

CITY OF BURLINGTON

SHELTERING ON PUBLIC LANDS: OUTREACH AND REMOVAL POLICY AND PROCEDURES

Section I – Purpose:

The City of Burlington is committed to supporting and maintaining a safe public environment for all residents and visitors of Burlington, both those who live in hard-wall-shelters and those who do not. To those ends, the City will take steps to ensure that individuals without hard-wall-shelters are provided with information on available resources and are given the assistance necessary to go through the Coordinated Entry process. The City also has an affirmative commitment to support the dignity of all people, including those without hard-wall shelters.

The City will try to ensure that individuals are not permitted to camp or set up residences in areas where camping is prohibited under Burlington’s Code of Ordinances or that are otherwise permanently posted, such as in the Urban Reserve. However, generally, an encampment that is on public property and not in a prohibited area and that does not present exigent circumstances will only be noticed for removal if certain criteria are met and outreach efforts are made consistent with the following policy and procedures.

Section II – Procedures for Areas Where Camping is Specifically Prohibited:

1. If the City learns of or receives a report of an active encampment on public property in a part of the City where camping is specifically prohibited through Burlington’s Code of Ordinances or permanent posting, the Community Affairs Liaison (for purposes of this policy, the term “Community Affairs Liaison” means the Community Affairs Liaison, their designee, or any City employee with appropriate training), and usually a uniformed police officer, shall attempt to make outreach to the encampment to provide information on available resources and written notice that camping in that area is prohibited and that if they continue camping in the specifically prohibited area beyond a specified date they may face ticketing, no trespass orders, other legal action, and removal of any remaining items not found to be refuse or hazardous.
2. The notice shall also briefly state the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison’s contact information. The notice shall also provide contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available community resources.
3. The Community Affairs Liaison shall ensure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment.
4. If there is no individual at the site with whom to speak, the Community Affairs Liaison shall post or securely place the written notice as described above in #1 on or near any items. If possible, the notice should be provided to campers in person. The Community Affairs

Liaison will take and file photographs demonstrating where and when the notices were posted.

5. If the campers have not left or removed their property by the date/time specified, they may be ticketed if they have violated an ordinance, and/or they may receive a notice of trespass if one is warranted. The City will dispose of any trash and remove any property left at the site. City staff will ensure the Community Affairs Liaison has attempted outreach and notice before enforcing the no-camping rules in these areas.

Section III – Procedures for Areas Where Camping is not Specifically Prohibited:

Sub-Section A – Outreach:

1. If the City learns of or receives a report of an active encampment in a part of the City where camping is not specifically prohibited, the Community Affairs Liaison, or designee, shall attempt to make outreach to the encampment to provide contact information for the Community Affairs Liaison, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available resources. . Generally, an appropriate City employee shall accompany the Community Affairs Liaison on this initial outreach attempt, and the use of a uniformed police officer should be limited.
2. If people are present during this initial outreach attempt, then appropriate social services agencies should be called and, if possible, immediately come to the encampment to provide additional information on available resources. The Community Affairs Liaison shall make sure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment
3. The Community Affairs Liaison should note where the encampment is located.
4. If no one is present during this initial outreach, then the Community Affairs Liaison should leave the Community Affairs Liaison’s contact information, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, information about other available resources, and make additional outreach attempts as necessary. If people are present during a subsequent outreach attempt, then appropriate social services agencies should be called and, where possible, immediately come to the encampment to provide additional information on what resources are available.
5. The BPD, Community and Economic Development Office (CEDO) and appropriate social services agencies will make every effort to consult and make sure all appropriate social service organizations have been contacted, social service providers have visited the encampment to assist where possible, the individual(s) have been referred via receipt of the Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment, and efforts have been made to implement the City’s Housing First Policy. The process described in Sub-Section A will happen whether or not the City believes that removal may be necessary.

Sub-Section B – Removal Criteria and Procedures:

As approved by City Council on February 7, 2022

1. If a City department determines that there is a reason to remove the items of individuals camping on public land based on one of the following criteria, that department should contact the City Attorney's Office for an initial review. The criteria that serve as a basis for removal are as follows:
 - a. Risks to health or safety related to living conditions;
 - b. Risks to the site's ecology;
 - c. The nature, quantity, and location of any structures on the site, as structures generally will be removed from public property, although temporary tents or lean-tos that are kept in good condition may not require removal;
 - d. The amount or nature of possessions or materials on the site, such as trash, furniture, or large numbers of bags, may warrant removal;
 - e. Interference with the ability of others to use the property;
 - f. Inconsistency with the intended public use of the site;
 - g. Repeated or serious legal or criminal violations at the site; and
 - h. Other severe or pervasive issues that may warrant removal.
2. The City Attorney's Office will first identify the property owner. If the encampment is not on City property, then the BPD should contact the property owner and provide assistance as needed. If the City Attorney's Office determines that the encampment is on City property, then the involved City department shall write a brief narrative describing the situation and reason(s) for removal in conjunction with other relevant City departments and the City Attorney's Office. If appropriate, the City department(s) should collect and preserve photographic documentation necessary to support the determination of need for removal.
3. If the City Attorney advises that the items may be removed under the circumstances and in accordance with this policy, and the removal is not an emergency, the Community Affairs Liaison shall provide or post an initial notice at the site notifying the campers that the City is considering removing their items from the site and the reasons therefor, that the decision will be made within the next three workdays, and that they should contact the Community Affairs Liaison with any questions about or objections to the removal. The initial notice shall advise the campers of the reasons for the potential removal, with at least a sentence describing the reasons for the removal with reasonable particularity. Before that notice is posted, the department requesting removal will ensure that the Mayor's Office has received a copy of the narrative justifying removal and the initial notice and will notify any other City department that may be affected by the potential removal. The Community Affairs Liaison will communicate with the Mayor's Office if any questions or objections are received within the three-workday initial posting period.
4. If no objection is received within the three work days, or the Mayor determines that removal is warranted despite an objection, the Mayor shall make a determination, based on the narrative requesting removal and advice from the City Attorney, BPD, and other departments, whether to proceed with removal, and the Mayor's Office shall notify the requesting department of the Mayor's decision.
5. Once the Mayor decides that an encampment can be removed from City property, the Community Affairs Liaison shall provide the encampment with a written notice to remove property by a specified date/time that explains that the City will remove any property remaining in the area on that specific date/time. The specified date/time shall, absent exigent

circumstances or emergency, allow people a reasonable time to move, at least seven calendar days. The notice shall also briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how they may be reclaimed, the hours and days of the week when items may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If possible, the notice should be provided to campers in person. The Community Affairs Liaison will take photographs demonstrating where and when the notices were posted.

6. If the following steps have not been taken prior to posting of the notice, the BPD and CEDO shall solicit assistance from social service organizations to seek voluntary movement from those camping on the site prior to the date/time for removal. This assistance should include:
 - a. Sending the Community Affairs Liaison (or designee) and appropriate social services agencies to engage with the campers.
 - b. Confirming that relevant social service organizations are aware and engaged, and that opportunities for housing are offered if available. Ensuring that social services workers are available to work with campers to remove and, if possible, transport their items.
7. Before posting the notice, DPW and/or Parks shall confirm that there will be sufficient personnel and equipment necessary for the removal on the date/time included in the notice.

Sub-Section C. Emergencies or Exigent Circumstances

1. If a requesting department seeks immediate removal because of an emergency or exigent circumstances, the City Attorney's Office shall be consulted and shall advise whether the circumstances can warrant consideration of an emergency or exigent removal. Circumstances that may warrant emergency or exigent removal include, but are not limited to, any immediate health, safety, or ecological concern where significant harm has occurred or is likely to occur if the items are not removed immediately, or a current situation where the encampment is inhibiting the construction of a permitted project,
2. In an emergency or exigent circumstances, attempts should be made to receive direction from the Mayor's Office ahead of time, but if Mayor's Office direction cannot be received, the property may be moved to another location and trash, hazardous material, and unusable items may be discarded. Notice of the move shall be posted at the location for at least seven days after the move. If taken into storage, the notice of removal shall briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If posting of a notice before removal is not possible, a post-removal notice with the information above shall be posted at the location for at least seven days after the removal.

Section IV – Removed Property

1. When the City removes an encampment, it will discard any item that reasonably appears, to the City employees conducting the removal, to be trash, presents a health or safety hazard, or will become a hazard during storage (for example, wet bedding materials).
2. Items that are not trash or hazardous will be tagged with the date, location of the removal, and any other available information related to the item owner. Such items include but are not limited to: radios, audio and video equipment, phones, bed rolls, tents, sleeping bags, tarps, canvas, mats, blankets, pillows, medication, personal papers, photographs, books, backpacks or other storage containers, clothing, towels, shoes, toiletries, clocks, bicycles, and eye glasses.
3. City employees may consolidate those items at the site for pick-up by the owner according to prior arrangement or will move them to a storage location for a period of thirty (30) days. Items not claimed within 30 days will be discarded.
4. The City will maintain a log or photos of removed items, catalogued by tag number, date, and location of removal.

Section V – Recovery of Stored Property:

1. People inquiring about lost, removed, or collected items should be referred to the Community Affairs Liaison.
2. The Community Affairs Liaison will work with people seeking to recover their items from City storage to arrange for delivery or pickup within a reasonable amount of time. If the person expresses an emergent health or safety need to recover their items, the Community Affairs Liaison will facilitate the recovery of their items as soon as possible.
3. To recover property, the person must describe the items with particularity. No identification is required to recover items, but a record of removed items will indicate who recovered the items.

Section VI - Limitations of Policy:

This policy is intended to address encampments where individuals without hard-wall-shelters are or recently have been living or sleeping. If a City employee discovers items on public property and there is no evidence that a person without hard-wall-shelter is currently or recently has been living or sleeping at that location, this policy shall not apply. Similarly, this policy does not address City policies on related topics such as trespasses on public land or regular removal of trash from public parks consistent with this policy.