



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
DATE:	February 21, 2024
SUBJECT:	Encampment Response Update – January 2024 (HSC23066(d)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 ext. 3824 Danielle Blake (905) 546-2424 ext. 3731
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

On August 18, 2023, Council ratified an Encampment Protocol to be utilized by City staff to respond and manage encampments, tents, or temporary structures within public lands in the City of Hamilton.

To provide ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol, staff were directed to communicate with Council and Ward Councillors regarding the Encampment Protocol through monthly, ongoing Information Reports to General Issues Committee and include data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City's encampment response program and the implementation of its Encampment Protocol.

INFORMATION

Program Trends:

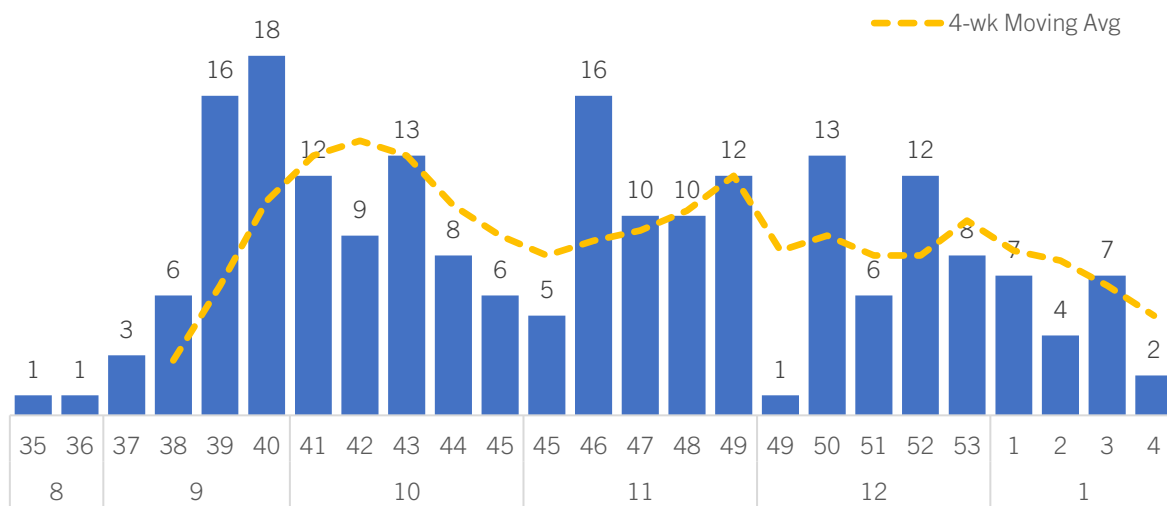
Identification of New Site Trends

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New encampments continue to be identified throughout the City by several different sources, including concerned citizens, businesses and business improvement areas, and internal staff from other City departments. Since peaking in Week 40 (September 25, 2023 – October 1, 2023), there has been a decrease in the trend of new sites identified each week (see chart below).

This trend is likely to continue for the duration of the colder weather months, as individuals move to and stay within compliant spaces, and individuals previously staying in encampments seek indoor spaces in shelter, winter response programs, and/or couch surf temporarily with friends and family.

The following chart only includes new sites that have been identified by a complaint and/or service request and visited by Housing Focused Street Outreach and does not include attempts where an encampment could not be located (e.g., the individuals had already left, there was only garbage/debris related or unrelated to encampments at the location, or the instructions in the initial request were broad or unclear). The data in the graph is presented weekly, beginning August 2023 to January 2024.



Compliance Trends

In January, a total of 50 different sites were identified through various modalities to Housing Focused Street Outreach. Of the sites identified to Housing Focused Street Outreach, there were no tents observed upon visiting 22 (44%) locations, seven newly identified sites were deemed compliant on first visit (14%), while three of the newer sites identified are still under investigation.

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In total, 15 sites (12 public property, 3 private property) were escalated by Housing Focused Street Outreach to Municipal Law Enforcement in December, resulting in 7 trespass notices being served to individuals on public property who were in contravention of the Encampment Protocol. This total is significantly lower than the 2023 average of 64 and the number of trespass notices has trended down every month since the Encampment Protocol was ratified (126 in August 2023, 75 in September, 58 in October, 42 in November, and 20 in December). This is likely a reflection of efforts of City staff to educate individuals living unsheltered of the Encampment Protocol, as well as due to colder weather.

Complaint and Service Request Trends

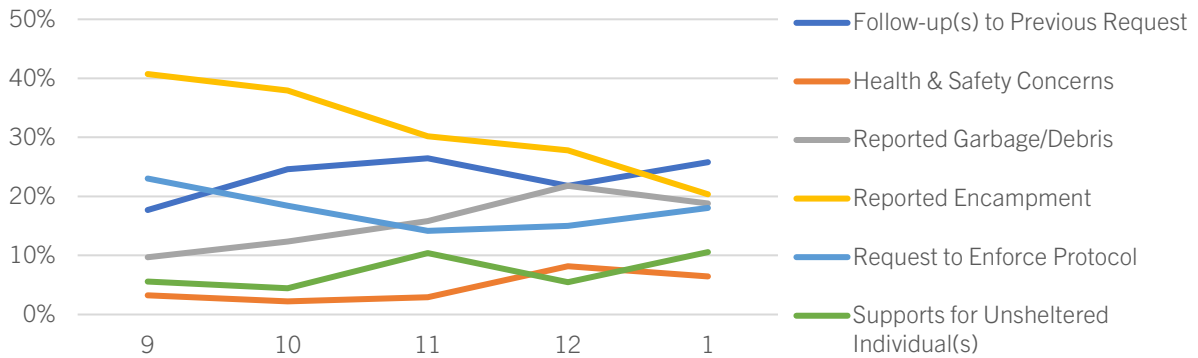
The number of complaints and/or requests for service has steadily decreased since the ratification of the Encampment Protocol, from a high of 897 in September. In January, 429 complaints and/or service requests were logged, which is below the 2023 monthly average of 626.

In analyzing the complaints and service requests received, some clear trends have emerged since the Encampment Protocol was ratified. The number of reported encampments and requests to enforce the Encampment Protocol have decreased since September 2023 where they were a combined 64% of requests and/or complaints, to 38% in January 2024. Conversely, there has been an increase in:

- Reporting of garbage/debris (10% in September 2023, to 19% in January 2024).
- Follow-up requests (18% in September 2023, to 26% in January 2024).
- Requests for and/or coordinating of support(s) for unsheltered folks (6% in September 2023, to 11% in January 2024); and
- Health and safety concerns, primarily related to fire-related issues (3% in September 2023, to 6% in January 2024).

The data in the following chart represents change in the percentage of complaints and/or service requests received by month, from September 2023 to January 2024.

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These trends are likely to continue throughout the colder weather months as a result of less movement to new sites, and further entrenchment of existing, compliant sites.

Enforcement Update:

Background

To support the work of City staff in gaining compliance with the Encampment Protocol as ratified by City Council in August 2023, City Council approved funding for a Supervisor of Municipal Law Enforcement, two Municipal Law Enforcement Officers (MLEOs), as well as funding to support the creation of an Encampment Engagement Team within Hamilton Police Services to be comprised of two Hamilton Police Officers.

Enforcement Process

As per the Encampment Protocol, MLEOs will respond within four (4) business days upon being contacted by Housing Focused Street Outreach regarding a site presenting compliance concerns. MLEOs will attend and use their discretion to achieve compliance depending on the circumstances. MLEOs issue trespass notices or may determine next steps to be taken in respect to an escalated encampment, temporary shelter, or tent, within a maximum of four (4) total days from the issuance of notice, unless exceptional circumstances exist.

As part of the Encampment Engagement Team’s defined roles and responsibilities, Encampment Engagement Officers are required to accompany MLEOs any time they enter into an encampment. In addition to attending in support of MLEOs and other City staff as requested, Encampment Engagement Officers also take an active role in gaining compliance by engaging with individuals living at the site.

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Typically, the enforcement process involves a two-day cycle where MLEOs, supported by the Encampment Engagement Team, investigate and issue trespass notices at newly escalated sites that are deemed to be non-compliant over the course of a single day, returning to the site(s) the next day to enforce.

When Notices of Trespass are issued by MLEOs as a result of individuals contravening the Encampment Protocol, Municipal Law Enforcement will re-attend the site the following day to check on whether voluntary compliance has been achieved. When conducting the initial investigation, and during follow-up inspections, MLEOs, with support of Hamilton Police, will work with the involved individual(s) to move to compliant spaces voluntarily.

If individual(s) are still located in a non-compliant space after expiry of the trespass order, the site is formally escalated to Hamilton Police for further enforcement. It is important to note that while a day is allotted for enforcement, some sites can require multiple days of enforcement. This cyclical process is repeated on an ongoing basis until compliance is gained at all non-compliant sites, although timelines for enforcement may be impacted by staffing availability or changing enforcement priorities.

Throughout the time a site is under investigation or enforcement action, Housing Focused Street Outreach will attempt to follow-up with individual(s) at the site, and continue to provide basic needs items, referrals to supports and services that support the individual(s)' health, well-being, and work towards access to indoor space (housing or shelter). Housing Focused Street Outreach will also provide options of compliant spaces individuals can move to, although it is important to note that ultimately the decision of where to move is up to the individual(s) staying at the site.

Enforcement Approach

From the perspective of Hamilton Police Services, 'to enforce,' involves initially taking steps to work with the involved individuals to leave non-compliant areas identified via the terms outlined in the Encampment Protocol, while 'successful enforcement' simply reflects compliance gained.

The details of how compliance is gained, and the approach taken to enforce a particular site or circumstance is not detailed within the definition of enforcement. Instead, the steps taken to gain compliance at any particular site is dependent on the circumstances and acute needs of each individual and/or site and is reflected in site-specific plans developed by Hamilton Police. Note: Hamilton Police are not bound by any service levels related to encampments.

Since the Encampment Protocol was ratified in August 2023 until the end of January 2024, Municipal Law Enforcement has issued 360 trespass notices to encampment sites. Hamilton Police Services have completed enforcement at all escalated sites, spending 127* hours from September 2023 to December 2023 enforcing trespass notices, in addition to a significant amount of time spent engaging and providing support. Municipal Law Enforcement and Housing Focused Street Outreach continue to engage with individuals living unsheltered to provide information regarding expectations of the Encampment Protocol.

Authorities under the Trespass to Property exist and will be utilized when attempts at voluntary compliance is not achieved. To date, this has not been required.

*Note: The 127 hours listed above reflects time spent strictly on enforcement by Encampment Engagement Team Officers. Many hundreds more hours have been spent conducting site visits, proactive checks, providing services, referrals and overall engagement with people living in encampments.

Challenges to Timely Enforcement

At every site to date, Hamilton Police have worked with encampment residents to gain compliance, which requires a significant amount of time spent engaging and rapport-building and is challenging for two Encampment Engagement Officers to complete this work. In addition, because Encampment Engagement Team Officers are also responsible for accompanying Municipal Law Enforcement on each site visit, there is a bottleneck to timely enforcement and as a result sites remain active for longer.

Given that there are several active sites at any one time, those with geographical non-compliance (i.e., tents are not permitted in the site at all), are prioritized for enforcement. Sites in numerical non-compliance that are otherwise geographically compliant, will only become a priority for enforcement after active sites with geographical non-compliance are enforced, unless exceptional circumstances exist.

Another notable challenge experienced by both Municipal Law Enforcement and Hamilton Police is the repeated enforcement of a few sites. Sites in areas of the City that are close to services and supports for people experiencing homelessness are often frequented with greater regularity. Despite enforcement efforts occurring at these locations, the spaces are quickly re-occupied, which can result in significant frustration for the community, who see the site as occupied but may not have seen the enforcement action(s) at the site. As an example, since August 2023 the Encampment

Engagement Team has gained compliance 55 times at a single location, MacNab Street South between Jackson St and Hunter St, only for the site to be re-occupied shortly after each successful enforcement effort.

Staffing challenges also pose a delay to enforcement efforts. Due to the limited coverage, there are times when enforcement efforts are placed on hold until adequate staffing is available. The approved funding for Protocol enforcement included two (2) Municipal Law Enforcement Officers and two (2) Encampment Engagement Officers. As a result of these limited numbers, availability for coverage for employee sick time and vacation is dependent on the broader division's priorities of the day and the inability to find coverage may hinder enforcement timelines.

Enforcement of Recreational Vehicles (RVs) and Trailers

While an exception to the Parks By-law was made to allow tents in appropriate spaces as designated by the Encampment Protocol, RVs and trailers do not have a similar exclusion from enforcement. As such, enforcement is not bound by the terms and conditions of the Encampment Protocol, including a 3x3-meter space limit. Instead, there is an existing process for removal of RVs and trailers located on public roadways, parking lots and other public spaces, as per the Parking By-law, and enforcement is led by the City of Hamilton's Parking Enforcement Team, who will provide several notices and attempts to engage before towing a vehicle.

Given the increase of RVs and trailers being inhabited throughout the City, management staff from Parking Enforcement attend every Coordinated Response Team meeting and actively share whenever it is suspected someone is living within the vehicle or trailer. To ensure that folks inhabiting within RVs and trailers have access to the resources and supports they may require, Parking Enforcement staff will notify Housing Focused Street Outreach and arrange for their engagement at the RV or trailer before any enforcement action is taken.

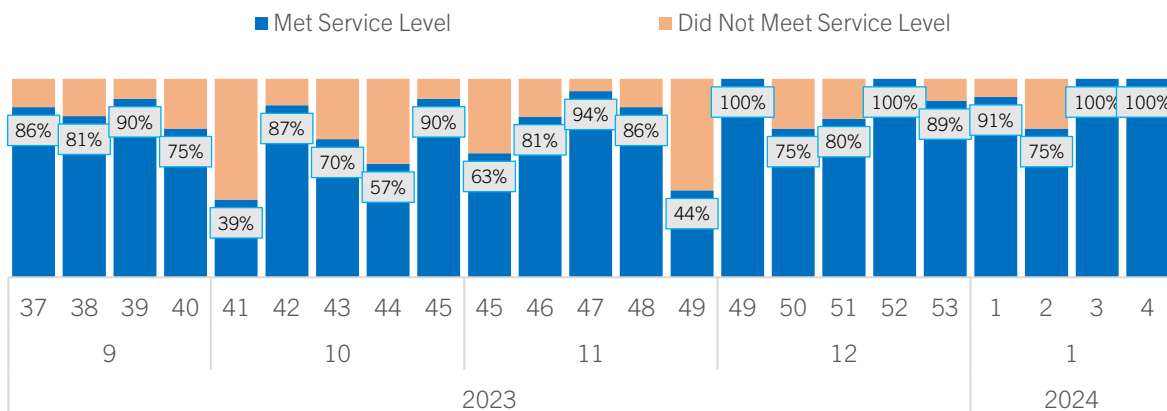
Service Levels

Housing Focused Street Outreach

The ratification of the Encampment Protocol established a three-day service level for response to complaints and/or service requests related to encampments. As such, Housing Focused Street Outreach has three days to visit the site and engage with the individuals at the site to inform them of the Encampment Protocol.

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Including both existing and new encampments, the following chart reports on Housing Focused Street Outreach’s ability to meet service levels by week.



In January, Housing Focused Street Outreach met its service level 92% of the time, above the 2023 average of 76%.

Concerns continue to be raised from community members who bring issues to the attention of the Outreach program. Housing Services continues to seek ways to continuously improve our programs to allow for transparency. To enhance information sharing and data analysis within Housing Services, additional temporary resources are being allocated to the program complement. Specifically, two administrative roles and an analyst role are being recruited on a temporary basis. These additions aim to bolster the department's capacity to respond to inquiries and complaints promptly, follow up on the status of complaints efficiently, and develop a more comprehensive data management strategy.

Municipal Law Enforcement

As per the Encampment Protocol, Municipal Law Enforcement Officers will determine compliance timelines depending on the presenting circumstances, for the issuance of notices or actions to be taken in respect to the encampment, temporary shelter, or tent, within a maximum of four (4) total days from the issuance of notice, unless exceptional circumstances exist.

In January, Municipal Law Enforcement met its service level at 8/12 (67%) sites escalated by Housing Focused Street Outreach (excluding three sites under active investigation). This is below the 2023 average of 92%.

Additional Updates:

Fire Department Update

With an increase in complaints and service requests related to fire and fire-related concerns, and to provide updates regarding fire-related emergencies at encampments. Hamilton Fire Department is represented at all Coordinated Response Team meetings to provide strategic direction.

To provide further understanding of fires and fire-related concerns in the City, Hamilton Fire has begun tracking the calls they have received regarding encampments and the associated response types. The types of calls or responses include structure fires in tents/shelters, burning complaints (i.e., open air burning) and rubbish fires (i.e., non-structural).

Hamilton Fire and Housing Focused Street Outreach are working to ensure the data is valid and reliable before including fire-related data in February's Encampment Response Update.

Access to Washrooms and Showers Update

After Eastwood Arena's shower program ended on January 7, 2024, a new shower program began at Bennetto Community Centre on January 8, 2024. This program is in addition to the shower program at Norman Pinky Lewis Community Centre, that has been operating since September 2023.

Weekly data regarding access of individuals who are living unsheltered to washroom programs will continue to be reported in the Weekly Encampment Dashboard.

Hamilton Alliance for Tiny Shelters Update

City staff continue to explore potential opportunities and will keep the public informed about progress with respect to the Tiny Homes initiative through monthly General Issues Committee Encampment Response Updates.

Encampment Liaison Committee (ELC) Update

City staff were joined by staff from key frontline agencies and organizations, including Indigenous partners, as well as people with lived/living experience at an inaugural meeting on January 25, 2024.

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In its first meeting, members of the committee discussed its vision, mission, and values, and began to develop and codify a Terms of Reference and governance structure for the committee. The ELC will continue to meet to this end, before solidifying a common meeting frequency.

As part of this committee, community partners and people with lived/living experience are being asked to provide meaningful feedback and to contribute to solutions and continuous improvement.

Note: the ELC does not have the authority to direct enforcement or to establish or alter City service levels or direct items to Council. Any changes to the Encampment Protocol itself, including the process defined therein, will require a report to Council and Council approval.

Tracking Sites on Private Property

Housing Focused Street Outreach receive complaints and/or service requests on private property that they are unable to respond to without permission from the property owner to enter the site.

In addition, because enforcement is not in scope of the Encampment Protocol, Municipal Law Enforcement have the responsibility of educating the property owner regarding their rights and the process for escalating to the appropriate authority (i.e., Ministry of Transportation Ontario, Canadian Pacific Rail, Hydro One, Hamilton Police). Once the property owner and/or enforcement authority have been notified of the process, neither Housing Focused Street Outreach nor Municipal Law Enforcement are able to provide ongoing tracking of the site and have no existing role or responsibility regarding a site on privately-owned property.

Some privately-owned properties are more frequently accessed by individuals living unsheltered. In these sites, it is assumed that once the property owner has been notified once regarding the process, they will take the necessary steps to contact the appropriate enforcement authority and will not require additional support from City staff unless specifically requested. As such, privately-owned locations where the landowner has been informed by City staff of the escalation process, will not have an escalation date associated with them.

Additional Trends and Data

Total Unique Individuals Living in Encampments

The total number of individuals that Housing Focused Street Outreach interacted with in January 2024 was approximately 136. This is slightly down from December's total of

210, and lower than the 2023 average of approximately 204 individuals living unsheltered. In addition, there has been a steady decline in the approximate number of total unique individuals living in encampments that Housing Focused Street Outreach has interacted with since peaking at 221 in October 2023.

This decline is likely due to a variety of reasons. Commonly, individuals are more likely to seek indoor accommodations in the colder months, either via emergency shelter and winter warming spaces, or by temporarily couch surfing with family and friends.

Supports for Individuals Living in Encampments

In January 2024, Housing Focused Street Outreach provided basic needs supports to 96 non-unique individuals and housing-related supports to 267 non-unique individuals. These totals are slightly less than those reported in December 2023, but consistent with the 2023 reported averages, and significantly higher than the totals reported in January 2023.

Cleaning and Maintenance

In January, Parks Section staff cleaned and maintained 139 sites, lower than a peak of 157 locations in November, but still the second highest total since the Encampment Protocol was ratified in August. In general, the total number of sites cleaned and maintained by Parks staff has trended upwards.

As sites become more entrenched in compliant locations, and individuals collect more materials to help insulate their site to stay warm, the number of requests for garbage and debris clean-up has increased.

Indicators

The following indicators have been developed to assess the success of the program on an interim basis and will be reported on regularly to provide accountability to the public and people with lived experience, and transparency regarding the City's approach to encampment response.

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Indicator	Category of Measurement	Jan 2024	Prev. Month	2023 Avg.	Jan 2023
Total complaints and/or requests for service requiring response or follow-up by Housing Focused Street Outreach (HFSO)	Volume of complaints and/or requests for service	429	410	622	N/A
Number of unique individuals/households reached who are unsheltered and/or regularly living in encampments throughout the City (defined by connection to HFSO), who have provided consent to have their personal information stored in the Homeless Individuals and Families Information System (HIFIS).	Total unique individuals living in encampments	87	77	47	47
Number of unique individuals/households reached who are unsheltered and/or regularly living in encampments throughout the City (defined by connection to HFSO), who have not yet provided consent to have their personal information stored in the Homeless Individuals and Families Information System (HIFIS).	Total unique individuals living in encampments	59	133	114	N/A
Number of interactions where individuals received support (from HFSO) with their basic needs per month	Support basic needs of individuals living in encampments	96	132	129	52
Number of interactions where individuals received support (from HFSO) with their housing needs per month	Support housing-related needs of individuals living in encampments	267	230	269	68

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Indicator	Category of Measurement	Jan 2024	Prev. Month	2023 Avg.	Jan 2023
Escalated items actioned to Municipal Law Enforcement from HFSSO (i.e., MLEOs were involved in response) on public property	Volume of Escalated complaints	12	27	20	N/A
Escalated items actioned to Municipal Law Enforcement from HFSSO (i.e., MLEOs were involved in response) on private property	Volume of Escalated complaints	3	10	9	N/A
Total number of Trespass Notices issued on public property	Response type to escalated complaint	7	20	64	N/A
Total number of Trespass Notices issued on private property	Response type to escalated complaint	0	0	0	N/A
Number of instances where compliance was achieved immediately on public property, without issuing of Voluntary Compliance Notice	Response type to escalated complaint	0	2	4	N/A
Number of instances where compliance was achieved immediately on private property, without issuing of Voluntary Compliance Notice	Response type to escalated complaint	0	0	0	N/A

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Indicator	Category of Measurement	Jan 2024	Prev. Month	2023 Avg.	Jan 2023
Number of encampment sites cleaned and/or maintained by Parks Section staff or a designated contractor	Park cleaning and maintenance	139	117	97	N/A

All indicators meet the criteria of being valid and reliable and can be replicated by City staff and reported monthly.

Please direct any inquiries to Danielle Blake, Manager, Housing Focused Street Outreach, at (905) 546-2424 ext. 3731, or by email at Danielle.Blake@hamilton.ca.

APPENDICES AND SCHEDULES ATTACHED

N/A