



Office of the City Administrator

## PROTOCOL FOR RESPONDING TO HOMELESS ENCAMPMENTS ON PUBLIC SPACE

### I. PURPOSE

This Protocol for Responding to Homeless Encampments on Public Space (Protocol) establishes responsibilities and procedures for the District of Columbia Government (District) to follow when carrying out a cleanup or closure of a homeless encampment or other public space occupied or frequented by individuals experiencing homelessness. Specifically, this Protocol establishes agency responsibilities and standards for public notice, outreach to individuals, and the removal and disposition of property.

The Protocol also outlines an approach that seeks to assist individuals experiencing homelessness to better stabilize their living conditions and move from public space into more appropriate shelter or housing options by conducting outreach, offering support services, and assisting individuals to access available low-barrier, temporary or other shelter programs, or temporary or permanent housing options, formal or informal.

The Protocol is intended to provide direction to District agencies involved in inspecting, cleaning, and closing homeless encampments and other public space occupied by individuals experiencing homelessness. This Protocol does not create any enforceable third-party rights on behalf of any member of the public or any individual whose property may be subject to the Protocol.

### II. BACKGROUND

The District, in an effort to maintain and improve the quality of life of its communities and maintain the District as a clean and safe place, performs certain functions, such as cleaning public space, providing for unhindered and common access to sidewalks, parks, and other public space, and protecting against risks to the structural integrity and safety of bridges and tunnels.

As part of the District's ongoing efforts to work with persons experiencing homelessness, the District remains committed to providing support to persons affected by the District's implementation of these functions. Through outreach and the provision of human services, the District will, as more fully described in this Protocol, seek to assist persons affected by actions taken under this Protocol from public space to move to more appropriate shelter or housing solutions. In addition, the District will, in accordance with this Protocol, endeavor to protect personal property at encampments and other sites cleaned pursuant to this Protocol.



### **III. RELEVANT AGENCIES AND ROLES**

The Office of the Deputy Mayor for Health and Human Services (DMHHS) shall serve as the lead entity responsible for overseeing, tracking, and coordinating implementation of the Protocol, as well as providing, in partnership with other agencies and community partners, outreach services to individuals experiencing homelessness at identified sites. DMHHS is also responsible for coordinating meetings with primary agencies as needed to discuss locations to be prioritized for implementation of the Protocol.

The primary District agencies responsible for implementing the Protocol include:

- Department of Human Services (DHS) – Responsible for providing outreach to individuals experiencing homelessness at identified sites, offering individuals storage of their personal property, coordinating storage of personal property, and managing storage and retrieval of personal property.
- Department of Behavioral Health (DBH) – Responsible for providing outreach services to individuals displaying mental health and substance use issues at identified sites and coordinating with, and providing information back to, DMHHS and other partners.
- Department of Transportation (DDOT) – Responsible for creating notification signs of a pending or completed Protocol action and providing traffic control services, as requested, when a cleanup is underway.
- Department of Public Works (DPW) – Responsible for collecting and disposing of property determined not eligible for storage and debris when a cleanup is underway.
- Metropolitan Police Department (MPD) – Responsible for providing security when a cleanup is underway.

The following agencies and organizations may also be contacted to participate in implementation of the Protocol and provide supportive services when appropriate:

- Non-governmental organizations providing homeless outreach services;
- Child and Family Services Agency (CFSA);
- Department of Health (DC Health);
- Department of Parks and Recreation (DPR);
- Department of Aging and Community Living (DACL);
- District of Columbia Water and Sewer Authority (DC Water);
- Homeland Security and Emergency Management Agency (HSEMA);
- Department of Buildings (DOB);
- Department of General Services (DGS); and
- Mayor’s Office of Community Relations and Services (MOCRS).

### **IV. RELEVANT AUTHORITY**

The following is a non-exhaustive list of District statutes and regulations providing authority to maintain the public space, provide for unhindered and common access to public space, and clean up and dispose of property left in the public space:

- The District may conduct any or all operations involved in collecting and disposing of city refuse (D.C. Official Code § 8-741);
- DPW is delegated authority to collect and dispose of city refuse of every kind (Mayor's Order 2006-145);
- Occupancy of public space without a permit is prohibited (24 DCMR § 100.1);
- No person shall set up, maintain, or establish any camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or house trailer, of any description, or in any combination, on public or private property, without the consent of the Mayor (24 DCMR § 121.1);
- Where a public space violation presents an actual or potential hazard to the public, DDOT may summarily remove private property unlawfully occupying public space, repair damage to the public space caused by the violation, and take action to protect the public from the effects and potential effects of the violation (D.C. Official Code § 50-921.19(d)); and
- It is unlawful for a person, alone or in concert with others to crowd, obstruct, or incommode: (A) The use of any street, avenue, alley, road, highway, or sidewalk; (B) The entrance of any public or private building or enclosure; (C) The use of or passage through any public building or public conveyance; or (D) The passage through or within any park or reservation; and (2) To continue or resume the crowding, obstructing, or incommoding after being instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding (D.C. Official Code § 22-1307(a)).

## V. APPLICATION OF THE PROTOCOL

The Protocol applies to any public space or property maintained or owned by the District.

All sites known to or reported to a District agency shall be referred to DMHHS. As the Protocol does not apply to federal property or other property, such as WMATA or private property, that is not under District jurisdiction or management, DMHHS will inform persons reporting these sites that the District does not have jurisdiction of the reported location, and provide the person reporting the site with relevant contact information for the federal agency, managing entity, or private property owner, if known. In addition, DMHHS will provide notification to the applicable federal agency, managing entity or private property owner, if known. District agency personnel, however, may provide outreach to the individuals experiencing homelessness at these sites.

Upon notification of a reported site, DMHHS will conduct a site assessment within three business days to determine whether the Protocol applies. As part of the site assessment, DMHHS will contact District agencies and/or non-governmental entities that may have familiarity with the individuals at the site and who may be able to provide additional facts or background on the site and persons frequenting the site.

After the site assessment, if it is determined that the site is located on District-controlled public space, DMHHS will determine what Protocol engagement is best to address the site, including but not limited to, a standard or immediate clean-up. Following the site assessment, DMHHS is responsible for communicating the outcome of the assessment and the District's next steps, if any, to the person that reported the site. DMHHS will maintain a list of all reported sites including the

outcome of the site assessment, what Protocol engagement is recommended, and the status of any Protocol implementation.

## **VI. STANDARD ENCAMPMENT CLEANUP**

### **A. Notice**

For a standard encampment cleanup (Standard Cleanup), DMHHS will contact the primary District agencies (DHS, DBH, DPW, DDOT, and MPD) and provide the agencies with as much of the following information as available:

- Name and location of the public space where the individuals and/or property are located;
- Name(s) of and contact information for all District personnel who have inspected the site;
- Any information relevant to setting a proposed date for a cleanup;
- Location of any property at the site;
- Types and volume of property at the site;
- Number of individuals who may be impacted; and
- Identification of health and human services that may be required, including available low-barrier and temporary shelter and temporary or permanent housing resources.

DMHHS will mobilize the appropriate resources necessary to address the circumstances presented by each site, including coordinating with representatives from the relevant support agencies listed in Section III for inclusion before and/or during the cleanup as needed.

#### **(1) Notice of Standard Cleanup**

At least 7 days prior to a scheduled Standard Cleanup, DMHHS shall post notices (Notices) conspicuously throughout the immediate vicinity of the public space to be cleaned. Each Notice shall contain the following information:

- Designated area to be cleaned;
- Specific date and time by which persons must remove their property from the site before the cleanup begins;
- Advisement that property left on site during the cleanup time may be immediately destroyed;
- Advisement that free storage of eligible property may be arranged in advance of the cleanup and will be available at the time of the cleanup;
- Advisement that unattended, non-hazardous property found by the District during the cleanup may be stored, in the District's discretion. The Notice posted at the site shall also indicate where and how temporarily stored items may be retrieved and provides contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless, and options to access information about stored items through outreach staff and by visiting DHS' Family Services Administration.
- Contact numbers of support agencies including DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless.

Additionally, DMHHS and/or DHS or DBH outreach workers will share this information verbally with anyone at the site and with community partners to ensure those who are unable to read or have difficulty comprehending the information are made aware of the impending cleanup action.

(2) Rescheduled Standard Cleanup Notice

If the Standard Cleanup date is changed or delayed beyond the posted time or otherwise rescheduled, DMHHS will update the Notice at least 48 hours before the new cleanup date. No cleanup, except an Immediate Cleanup discussed in Section VII, shall be conducted absent posting of an updated Notice at 48 hours prior to a rescheduled cleanup date.

(3) ICH Notification

Concurrently with the posting of any Notice, DHS will, by e-mail, notify the Interagency Council on Homelessness (“ICH”), except when an Immediate Clean-up is conducted pursuant to Section VII of this Protocol.

**B. Outreach**

DMHHS will coordinate outreach efforts at each site to be cleaned. Other agencies (DHS, DBH, DC Health, CFSA, and DACL) will participate in the outreach efforts as requested or directed by DMHHS. The purpose and work of the outreach is to attempt to address the needs of these individuals through assessment and connection to services and resources, including available low barrier, temporary or other shelter programs and temporary or permanent housing resources, formal or informal, for which the individuals may be eligible or have available to them.

If any persons at the site have not yet had a Service Prioritization Decision Assistance Tool (SPDAT) survey conducted, the outreach teams will offer to complete the survey with that person and explain its significance in securing housing. Outreach workers will also inform affected individuals that they should remove their personal property from the site before the cleanup occurs, the availability of storage of property and make clear to individuals experiencing homelessness that the only way to be sure property is not disposed of during a cleanup is to move the property from the cleanup site before the specified cleanup time.

If shelter or a housing option has not been secured for an individual experiencing homelessness before the scheduled cleanup of the site, outreach workers will continue to work with the affected individual in an effort to identify and assist individuals connect to available shelter and housing resources.

**C. Removal and Temporary Storage of Property**

All property that property owners at the site intend to keep must be removed from the cleanup site prior to the posted cleanup time. Any property left on the cleanup site is subject to removal and immediate disposal. Property owners who leave property on site during a cleanup do so at their own risk.

The District will make available free storage of property that is eligible to be stored (Eligible Property), defined below, for up to 60 days at a site designated by the District to any individual with property at the cleanup site who lacks an alternative option. The District will also provide free transportation of Eligible Property to the storage site.

Eligible Property is defined as personal property that is safe to store and that is in one the following categories:

- Property that will fit inside a 40-gallon container (two containers per person experiencing homelessness);
- A functional, empty, non-soiled, and disassembled tent that fits inside a 40-gallon storage container or is contained in a bag or neatly tied bundle; and
- A non-commercial, functional bicycle or other form of motorized transit.

The following property shall not be considered safe to store and is not Eligible Property under this Protocol:

- Live animals;
- Illegal items;
- Property infested or potentially infested with bugs;
- Explosives;
- Wet or soiled items, including wet or soiled bedding, clothing, or tents;
- Foods, liquids, or organic materials of any kind, including plant matter;
- Weapons; or
- Other items deemed unsafe to store by District officials, such as, without limitation, locked or sealed containers whose contents cannot be inspected; substances or compounds that cannot be quickly identified by a non-expert; uncapped or exposed medical syringes.

Storage and transportation of Eligibility Property to the District's storage site may be requested in advance of the posted cleanup time by contacting DHS at the number listed on the Notice, by requesting storage from an outreach person, or by visiting the DHS headquarters at 64 New York Avenue, NE and requesting to speak with an outreach staff from the DHS Family Services Administration. Such requests will be addressed on a case-by-case basis. In addition, on the morning of the scheduled cleanup, DHS will offer containers to all present individuals experiencing homelessness for storage of their belongings, including two 40-gallon storage containers. DHS will arrive at the site at least 30 minutes in advance of the posted cleanup time to confirm everyone who is interested in packing belongings on site has the opportunity to do so.

During any cleanup, DHS will make reasonable efforts to collect and store the following kinds of Eligible Property when they are in plain sight, even if they are unattended at the time of the cleanup:

- Any form of personal identification, including, without limitation, driver's licenses, passports, and Social Security cards;
- Photographs; financial, legal, or medical documents and other documents of obvious importance;

- Medications or medical or mobility devices; and
- Other property that is safe to store and of apparent value.

Due to safety and health concerns, District officials will not sort through piles or collections of belongings, including items inside tents or containers, to identify Eligible Property in these categories. Only Eligible Property in these categories that are in plain sight, without manipulation, will be attempted to be collected and stored by DHS.

DHS or DMHHS as applicable, will maintain an inventory of all Eligible Property stored at the storage site, including the date each item was put into storage and the name and contact information, if available, of the property owner.

All property that is not stored through one of the processes above will be discarded by the District.

#### **D. Recovery of Temporarily Stored Property**

If Eligible Property or other property designated by DHS or DMHHS is temporarily stored by the District, the property owner(s) may retrieve the property within 60 days after the date of storage by contacting DHS at the number posted on the Notice, by making a request to an outreach person, or by visiting the DHS headquarters at 64 New York Avenue, NE and requesting to speak with outreach staff from the DHS Family Services Administration. Free transportation to pick up stored items may also be requested.

Property owners must show adequate verification of ownership, including by accurately describing the property they are requesting to recover. Upon request, DHS will arrange for items stored after a cleanup to be made available for pickup by the individual experiencing homelessness during normal government business hours, and for individuals that are moving into permanent housing, delivery options will be provided. Upon the expiration of the 60-day period, DHS may discard the items.

#### **E. Post-Standard Cleanup**

Posted Notices remain at the site to provide information as to where and how temporarily stored items may be retrieved and to provide contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless, and options to access information about stored items through outreach staff and by visiting DHS' Family Services Administration.

Following the cleanup of a site, DMHHS, DHS, and DBH outreach works will continue, as appropriate, to attempt to engage and connect affected individuals to District services. If there are any pending issues that need to be addressed to secure the site, DMHHS will serve as the lead in coordinating these efforts.

#### **F. Weather-Related Suspension**

“Hypothermia alerts” are issued when the National Weather Service (NWS) forecasts temperature,

including wind chill, is or will be 32 degrees Fahrenheit (32° F) or below during the daytime or overnight; or, when the overnight temperature is forecasted to be 40 degrees Fahrenheit (40° F) or below, and the forecasted chance of precipitation is 50 percent or greater.

“Hyperthermia alerts” (extreme heat warnings) are issued when the temperature or heat index reaches 95 degrees Fahrenheit (95° F).

During either Hypothermia or Hyperthermia alerts, all cleanups, except Immediate Dispositions, shall be suspended or limited only to the removal of items identified as abandoned, hazardous, refuse, and/or confirmed unwanted by persons at the site.

## **VII. IMMEDIATE CLEANUPS**

The District may perform an immediate clean-up (Immediate Cleanup) of a site, without providing the Notice, outreach, or storage options discussed in section VI of this Protocol, if, as determined by DMHHS, with input from appropriate entities as needed, that the property at the site poses an emergency, security risk, health risk, or safety risk.

When an Immediate Cleanup is determined to be necessary, DMHHS shall inform all appropriate District agencies of the details of the situation, explain why an Immediate Cleanup is being performed, determine which agencies should be involved in the cleanup, request appropriate agency support for individuals at the site who are experiencing homelessness, and plan for any post-cleanup tasks.

For situations involving a security risk, DMHHS, or an agency tasked by DMHHS, shall contact the HSEMA and HSEMA will take whatever action is necessary to reduce a potential security threat or threat to public safety. For situations involving a health or safety risk, DMHHS shall contact the appropriate agencies, which may include DBH, DC Health, DHS, DDOT, or DPW, to determine an immediate course of action to address the emergency and reduce any potential risk to health or safety, and ensure appropriate support services and resources are rapidly deployed to affected individuals.

To the extent feasible, DMHHS will affix stickers to property at the site advising of the need for the property to be removed, and absent removal by the owner, that an Immediate Clean-up will occur, and the date it will occur.

Immediately following the Immediate Cleanup of a site, DMHHS will post a Notice specifying that the area has been cleaned by the District. The Notice will also indicate where and how temporarily stored items, if any, may be retrieved by providing contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless, and options to access information about stored items through outreach staff and by visiting DHS’ Family Services Administration. DDOT or other relevant entity shall provide any additional signage as may be advisable or required by law or regulation.



**AUTHORIZING SIGNATURE**

Pursuant to the authority granted to the City Administrator by Mayor's Order 2015-036, dated January 9, 2015, the officers, employees, departments, and agencies identified in this Protocol are directed to perform their roles, functions, and duties in the manner described therein, until such time as this Protocol is amended or revoked.

A handwritten signature in blue ink, appearing to read "Kevin Donahue", written over a horizontal line.

Kevin Donahue  
City Administrator

2/28/25

Date

