

## Encampment Protocol – with Amendments

### A) Shared Principles

When engaging in encampment response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered, 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 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 and City staff.

It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions.

### B) Complaints and Service Request Information:

Individuals in the community who encounter an active or abandoned encampment, temporary shelter, or tent, or someone who is living unsheltered, and/or have questions or concerns about an encampment, should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at [unsheltered@hamilton.ca](mailto: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.

### C) Alignment to Housing Resources and Supports

In establishing a housing-focused approach to interacting with individuals living unsheltered and/or in encampments, all individuals will be given an opportunity to complete a Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT)

In the context of individuals living in encampments, temporary shelters, or tents, the Vulnerability Index – Service Prioritization Decision Assistance Tool is a triage tool, with a series of questions asked by Housing Focused Street Outreach staff to individuals who are experiencing homelessness. The assessment tool is used to support conversations where staff learn about an individual’s housing situation, needs, and strengths to help build a plan to achieve stable housing. It is also used to inform additional supports that may be needed and/or help prioritize housing interventions

within Hamilton’s Homeless-serving System likely to be most beneficial to support an individual’s needs, preferences, and long-term housing outcomes.

There is no requirement for anyone who is living in an encampment, temporary shelter, or tent to complete the Vulnerability Index – Service Prioritization Decision Assistance Tool and it will have no bearing on whether they are able to stay in a particular location or for a specific duration of time. The assessment tool will only be used to help connect individuals experiencing homelessness to housing resources and supports.

#### **D) Prohibited Areas for Erecting Encampments, Temporary Shelters, or Tents**

In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons’ temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters. Further, the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:

- On or within 100 meters of a school or children daycare centre
- On or within 100 meters of a playground, pool, waterpark, or any spray pad
- On or within 50 metres of any lake, beach, pond, watercourse or other body of water, or a dock
- Within 10 meters of any private property line
- Within 100 meters of a funeral home
- Within 100 meters of a long-term care facility
- Within 25 meters of an active construction site
- On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway.
- On or within 5 meters of any property with an environmental or heritage designation
- On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.
- On any fenced-in, off-leash dog area
- On any cemetery, including its roads, lanes and paths for travel within the cemetery
- On any community garden and including any garden shed or greenhouse
- On or within 5 metres of any pathway, walkway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures
- On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant

- On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency
- On or within any accessibility entrance or ramp or located in a way that blocks access to such entrances or ramps.
- On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards that presents a risk to health and safety.
- Further no temporary shelter or tent will be placed against, or under, or be attached or tied to any building or permanent structure. All shelters or tents must be freestanding.

### E) Campfire and Barbecue Use

Section 14 of By-Law 01-219, the Parks By-Law, which regulates campfires and barbecues in City Parks; as well as By-Law No. 02-283, the Open Air Burning By-Law, which regulates open-air burning within the City, shall be complied with and will be enforced.

### F) Maximum Personal Space Allotment(s)

The total area for a single tent and all its associated belongings cannot exceed beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared. The following chart identifies space limits by number of temporary shelters or tents:

Number of Temporary Shelters/Tents within Encampment Cluster	Maximum Total Space Allotment (metres)
One	9m <sup>2</sup>
Two	18m <sup>2</sup>
Three	27m <sup>2</sup>
Four	36m <sup>2</sup>
Five	45m <sup>2</sup>

Any items located outside of the allotted personal space area will be subject to removal by City staff.

### G) Encampment Response Processes

Given that there are several circumstances that require a unique response from the Coordinated Response Team, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters, or tents:

- A) When an encampment, temporary shelter, or tent is located on public property, and not within a prohibited area, as defined by this Protocol:

1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with the individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual’s health and wellbeing.
  2. If no health and safety issues are observed by Housing Focused Street Outreach (see Section J, ‘Health and Safety’ for further detail on specific circumstances or factors), and the encampment, temporary shelter, or tent complies with the prohibitions and locations outlined in this Protocol, individuals will be allowed to maintain and occupy temporary such shelter for the duration of the Protocol, as defined by City Council. Housing Focused Street Outreach will continue to engage with the individual(s) on an ongoing basis to provide supports and referrals as needed and work towards goals in individualized housing plans.
  3. Only if a substantial change in circumstances is observed by Housing Focused Street Outreach in subsequent visits to the encampment, temporary shelter, or tent, such as new significant health or safety issues, will Hamilton Police Services be asked to attend to support any response. Hamilton Police Services will attend encampments within the normal course of responding to emergencies and other policing duties, and Housing Focused Street Outreach and other City partners will work cooperatively with Hamilton Police Services if a concern related to health and safety is identified at an encampment.
  4. Any items or circumstances that are of clear and immediate risk to the individuals living in an encampment or neighbouring encampments or the broader public will result in a call for immediate emergency response. Hamilton Police Service Encampment Engagement Officers will attend the location and conduct a risk assessment when requested and as required.
- B) When an encampment, temporary shelter, or tent is located on public property, within a prohibited area, as defined by this Protocol:
1. Within 72 hours after receiving a complaint or request for service (unless exceptional circumstances exist), Housing Focused Street Outreach staff will engage with individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance

supports, and specialized outreach supports; and any other relevant supports available that would improve an individual’s health and wellbeing. Housing Focused Street Outreach will have available information about possible suitable and compliant sites and will consider the needs and choices of the individual and collaborate with the individual(s) living within an encampment, temporary shelter, or tent, to identify a more suitable area that meets the conditions noted within this Protocol.

2. If after visiting an encampment, temporary shelter, or tent, Housing Focused Street Outreach staff observe the encampment, temporary shelter, or tent to be in a prohibited area, as defined by this Protocol, Housing Focused Street Outreach will contact Municipal Law Enforcement within 72 hours of receiving the initial complaint, and Municipal Law Enforcement will respond to the within four (4) business days.
3. Municipal Law Enforcement Officers will visit the site within four business days and confirm whether the encampment, temporary shelter, or tent is in a prohibited area. If so, Municipal Law Enforcement Officers will notify the individual(s) living at the location via a Notice of Trespass and verbally, if possible, that they are in a prohibited area, and that they will be required to move from the existing location.
4. 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. For example, if the Municipal Law Enforcement Officers observes a significant health or safety issue for the individual due to placing a shelter on a highway the Municipal Law Enforcement Officers will take more urgent action to require compliance or remediate the concern and may seek Hamilton Police Services support. If there are few or no immediate health, safety, or other concerns due to encampment or its location within a prohibited area, Municipal Law Enforcement Officers will allow for more time, up to a maximum of four (4) total days, unless exceptional circumstances exist, to engage with the individuals in an encampment, temporary shelter, or tent around supports and next steps.
5. After a Trespass Notice has been served and prior to an area being cleared, Housing Focused Street Outreach’s will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing, such as lack of identification or item storage.
6. If the duration of time provided by a Trespass Notice expires and individual(s) at the site has not moved voluntarily and are unwilling to move, Municipal Law Enforcement Officers will notify Hamilton Police Services Encampment

Engagement Officers. Hamilton Police Services will be available to support and assist the Municipal Law Enforcement Officers, operational plan, and/or the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.

7. Hamilton Police Services Encampment Engagement Officers will interact with individuals in encampments, temporary shelters, or tents at the request of Housing Focused Street Outreach and/or Municipal Law Enforcement, in a supportive capacity. Otherwise, their level of intervention will be dictated by their own internal policies and the circumstances at a given encampment, temporary shelter, or tent site.
8. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, within 72 hours, with discretion for extenuating circumstances such as inclement weather.

C) When an encampment, temporary shelter, or tent is located on public property, is not located in a prohibited area, but health and safety concerns are identified:

1. If Housing Focused Street Outreach identify or confirm a health or safety issue at an encampment, temporary shelter, or tent, and depending on circumstances, will address or may collaborate with appropriate partners to address the health and safety concerns identified.
2. If the health and safety concern is considered serious and/or imminent (e.g., exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, possession of weapons) as identified by Housing Focused Street Outreach or Hamilton Police Services Encampment Engagement Officers, Hamilton Police Services will follow appropriate policing responses required in the circumstances. In addition, 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 Parks, or any other parties deemed necessary to address the observed health and safety concerns.
3. All items determined by Hamilton Police Services and/or partners to be a serious risk to the health and safety of individual(s) living at the encampment, temporary shelter, or tent, as well as the public will be removed at the earliest opportunity.
4. If the encampment, temporary shelter, or tent is also in an area deemed to be prohibited based upon the provisions identified in Section D of this Protocol, and after health and/or safety issues placing Municipal Law Enforcement Officers at

risk have been removed, Municipal Law Enforcement Officers will initiate steps 4-9 in Encampment Response Process B – *“If an encampment is located on public property, in a prohibited area.”*

5. If all serious health and/or safety issues have been removed or otherwise corrected, and the encampment, temporary shelter, or tent is not located in a prohibited area as designated in Section D of this Protocol, then the individual(s) will be permitted to remain where they are, in accordance with Encampment Response Process A.

#### **H) Encampments on Private Property**

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Hamilton Police Services’ jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Hamilton Police Services may seek the assistance of Municipal Law Enforcement Officers as appropriate or required in the circumstances.

Provided the property owner permits, Housing Focused Street Outreach will engage with encampment, temporary shelter, or tent residents to identify alternate sheltering options and attempt to address any barriers to shelter or housing. Additionally, Housing Focused Street Outreach will work with individuals at the encampment, temporary shelter, or tent to provide supports and referrals as needed and work towards goals in individualized housing plans.

#### **I) Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned**

While Housing Focused Street Outreach is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or may abandon a previous site without Housing Focused Street Outreach’s or other Coordinated Response Team partners’ knowledge. Given that maintaining one’s possessions while experiencing homelessness is vital to a human-rights based approach, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Housing Focused Street Outreach have not interacted with anyone at a particular site and/or there has been observed inactivity for at least three (3) days, they will review the site with the Coordinated Response Team partners at

the nearest opportunity to confirm there has been no recent activity witnessed at the site.

2. If Coordinated Response Team partners (i.e., Municipal Law Enforcement, Hamilton Police Services, Parks) have not witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, Housing Focused Street Outreach will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in three (3) days from the time of the notice being placed.
3. Within the three-day timeline, all reasonable attempts will be made by Housing Focused Street Outreach and/or other Coordinated Response Team partners to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.
4. If no interaction has been made by Housing Focused Street Outreach with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact Housing Focused Street Outreach, and/or no other changes are observed at the site by the end of the allotted time, Housing Focused Street Outreach will provide approval to Parks Section to clean the site.
5. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, within 72 hours of approval, with discretion for extenuating circumstances such as inclement weather.

Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

## **J) 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, and acts involving weapons. Health and safety issues may also be identified via complaints from the public and/or businesses in relation to the encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Housing Focused Street Outreach staff will notify Animal Services when a pet is encountered at an encampment site. Housing Focused Street Outreach staff will collaborate with appropriate parties including the pet owner to identify how to best support the pet and pet owner, including implementing strategies to reduce any potential harms to the pet owner, public, City staff and the animal.



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 community members.

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 community members.

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 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.

### **K) Reporting**

To provide ongoing accountability and transparency to the City’s encampment response program and the implementation of its encampment protocol, communication with Council and Ward Councillors regarding the Encampment Protocol will be 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. Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach will provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities will be limited to the monthly Council reports.

### **L) Communicating Protocol to Residents of Encampments**

An engagement strategy has been developed to update unsheltered individuals living in encampments about the Protocol as well as to communicate expectations of places within the City where encampments, temporary shelters, or tents can be erected.

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

- Housing Focused Street Outreach workers will have an information sheet outlining expectations of the Protocol, to be shared with unsheltered individuals when staff visit an encampment. Additionally, outreach staff will collaborate with individuals to understand their needs and choices in order to

identify suitable locations (compliant sites) within the City where the individual can set up a temporary shelter or tent.

- Information sheets will also be shared with external frontline service providers who manage drop-ins, emergency shelters, and other related services and programs providers in the community, which can be posted in their locations and also communicated to staff throughout these organizations.
- City partners who also engage in frontline response, i.e., Parks Section and Municipal Law Enforcement, will also be provided information sheets to share with unsheltered individuals within the City, and community partners upon request.
- The City will post the Encampment Protocol and information sheet on the City’s website for public access.