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TO: Deputy Mayor Hale and Assembly Committee of the Whole

DATE: June 3, 2024

FROM: Robert Barr, Deputy City Manager

RE: Teal Street Neighborhood & Camping

The purpose of this memo is to provide information and recommendations on behavioral challenges on CBJ property in and around the Teal Street area. CBJ staff have met with and received reports from The Glory Hall, St. Vincent's de Paul, and the Teal Street Center in the Teal Street area who we partner with to provide services to individuals experiencing homelessness. These organizations report experiencing threatening and/or disruptive behavior from a relatively small number of individuals. The behavior does not regularly rise to the level of criminal activity, but has resulted in staff & client safety concerns and increased operational costs.

The organizations have requested CBJ consider creating a "shelter safety zone" around their places of business, which would theoretically enable JPD to take enforcement actions against individuals for loitering in the area. The concept of a shelter safety zone is based on an ordinance passed in Bellingham, WA, which is attached to this memo as an example. It is also similar in concept to CBJC [53.09.340\(a\)\(4\)](#)<sup>1</sup>, which prohibits camping in a defined section of downtown.

Loitering is a challenging concept to define in a manner that is sufficiently precise both for residents and law enforcement officers to understand what behavior is not allowed. From an enforcement perspective, CBJ staff are concerned about the actual, potential, or perceived discrimination that can occur in the absence of precise definitions. In lieu of loitering, a geographically defined camping prohibition would have sufficient precision.

Camping prohibitions are a rapidly evolving and controversial national topic. In both *Martin v. Boise* and *Grants Pass v. Johnson*, courts have held that municipalities cannot criminalize camping in public places when a sufficient number of shelter beds are not available for the population. The *Grants Pass* case is active before the U.S. Supreme Court. A decision is anticipated this summer. Under the current 9<sup>th</sup> Circuit decisions, it is reasonable to interpret that municipalities can institute *some* types of camping related rules. The more narrowly tailored those rules are, the more likely they are to comport with current case law.

A geographic prohibition that is specific to a multiblock radius around shelter providers for the purpose of alleviating existing and documented concerns is likely a viable option, whereas a geographic prohibition for the Mendenhall Valley is not.

As with almost any legislative or regulatory decision on this topic, a geographic prohibition will likely shift these challenges to neighboring property owners that would be on the edges of the prohibited

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<sup>1</sup> <https://bit.ly/53code>

area and it is reasonable to expect those impacted property owners may request an expansion of the area, which at some point would push the bounds of current caselaw.

Separate but related to this request from providers, it is also possible to take a holistic approach to this challenge and attempt to specifically define where, when, and/or how camping is allowable on CBJ property. From a place perspective, developed parks and sidewalks could be prohibited, while greenbelts and natural area parks could be allowed. From a time perspective, certain parcels that have regular daytime public use could be prohibited during the daytime hours, but included as potential camping locations during the night. From a manner perspective, individuals who CBJ and/or shelter provider staff have determined have regular access to a shelter bed could be precluded from establishing a campsite on CBJ property.

**Recommendation:**

If there is a desire to regulate camping, staff recommend an approach that defines where, when, and how camping is permitted on public property. This would be done by striking and revising [53.09.340\(a\)\(1-3\)](#)<sup>2</sup>.

Alternatively, the Assembly can direct staff to bring back a geographic prohibition similar to the downtown no-camping ordinance for the Teal Street area.

In either case, collaboration and coordination with our partner providers will be integral to the process.

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<sup>2</sup> <https://bit.ly/53code>