

COUNCIL COMMUNICATION

	Number:	24-325	Meeting:	August 5, 2024
	Agenda Item:	36	Roll Call:	24-1098
	Submitted by:	Malcolm Hankins, Assistant City Manager; and Scott Sanders, City Manager		

AGENDA HEADING:

Amending Chapter 102 of the Municipal Code relating to prohibited camping.

SYNOPSIS:

Des Moines has seen an increase in homeless encampments in public spaces including City-owned properties and public rights-of-way. These camps often enlarge over time and pose health, safety, and sanitation concerns. As a result, the Mayor directed the City's Legal Department to research and propose potential ordinance language to address the concern. In keeping with Council's priorities, the goals of the proposed ordinance would be to:

1. Remove health, safety, and sanitation risks from the city's public areas in a timely manner.
2. Expedite the encroachment cleanup process which the current ordinance requires 10 days' notice and affords a 10-day appeal period.
3. Encourage unsheltered individuals to seek available services for shelter in lieu of camping in public areas.
4. Provide protections for unsheltered individuals including storage of personal items of value for 30 days and making transportation to shelter available to those seeking shelter.
5. Employ a more intentional collaborative approach to reduce homelessness including directing people experiencing homelessness to available resources while ensuring resources are available and collecting data on barriers for those who are not using emergency shelter.
6. Reduce the need for encampment cleanups and the associated monetary costs. If budgetary savings occur, consideration will be given to providing services for people experiencing homelessness.

FISCAL IMPACT: To Be Determined

ADDITIONAL INFORMATION:

- In late June 2024, the US Supreme Court decision in *City of Grants Pass v. Johnson*, found that banning sleeping or camping in public locations did not constitute cruel and unusual punishment and therefore did not violate the Eighth Amendment of the US constitution.

- Following the US Supreme Court decision, the City's Legal Department provided the City Manager with ordinance language options prohibiting camping and sleeping in specified public areas.
- On July 18, 2024, staff provided Legal's draft ordinance language to the Mayor and City Council for consideration and met with a group of community provider agencies to discuss the proposed ordinance changes and gather input.
- Encampment cleanups currently cost the City an estimated \$700,000 annually. This includes the actual costs of cleanup (\$350,000) and the work of City staff to administer the process.
- Encampments have been increasing in number, size and frequency of reoccurrence. Between January 1, 2024, and August 1, 2024, the City cleaned 97 encampment encroachment sites from public property. As recently as 2020, the City spent \$54,104 for the full year for the actual cost of cleanups. Given the increasing number and size of encampments, the costs of cleaning sites are expected to continue to increase.
- In 2023, the City hired its first homeless policy administrator serving as the technical expert on homeless matters and a liaison between the City and homelessness service providers.
- Unauthorized encampments are often challenging to clean as the camps become collections of rubbish, debris, human waste, and environmental hazards. Encampments have led to structure fires, brush fires, forest fires, damage to public infrastructure (viaducts), damage to park facilities, and have prevented unobstructed and free use of the City's trail system.
- The City has received 214 unique complaints regarding encampments so far in calendar year 2024.
- **Council Directives to the City Manager**

On July 22, 2024, Des Moines City Council directed the City Manager to ensure safeguards were in place prior to implementing enforcement of any new ordinance prohibiting sleeping and camping on public property. Council directed the City Manager to specifically address the following items to reduce shelter use barriers:

Council Directive 1. Work with shelter operators, discuss current shelter practices and policies, and identify ways to reduce barriers to emergency shelter use.

Update: On July 31, 2024, City staff met with Central Iowa Shelter & Services (CISS) in an initial meeting discussing barriers to emergency shelter use. Additional conversations are expected with other shelter providers (Hope's Bethal Mission, Iowa Homeless Youth Shelter, et al). Barriers to shelter use are dynamic and individual, actual, and perceived. A person's decision to not use a congregate shelter can be rooted in real mental, emotional, medical and personal considerations often going beyond simple choice. Staff intend to continue dialogue with CISS and other shelter operators around removing barriers to emergency shelter use.

Council Directive 2. Establish an agreement with an animal services provider to shelter animals of unhoused individuals in Des Moines while individuals seek emergency shelter.

Update: Current shelter policies prohibit the sheltering of animals except in limited circumstances involving service animals. The City has initiated discussions with the Animal Rescue League (ARL). The ARL shared that the issue of pet boarding or fostering is complex and costly. The ARL is willing to help where animal welfare and public safety are the issue but would need to factor in available resources before coming to an agreement on broader fostering. The City will continue conversations with the ARL and alternatives while working to affirm the expected number of pets to be boarded or fostered, duration, etc.

Council Directive 3. Identify secured personal storage options for unhoused individuals.

Update: The City's Public Works Department is prepared to store personal items associated with encampment cleanups. This plan includes coordination with Neighborhood Services Department staff to identify the personal items prior to Public Works removing the items from the site and storing them at a City facility for 30 days. The broader storage question has been discussed with CISS who previously made storage available to unsheltered individuals. CISS reports the storage option was eliminated after they found little use of the option.

Council Directive 4. Establish a process making transportation available from campsites to emergency shelter for individuals interested in entering emergency shelter.

Update: The City's current police practice of offering and providing transportation to the emergency shelter will continue.

Council Directive 5. Add public restrooms to many of the City parking garages.

Update: City facilities staff are in the process of identifying initial locations for portable restroom installations. The intent is to start with two locations, evaluate the outcomes and then add locations.

Council Director 6. Have four outreach workers to work directly with the Des Moines homeless population to provide services.

Update: The City is working to secure funding for four outreach workers who will prioritize engagement with unsheltered residents and getting services and needed help. This item is expected to be solidified by September 2024.

Council Directive 7. Hire a hearing officer to expedite hearings in a shorter timeframe.

Update: City Legal review of the proposed hearing officer job description is underway. This less than half-time (1/2) position will essentially be available on an as needed basis under the direction of the City Clerk.

- **Affordable Housing Units**

- Over the last five (5) years, 770 affordable units have been integrated into new and renovation housing projects made possible with City incentives through Tax Increment Financing (TIF), HOME Investment Partnerships Program (HOME), and American Rescue Plan Act (ARPA).

- In the last two (2) fiscal years, Council approved federal grant funding—either Community Development Block Grant (CDBG) or HOME—to the following development or rehab projects that would create new affordable housing units:
 - \$350,000 in HOME to Star Apartments (2701 Ingersoll Avenue) where at least two (2) units will be reserved for formerly homeless tenants;
 - \$1,000,000 in HOME-ARP (American Rescue Plan) to Monarch Apartments (4485 Merle Hay Road) will have five (5) City-funded HOME units, but all 38 units will be reserved for formerly homeless tenants;
 - \$500,000 in CDBG to Klein Building (1614 6th Avenue) will have three (3) upper story rental units affordable to low- or moderate-income tenants; and
 - \$1,000,000 in CDBG to Ellipsis Campus (5525 Meredith Drive) will be units for youth who are in the foster care system or have been in the juvenile delinquency system.
- Development applications that will create affordable housing units that are currently under review for either CDBG or HOME funding and are expected to go to City Council within the next three (3) months include:
 - \$500,000 (acquisition) + approximately \$300,000 (stabilization) in CDBG for 200 Euclid Avenue will require at least seven (7) units be affordable to low- or moderate-income tenants; and
 - \$400,000 in HOME funds for Alley Landing (2701 Douglas Avenue) includes five (5) City HOME units affordable to low-income tenants, and eight (8) units will be reserved for Veterans.

PREVIOUS COUNCIL ACTION(S):

Date: July 22, 2024

Roll Call Number: [24-1032](#)

Action: [Approving](#) directions to City Manager when implementing an ordinance prohibiting sleeping and camping on public property: Moved by Coleman to adopt with these conditions: 1. Add public restrooms to many of the City parking garages. 2. Have four outreach workers to work directly with the Des Moines homeless population to provide services. 3. Hire a hearing officer to expedite hearings in a shorter timeframe. Second by Gatto. Motion Carried 7-0. Motion by Gatto to receive and file document from Angie Arthur. Second by Mandelbaum. Motion Carried 7-0. (A) Work with shelter operators, discuss current shelter practices and policies, and identify ways to reduce barriers to emergency shelter use. (B) Establish an agreement with an animal services provider to shelter animals of unhoused individuals in Des Moines while individuals seek emergency shelter. (C) Identify secured personal storage options for unhoused individuals. (D) Establish a process making transportation available from campsites to emergency shelter for individuals interested in entering emergency shelter.

Date: July 22, 2024

Roll Call Number: [24-1030](#)

Action: [Ordinance](#) amending Chapter 102 of the Municipal Code relating to prohibited camping. Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Coleman. Motion Carried 5-2. Nays: Simonson and Mandelbaum.

Date: July 22, 2024

Roll Call Number: [24-1028](#)

Action: [Ordinance](#) amending Sections 102-8, 102-615 and 3-23 of the Municipal Code relating to abandoned property and the removal of encroachments. Moved by Coleman that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 5-2. Nays: Simonson and Mandelbaum.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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