

Summary of the City of Oakland's Encampment Management Policy

This document, compiled by the United Front Against Displacement, summarizes key points of the nine-page document drafted by Oakland City Officials.

Who: City of Oakland council members forming the Life Enrichment Committee voted on September 21 to move forward with a new set of rules to determine where the unhoused residents of Oakland can and can not set up camp.

What: This Encampment Management Policy (EMP) categorizes encampments under definitions of “high-sensitivity” and “low sensitivity” in order to enact what they deem as “emergency responses”. Encampments that qualify as “high-sensitivity” are to be removed, if not managed by organizations or agencies assigned by the city. Those that are deemed “low-sensitivity” encampments are to be monitored and managed by a new Encampment Management Team (EMT) consisting of representatives from several of city departments and as facilitated by Daryel Dunston, the city’s assigned Homelessness Administrator. **See table below for important details.**

Note: Under this policy, there are no low-sensitivity encampments that meet said standards. In reality this policy is a stepping stone towards displacing all homeless people and many working class people from Oakland.

Why: The city cites their Permanent Access to Housing (PATH) Framework when providing basis for the development of the new policy. According to the PATH Framework, city council acts to protect vulnerable tenants from becoming homeless (1), to improve health and safety on the streets (2), and to expand the Extremely Low Income (ELI) and Permanent Supportive Housing (PSH) programs (3). The policy, however, only deals with emergency responses, with no mention of ways of attaining the three goals of the PATH Framework.

Where: Because the two new qualifications broaden definitions of what is and isn't allowed, city government can more systematically enact evictions throughout the city of Oakland. This is compared to the current system of handling situations more or less on a case-by-case basis.

When: The policy was unanimously approved by the Oakland City Council on **October 20**. The plan is to begin implementing it at the start of the new year.

Interpreted Takeaways: Though the EMP does not explicitly criminalize people for being homeless, it ostensibly criminalizes many of the living conditions inherent to homelessness. Oakland encampments that exemplify any of the characteristics deemed high- or low-sensitivity are at risk of intervention (which will almost inevitably interfere with the inhabitants' lives and cause them undue hardship) or removal. Lastly, if a resident being impacted by this policy, facing intervention “refuses” conventionally offered shelter space, they can be cited or arrested.

This policy sets a precedent that legislators can continue to further restrict the space and manner that people can be homeless in without offering concrete solutions to the factors that result in them living on the streets in the first place. Though safer conditions would be ideal, this policy does not actually promote them. Instead it reinforces the City's drive to displace working people to make way for gentrification. As is already the case, people on the streets will be pushed into fewer and fewer places, and the resulting overcrowding will cause worse and worse conditions. Safer conditions are objectively good, but removing the discretion of case-by-case evaluation when addressing encampments, and ultimately pushing people farther and farther out of sight without measures to meaningfully improve resident's lives or long term living situations is detrimental to their well being. Though some might say this policy is cruel and unethical, in reality this is in line with the logic of our capitalist system that punishes working people for being poor and existing.

	High-Sensitivity	Low-Sensitivity
Definitions/Qualifications	<ul style="list-style-type: none"> • All vehicular traffic lanes, bike lanes, and sidewalks where there is not at least six (6) feet of contiguous clearance up to the length of a City block. • Within 150 feet of a school. • Within 50 feet of a protected waterway. • Within 50 feet of a residence or business. • Within 50 feet of a playground or tot lot. • Within 50 feet of a public park, soccer field, baseball field, basketball court, tennis court, and/or golf course. • Areas directly adjacent to emergency shelter interventions. • Encampment footprint shall not exceed 12 x 12 square feet per person. • Storage of tires, gasoline, generators, propane tanks or other combustible materials. 	<ul style="list-style-type: none"> • Limited to one side of the street. • Does not impede vehicle, bike, or pedestrian traffic (on at least one side of the street). • Maintains at least six (6) feet of contiguous clearance on one sidewalk, the length of one City block. • Does not impede Americans with Disabilities Act (ADA)-compliant access points. • Does not impede emergency ingress/egress routes. • No narcotics trafficking. • No human trafficking. • Encampment footprint shall not exceed 12 x 12 square feet per person. • Area outside of the vehicle dwelling must remain clear at all times. • No gray or black water dumping. • No illegal electrical taps. • No storage of tires, gasoline, generators, propane tanks or other combustible materials. • Structures, tents, and vehicle dwellings shall maintain not less than six (6) feet distance between one another.
City Response	Removal (eviction) or co-governance by managing agency	EMT Intervention or EMT (See below), failure to comply can move camp to “high-sensitivity” distinction
Enforcers	Managing agency can be a nonprofit organization, advocacy group, faith-based organization, another public agency, or a grassroots collective working with the city government.	EMT consisting of representatives from Oakland’s Public Works Department, Human Services Department, Oakland Police Department, Oakland Fire Department, and the City Administrator’s Office, among other groups and facilitated by the Homelessness Administrator.

Interventions of the EMT for low-sensitivity encampments are as follows:

1. **Health and Hygiene** - Installing hand washing stations, toilets and waste services. Necessity is determined by 2018 Minimum Health and Safety Standards.
2. **Deep Cleaning** - Relocation of residents to conduct sweeps. Property may be lost in this process.
3. **Partial Closure** - Partially closing or moving encampments due to public safety and health hazards. Again property might be lost to “protect the public.”
4. **Closure** - Fully closing a camp due to construction, providing access to work zones, or to give way to public safety.

Notification: The city will work with encampment residents to implement health and hygiene related infrastructure. For deep cleaning, partial closures, and closures, a **72-hour written notice** will be put in place by EMT outreach workers who may then assist residents to achieve voluntary compliance. Additionally, only within this 72-hour time frame can residents accept offers of emergency shelter provisions given that these provisions are available. If residents do not comply, the encounter is documented and a schedule for deep cleaning, partial closure, and closure is made according to findings made by the EMT outreach team.

Note: In the event of urgent health and safety concerns, catastrophic events, or natural disasters, the City might not be able to provide prior notice due to the nature of the emergency.

Storage: During the course of an intervention, the City may store up to 1 square yard (per individual) of items whose ownership cannot be clearly determined or whose ownership is known but the owner is unable to provide transport. If, however, an arrest is made during this interval, the Alameda County's Sheriff's Department will decide on the storage of the individual's property. Any such effort will comport with OPW's ordinary practices with respect to property storage during encampment interventions.

Final remarks from City of Oakland: The City will not cite or arrest any individual solely for camping, or otherwise for the status of being homeless, and will make reasonable efforts to allow and, where feasible, assist the encamped individual in moving to a new location, and will avoid citation or arrest unless either is necessary to protect against imminent risks to public safety and alternative indoor shelter or housing has been offered and declined.