

To: TPCCEH Steering Committee
From: Maureen Howard, Senior Policy Analyst
Re: Letter from the Coalition on the 509 Sweep

Background:

On May 28, the Port of Tacoma issued a 72 hour notice of eviction to residents of the 509 encampment with the eviction date June 10, 2021. The notice raises a number of questions many of which have been put forward to the Ordinance 28756 working group (CM Thoms, Mayor, Deputy Mayor, City Attorney, Council staff) and NCS (Director, Deputy Director, Homelessness staff, Deputy City Attorney - she advises NCS).

I have been consulting with Tristia Bauman, Senior Attorney, National Homelessness Law Center; Jennifer Ammons, Attorney, NW Justice Project; Laurie Davenport, _____, and Kasey Burton, Attorney, TacomaProBono.

As of Wed noon, I have no response from anyone with the City other than an apology from Klarissa Monteros, NCS, for not being able to give us the date of the sweep when she advised us it was coming and would be on Port of Tacoma and Puyallup Tribal land last Friday.

The National Homelessness Law Center will provide a formal letter and TacomaProBono will sign on. We don't know if NW Justice can sign on.

Question:

Should the Coalition do its own letter on the sweep/eviction?
If yes, do we take it to the Coalition Friday for a vote? I think it always has weight when we say "the.....Coalition formally voted at ourmeeting"

Considerations:

I recommend we wait on the National Homelessness Law Center letter and/or responses from any part of the City - Council or Key Staff before drafting our letter.

I suggest we take something like this - an action brief to the Coalition Friday and ask for input - open discussion if time; use the chat if not.

Timing:

Kevin has offered to draft the letter. If he does so by Friday evening and puts it to the Steering Committee for comments with comments due by Monday noon, I can do the final Monday afternoon and submit it by end of day Monday. People can make comments in advance based on what I've already sent the City - copied into this document.

We get authority from the Coalition Friday to prepare and send a letter on the 509 sweep with the following considerations plus whatever else they give us Friday morning:

Letter goes to:

Mayor, City Council,
NCS,
Community and Economic Development
Tacoma Police Dept
Port of Tacoma
Puyallup Tribe

Content includes:**Initial Questions from Maureen Howard to City Attorney Bill Fosbre, May 28 evening**

We've just received a copy of the notice given to people experiencing homelessness at the 509 encampment. I know it is coming from the Port of Tacoma but it cites Tacoma Municipal Code as the authority so I'm coming to you.

We are still under CDC guidelines. And the State Eviction moratorium is still in effect and I believe it also covers encampments. Is this notice legal?

Food Not Bombs says there are 30-50 folks living there. I know that Comprehensive Life Resources went out recently. We've had some of our Safe Sites for All members at the site.

I'll send a copy of this message to Linda Stewart and key NCS staff and see if they have anyone helping folks relocate.

It looks like we have more time than usual unless someone wrote the sweep date backwards?

Maybe you could confirm the date? If it is Tuesday, 6/01 then this is just wrong. No one in the Coalition knew about this - NCS staff told us it was coming but had no date. There are no services over the week-end and through Monday. If it is as written 6/10, then we have time to try to sort this out.

I don't know if Tacoma Police Department carries out a Port of Tacoma sweep? Plus I think this is partly Puyallup Tribal land so perhaps the Tribal Police are involved?

Follow-up Questions from Maureen Howard to Ord. 28756 Working Group and NCS, May 31 morning

We received word from the volunteer group Food Not Bombs about 6pm Friday evening that the attached 72 hour notice had been posted at the 509 encampment earlier that day. The City representative to the Coalition, Klarissa Monteros, had advised us during our Friday morning Coalition meeting that a sweep was planned for the 509 on Port of Tacoma and Puyallup Tribal land but that she did not know the date.

I reached out to the City Attorney and forwarded my message to NCS. I also gave the Mayor a heads up. The notice is confusing - since it clearly says it is a 72 hour notice and also gives June

10 as the date of the sweep. Given that the notice was given just before a three-day week=end when no services would be available, this confusion caused a fair amount of distress.

Fortunately Linda Stewart saw my message and responded Friday night that the June 10 date was the actual date of the sweep and that the Homeless Outreach Team would provide services. I immediately shared that information with Food Not Bombs.

We are, as usual, working with the National Homelessness Law Center and local advocates.

Bill has referred my email to him to the Deputy Attorney who advises NCS. I will follow up with her and NCS.

Here's some of what I'm thinking -

We all have the Report on the Alternative Response Study (the Matrix report).

The City Council has signed off on the County's commitment to end street homelessness by Nov. 1, 2021

We have a working group around proposed Ord. 28756

We have a new sweep citing unspecified TMC Obstructing a Public Servant and the Trespassing law with nearly two weeks' lead time.

I believe this gives us an opportunity to better understand exactly what the City processes are and address some of the concerns we've discussed in our meetings. I know that we could request this information through a PDR and we might have to do so but it would be far more expedient if we can just get it directly from NCS. I'll ask.

As for the notice itself - some key points:

1 - it is unclear.

Is this public land or private land? Land owned by the Port of Tacoma and thus public land?

Land owned by a private owner within the Port? Land owned by the Puyallup Tribe or land used by the Puyallup Tribe? How would you know?

Is the notice for the general public or for people in the 509 encampment?

It says it is 72 hour notice but has a sweep date two weeks out.

Are you subject to arrest after 72 hours?

How would you know what the penalties are for non-compliance?

Who will execute any violations to the Trespassing law? TPD? Port "police"? - I don't actually know if there is such an entity. Puyallup Tribal Police? Or does it vary by the exact piece of land?

2 - it is not specific

What does "obstructing a public servant" exactly mean? Was this a single action by a single person? If so, why was that person not cited? Or were they?

How does whatever this "obstructing a public servant" was serve to violate the CDC guidance and the Governor's Eviction Moratorium especially since whatever it is can wait for two weeks from the date of the notice plus whatever time it took to decide to do the sweep?

When will you be removed? And by whom?

What about volunteers who regularly reach out to people living in the 509? Are they subject to arrest? Is their volunteer work considered "loitering?"

3 - what services will be provided and how?

Will the City's Homeless Outreach Team go out daily? Do they go out over the week-end? Do they go out in the evenings?

What will they offer? We know there are not enough beds even for those who would accept a congregate shelter bed.

Did TPD ask the Stability Site and certain shelters and tiny house villages to hold back beds for people from the 509?

Is the HOT team running a ByNameList so we know who needs to be relocated and what kind of safe shelter they need and what happens to them?

Given recent reports of medical needs in two encampments, will the HOT team do some kind of medical assessment?

4- a reality check

Where will people go?

Could the City sanction the existing encampment at 34th & Pacific? Or the 705? Or???



72 Hour Eviction Notice

This area is off limits to individuals. No camping, sleeping or loitering is allowed on this property.

This area has been identified and posted due to illegal activity and homeless encampments. This area will be closely monitored for future usage.

Individuals found frequenting this area will be removed and will be subject to arrest and prosecution.

TMC 8.17.015 Obstructing a Public Servant

TMC 8.12.025 Criminal Trespass

Date posted: 5/28/21

Date to be cleared: 6/10/21

