



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Councilmember Matt Mahan

**SUBJECT:** Response to City Council  
Direction for Sanctioned  
Encampment

**DATE:** May 18, 2021

**APPROVED:**

A handwritten signature in black ink that reads "Matt Mahan".

## **RECOMMENDATION:**

1. Prior to approving a sanctioned encampment pilot program, direct the City Manager to return to Council with a cost/benefit analysis that compares the two following strategies for improving conditions for unhoused residents and protecting our entire community:
  - a. Expanding SOAR services, including trash removal, hygienic services and human services outreach, to existing encampments, as recommended in the Mayor's March Budget Message, and
  - b. Providing legally sanctioned encampments at the "Level 3" service tier, as defined in staff's memorandum.
2. For each strategy, please include:
  - a. A description of the services provided under each approach to help Council evaluate the level of "benefit" associated with each,
  - b. An estimate of the cost-per-person served to help the Council better evaluate the number of people who can be provided services with a fixed amount of expenditure, and
  - c. The City Attorney's qualitative assessment of the legal risk involved in each approach and suggested risk mitigation strategies, which should be cross-referenced in the cost analysis for sanctioned encampments specifically.

## **BACKGROUND:**

Thank you to city staff and my colleagues for your open and thoughtful approach to the question of sanctioned encampments. We broadly agree that the status quo is unacceptable and collectively recognize that we need solutions for improving conditions for our unhoused residents and the broader community.

In this spirit, during the Council's Priority Setting exercise in March, I proposed that the City explore a comprehensive encampment management strategy centered on "setbacks and services" that would not legally sanction a given location for camping, but would focus instead on protecting sensitive public spaces, such as schools and City right-of-way (ROW), and simultaneously increasing the level of basic services we provide to unhoused residents wherever they may reside outside of those setbacks. This proposal, which emerged as a component of the Council's top priority, falls most closely in line with strategy 1.a. listed in the recommendation above and outlined in the Mayor's March Budget Message. This approach is intended to reduce unnecessary abatements and increase service levels for unhoused residents without unnecessarily increasing legal risks and associated costs for the City.

Given that the City has limited resources for supporting our unhoused residents, I think the Council would benefit from seeing a concrete comparison of the costs and benefits--and therefore the number of people served at a given level of support--associated with these two primary approaches to addressing encampments at our disposal.

Furthermore, given that sanctioning an encampment opens the City to additional legal risk, implementing a sanctioned encampment at an acceptable level of risk will likely require security services, fencing and other precautions corresponding to staff's definition for "Level 3" services. This service level reduces the City's liability in the event of injury or death within a sanctioned encampment. These services undoubtedly add value for residents of a sanctioned encampment and protect the City legally, but they also increase costs and would require that the City provide fewer SOAR-like services to unhoused residents not residing within a sanctioned encampment.

Before implementing a sanctioned encampment pilot, we should better understand the tradeoff we face with an alternative approach that may provide critical services to more people and with lower risk.