

Clean Up Protocol for Private Property

A) Purpose

This Protocol is intended to provide direction to City staff and to the public pertaining to clean up efforts on private property, adjacent to encampment sites which are located on City-owned property.

There are instances when litter and debris generated from encampment sites impacts adjacent private property. The litter / debris may not reflect the private property owner's efforts to maintain their property to the standards expected and can represent a financial strain or by-law order to a private homeowner or business. This Protocol is in place to mitigate these impacts and assist private property owners, and to define roles, responsibilities, and process steps in the City's clean up efforts on private property resulting from an adjacent encampment site.

B) Shared Principles

When engaging in a clean up response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered in spaces that are adjacent to private property, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in adjacent encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents, as well as those private property owners living adjacent to encampments on City-owned property.

C) Complaints and Service Request Information

Property owners who encounter litter / debris on their property that can be attributed as coming from adjacent encampment sites should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at unsheltered@hamilton.ca or by phone at 905-546-2828.

Any contacts made with other internal City divisions or through other City channels regarding encampments, temporary shelters, or tents will also be forwarded to Housing Focused Street Outreach for first response.

D) Criteria for Determining Clean Up on Private Property

The decision-making criteria below will be used by City staff to evaluate the City's response to clean up on private property. A list of criteria – to be used by City staff in determining if a property clean up is warranted – is found in **Appendix A** of this Protocol.

1. Scope:

The property must have been impacted from an encampment in an amount and/or type of litter and debris that is in excess of what a property owner could reasonably be expected to clean up. The property owner must therefore demonstrate undue hardship that warrants a clean up response from City staff. This may include identifying items that are larger than what is capable of blowing into a property from wind and weather events such as:

- a. Furniture;
- b. Suitcases / luggage;
- c. Tents, canvases, tarps;
- d. Glass or sharp objects;
- e. Full garbage bags;

This may also include hazardous materials such as:

- a. Human waste;
- b. Syringes;
- c. Drug-related substances or narcotics;
- d. Propane tanks or combustible materials;

If the health and safety risk is considered serious and/or imminent (e.g. presence of hazards) as identified by City staff, they will communicate with the Coordinated Response Team and prioritize working with community partners to address any remaining safety concern. These partners may include Hamilton Fire Department, Hamilton Public Health's Community Points program, Hamilton Police Services, or any other parties deemed necessary to address the observed health and safety concerns.

2. Property Use:

The property must be a private residential or small commercial property to warrant a clean up by City staff.

3. Property Location:

The property must be directly adjacent to (abutting) an active and known encampment, or abandoned encampment on City-owned lands and must show litter / debris impacts from the adjacent encampment onto private property. City staff will determine on site, at their sole discretion whether a property warrants a clean up:

- a. If litter / debris from an adjacent encampment encroaches onto a property that spills across two (2) properties; or
- b. Whether there is indication of litter and debris from a situation other than an adjacent encampment (ex. Illegal dumping, property standards violations).

4. Property Context and Clean Up Occurrences:

The property must not be already flagged to Municipal Law Enforcement for property upkeep violations.

In instances of recurring service requests, the City will limit clean up responses to once per month per property. City staff will determine on site, at their sole discretion, if exceptions may be granted by waiving the recurring limit to more than once per month.

5. Property Access:

The property must have reasonable access to the affected area identified for a clean up, including for safe access and movement of City vehicles. City staff will make best efforts to reduce impacts to a property such as tire marks or rut marks in the ground on hard or soft surfaces, damaged vegetation or other possible impacts resulting from the clean up. In the event that there is impact to the aforementioned items, the City may re-gain access onto the property for associated remediation works if the work cannot be remediated immediately following the clean up (due to weather events, soil conditions).

E) Clean Up Response Process

The following step-by-step process provides a detailed breakdown of actions that shall occur during a clean up response.

STEP 1: A property owner contacts the City to make a formal complaint / service request by contacting unsheltered@hamilton.ca or 905-546-2828

STEP 2: City staff receive an intake request and conduct an internal assessment prior to making contact with the property owner to determine if affected area is encampment-related.

STEP 3: If City staff deem the affected property clean up area as encampment-related, City staff contact the property owner to arrange a site meeting.

STEP 3: City staff meet with the property owner on site to conduct a site review / assessment. City staff assess the area to determine whether it warrants a clean up using a checklist of criteria (noted in Section D of this Protocol; checklist also in **Appendix A**). If the private property meets the criteria, City staff issue the property owner a Permission to Enter Agreement (see **Appendix B**).

STEP 4: The property owner reviews the Permission to Enter Agreement, reviews with their legal counsel if desired, and provides written authorization (signature) to City staff.

STEP 5: City staff take "before" photographs to document what they see at the time of the visit and determine scope of the clean up.

STEP 6: City staff arrange a time with the property owner to come back and clean up the site. If the adjacent encampment is still active, City staff coordinate a time to come back and clean up the site together with Hamilton Police Services, using the process outlined in the Encampment Clearance standard operating procedure.

STEP 7: City staff access the site and perform the clean up. Staff take "after" photographs to document how they left the space and issue a formal written Notice to the property owner that the clean up is complete. If damage to the property (i.e. ground surfaces, vegetation, overhead

wiring) is impacted, staff return to the site to perform remediation work. Staff take "after" photographs to document how they left the space and issue a formal written Notice to the property owner that the clean up is complete.

STEP 8: City staff document the service request and mark it "complete". Staff provide ongoing updates through reporting to be used in email summaries, as well as monthly ongoing reports to Council.

F) Health and Safety

Defining specific health and safety issues is difficult and can be based upon several factors unique to a particular site or circumstance. Some examples include, exposed electrical wiring, accumulation of discarded needles, illegal activity, abuse, threats or violence against staff, HPS or other persons, improper use or storage of propane tanks and other flammable materials, acts involving weapons. Health and safety issues may also be identified via complaints from the private property owners in relation to an adjacent encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Health and safety concerns existing for those living within or adjacent to an encampment, temporary shelter, or tent will be addressed in a reasonable and timely fashion, in good faith, on a case-by-case basis, prioritizing the seriousness of the concern and recognizing that there is a need to balance the needs of both the individual living in an encampment, temporary shelter, or tent and adjacent private property owner.

In situations where the need to intervene is less acute, the City may consult with additional internal and external partners to determine how to best balance the needs of individuals living encamped and adjacent private property owners.

If at any time City staff encounter someone in medical distress requiring immediate attention, witness violence, or believe violence to be imminent to people living in encampments, temporary shelters, or tents, staff, or community members, they will call 911 and notify emergency medical, Hamilton Fire Department, or Hamilton Police Services (including members of the Hamilton Police Crisis Response Branch) to have the appropriate services dispatched. Additionally, City staff will leave the site irrespective of all procedures above, if their health and safety is currently being, or at risk of being threatened. To ensure safety of staff, the presence of Hamilton Police Services may be required while visiting the site.

G) Reporting

To provide ongoing accountability and transparency to the City's clean up response on private property and the implementation of its Clean Up Protocol, communication with Council and Ward Councillors regarding the Clean Up Protocol will be through the weekly email summary, as well as the monthly, ongoing reports to Council 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 clean up response program and the implementation of its Clean Up Protocol.

H) Communicating Protocol to Private Property Owners Living Next to Encampments

The following approaches will be taken to build understanding of the Protocol:

- a. Housing Focused Street Outreach workers will have an information sheet outlining expectations of the Clean Up Protocol, to be shared with private property owners living adjacent to encampments when staff visit an encampment. This resource will also be provided to Ward Councillor’s offices to assist any inquiries received by elected representatives.
- b. City partners who also engage in frontline response, i.e., Parks and Cemeteries Section and Municipal Law Enforcement, will be provided information sheets to share with private property owners who live adjacent to encampments within the City, and community partners upon request.
- c. The City will post the Clean Up Protocol and information sheet on the City’s website for public access.