RESOLUTION NO.

WHEREAS, the Austin City Council has identified ending homelessness as its top priority; and

WHEREAS, on June 20, 2019, the Council voted to amend City Code Section 9-4-11 (Camping in Public Area Prohibited) to make camping in public areas criminal only when the camping activity materially endangered health and safety or when it intentionally, knowingly, or recklessly rendered impassable or impeded the reasonable use of the public area by making use of the area unreasonably inconvenient or hazardous; and

WHEREAS, unwanted camping, sitting, and lying remain prohibited on private property when forbidden by the property owner; and

WHEREAS, camping is prohibited in public parks, public libraries and recreation centers, courthouses, City Hall and ceremonial buildings, the Capitol Complex, and other areas and facilities with administratively-imposed curfews or building use rules; and

WHEREAS, at the June 20, 2019, meeting, the Council also passed Resolution 20190620-184 directing the City Manager to recommend reasonable time and place opportunities and limitations on camping, sitting, and lying, as well as options for non-criminal strategies for enforcing the above; and

WHEREAS, in its August 30, 2019, memorandum, staff recommended that the Council consider limiting camping in areas with high pedestrian and vehicular traffic as well as high flood risk areas, for health and safety reasons; and

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WHEREAS, the Council desires to ensure the public health and safety of individuals camping as well as those around them; and

WHEREAS, in consideration of the staff guidance and other community feedback related to public health and safety issues, the Council has identified areas of the city where camping, sitting, and lying should not occur, and revisions to City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) reflect these clarifications and restrictions; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify sidewalks, trails, traffic islands, and steeply sloped areas under highways as being among the areas with high pedestrian and vehicular traffic and those revisions would accordingly restrict camping; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify land with a strong propensity to flood, creeks and rivers, storm drains and culverts, and high fire risk properties as being among the areas posing high flood risk or environmental concerns, and those revisions would accordingly restrict camping access; and

WHEREAS, the public areas around the Austin Resource Center for the Homeless (ARCH) need improved maintenance, sanitation, and safety for ARCH guests as well as other pedestrians, and the National Alliance to End Homelessness has recommended reducing activities that currently exist outside the ARCH to make the emergency shelter more welcoming to individuals experiencing homelessness; and
WHEREAS, Front Steps (the nonprofit manager of the ARCH) and the City have begun transforming services at the shelter as well as renovating the interior and exterior spaces; and

WHEREAS, proposed revisions to City Code Sections 9-4-11 and 9-4-14 identify camping, sitting, and lying around existing and planned emergency shelters; and

WHEREAS, the Council intends to increase places where camping is prohibited as additional housing options become available citywide; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to identify the following for the purpose of proposing to update the relevant provisions of City Code Sections 9-4-11 (Camping in Public Area Prohibited) and 9-4-14 (Obstruction in the Downtown Community Court Area Prohibited):

- roadways with high pedestrian and vehicular traffic
- flood prone areas; and
- areas and practices within the wildland urban interface areas that present public safety or public health risks

BE IT FURTHER RESOLVED:

To assist in notifying the public of areas where camping is prohibited, the City Manager shall post signage in appropriate places. The City Manager shall also initiate a robust education and awareness campaign so individuals affected by these changes can be alerted as quickly as possible.

BE IT FURTHER RESOLVED:
The City Manager is directed to compile and make available a map and guide that would assist the public in understanding the prohibitions imposed by City Code Sections 9-4-11 (Camping in Public Area Prohibited) and 9-4-14 (Obstruction in the Downtown Community Court Area Prohibited). This guide should be completed by May 1, 2020.

BE IT FURTHER RESOLVED:

The Council affirms that state and local regulations will continue to be enforced at campsites, including the following:

- Laws as they relate to grills, fire pits, or other mechanisms for cooking or heating
- Laws as they relate to built structures
- No furniture or other objects placed in a manner such that they could fall into the path of a pedestrian, vehicle, wheelchair, or micro-mobility device
- Pet and human waste must be contained in an appropriate receptacle
- Trash and food waste must be deposited into a trash receptacle or bag provided for that purpose
- No modifications of public infrastructure that damage the public infrastructure and/or the placement of furniture that obstructs pedestrian access to benches, parking pay stations, patios, or other public amenities
- Adherence to city regulations or city/state/or federal laws, including those prohibiting drug use and public intoxication

BE IT FURTHER RESOLVED:

By January 1, 2020, the City Manager shall advise Council as to whether other practices or structures pose public safety or health concerns for individuals camping or others and will be addressed in administrative city regulations as an update to City Code Sections 9-4-11 (Camping in Public Area Prohibited) and 9-4-14 (Obstruction in the Downtown Community Court Area Prohibited).

BE IT FURTHER RESOLVED:
By January 1, 2020, the City Manager is directed to estimate costs and propose a plan for offering replacement equipment to individuals experiencing homelessness who may be using items that create public health or public safety risks.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to identify camping locations throughout the city where the City shall provide restrooms and garbage pickup. The City Manager is directed to examine options such as portable toilet and/or “wag bags,” as well as additional trash receptacles that may be provided camps to improve sanitary conditions. The City Manager shall return to Council with a list of such sites no later than November 1, 2019.

The Council further directs the City Manager to explore facilitating access to showers and laundry services, perhaps through a mobile vehicle, and to report back on options by January 1, 2020.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to provide a progress report by December 1, 2019, on the exterior and interior renovations at the ARCH, the transition to housing-focused services, safety within and outside the shelter, and the phased-in approach to eliminating camping in the immediate surroundings as described in City Code Sections 9-4-11 and 9-4-14.

**BE IT FURTHER RESOLVED:**

The Council desires to enforce the measures detailed in City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) with non-criminal methods to the greatest extent possible.
Whenever possible, a law enforcement officer shall provide the person a reasonable opportunity to change locations to a non-restricted area. The law enforcement officer shall contact a member of the Homelessness Outreach Street Team (HOST), case worker, community health paramedic, or other city designee who shall offer to transport a person who continues to camp in a restricted area to the appropriate location for case management and housing services. The City Manager is directed to identify housing locations and housing voucher funds for the purpose of providing case management and housing services to people camping in prohibited areas and to provide Council with this information no later than November 1, 2019.

In instances in which referral and/or transportation of people camping in prohibited areas is not feasible, the City Manager is directed to catalog the circumstances in which the determination was made and to provide that report to the Council on a quarterly basis.

The City Manager is directed to advise about the potential need for additional staff and resources and possible funding sources needed to carry out an effective process.

ADOPTED: ____________________, 2019

ATTEST: ____________________________

Jannette S. Goodall
City Clerk