



SEATTLE CITY COUNCIL

Legislative Summary

Res 31649

Record No.: Res 31649

Type: Resolution (Res)

Status: Passed at Full Council

Version: 2

In Control: Full Council

File Created: 01/20/2016

Final Action: 01/21/2016

Title: A RESOLUTION modifying the Mayoral Civil Emergency Order Addressing Encampments and Vehicles Used As Residences of January 19, 2016.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Harrell

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A - Civil Emergency Order Addressing Encampments and Vehicles Used as Residences, Ex B - Modified Civil Emergency Order Addressing Encampments and Vehicles Used as Residences

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	01/20/2016	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office Notes:						
1	Council President's Office	01/20/2016	sent for review	Full Council			
	Action Text: The Resolution (Res) was sent for review. to the Full Council Notes:						
1	Full Council	01/21/2016	adopted as amended				Pass
	Action Text: The Motion carried, the Resolution was adopted as amended by the following vote, and the President signed the Resolution: Notes: By unanimous consent, the Council Rules were suspended to allow Ketil Freeman and Eric McConaghy to address the Council.						

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31649.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Resolution 31649, by substituting version D2 for version 1a.

ACTION 3:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Resolution 31649, by substituting version 3 for version 2.

ACTION 4:

Motion was made and duly seconded to adopt Resolution 31649 as amended.

In Favor: 7 Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

CITY OF SEATTLE

RESOLUTION

31649

A RESOLUTION modifying the Mayoral Civil Emergency Order Addressing Encampments and Vehicles Used As Residences of January 19, 2016.

WHEREAS, pursuant to Seattle Municipal Code ("SMC") Section 10.02.010, the Mayor issued a

Proclamation of Civil Emergency related to homelessness, and filed the proclamation

with the City Clerk for presentation to the City Council, on November 2, 2015; and

WHEREAS, on November 2, 2015, the Mayor issued three Civil Emergency Orders related to

homelessness; and

WHEREAS, on November 3, 2015, the City Council adopted Resolution 31630, ratifying and

confirming the Mayoral Proclamation of a Civil Emergency and the three Civil

Emergency Orders; and

WHEREAS, on January 19, 2016, the Mayor issued a Civil Emergency Order Addressing

Encampments and Vehicles Used As Residences; and

WHEREAS, SMC Section 10.02.010.C states that the Seattle City Council shall either ratify and

confirm, modify, or reject such a proclamation at the earliest practicable time; and

WHEREAS, the City Council has considered the Mayor's Civil Emergency Order Addressing

Encampments and Vehicles Used As Residences, including the statements included

therein that are required under Seattle Municipal Code 10.02.025;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Mayor's Civil Emergency Order Addressing Encampments and

Vehicles Used As Residences, attached hereto as Exhibit A, is hereby modified as shown in

1 Exhibit B, pursuant to Seattle Municipal Code 10.02.020.B. Such modifications as adopted in
2 Exhibit B, shall be prospective from the date of this Resolution only, and shall not affect any
3 actions taken prior to the modification of the order.

4 Section 2. The Council requests that the Mayor collect reports from communities on the
5 perceived impacts and the city's public policy response as well as potential assistance to
6 neighborhoods and social service providers to address these potential impacts.

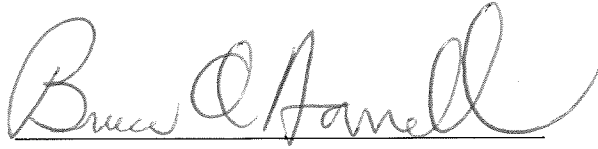
7 Section 3. The Council requests that the Mayor identify the plan for what occurs after
8 the end of the City-sanctioned lot term.

9 Section 4. The Council requests that the Mayor add information to the bi-weekly report
10 to the Council on actions taken pursuant to the Civil Emergency as requested in Section 5 of
11 Resolution 31630. The bi-weekly report should include the information specified in Resolution
12 31630 and should identify the following:

- 13 A. The number of people residing in vehicles permitted to park in designated City-
14 owned rights-of-way, including the number of adults, families, and children, and the
15 disaggregated demographic data about these persons consistent with Resolution
16 31613;
- 17 B. The duration of stay of vehicles permitted to park in designated City-owned rights-
18 of-way;
- 19 C. The number of people residing in vehicles parked in City-sanctioned safe lots,
20 including the number of adults, families, and children, and the disaggregated
21 demographic data about these persons consistent with Resolution 31613;
- 22 D. The duration of stay of vehicles parked in City-sanctioned safe lots;

- 1 E. The outcomes of outreach to homeless persons conducted as part of the Civil
2 Emergency, including at least the number of persons assisted and dollars spent on
3 each person for each service including, but not limited to: flexible funds, rapid
4 rehousing and diversion, medical services, mental health and chemical dependency
5 services, legal services, including Law Enforcement Assisted Diversion (LEAD) or
6 other such programs and coordination with the Municipal Court, and employment
7 services;
- 8 F. The barriers to permanent housing experienced by each household residing in the
9 safe lot(s) including, but not limited to: institutional re-entry barriers, lack of
10 income to afford permanent housing, or previous eviction(s);
- 11 G. The number of instances of providing services to make vehicle residences
12 operational or move vehicles from unauthorized locations to designated City-owned
13 rights-of-way and/or City-sanctioned safe lots; and
- 14 H. The number of vehicles impounded for being parked illegally after the vehicle
15 owners, residing in the vehicles, are made aware of legal parking alternatives and
16 have declined to move or have their vehicle moved to City-designated rights-of-way
17 and/or City-sanctioned safe lots.
18

Adopted by the City Council the 21st day of January, 2016, and
signed by me in open session in authentication of its adoption this 21st day
of January, 2016.



President _____ of the City Council

Filed by me this 21st day of January, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Exhibit A – Civil Emergency Order Addressing Encampments and Vehicles Used As Residences

Exhibit B – Modified Civil Emergency Order Addressing Encampments and Vehicles Used As Residences

CIVIL EMERGENCY ORDER

ADDRESSING ENCAMPMENTS AND VEHICLES USED AS RESIDENCES

CITY OF SEATTLE

WHEREAS, on November 2, 2015, in my capacity as Mayor, I issued a Proclamation of Civil Emergency to address the homelessness crisis in the City of Seattle, as well as three associated Emergency Orders; and

WHEREAS, the facts stated in that Proclamation continue to exist and I am basing this Civil Emergency Order on the information and recitals contained in that Proclamation; and

WHEREAS, even though the City and its partners have taken substantial steps to address the homelessness emergency facing Seattle, both prior to and since the issuance of the Proclamation and Orders in November of 2015, many individuals continue to experience homelessness; and

WHEREAS, this continued emergency requires the issuance of additional orders that are specifically targeted to address certain aspects of the homelessness crisis facing the City of Seattle;

Section I – Encampment for Individuals Experiencing Homelessness

WHEREAS, as set forth in Ordinance No. 124747, the City's focus on solutions for people who are homeless should be a roof-overhead and services to connect individuals with a pathway toward long-term housing, however, the current capacity of our housing and homeless services continuum cannot meet the needs of all those who are homeless. As an alternative, tent encampments can offer a sense of safety and community while seeking longer term housing options;

WHEREAS, there are more individuals experiencing homelessness, including children and families, than can presently be housed in the two existing encampments; and

WHEREAS, the City must immediately act to create additional space to address the ongoing public safety crisis confronting the city that impacts, on a daily basis, the health and safety of its citizens.

Section II – Parking for Vehicles Utilized As Residences

WHEREAS, as set forth in the Proclamation of Civil Emergency, there have been dramatic cuts at the federal and Washington State levels for affordable housing, while at the same time, housing costs in Seattle and King County have significantly increased with the number of low-income households in Washington State paying more than half their monthly income in rent growing to 221,800 in 2015, a 20% increase since 2007; and

WHEREAS, for these and other systemic reasons, including, but not limited to, institutional racism, poverty, unemployment, discrimination, addiction, mental illness, domestic violence, or

exits from the foster care system, many individuals who cannot afford to rent or own a home have been forced to live out of cars, trucks, vans, and recreational vehicles; and

WHEREAS, implementing a City-authorized parking program under this Order for individuals residing in their vehicles will allow the City to focus outreach services, improve and insure the sanitary conditions and safety of the parking areas, and provide authorized and legal parking options.

WHEREAS, during 2015, more than 66 individuals have died on Seattle streets without shelter, including one victim who fell to his death from a highway overpass;

WHEREAS, the City seeks to provide those struggling with addiction access to services, with nearly 60% increase in the number of heroin and methamphetamine deaths in Seattle since 2003.

Section III – Emergency Orders Issued

WHEREAS, the decisions to declare a civil emergency and to seek civil emergency orders are not taken lightly but are, I believe, extraordinary measures that are necessary to protect the public welfare; and

WHEREAS, this civil emergency necessitates the use of certain emergency powers granted to the Mayor pursuant to Seattle Municipal Code, Chapter 10.02 and RCW Chapter 38.52; and

WHEREAS, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public; and

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THE HONORABLE EDWARD B. MURRAY, THAT:

I, EDWARD B. MURRAY, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020, 10.02.025, AND 10.02.030, AND MY MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED NOVEMBER 2, 2015 HEREBY ORDER THE FOLLOWING:

1. The City of Seattle shall have the authority to take the following steps concerning parking for vehicles that are presently being used as residences:
2. The City may provide temporary parking permits for vehicles that are presently being used as residences. These permits will allow these vehicles to be parked in designated City owned right-of-ways for up to thirty (30) days.
3. The City may designate two delineated areas as sanctioned safe lots where vehicles that are presently being used as residences may be parked.
4. The City shall have the authority to expeditiously open a third encampment for individuals experiencing homelessness. Notwithstanding the immediate

effectiveness of this authority, this encampment, after being opened, will undergo a full permit review as required by the Seattle Municipal Code § 23.42.056.

SECTION IV

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this Order, then the provision of this Order shall control.

SECTION V

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems as set forth in SMC 10.02.100.

SECTION VI

This Civil Emergency Order shall immediately or as soon as practical be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. As set forth in SMC 10.02.020(O), if the City Council rejects this Civil Emergency Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of this Civil Emergency Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City.

DATED this 19th day of January, 2016, at 7:52 am.


EDWARD B. MURRAY
MAYOR OF THE CITY OF SEATTLE

CIVIL EMERGENCY ORDER

ADDRESSING ENCAMPMENTS AND VEHICLES UTILIZED AS RESIDENCES

CITY OF SEATTLE

WHEREAS, on November 2, 2015, in my capacity as Mayor, I issued a Proclamation of Civil Emergency to address the homelessness crisis in the City of Seattle, as well as three associated Emergency Orders; and

WHEREAS, the facts stated in that Proclamation continue to exist and I am basing this Civil Emergency Order on the information and recitals contained in that Proclamation; and

WHEREAS, even though the City and its partners have taken substantial steps to address the homelessness emergency facing Seattle, both prior to and since the issuance of the Proclamation and Orders in November of 2015, many individuals continue to experience homelessness; and

WHEREAS, this continued emergency requires the issuance of additional orders that are specifically targeted to address certain aspects of the homelessness crisis facing the City of Seattle;

Section I – Encampment for Individuals Experiencing Homelessness

WHEREAS, as set forth in Ordinance No. 124747, the City's focus on solutions for people who are homeless should be a roof-overhead and services to connect individuals with a pathway toward long-term housing, however, the current capacity of our housing and homeless services continuum cannot meet the needs of all those who are homeless and, as an alternative, tent encampments can offer a sense of safety and community while seeking longer term housing options;

WHEREAS, there are more individuals experiencing homelessness, including children and families, than can presently be housed in the two existing encampments; and

WHEREAS, the City must immediately act to create additional space to address the ongoing public safety crisis confronting the city that impacts, on a daily basis, the health and safety of its citizens.

Section II – Parking for Vehicles Utilized As Residences

WHEREAS, as set forth in the Proclamation of Civil Emergency, there have been dramatic cuts at the federal and Washington State levels for affordable housing, while, at the same time, housing costs in Seattle and King County have significantly increased with the number of low-income households in Washington State paying more than half their monthly income in rent growing to 221,800 in 2015, a 20% increase since 2007; and

WHEREAS, for these and other systemic reasons, including, but not limited to, institutional racism, poverty, unemployment, discrimination, addiction and/or mental illness, domestic violence, or exits from the foster care system, many individuals who cannot afford to rent or own a home have been forced to live out of cars, trucks and vans, as well as recreational vehicles; and

WHEREAS, implementing a City-authorized parking program under this Order for individuals residing in their vehicles will allow the City to focus outreach services, improve and insure the sanitary conditions and safety of the parking areas, and provide authorized and legal parking options.

WHEREAS, during 2015, more than 66 individuals have died on Seattle streets without shelter, including one victim who fell to his death from a highway overpass;

WHEREAS, the City seeks to provide those struggling with addiction access to services, with nearly 60% increase in the number of heroin and methamphetamine deaths in Seattle since 2003.

Section III – Emergency Orders Issued

WHEREAS, the decisions to declare a civil emergency and to seek civil emergency orders are not taken lightly but are, I believe, extraordinary measures that are necessary to protect the public welfare; and

WHEREAS, this civil emergency necessitates the utilization of certain emergency powers granted to the Mayor pursuant to Seattle Municipal Code, Chapter 10.02 and RCW Chapter 38.52; and

WHEREAS, the conditions of this Civil Emergency Order are designed to provide the least necessary restriction on the rights of the public; and

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF SEATTLE, THE HONORABLE EDWARD B. MURRAY, THAT:

I, EDWARD B. MURRAY, MAYOR OF THE CITY OF SEATTLE, ACTING UNDER THE AUTHORITY OF SEATTLE MUNICIPAL CODE SECTIONS 10.02.020, 10.02.025, AND 10.02.030, AND MY MAYORAL PROCLAMATION OF CIVIL EMERGENCY, DATED NOVEMBER 2, 2015 HEREBY ORDER THE FOLLOWING:

1. The City of Seattle shall have the authority to take the following steps concerning parking for vehicles that are presently being used as residences:
2. The City may provide temporary parking permits for vehicles that are presently being used as residences. These permits will allow these vehicles to be parked in designated City owned right-of-ways for up to thirty (30) days.
 - a. In these 30 days prior to the sanctioned lots opening the City shall:
 - i. Plan for service providers,
 - ii. Plan for site management,

- iii. Provide sanitation,
 - iv. Establish site suitability and the factors used to make that determination,
 - v. Provide electricity and potable water,
 - vi. Provide safety and security including the development of a code of conduct, and
 - vii. Provide increased access to services including but not limited to: rehousing and diversion, medical services, chemical dependency and mental health services, legal services and employment services, provided, however, that the City shall not provide any of the above except to persons to whom the City may do so in accordance with Article VIII, § 7 of the Washington Constitution.
3. The City shall designate two delineated areas as sanctioned safe lots for a period of six months and allow for renewal of no more than one additional six month term after a review of the reports required under Section 2 of Resolution 31649. Where vehicles are presently parked in temporarily designated right-of-way and being used as residences, the City shall consider relocating those vehicles to the safe lot closest to their current location.
4. The City shall have the authority to expeditiously open a third encampment for individuals experiencing homelessness for a period of twelve months and allow for renewal for no more than one additional twelve month term after a review of the reports required under Resolution 31649, section 2. Notwithstanding the immediate effectiveness of this authority, this encampment, after being opened, will undergo a full permit review as required by the Seattle Municipal Code 23.42.056.
5. When applicable, the designated safe lots should be operated consistently with authorized encampments.

SECTION IV

All mayoral proclamations and orders presently in effect shall remain in full force and effect except that, insofar as any provision of any such prior proclamation is inconsistent with any provision of this Order, then the provision of this Order shall control.

SECTION V

A copy of this Civil Emergency Order shall be delivered to the Governor of the State of Washington and to the County Executive of King County. To the extent practicable, a copy of this Civil Emergency Order shall be made available to all news media within the City and to the general public. In order to give the widest dissemination of this Civil Emergency Order to the public, as many other available means as may be practical shall be used, including but not limited to posting on public facilities and public address systems as set forth in SMC 10.02.100.

SECTION VI

This Civil Emergency Order shall immediately or as soon as practical be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected this Civil Emergency Order shall be void; however, any such rejection or modification shall not affect any actions previously taken. As set forth in SMC 10.02.020(O), if the City Council rejects this Civil Emergency Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of this Civil Emergency Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City.

DATED this _____ day of January, 2016, at _____ am.

EDWARD B. MURRAY
MAYOR OF THE CITY OF SEATTLE