

Bylaw Enforcement Protocol

When the Encampment Response Team has been contacted regarding an encampment location, the following process will commence. All city services and responses will be coordinated through the Response Team.

Persons experiencing homelessness shall be offered an assessment using the Vulnerability Index - Service Prioritization Decision Assistance Tool (“VI-SPDAT”) tool for a determination of acuity. The application of this test and determination of test results shall be completed by the City of Hamilton’s Mental Health Street Outreach Program on a periodic basis. The test shall have occurred within the past ninety (90) days.

The VI-SPDAT tool will determine the path for how individuals sleeping rough are approached and engaged. Below outlines the steps and circumstances available:

- For individuals with a VI-SPDAT scores below 13, or those refusing to engage with outreach workers for assessment under the VI-SPDAT tool, the maximum duration for contact, assessment and removal is 14 days from the earliest of the City or its agents making contact as requested by the Encampment Response Team with a person experiencing homelessness. The outreach that occurs during this 14 day period will provide supports including but not limited to the following:
 - Engagement that treats every individual from a rights-based approach, ensuring dignity and confidentiality is maintained;
 - Immediate work on a personalized housing plan;
 - Informing individuals of the timeline for encampment removal;
 - Determine previous (if any) barriers affecting access into the system and attempt to resolve them
 - Assist with matters that facilitate the movement to shelter/housing including but not limited to transportation, financial assistance and storage of possessions.

- High acuity will be defined as a VI-SPDAT score of 13 or more for the purpose of the protocol for the enforcement of the bylaw. It is recognized that in rare occasions special circumstances may arise that cannot be addressed through the VI-SPDAT assessment. In those cases it is agreed that the City’s designate outreach team – currently the City’s Mental Health Street Outreach Program – will provide recommendations to the enhanced Encampment Response Team in those rare situations where additional considerations are required outside of the VI-SPDAT assessment.

- Where a person experiencing homelessness is assessed as high-acuity and there is no available option for supportive housing or shelter, outreach efforts will continue in order to help the individual(s) move from the streets to shelter/housing. Such individuals are subject to the prohibited locations/activities listed below but not subject to the defined 14 day timeline for removal.
- In the case of persons experiencing homelessness determined through assessment by the City to have shelter or housing options available for which the transition would not cause trauma or a decline in mental health as determined by the City’s Mental Health Street Outreach Program – which are offered and refused or otherwise not accepted or who refuse to be assessed, then the City may remove such persons and their possessions under such legal authorities as may be employed by the City.

Prohibited Areas: all individuals experiencing homelessness in encampments – even when deemed high acuity or engaged with outreach in the 14-day grace period outlined above - are subject to the following restrictions and may be removed or moved if not in compliance with them:

- No more than 5 in an encampment;
- No encampments on sidewalks, roadways or boulevards;
- Encampments must not encumber an entrance or exit or deemed fire route;
- Encampments must be 50 meters from a playground, school or childcare centre;
- No encampments within any property with an environmental or heritage designation; and
- Situations where health and safety concerns exist for those living within or adjacent to an encampment will be addressed in a reasonable fashion, in good faith, on a case by case basis by the City in its sole discretion that balances the needs of both the person experiencing homelessness/encamped individuals and community members. In these situations, the City will consult with the Encampment Response Team and the City’s Mental Health and Street Outreach team to determine how to best balance the needs of persons experiencing homelessness/encamped individuals and other community members.