

# Homeless encampments in public right-of-ways

Identifying roles in responding, policy gaps, and recognizing potential areas for collaboration and opportunity

**Thursday, October 21, 2021**  
**9:00 AM to 12 PM**

## Introduction

### **A. Rebecca Stillings: Objectives**

- Understand what each of the agencies are doing related to homelessness encampments on public property
- Learn about each department's roles and responsibilities in responding to encampments
- Better understand what requirements are in place for these agencies when there are encampments on public right of ways
- Begin to identify if there are opportunities for agencies to work together to improve the state's collective response
- Begin to identify possible policy gaps that we can address with the Governor

### **B. Tedd Kelleher: Setting the Stage**

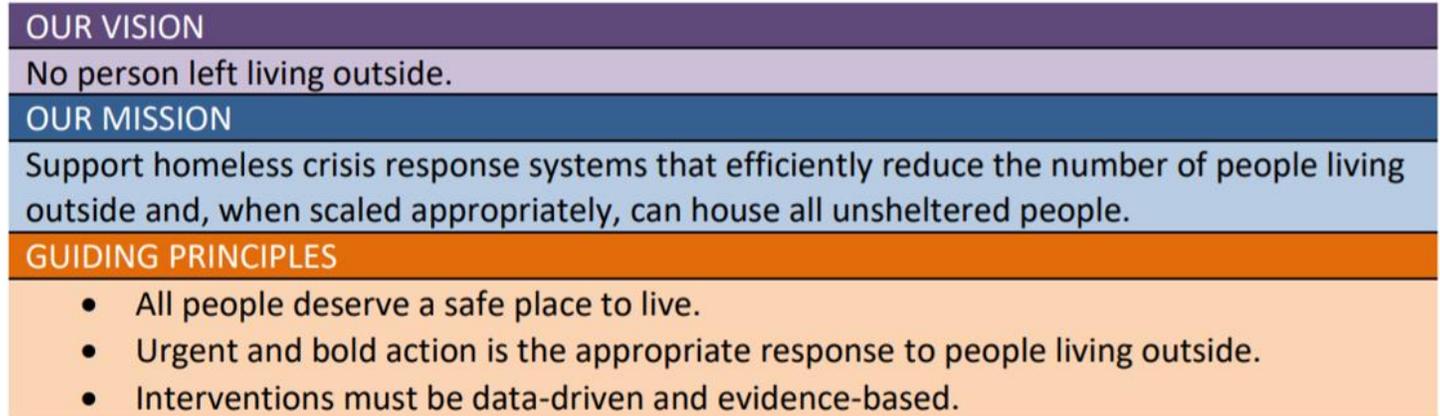
- Commerce's Housing Assistance Unit provides funding for temporary assistance for people experiencing homelessness
- People living on public lands is a small part of a larger issue. Potentially solutions to people living on public land could be expanded to address the larger issue of homelessness
- We are not hoping to have a solution today, but rather this is an opportunity to start the conversation

# Agency Presentations

## A. Tedd Kelleher: Department of Commerce

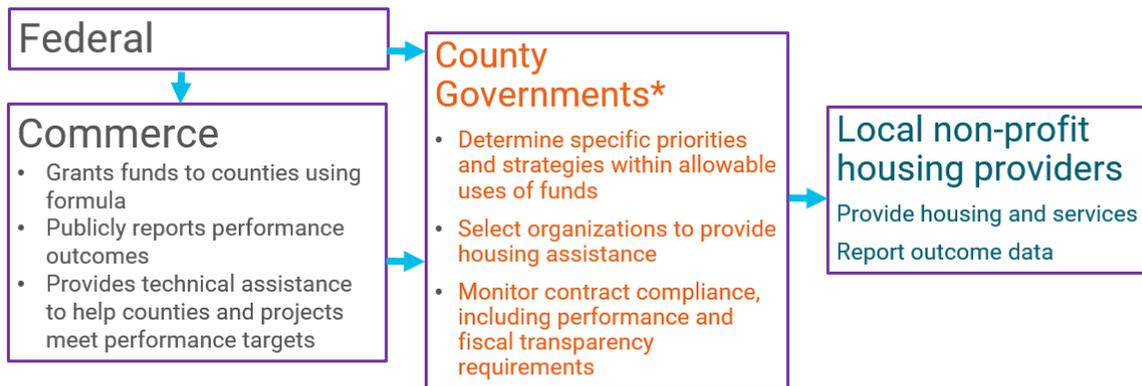
Fundamentally, we believe that there's no case where the appropriate sanction for someone is to have to live outside.

Figure 1: State Homeless Housing Strategic Plan



Commerce provides a publicly available accounting of where money for homelessness goes.

Figure 2: Flow of Homeless Assistance



\*Some larger cities receive direct awards from the U.S. Treasury Department. Some counties have opted-out of managing U.S. Treasury funding, and in those cases Commerce procures a local non-profit organization to manage the program.

Commerce tracks project-level reporting for all projects receiving any public homeless funds (federal, state, county, city). Information available includes spending from all funding sources (including all public and private spending), bed/slots, numbers served, average length of time in project, exit destinations, and the percentage of people returning to homelessness.

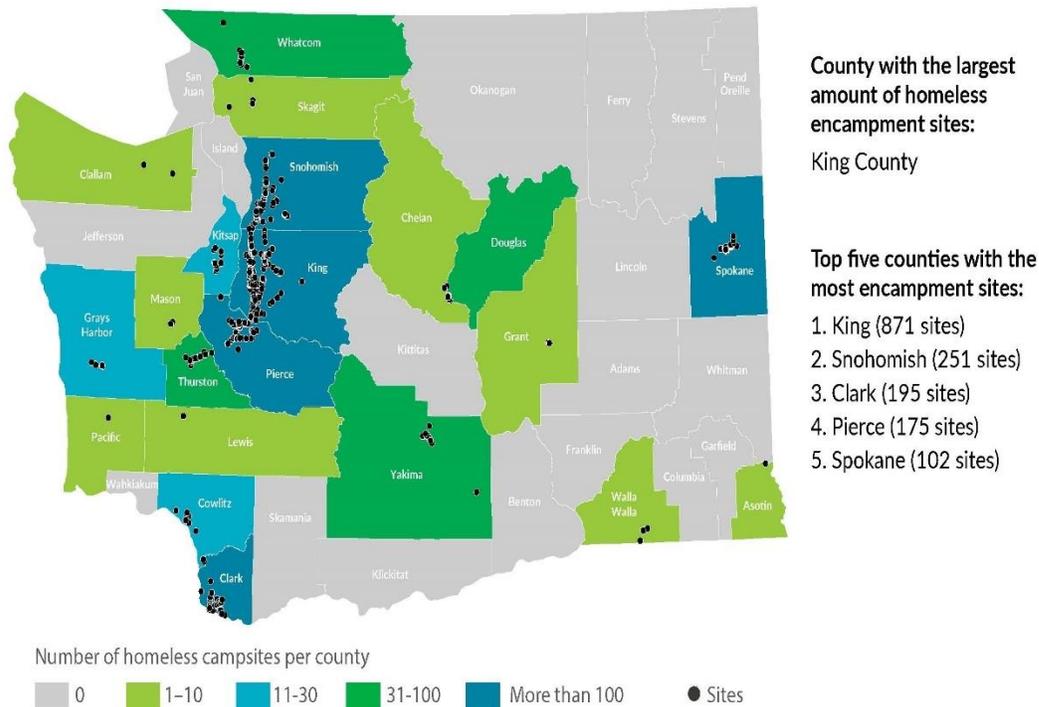
However, the state's homeless and affordable housing system:

- Leaves more than 10,000 people living outside.
- Houses 12,000 in temporary homeless housing, which includes short-term rent assistance.
- 160,000 households are eligible for housing vouchers, but do not receive assistance due to limited funding. 56,000 households receive housing vouchers.

## B. Pasco Bakotich, John White, and Morgan Balogh: Department of Transportation

Homeless encampments on WSDOT land are a statewide issue.

Figure 3: Map of statewide encampment sites on WSDOT property (September 2021)



- Data points represent evidence of a site. WSDOT has tracked more than 1,900 sites statewide.
- Statewide encampment cleanup annual costs have grown from \$200,000 in 2008 to over \$1,900,000 in 2020.

WSDOT employs a people-first approach in which the safety of both our employees and unsheltered individuals experiencing homelessness is our top priority.

- Coordinated response involving local governments, social services, and security provided by law enforcement. Partnerships are critical to encampment clean-ups.
- Compassionate response where there is a 72-hour posted notice before clearing an encampment, and we provide storage of personal belongings for up to 70 days.

WSDOT employees have experienced abusive, dangerous encounters when clearing encampments. They have come across human waste, needles, hazardous waste, and materials for methamphetamine production. Employees are not trained in de-escalation, but rather to back away from risky situations. This is why law enforcement is involved.

Figure 4: Impact to work activities



These circumstances are interrupting our ability to do our jobs safely and efficiently. One of the cabinets in the picture on the left, above, has high-voltage electrical equipment. We'll find that unsheltered people may use one side of the cabinet as part of their shelter, which is not safe for them or for us.

The photo on the right, above, shows an encampment underneath a bridge. WSDOT is federally required to inspect bridges every one to two years, including visually inspecting the girders underneath. Our employees need to clear out these encampments in order to do this work.

### **C. Neil Weaver and Courtney Stewart: Washington State Patrol**

WSP's role is to support WSDOT with public safety issues surrounding encampments on WSDOT land:

- Impacts of increased pedestrian traffic along interstate and state highways include an increase in fatalities.
- Criminal conduct may occur in/around encampments on property owned by local/county/state governments. It's not always homeless people in encampments committing crimes.
- The laws we often enforce in regards to encampments are trespassing laws.

Rest stops pose particular challenges:

- Some rest areas are filled with people living in their vehicles, and cannot be used for their intended purpose. We see motorists not stopping at rest stops as a result, and pulling off the road elsewhere where it's not safe.
- We encounter vehicles leaking fluids requiring clean-up.
- Because these vehicles are persons' homes, we cannot tow the vehicles.

Ultimately, this is a societal crisis that deserves a societal response. We think local communities, not law enforcement, should find local solutions. When we need to respond to a homeless encampment, we are not doing our primary role of traffic law enforcement. We don't have the staff or resources to respond to encampments. Additionally, WSP faces a huge reputational liability when we respond to encampments. We know we're the last people that anyone wants to have at an encampment.

### **D. Ed Girard: Washington State Parks**

Parks is charged with preserving and protecting the cultural and natural resources and providing for public recreational access. The park system has been used by individuals experiencing homelessness for decades,

and the current scope is not known. Overall, Parks are not significantly impacted, so we have not had to stand up robust resources and staff training.

- Individuals often move between several different parks staying the maximum limit at each and in effect residing in the park system, which is prohibited but difficult to manage.
- In the last five years, we've noticed a higher profile of small encampments. Currently, the Spokane area is the top area where we see encampments.
- Park rangers are law enforcement, but they are perceived differently, and homeless individuals are more receptive to them. Most of the time, we provide homeless people with links to services and they leave on their own. We have to escort about 3% off of Parks lands.
- Generally, we have been able to successfully manage this issue and have been able to avoid many of the potential negative impacts on natural and cultural resources that can be caused by encampments and camping in non-designated areas.

State Parks is dependent on the revenue from visitors wanting to pay to come and recreate. Encampments and other illegal camping activities put our revenue streams at risk. Many of our parks are in small communities that may not have the same resources as the larger cities, making it more challenging for staff to point individuals in the right direction for support resources. It is common for representatives of social service providers and agencies to refer individuals experiencing homelessness to State Parks without realizing we are not an appropriate recipient.

#### **E. Paula Reeves: Department of Health**

Between 2019 and 2020, homelessness in Washington increased 6.2%, the third largest increase in the nation (22,923 people). Unsheltered homelessness increased 13% during this same time.

People experiencing homelessness are especially vulnerable to COVID-19 and other communicable diseases. People who are homeless and contract coronavirus are twice as likely to be hospitalized, and two to three times as likely to die than others in the general public.

DOH provided a system called Care Connect for people who are quarantining, including homeless people. DOH provides training for health care providers that may be working with people experiencing homelessness as well as certifying or licensing. DOH supports Local Health Jurisdictions by providing policies and procedures, state guidance, training, and funding for core programs as well as grants. DOH also tracks and reports related trends and data.

Programs connected to homelessness and encampments include water availability and quality, sharps disposal and needle exchange, prenatal care, and mental/behavioral health. These programs are much more successful when applied to people who are placed in permanent housing or permanent supportive housing.

At an approximate cost of \$270 per unit to construct and \$25,000 to provide wrap-around healthcare services, one year in permanent supportive housing costs the same as three months in incarceration or three days in hospital care, according to Kelly Rider of the King County Health Through Housing Program.

DOH sees these opportunities:

- Increase supportive housing by providing funding to Local Health Jurisdictions and their partners for public health services provided in conjunction with housing, as well as policy guidance, procedures, and training.
- Expand partnerships with hospitals to identify people experiencing homelessness and direct them to appropriate and available programs (e.g., medical respite care).

- Expand service delivery model to provide coordinated services in the homes of people who have experienced homelessness (e.g., Assertive Community Treatment Teams and Home and Community Based Services for those with behavioral health needs - especially youth).
- Partner at all levels of government to assist in planning for and preventing as well as identifying and addressing public health risks in encampments and shelters.

# State agency reflections / Questions and Answers

## ***How much worse is the situation now?***

WSDOT has only collected data from the last five years. The agency used to “limb up” trees and vegetation in right of ways, and homeless people would move because they did not want that visibility. Today, the removal of vegetation does not deter people. The agency sees more repeat vehicles every night at Safety Rest Areas.

There is a lot of concern about the eviction moratorium expiring. What does it mean for households who can't keep up on rent or mortgages? Some may wind up unsheltered and will move into vehicles.

## ***Are you seeing more homeless families? Has WSDOT done any planning for safe parking?***

WSDOT does not try to determine the number of homeless people and whether or not they are families.

WSDOT has not looked into safe parking. The agency is looking at surplus properties that might be close to services and other transportation options.

## ***Are state agencies identifying and making available buildings that are not in use?***

WSDOT does not have a lot of vacant buildings available.

Commerce has been tasked with tracking [state surplus properties](#). However, the buildings and land are often not that suitable for housing. In some cases, it's more efficient to sell the properties and use the revenue for housing.

With the passage of [HB 1220](#), local jurisdictions may be more likely to look at surplus land and buildings, to comply with the new requirements.

## ***Can WSDOT clarify the lead time it provides to clear encampments?***

After WSDOT reaches out and starts working with local jurisdictions, it may be weeks before the order to clear the camp is issued. WSDOT wants to allow time for the local jurisdictions to connect people to services, and defers to the local jurisdictions about the lead time needed.

Six years ago, WSDOT was funded to construct new highway SR-167. During that time the agency has seen a gradual progression of homeless people and their vehicles in the 167 right-of-way. WSDOT engaged a local agency partnership and brought on a subject matter expert to assist with communicating with homeless people and assessing their needs.

## ***Do the WSDOT protocols for encampments include arrests and fines?***

The agency is trying to assist people living within the right-of-way, and, there are protocols about reaching out to services and local jurisdictions. WSDOT also has a commitment to clear the right-of-ways.

Some jurisdictions report to WSDOT that they don't have any housing available for homeless people. In another situation, WSDOT allowed a camp to stay on a right-of-way, provided that no additional members moved in. Volunteers were allowed to drop off and pick up garbage bins.

***Does the 12,000 number in temporary housing refer to households or individuals?***

Individuals.

***We have housing vouchers available, but our vacancy rate is 2%.***

Washington State does have an issue with housing supply, but the vacancy rate is not the key problem causing people to live outside. The larger problem is people's ability to pay for housing, rather than having enough housing. If there were reliable subsidies at scale, the market would respond by building housing, and/or vouchers could be project-based to support the construction of additional subsidized housing buildings.

***What clean-up costs does WSDOT track, other than those associated with encampment clean-ups?***

WSDOT's clean-up costs include picking up litter and roadkill. The numbers shared earlier are only associated with clean-ups.

***What is WSDOT doing to collaborate with tribes?***

WSDOT has engaged the Puyallup Tribe of Indians because a lot of SR-167 goes through their land. The agency will be working with tribal staff if there are tribal members living within the right-of-way.

***Some of the attendees are interested in getting a copy of WSDOT's protocols. And, if there is no housing available, where should people go?***

WSDOT is not suggesting that people don't want help. The agency will work hand-in-hand with social service agencies to engage homeless people. When homeless people hear that construction is coming, a number of people decide to leave on their own volition. Not everyone is choosing to take offers of assistance.

***Are you engaging people with lived experience in understanding what might work?***

WSDOT does not currently involve anyone with lived experience. The agency relies on subject matter expertise from social services, community and health partners.

***What does "executive approval" refer to for the State Patrol?***

This means approval from the highest level of the State Patrol.

***What does the State Patrol use for guidance for people living in their vehicles?***

The Washington Supreme Court ruled that a homeless person's vehicle is considered a dwelling, and cannot be treated as a vehicle that has simply exceeded its allowable parking time and is therefore subject to towing.

***Clarification: The Washington Supreme Court's ruling established that homeless people do not have to first register their vehicle as a homestead, in order to live in their vehicles without the threat of being towed.***

***Are there any state parks where we could try out new models, such as sanctioned RV parking for people experiencing homelessness?***

Parks has done two short-term trials, one using a group camp and another using a portion of a campground. The challenge is that the agency is dependent on active use for its revenue stream. The agency has rules in place that prohibit residency, but it might consider possible options in the future.

***Housing supply is a real problem.***

If an individual cannot use a voucher within 90 days, it is taken away from them. If they were allowed more time, it might lead to more utilization. However, in most communities, well over 90% of housing vouchers are utilized. A key question is, "When we encounter someone who is low income, what is our expectation about where they should live and how they should afford it, and how far they should have to move for affordability?"

***Are agencies partnering now?***

The State Patrol partners with WSDOT and the Department of Enterprise Services, which is the agency that owns the land surrounding the Capitol. State Patrol Troopers are trying to create relationships with the unsheltered people on state lands near the Capitol, to change the perception that when law enforcement shows up, someone is going to be arrested. Homelessness is not a crime.

Parks' management units are small and dispersed, and as a result there is not a centralized approach to partnerships. Instead, Parks staff create local partnerships.

WSDOT had a successful partnership with Tacoma, which has become a template for other partnerships with jurisdictions around the state. Housing is a challenge, but if it is found, other social services can be wrapped around it. WSDOT does not control housing or social services, but the agency is not going to be forcing people off right-of-ways if individuals have nowhere else to go. The agency wants to be part of the solution.

***When do we start talking about solutions?***

DOH believes a more clinical approach to addressing these problems is needed, rather than piecemeal. DOH wants to be involved at all levels of the response.

***Is there anything like an app or a phone number, that would help a State Patrol trooper get connected to services for a homeless person?***

Yes, 211. No app is currently available.

# Wrap up, next steps and concluding remarks

## **A. Tedd Kelleher, Department of Commerce**

We need to ensure that we are not exposing line level workers to work that they're not appropriately resourced to deal with. For instance, if WSDOT is expected to examine bridges, we need to prepare people to be successful in their jobs.

Ultimately, the result of our collective actions is that we have 10,000 people living outside every night, some living on public land, and state employees are having to address it. Let's be clear and transparent about our expectations, and ensure we resource state agencies and workers adequately do their jobs.

Today is different from the past. For instance, now disability payments do not match housing costs. State and local governments do not have a fully functioning housing system capable of bringing everyone inside. The fundamental question is, "What is our response when someone presents with not being able to afford market rate housing?"

A tangible next step is the legislative session starting in January, and legislators are currently drafting their bills.

Thank you all, and to our sister agencies, for participating.