



ORDINANCE NO. 28430

1 AN ORDINANCE relating to public health and safety; declaring a state of public
2 health emergency relating to the conditions of homeless encampments;
3 authorizing such actions as are reasonable and necessary in light of such
4 emergency to mitigate the conditions giving rise to such public health
5 emergency; authorizing the Mayor to terminate the state of the public health
6 emergency; establishing an effective date; and providing for sunset of the
7 force and effect of this ordinance.

8 WHEREAS, in Tacoma and Pierce County and in communities throughout
9 the nation, large numbers of individuals, families, and unaccompanied youth are
10 experiencing homelessness due to such factors as job loss, stagnant and declining
11 wages, family crisis, trauma, substance abuse, economic reasons, mental health
12 issues, and loss of housing, and

13 WHEREAS communities like Seattle, Washington; Portland, Oregon; and
14 Los Angeles, California, have declared states of emergency in order to provide
15 emergency services and shelters for unsheltered individuals, families and
16 unaccompanied youth, and

17 WHEREAS point in time counts conducted in the greater Tacoma and
18 Pierce County area have identified 1,997 homeless persons in year 2012; 1,303 in
19 year 2013; 1,474 in year 2014; 1,283 in year 2015; 1,762 in year 2016; and
20 1,321 in year 2017, and

21 WHEREAS, despite the improving economy, on any given night in Tacoma
22 approximately 500 people, including families and unaccompanied youth, can be
23 found sleeping in parks, cars, and abandoned buildings, on streets and wooded
24 areas, under highway overpasses, and in other places not meant for human
25 habitation, and
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1 WHEREAS, of the 1,321 homeless persons counted in the point in time
2 count for 2017, 21 percent were identified as chronically homeless, 14 percent
3 were households with children, 39 percent were female, 14 percent were victims of
4 domestic violence, 6 percent were unaccompanied youth and young adults,
5 10 percent were veterans, and 41 percent were people of color, and

6 WHEREAS, in years 2015-2016, the unsheltered population in the greater
7 Tacoma area increased by 46 percent and since 2010, the unsheltered homeless
8 population had increased by 192 percent, with more individuals, families and
9 unaccompanied youth living in places not fit for human habitation, and
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11 WHEREAS the supply of available temporary and permanent support
12 housing for unsheltered persons residing in Tacoma is inadequate to meet
13 demand, resulting in long lines for emergency shelters (the wait list for some
14 shelters is as high as 100 people per night), a lack of other housing interventions,
15 and long waits for temporary, permanent or supportive housing, leading to an
16 increased number of unsheltered households, and
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18 WHEREAS, on any given night, over 50 homeless encampments can be
19 found in Tacoma, some of which may be occupied by 100 or more persons, and
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21 WHEREAS conditions in homeless encampments endanger public health,
22 are traumatic and expose occupants to communicable diseases like tuberculosis
23 and respiratory illnesses, violence, malnutrition, and harmful weather exposures
24 and exacerbate common conditions such as high blood pressure, diabetes, and
25 asthma because there is no safe place to properly store medications or syringes,
26 and



1 WHEREAS behavioral health issues such as depression or alcoholism often
2 develop or are made worse for people living in homeless encampments, and these
3 conditions frequently co-occur with a complex mix of severe physical, psychiatric,
4 substance use, and social problems, and

5 WHEREAS, according to the National Health Care for the Homeless
6 Council, persons “. . . experiencing homelessness are three to four times more
7 likely to die prematurely than their housed counterparts, and experience an
8 average life expectancy as low as 41 years . . . ,” and

9 WHEREAS health care services are not effective when a patient’s health is
10 continually compromised by street and shelter conditions, and inpatient
11 hospitalization or residential drug treatment and mental health care do not have
12 lasting impacts when the patient is returned to a homeless environment, and

13 WHEREAS conditions in homeless encampments that result in occupants
14 facing serious health and sanitation issues and which are dangerous to human
15 health include: accumulation of uncontained garbage that becomes a food source
16 for vermin, vectors (organisms that transmit diseases or parasites), and related
17 pathogens; lack of proper food storage and clean dishes that can facilitate the
18 spread of food-borne disease; lack of sanitary facilities to dispose of human and
19 animal fecal waste; improper disposal of discarded medical and sharps waste;
20 accumulation of combustible materials that can ignite; lack of access to
21 handwashing and personal hygiene; lack of clean water; lack of access to healthy
22 food (resulting in homeless individuals digging in garbage for food, increasing
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health risks); and the victimization of homeless persons by both sheltered and non-sheltered persons, and

WHEREAS the potential for disease transmission within and external to a homeless encampment increases with the increasing number of homeless encampments and higher concentration of occupants, and

WHEREAS the increases in homeless encampments and higher concentrations of occupants, together with the lack of available services or facilities nearby, have a significant role in the scope and severity of public health issues and the urgency to take action to mitigate the conditions giving rise to this threat to public health and safety, and

WHEREAS the homeless encampments in the Tacoma area do not have on-site facilities for proper disposal of human waste, resulting in such waste being disposed of through use of makeshift latrines, buckets, or direct urination or defecation on the ground, and

WHEREAS improper disposal of sewage generated within homeless encampments, especially when there are high concentrations of occupants, has a high potential for community health impacts and significantly increases the exposure to pathogens, endangering the public health of the occupants and the surrounding community, and

WHEREAS handwashing is minimal and piles of solid waste often contain significant amounts of uncovered containers with human waste exposed to the environment, and



1 WHEREAS, in addition to the potential for an epidemic with diseases like
2 Cholera, a much more pervasive threat to the public health is increased exposure
3 to endemic illness that are already present in the community, including illness such
4 as Hepatitis A, Rotaviruses, and a host of other parasitic, bacterial and viral
5 pathogens, and

6 WHEREAS, based on the documented poor health conditions of individuals
7 experiencing homeless and the sheer numbers of occupants of homeless
8 encampments, it is very likely that the endemic illness is present in the
9 encampment populations at this time and that such persons are suffering from
10 such illnesses and will continue to suffer in the absence of action to mitigate the
11 impacts to public health, and

13 WHEREAS poor handwashing, poor food handling, and the lack of proper
14 food storage exacerbate public health impacts and increase the risk of foodborne
15 illness, many forms of which are easily transmitted through sewage, and

17 WHEREAS homeless encampments observed in the City do not have
18 on-site systems for proper collection, storage, or disposal of solid waste, resulting
19 in significant piles of solid waste found at the homeless encampments, and

20 WHEREAS solid waste that is not properly stored and disposed of is a
21 serious health hazard, leading to the spread of infectious diseases by, among
22 other things, attracting vectors such as flies, rats, and other creatures that in turn
23 spread disease, and
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WHEREAS solid waste found in homeless encampments can pose a higher health risk because of the presence of semi-contained human waste that can be found in higher quantities than in residential solid waste, and

WHEREAS, for some homeless encampments, the Solid Waste Division of the Environmental Services Department (the "Solid Waste Utility") has provided large containers on the border of homeless encampments for occupants to place solid waste, and

WHEREAS, despite the fact that these solid waste containers are heavily used, a large percentage of solid waste remains at most of the larger homeless encampment sites, exemplifying the need to provide additional services to mitigate the risk to public health presented by homeless encampments, and

WHEREAS other environmental degradation can occur, such as surface water contamination due to runoff from garbage that can find its way into groundwater, rivers, and other waterbodies causing harm to people, fish, and wildlife, and litter blown away from homeless encampments that can lead to secondary issues such as blocking storm drains or harming wildlife, and

WHEREAS, the number and size of the homeless encampments found in the City of Tacoma have grown significantly over the last two years, and

WHEREAS the multiple encampments that the City is experiencing, together with the higher concentrations of occupants, is causing harm to the occupants and has a significant potential to affect public health in the community, and



1 WHEREAS, when an encampment is removed by the City or private parties,
2 the occupants will generally move to or create another uncontrolled homeless
3 encampment which spreads to a wider area the potential for community exposure
4 to the negative health impacts associated with homeless encampments, and

5 WHEREAS the necessity for Solid Waste Utility services, including the
6 collection and removal of solid and other waste (cleanups), being provided at
7 homeless encampments in the City has been increasing because of the increase in
8 the number of homeless encampment sites and the higher concentrations of
9 occupants, and

10 WHEREAS, in 2016, the Solid Waste Utility's cleanup contractor cleaned up
11 homeless encampments 40 times and so far in 2017, the pace for cleanups has
12 been nearly 50 percent higher, based on the first four months of the year, which
13 could result in double the number of cleanups performed in 2016, and

14 WHEREAS the conditions found in homeless encampments in City create
15 significant health hazards related to sewage and solid waste associated with the
16 larger encampments and the risk to both the inhabitants and the community is
17 growing as more and larger homeless encampments are created and spread
18 across the City, and

19 WHEREAS the foregoing conditions, including the continuing and increasing
20 presence of homeless encampments in the City of Tacoma together with the large
21 concentrations of occupants in some of those homeless encampments, the lack of
22 adequate and proper on-site health and sanitation services and practices that will
23 prevent the spread of disease and the contamination of the environment, and the
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1 lack of available services to address the public health and safety needs of the
2 occupants, pose a significant, direct and immediate threat to the health of the
3 inhabitants and a real and emergent threat to the health of the surrounding
4 community, and warrant a dramatically larger, extraordinary and urgent effort to
5 provide services as described below that will reduce the number of homeless
6 encampments, the high concentration of occupants, and mitigate the conditions of
7 the homeless encampments that harm public health and safety, and

8 WHEREAS many of these conditions can be mitigated through interim
9 measures designed to meet the immediate survival and safety needs of those
10 persons occupying homeless encampments, such as the provision of hygiene
11 facilities, trash collection, sanitary facilities, potable drinking water, temporary
12 shelters, and outreach and gateway services within the encampments; providing a
13 safe and stable place to live; linkage to tailored services to meet each individuals
14 unique needs; a connection to housing, social, public and mental health services;
15 storage of personal belongings and safety; solid waste disposal; and human waste
16 disposal, and
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19 WHEREAS these conditions arise from human-made events and present an
20 existing and ongoing threat of significant harm to human health and life, requiring
21 that the City take immediate action, and
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23 WHEREAS the existing scope, intensity, and impact of the conditions of
24 homeless encampments upon the public health, safety and welfare and the
25 essential governments functions related to sanitation, could not reasonably have
26 been foreseen, and



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WHEREAS, the City Council, having considered the records on file with the City Clerk, including the declaration of the Environmental Services Solid Waste Division Manager, and other publicly available information regarding homelessness in general and in the region, and having been in all matters fully advised, finds that it is in the best interest of the public health, safety, and welfare for the City Council to declare a state of public health emergency and authorize such actions as are reasonable and necessary to mitigate the conditions giving rise to such emergency; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the above-stated recitals are adopted as findings of the City Council and are incorporated by this reference as though fully set forth herein.

Section 2. That the City Council hereby makes the following conclusions:

A. The risk to the health and safety of the occupants of homeless encampments located in Tacoma, including families and unaccompanied youth, and to the community at large is growing as more homeless encampments are created in the City and as concentrations of occupants within individual homeless encampments increase.

B. The lack of adequate and proper on-site health and sanitation services and practices found in homeless encampments in the City creates an intolerable and imminent risk of the spread of disease and contamination of the environment and compounds the human suffering of those persons occupying homeless encampments.



1 C. The ongoing suffering of individuals, families, and
2 unaccompanied youth occupying homeless encampments, and the threat to the
3 public health and safety, will continue in the absence of the immediate
4 implementation of interim measures designed to meet the immediate survival and
5 safety needs of those persons, such as the provision of hygiene facilities, trash
6 collection, sanitary facilities, temporary shelters, outreach and gateway services,
7 safe and stable shelter, linkage to tailored services to meet each individual's
8 unique needs, a connection to housing, social, public and mental health services,
9 storage of property and safety, potable drinking water, solid waste disposal, and
10 human waste disposal.
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12 D. The humane-made conditions in homeless encampments are
13 ongoing and have resulted in injury to persons, destruction of property,
14 environmental degradation, and threat to the health and safety of the inhabitants
15 and the public in general of such a degree and proportion that, in the absence of
16 taking extraordinary measures to protect the public health, safety and welfare,
17 such injuries, human suffering, environmental degradation, public harm and threat
18 to the public health will continue and will intensify.
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20 E. These conditions create an unforeseen imminent, genuine, and
21 substantial threat to the public health, welfare, and safety and constitute a public
22 health emergency, warranting the need for urgent action to preserve public health,
23 protect life, and protect public property, and
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25 F. Such conditions warrant the exercise of the City's power to
26 declare a public health emergency under authority of Article XI, Section 11, of the



1 State Constitution, Chapter 38.52 RCW, Chapter 39.04 RCW, RCW 35.33.081,
2 WAC 197-11-880 and other applicable laws and regulations, and pursuant to
3 Section 2.4 of the Tacoma City Charter, Chapters 1.06, 1.10, and 8.96 of the
4 Tacoma Municipal Code, and pursuant thereto, and the authorization of such
5 extraordinary measures as are reasonable and necessary in light of such public
6 health emergency to mitigate the conditions giving rise the public emergency.

7 Section 3. That, based upon the foregoing findings and conclusions, the
8 City Council does hereby proclaim and declare a state of public health emergency
9 in the City of Tacoma; Therefore,
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11 A. The City Manager, as Director of Emergency Management for the
12 City of Tacoma (the "Emergency Management Director"), is authorized and
13 empowered to carry out those powers and duties given to the Emergency
14 Management Director pursuant to Chapter 1.10 TMC as are reasonably necessary
15 in light of the public health emergency as declared herein.
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17 B. The Mayor is authorized and empowered to carry out those
18 powers and duties given to the Mayor pursuant to Chapters 1.10 and 8.96 TMC as
19 are reasonably necessary in light of the public health emergency as declared
20 herein.
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22 C. The Chief of the Tacoma Fire Department, as Administrator of
23 Emergency Management of the City of Tacoma (the "Administrator"), is authorized
24 and empowered to carry out those powers and duties given to the Administrator
25 pursuant to Chapter 1.10 TMC as are reasonably necessary in light of the public
26 health emergency as declared herein.



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D. Those departments, officers, and employees of the City designated under the City's Emergency Management Plan are authorized and empowered to carry out those powers and duties given to such departments, officers, and employees as are reasonably necessary in light of the public health emergency as declared herein.

E. In carrying out the powers and duties as described above, the Emergency Management Director, the Administrator, and departments, officers, and employees of the City designated under the City's Emergency Management Plan, are authorized, among other things, to do the following:

- (1) enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
- (2) provide appropriate emergency assistance to those persons occupying homeless encampments; and
- (3) take other actions, as appropriate, in response to such emergency.

The powers and authority vested under this declaration and proclamation shall be exercised in the light of the exigencies of such emergency situation without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements and such other requirements of law that are not superseded under authority of this emergency declaration).



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Section 4. That the City Council shall, no later than 120 days after the effective date of this ordinance, review the conditions that have given rise to this public health emergency to determine if such conditions warrant keeping in place the extraordinary measures authorized herein to response to this public health emergency.

Section 5. That Mayor shall have authority to terminate the state of the public health emergency declared and proclaimed pursuant to this ordinance.

Section 6. That this ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on October 9, 2017.

Section 7. That, based upon the facts and conclusions as specified herein, a public emergency exists, making this ordinance effective upon passage by an affirmative vote of a least six members of the City Council.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney