all such purchases and grants outlined in Recommendation (a) that are approved by Council be funded from any available source jointly deemed appropriate by the General Manager of the Healthy and Safe Communities Department and the General Manager of the Finance and Corporate Services Department including, but not limited to, one or more of the following sources: Reaching Home, Community Homelessness Prevention Initiative, any available provincial or federal funding, or any available funds from the general levy;
- (c) That the General Manager of the Healthy and Safe Communities Department be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined in Recommendation (a) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor; and,

EXECUTIVE SUMMARY

Housing Services created a framework outlining immediate, mid-term and long-term actions to guide a transition from emergency response to a focus on adaption and transformation of the services to prevent transmission of the COVID-19 virus. To improve physical distancing, the shelters serving men reduced occupancy so guests could spread out. The First Ontario Centre (FOC) temporary shelter for men enabled this reduced occupancy. A key part of the framework is to maintain existing shelter capacity while moving toward decommissioning the temporary shelter for men at FOC.

In line with this framework, Housing Services staff have negotiated agreements with three hotels to continue providing hotel rooms for people experiencing homelessness through to June 30, 2021. This includes 25 hotel rooms for families, 20 rooms for men and 20 rooms for women. The City has ensured food is provided for individuals at all hotels. Currently, Good Shepherd Centre Hamilton (Good Shepherd) manages the site for single women and Mission Services of Hamilton Inc. (Mission Services) manages the site for single men.

Good Shepherd has identified that the former Cathedral Boys School, which it owns, could be renovated to provide up to 45 beds of temporary emergency shelter for men.

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These temporary beds would be in a congregate setting, but would incorporate appropriate physical distancing and, where possible, physical barriers. The renovation would be completed by the end of the summer to allow for the temporary shelter at FOC to be decommissioned.

With the investment of capital funding, Mission Services will be able to create partitions between beds in their dorms and create 10 rooms. This will allow them to operate at their original capacity of 58 beds.

Housing Services Division staff have negotiated with Wesley Urban Ministries Inc. (Wesley Urban Ministries) to operate the Isolation Centre for homeless individuals and families who test positive for the COVID-19 virus. Isolation Centre operations moved from Bennetto Recreation Centre to a new location in the downtown core on July 6, 2020. The capacity for individuals was reduced to 10 beds and the capacity for families remains at 5 units.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

The recommendations in Report HSC20020(a) represent new investments in operating expenditures in the shelter system. To date the City has received \$6,880,800 in provincial and \$2,619,966 in federal funding to assist with costs related to serving the homeless population during the pandemic.

Funding for the hotels includes food and damage costs in addition to the regular room charge. Contracts for Good Shepherd and Mission Services include the cost for managing the site, supporting clients, and some food charges. The City is also covering additional charges for security, increased cleaning/sanitation services, and laundry.

The funding for Good Shepherd is to design, renovate and operate the former Cathedral Boys School as a temporary emergency shelter.

The funding for Mission Services is to design and construct partitions, as well as private rooms and other improvements to allow for physical distancing and reduce infection transmission.

As of December 31, 2020, we are projecting COVID costs of \$15.3 M that exceeds current funding by \$5.8 M. Report HSC20020 included costs for 2020 of \$2.3 M, and the recommendations in Report HSC20020(a) included costs of \$4.89 M. The costs in Report HSC20020(a) are offset by the decommissioning of current facilities and revisions included in the projected costs by \$6.15 M for a total deficit in 2020 of \$6.85 M.

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As of June 30, 2021, we project additional COVID costs of \$9.06 M, Report HSC20020 costs of \$1.30 M and Report HSC20020(a) projected costs of \$4.22 M. The costs in Report HSC20020(a) are offset by the decommissioning of current facilities and revisions included in the projected costs by \$4.15 M for a total deficit in 2021 of \$10.43 M. Overall, the cumulative deficit projected is \$17.28 M for 2020 to June 2021.

	Current COVID-19 Response	HSC20020	HSC20020(a)	Total
Prov/Fed Funding	\$-9.5 M	\$0.00	\$0.00	\$-9.5 M
Projected Costs to December 31, 2020	\$15.3 M	\$2.3 M	\$4.9 M	\$22.5 M
Revised Projected Costs to December 31, 2020			\$-6.15	\$-6.15
Deficit December 31, 2020	\$5.8 M	\$2.3 M	\$-1.25 M	\$6.85 M
Projected Costs to June 30 2021	\$9.06 M	\$1.3 M	\$4.22 M	\$14.58 M
Revised Projected Costs to June 30 2021			\$-4.15	\$-4.15
Deficit June 30, 2021	\$14.86 M	\$3.6 M	\$-1.19 M	\$17.28 M

Should no new resources be received from the provincial or federal government, the City of Hamilton would need to explore other financial options to support the on-going homelessness needs addressed in the recommendations above as well as future funding required to support the delivery of homeless services in a COVID-19 environment.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

At its June 19 meeting, the Emergency and Community Services (ECS) Committee approved Report HSC20020 which authorized up to \$3.4 M to fund day centres and drop-ins at Living Rock, Mission Services, Wesley Urban Ministries and the YWCA Hamilton. It also authorized up to \$400 K to help Salvation Army Booth Centre create 30 individual rooms.

At the same meeting, the ECS Committee approved Report HSC20022 Canadian Medical Association Foundation COVID-19 Community Response for Vulnerable Populations Fund

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authorizing the acceptance of \$345,000 which will complement Hamilton's Reaching Home base funding.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

The Housing Services Division consulted with the sector planning tables including the Women's Housing Planning Collaborative, the Men's Emergency Services Coordination Committee, as well as an ad hoc sector group representing community partners in the health and housing sector. These groups have advised that shelter capacity must be maintained to address current needs and in anticipation of a potential rise in demand when evictions resume. There was also support for continuing and expanding responses that allow for maximizing physical distancing including the adaptation of existing congregate space to single rooms.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Housing Services Division has developed a framework to guide its transition from emergency response to adaption and transformation of its services. A key component of the framework is maintaining the appropriate number of emergency beds currently available. Contracting with hotels allows the City to ensure emergency beds are available for families, men, women and couples can be accommodated within existing shelter space. The Housing Services Division has negotiated agreements with three hotels for a total of 65 beds for the period of July 1, 2020 to June 30, 2021 which is the number of rooms regularly used through the pandemic. Given the specific needs of the single men and women staying in the hotels, it is necessary to contract with agencies to manage the sites and provide the supports.

Renovating a portion of the former Cathedral Boys School takes advantage of a site that is owned by a community partner. The estimated renovation costs of \$550 K are an affordable way to quickly create additional spaces for single men allowing Good Shepherd to transfer their temporary shelter operations from FOC to the new site. In order to best support and manage the individuals, the facility would include:

- Meals and snacks for all of those accommodated;
- Lounge space;
- Recreational activities;
- Medical services through a nurse practitioner and the Shelter Health Network;
- Harm reduction supports;
- Case management and housing support services; and,

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- Outreach services provided through other agencies including Ontario Works.

Providing capital funding to Mission Services will allow them to improve infection prevention and increase privacy by building partitions between beds in the dorms and building 10 private/separate rooms and return occupancy to 58.

Maintaining the capacity for people experiencing homelessness to isolate if they test positive for COVID-19 is another key element of the framework. Contracting with Wesley Urban Ministries to operate the isolation centre will allow the facility at Bennetto Recreation Centre to be decommissioned. Wesley will provide isolation service at a site it leases and operates currently with 10 beds to serve men and women and five family townhouse units to serve families. Family capacity will remain the same, but the number of beds for individuals will be reduced from 25 to 10. Given that the system has experienced an average of one positive test per month over the past three months, this is an appropriate capacity level.

The framework for adapting and transforming housing services to respond to the challenges of Covid-19, attached as Appendix “A” to Report HSC20020(a), outlines immediate, mid-term and long-term actions completed (noted with a check mark) or to be undertaken by the Housing Services Division.

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC20020(a): Framework for Adapting and Transforming Services

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Framework for Adapting and Transforming Services

Immediate Actions	Mid-Term Actions	Long Term Actions
<p>Unsheltered</p> <ul style="list-style-type: none"> ✓ Negotiate extensions to emergency funding for drop-ins and day centres to ensure continued access to hygiene and supports. <p>Shelters</p> <ul style="list-style-type: none"> • Strengthen shelter diversion and rapid rehousing initiatives ✓ Plan for decommissioning of First Ontario Centre as temporary shelter. ✓ Reconfigure space within existing shelters to maximise capacity and promote social distancing. ✓ Secure leases with hotels to ensure existing capacity is maintained. ✓ Determine need for alternative shelter sites. <p>Isolation Centre</p> <ul style="list-style-type: none"> ✓ Plan for decommissioning of Bennetto Recreation Centre. ✓ Identify sustainable model for isolation services and appropriate location. <p>Permanent Housing</p> <ul style="list-style-type: none"> • Maximise capacity of municipally-funded Intensive Case Management Programs to help house people from streets, shelters and hotels. • Coordinate available housing subsidies to support access to permanent housing. 	<p>Shelters</p> <ul style="list-style-type: none"> • Decommission First Ontario Centre. • Implement plans to maintain current number of shelter beds. <p>Isolation</p> <ul style="list-style-type: none"> ✓ Decommission Bennetto Recreation Centre. • Implement new isolation service model. <p>Permanent Housing</p> <ul style="list-style-type: none"> • Explore opportunities to use any affordable housing projects under construction to serve this population. 	<p>Shelters</p> <ul style="list-style-type: none"> • Assist with the planning and development approval process for those shelters looking to significantly and permanently establish facilities that are supportive and resilient to both the housing and health needs of the population. <p>Permanent Housing</p> <ul style="list-style-type: none"> • Maximise the amount and design of permanent low barrier supportive housing to significantly increase the availability and suitability of units. • Ensure the coordination and comprehensive integration of housing and health funding to promote effective, resilient and supportive housing forms.

CITY OF HAMILTON NOTICE OF MOTION

Emergency and Community Services: July 13, 2020

MOVED BY COUNCILLOR N. NANN

SECONDED BY COUNCILLOR

Signing of the AMO-OFIFC Declaration of Mutual Commitment and Friendship with Local Municipality and Friendship Centre Support

WHEREAS the City of Hamilton is working with the local Indigenous Friendship Centre, the Hamilton Regional Indian Centre;

WHEREAS the Indigenous Friendship Centre, the Hamilton Regional Indian Centre, has been an active contributor to the wellbeing of residents in the community;

WHEREAS the City of Hamilton has a good and ongoing relationship with the local Indigenous Friendship Centre, the Hamilton Regional Indian Centre, and wants to set a leading example in the area of Indigenous relations by demonstrating overlapping community interest and work;

WHEREAS the Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) Declaration of Mutual Commitment and Friendship reflects the municipality’s understanding of and working relationship with Indigenous people in the community; and,

WHEREAS the local Indigenous Friendship Centre is contemplating the signing of this declaration and participation in related concurrent activities during the virtual AMO Conference in August of 2020;

THEREFORE, IT BE RESOLVED

- (a) that the City of Hamilton Council authorizes the Mayor to sign in conjunction with the local Indigenous Friendship Centre, the Hamilton Regional Indian Centre, the joint AMO-OFIFC Declaration of Mutual Commitment and Friendship on behalf of the municipality and participate in related concurrent activities during the AMO 2020 Conference; and,
- (b) That Council direct staff to work with AMO in order to coordinate the declaration signing and related concurrent activities in advance of the AMO 2020 Conference.