



**City of Kingston
Report to Council
Report Number 21-118**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: Ruth Noordegraaf, Director Housing and Social Services
Date of Meeting: April 20, 2021
Subject: City Encampment Protocol/Procedures and United Nations
Encampment Protocol

Council Strategic Plan Alignment:

Theme: 2. Increase housing affordability

Goal: See above

Executive Summary:

As a result of the encampment that occurred at Belle Park throughout the summer months in 2020, Council passed the following motion at its September 15, 2020 meeting:

Whereas COVID-19 physical distance requirements have created challenges for persons accessing emergency housing services, and

Whereas By-Law Number 2009-76, Prohibited Activities, 5:e states that no person should “create a nuisance or disturb other people” in use of public space and the implementation of such a restriction causes people experiencing homelessness to continually move from place to place in the City; and

Whereas the City of Kingston has recently created an integrated services hub model that can help to serve clients who are willing to access the site, yet some residents may need more time or assistance in finding a path to secure housing; and

Whereas housing and homelessness services in the City of Kingston operate through a variety of partners and combination of provincial and municipal funding and residents

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have recently expressed a desire for more transparency on City's policies and procedures related to homelessness.

Therefore Be It Resolved That the Housing and Homelessness Committee's Shelter Services Review include analysis of current procedures in place related to By-Law Number 2009-76 and its impact on persons experiencing homelessness; and

That staff provide a report to the Housing and Homelessness Committee with information on how an individual who does not access shelter services is currently supported, how supports are funded and administered, and recommendations on which policies or procedures need to be amended to ensure the City of Kingston can better meet the United Nations Protocol for Homeless Encampments in Canada by no later than Q2 2021.

City staff reviewed the eight (8) principles from the United Nations Protocol for Homeless Encampments and described current practices. Staff also reviewed best practices from other Ontario municipalities. City staff have sought input from the Housing & Homelessness Advisory Committee on the draft proposed City of Kingston Encampment Protocol and Procedures attached as Exhibit A.

City staff consulted with the Housing & Homelessness Committee on March 29th and also engaged with seven (7) individuals with lived experience. Overall, committee members expressed concerns about approach with individuals that have encampments on public properties. Comments received were clear that the protocol needs to ensure interaction with Street Outreach as a first point of contact as described in the encampment protocol attached as Exhibit A to this report. In order to expand this service on a 7 days per week basis, City staff are recommending that the City provides additional funds to Home Base Housing as Street Outreach currently operates 5 days per week.

The biggest fundamental disconnect in the engagement process is that some members of the public, including individuals with lived experience, felt that the City should generally allow encampments on public properties without restrictions. This does not align with the current City by-laws with respect to the use of and access to public spaces as well as other municipal practices researched by City staff.

More details on their feedback has been included in the Option/Discussion section of this report.

Recommendation:

That Council endorse the City of Kingston Encampment Protocol attached as Exhibit A to Report Number 21-118; and

That Council direct staff to re-evaluate the City of Kingston Encampment Protocol after one (1) year of implementation; and

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That Council approve a total contribution of \$77,500 for Home Base Housing in order to enhance the Street Outreach services from 5 days per week to 7 days per week starting in April 2021 until December 31, 2022 and that this be funded from the Social Services Relief Fund Phase 3; and

That the Mayor and Clerk be authorized to execute an amended agreement with Home Base Housing to enhance the Street Outreach services from a 5 day to a 7 day per week operation in a form satisfactory to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services

Peter Huigenbos, Commissioner, Business, Environment & Projects Not required

Brad Joyce, Commissioner, Corporate Services

Jim Keech, President & CEO, Utilities Kingston Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Sheila Kidd, Commissioner, Transportation & Public Works Not required

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Options/Discussion:**Introduction**

In May 2020, the City of Kingston experienced a large-scale encampment located at Belle Park. At its peak, there were approximately forty (40) individuals residing in tents and makeshift abodes in the Belle Park parking lot and surrounding area. The encampment in Belle Park was initially allowed in the response to the COVID-19 pandemic, the lock-down restrictions and self isolating requirements put into place by the City's funded shelter providers.

The City responded to the encampment and solicited collaborations from community service providers to ensure that those residing on site had access to washroom facilities, food services and supports from mobile outreach, including City-funded Street Outreach services, HIV/AIDS Regional Services (HARS), Kingston Community Health Centres (KCHC) – Street Health and Addictions and Mental Health Services (AMHS). Many community groups also supported the individuals in the encampment.

On June 2, 2020, the City of Kingston formally waived Parks By-Law Number 2009-76 to allow a five-week period to transition campers from Belle Park to other interim housing options or long-term suitable supportive housing. On July 7, 2020, the Parks By-Law was further waived to the end of July 31, 2020 for the same reason.

It is important to note that once shelters were relocated to interim locations, which provided space for physical distancing, there was ongoing capacity in all shelters during the encampment at Belle Park. Lack of space in shelters was not the reason why people were choosing to reside at Belle Park.

City staff conducted needs assessments of approximately 35 individuals on site and established that there were both barriers for individuals accessing services and supports and that individuals were choosing to stay at the encampment rather than moving to a shelter.

On July 1, 2020 those continuing to reside at the Belle Park encampment were provided with the following notice. "As of midnight on July 31, 2020, camping at Belle Park, or at any other City-owned park, will no longer be permitted. If you continue to camp after July 31, 2020, you will be in contravention of the City of Kingston Parks By-Law No. 2009-76 and will be considered to be trespassing on City of Kingston property in contravention of the *Trespass to Property Act*."

Clearing of the encampment did not occur until September 1, 2020 to allow those in the encampments an additional month transition period to relocate to other locations, including the Integrated Care Hub, that had started its 24/7 operation on July 31.

During the September 15, 2020 Council meeting, Council directed City staff to analyze and report back on the current procedures in place related to City of Kingston Parks By-Law Number 2009-76 and its impact on persons experiencing homelessness and to provide a report to the Housing and Homelessness Committee with information on how an individual who does not

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access shelter services is currently supported, how supports are funded and administered, and recommendations on which policies or procedures need to be amended to ensure the City of Kingston can better meet the United Nations Protocol for Homeless Encampments in Canada ('The UN Protocol') by no later than Q2 2021.

Consultation and best practice research took place with other municipalities and regions including City of Toronto, City of Hamilton, Peel Region, and City of Brampton. Existing protocols and practices were reviewed and incorporated in the draft City of Kingston's encampment protocol.

About the United Nations Protocol for Homeless Encampments

On April 30, 2020, Leilani Farha (UN Special Rapporteur on the right to adequate housing) and Kaitlin Schwan (Lead Researcher for UN Special Rapporteur on the right to adequate housing) released the Special Rapporteur report on *A National Protocol for Homeless Encampments in Canada: A Human Rights Approach*.

UN Special Rapporteurs are independent experts appointed by the UN Human Rights Council to examine, monitor, advise and publicly report on human rights issues globally, as well as act as a bridge between rightsholders, governments and other relevant stakeholders.

[This Protocol](#) outlines eight (8) Principles meant to guide governments and other stakeholders in adopting a rights-based response to homelessness encampments.

It is important to note that the recommendations and principles of the UN Protocol are not legally-binding and the City is not required to follow or formally report on their implementation. It is also important to note that it appears that the UN Protocol is focused on larger scale encampments.

The UN Protocol and Local Practices

The sections outlined below provide an overview of the existing practices and accommodations in place in Kingston as they relate to each of the eight principles outlined in The UN Protocol.

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Table 1. Overview of Existing Practices in the City as they relate to the Eight (8) Principles outlined in The UN Protocol.

Principle	Practices Exist which Align with relevant Principle
Principle 1: Recognize residents of homeless encampments as rights holders.	Yes
Principle 2: Meaningful engagement and effective participation of encampment residents.	Yes
Principle 3: Prohibition of forced evictions of encampments.	Yes
Principle 4: Explore all viable alternatives to eviction.	Yes
Principle 5: Ensure that any relocation is human rights compliant.	Yes
Principle 6: Ensure encampments meet basic needs of residents consistent with human rights.	Yes
Principle 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents.	Yes
Principle 8: Respect, protect, and fulfil the distinct rights of Indigenous Peoples in all engagements with encampments.	Yes

Principle 1: Recognize residents of homeless encampments as rights holders.

“All government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability.”

Existing Practices and Accommodations:

- The City is committed to ensuring continued meaningful engagement of homeless individuals, and those in encampments to better understand their concerns and offer them safe housing options before asking them to move.
- The City recognizes tents and makeshift dwellings as residents’ homes and exercises respect for these articles.
- The City helps to accommodate the rights of residents by supporting access to safer, healthier and more secure locations and resources, reducing the need for encampments.
- In 2020, the City and associated partners developed the Integrated Care Hub in response to the recognition that existing community services and support were not wrap-around or low-barrier for those requiring them. Services and support offered at the Integrated Care Hub help to fill in gaps in the system that previously failed many of those who would occupied homeless encampments prior to 2021.

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Principle 2: Meaningful engagement and effective participation of encampment residents.

“Residents are entitled to meaningful participation in the design and implementation of policies, programs, and practices that affect them. Ensuring meaningful participation is central to respecting residents’ autonomy, dignity, agency, and self-determination. Engagement should begin early, be ongoing, and proceed under the principle that residents are experts in their own lives. The views expressed by residents of homeless encampments must be afforded adequate and due consideration in all decision-making processes. The right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them.”

Existing Practices and Accommodations:

- Current processes include on-site engagement of clients, including:
 - Street Outreach staff are expected to engage clients utilizing trauma-informed approaches and existing protocols.
 - Street Outreach staff complete intake and referral forms for those willing to engage in an assessment.
- Engagement is conducted in a manner to ensure that encampment residents are able to participate in decisions that directly affect them.
- Engagement is grounded in the inherent dignity of encampment residents and their human rights.
- Engagement of encampment residents takes place in the early stages of the development of the encampment.
- All residents are provided with information, resources, and opportunities to support decisions that affect them.
- Engagement of residents includes a review of individual needs and options available to best meet these needs (e.g., language, accessibility, timing, health, harm reduction, location, etc.)
- All engagements with residents regarding the encampment are documented and made available to encampment residents upon request.
- Discussions regarding viable alternatives to eviction are provided during engagement.

Principle 3: Prohibition of forced evictions of encampments.

“International human rights law does not permit governments to destroy peoples’ homes, even if those homes are made of improvised materials and established without legal authority. Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of appropriate forms of legal protection, is defined as a ‘forced eviction’ and is considered a gross violation of human rights. The removal of residents’ private property without their knowledge and consent is also strictly prohibited. Common reasons used to justify evictions of encampments, such as ‘public

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interest, 'city beautification', development or re-development, or at the behest of private actors (e.g., real estate firms), do not justify forced evictions."

Existing Practices and Accommodations:

Staff have reviewed language of this principle and more particularly the following section:

"Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them."

Over the past number of months, the challenge has been to clearly understand what is considered '*alternative places to live that are acceptable to them*'. Recently, there was a court case related to an encampment in Toronto which addressed this matter. In his conclusions, in *Black et al. v. City of Toronto*, 2020 ONSC 6398 (CanLII), Justice Schabas stated:

The applicants' fears of shelters due to COVID-19 have been addressed by the City such that there are adequate safe alternatives to sleeping in encampments. One is left with a situation where a limited group of people, such as the three applicants who gave evidence on this motion, may continue to resist using the shelter system despite the City's best efforts. This resistance is not unique to the pandemic, and does not, in my view, give rise to a right to live in encampments in City parks, contrary to a valid By-law, during the course of the COVID-pandemic.

In Ontario, the concept of acceptable should be read as "reasonably acceptable" in the context of both the alternatives provided by the municipality, the situation of the current pandemic, as well as the reasonableness of the rejection by people in park encampments in violation of City bylaws.

This judicial guidance seeks to balance interests, while recognizing the needs of the vulnerable. While the law does not recognize a "*right to live in encampments in City parks, contrary to a valid By-law, during the course of the COVID-pandemic*" municipalities still have a duty to meaningfully accommodate the needs of those people otherwise. In the City's case, there have been accommodation options offered through the shelter system, the Integrated Care Hub, as well as motel/hotel rooms that are all part of the City's homelessness strategy. The City commits to consulting all residents and recommending adequate alternatives and support services prior to any relocation of encampment residents. Removal of residents' private property without their knowledge and consent is prohibited whenever possible. Storage of private property has also been offered to residents at a nearby, secure site. Residents are provided with instructions and assistance on how to retrieve items from storage.

Currently, [By-Law Number 2009-76, 'A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation Of The City Of Kingston'](#) prohibits camping and encampments in all public parks. Enforcement staff have a responsibility to respond when there are by-law violations reported to the City or identified by City staff. Private property is not

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regulated by City By-Law. Property owners can contact the Police as it relates to trespassing issues.

Principle 4: Explore all viable alternatives to eviction.

“Governments must explore all viable alternatives to eviction, ensuring the meaningful and effective participation of residents in discussions regarding the future of the encampment. Meaningful consultation should seek to maximize participation and should be supported by access to free and independent legal advice. Where personal needs differ amongst residents of encampments such that a singular best alternative is not unanimous, governments will have to develop several solutions each of which is consistent with the principles outlined in this Protocol.”

Existing Practices and Accommodations:

- Consultations are conducted at times and locations that seek to maximize resident participation and engagement.
- Local shelter staff will identify all available options for space inside shelters daily and communicate this to Street Outreach teams.
- Outreach staff utilize existing protocols to identify space throughout the day and regularly communicate this to encampment residents.
- Vacant spaces in shelters are prioritized for residents during the encampment clearing process.
- Where personal needs differ amongst residents of encampments, such that a singular best alternative is not unanimous, the City and partners work to identify a variety of solutions for a resident, wherever possible.
- Based on the individual needs of residents, housing, health and other relevant community resources and services are identified for access by residents.
- Where possible, residents are matched with street outreach staff to enhance relationship-building and consistent transfer of information.
- Staff will make every attempt to work with individuals to best support them to access shelter space and avoid interaction with those enforcing City bylaws.
- Where required, residents are provided with transportation support to alternative services.

Principle 5: Ensure that any relocation is human rights compliant.

“Considerations regarding relocation must be grounded in the principle that “the right to remain in one’s home and community is central to the right to housing.” Meaningful, robust, and ongoing engagement with residents is required for any decisions regarding relocation. Governments must adhere to the right to housing and other human rights standards when relocation is necessary or preferred by residents. In such cases, adequate alternative housing, with all necessary amenities, must be provided to all residents prior to any eviction. Relocation

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must not result in the continuation or exacerbation of homelessness or require the fracturing of families or partnerships.”

Existing Practices and Accommodations:

- Meaningful and ongoing engagement with residents (as defined in Principle 2) is practiced for the development of any relocation of homeless encampments or of their residents.
- Street Outreach staff engage encampment clients utilizing trauma-informed approaches and existing protocols.
- Street Outreach staff complete the intake and referral form for those willing to engage in an assessment.
- The City helps to accommodate the rights of residents by supporting access to safer, healthier and more secure locations and resources, reducing the need for encampments.
- An offer to encampment residents is made, informing them of key information and processes, including tentative date range of move, baggage allowance, additional storage available for personal items, Code of Conduct of shelter location(s).
- A commitment to residents is made to continue to work with shelter and other supports on-site at final service destination.
- Where relocation is deemed necessary, identification of adequate alternative services is provided by the Integrated Care Hub, local shelters and other community agencies.
- Where possible and subject to individual preferences, relocation prioritizes keeping communities together.

Principle 6: Ensure encampments meet basic needs of residents consistent with human rights.

“Canadian governments must ensure, at a minimum, that basic adequacy standards are ensured in homeless encampments while adequate housing options are negotiated and secured. Governments’ compliance with international human rights law requires: (1) access to safe and clean drinking water, (2) access to hygiene and sanitation facilities, (3) resources and support to ensure fire safety, (4) waste management systems, (4) social supports and services, and guarantee of personal safety of residents, (5) facilities and resources that support food safety, (6) resources to support harm reduction, and (7) rodent and pest prevention.”

Existing Practices and Accommodations:

- Service providers who work with homeless individuals within shelter services, street outreach, harm reductions supports, mental health and addictions workers and advocates converse with residents of the encampment daily to ensure that individuals are offered the appropriate services and supports.
- The City and its partners are committed to ensuring residents have access to appropriate services and supports as required.

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- As deemed prudent, inspections and consultations are routinely conducted by staff from the City, Kingston Fire & Rescue, KFLA Public Health, Street Outreach, all with the intent to address the basic needs to the extent possible.

Principle 7: Ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents.

“Governments have an obligation to bring about positive human rights outcomes in all of their activities and decisions concerning homeless encampments. This means that Canadian governments must move, on a priority basis, towards the full enjoyment of the right to housing for encampment residents. Any decision that does not lead to the furthering of inhabitants’ human rights, that does not ensure their dignity, or that represents a backwards step in terms of their enjoyment of human rights, is contrary to human rights law.”

Existing Practices and Accommodations:

- Recognition that dignity is an inherent human right and the City’s duty to support positive human rights outcomes in all of activities and decisions concerning homeless encampments.
- While providing equality to all, the needs of residents requiring urgent or emergent support are addressed with priority given to those in greatest need.
- Residents’ identity and privacy are maintained and honoured by staff.
- Residents’ living space and belongings are treated in a respectful manner by staff visiting the encampment.
- Residents are treated with kindness, compassion and empathy.

Principle 8: Respect, protect, and fulfil the distinct rights of Indigenous Peoples in all engagements with encampments.

“Governments’ engagement with Indigenous Peoples in homeless encampments must be guided by the obligation to respect, protect, and fulfil their distinct rights. This begins with recognition of the distinct relationship that Indigenous Peoples have to their lands and territories, and their right to construct shelter in ways that are culturally, historically, and spiritually significant. Governments must meaningfully consult with Indigenous encampment residents concerning any decisions that affects them, recognizing their right to self-determination and self-governance. International human rights law strictly forbids the forced eviction, displacement, and relocation of Indigenous Peoples in the absence of free, prior, and informed consent. Given the disproportionate violence faced by Indigenous women, girls, and gender diverse peoples, governments have an urgent obligation to protect these groups against all forms of violence and discrimination within homeless encampments in a manner that is consistent with Indigenous self-determination and self-governance.”

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Existing Practices and Accommodations:

- Encampment residents are all treated equally, and approaches taken are sensitive to the unique history and needs of representative groups and minorities.
- Services offered to encampment residents is done so in a way that is sensitive and appropriate with regard to race, ethnicity, culture, disability, gender identity, sexual orientation, and other characteristics.
- Engagement of residents includes everyone present at an encampment, without exception.
- Engagement includes meaningful consultation with all residents and includes any decisions that affect them.
- No discrimination or harassment of individuals by staff is tolerated.
- Recognition of the distinct relationship that Indigenous Peoples have to their lands and territories.
- The City takes steps to protect and respect the interests and lands of Indigenous Peoples.

Ontario Municipal Best Practices – Encampments

City staff consulted with and/or reviewed other Ontario municipalities to understand what best practices were implemented to address encampments in public spaces. It is important to note that the reason why staff focused on municipalities located in Ontario is because they operate under the same legislative framework as the City. All communities reviewed have provisions within their by-laws which prohibit camping/encampments in public spaces. Details of the individual municipal approaches are outlined in Exhibit B attached to this report.

Below is a list of common best practices identified within all municipalities researched:

- Partner Agency Involvement – All cities/regions have strong, robust outreach teams that are employed by service providers. Their role is to ensure that the individuals residing at encampments have access to the necessities they require. Outreach staff teams liaise with the City/Region and keep them apprised of daily goings-on.
- Offer of Indoor spaces – Outreach staff and service providers regularly ensure that they are aware of how many spaces exist within the shelter system and actively offer access to indoor space to all residents of encampments. This approach is taken prior to relocation of people residing in public spaces.
- Ensuring fire safety at all encampment locations – This year, cities such as Toronto have seen an influx of small wooden/plywood and tarp type structures in encampments. These structures are often built by residents of encampments and in some instances, local builders. Deadly fires have occurred in these structures as a result of improper construction or use. The City's Fire Department and City officials are tasked with the removal of items such as propane heaters and barbecues being used inside structures to promote fire safety. This is an ongoing challenge for municipalities.

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- Food Provision – Outreach partners in all cities work with local volunteer food providers to ensure meals are made available to residents of encampments. Food provisions may be brought on-site to an encampment for residents or require residents to access foods at an alternative location. Members of the public also frequently donate to provisions to encampment residents.
- Counselling and Care – In most cities/regions, service providers come together to work with individuals at the encampment site. There are often nurses, doctors, occupational therapists and other practitioners who attend the encampment to offer basic care and provide referrals for both physical and mental health/addictions concerns. Relationship and trust-building are key components of the complex support system provided to individuals navigating the homeless system.

Housing & Homelessness Committee and Public Engagement

City staff presented a draft City of Kingston Encampment Protocol at the Housing & Homelessness Committee meeting on March 29th. The points below summarize the feedback provided by the Committee and identifies how staff have responded to the feedback:

- Concern about By-Law Officers, dressed in uniforms, being the first point of contact with and providing a notice of trespass to people camping on public properties.
 - Staff have assessed the feedback and can confirm that By-Law Officers will be accompanied by a Street Outreach staff who will be the first point of contact. By-Law Officers will not wear their full uniform to respond to situations involving encampments in parks. By-Law Officers will also be provided with trauma informed training. A notice of trespass will be provided in order to ensure that there is a clear time frame provided for people that are camping on public property.
- Concern about private landowners having to cover the costs of cleaning up their properties after the relocation of an encampment.
 - Staff will review this on a case-by-case basis and could provide some support if the property is owned by a not-for-profit organization.
- Concern about storage for individuals' belongings when encampments are being relocated.
 - Staff have reviewed the protocol to include information that would enable individuals to store belongings if required.
- Concern about the City not engaging people with lived experience.
 - Staff have reached out and engaged seven (7) people with lived experience. The feedback from the individuals generally indicate that they feel that the City should allow camping on public property and that people choosing to camp should be allowed to stay for an undetermined period of time. From their perspective, there should not be a by-law restricting camping on any public property or a protocol to guide potential relocation. Input from individuals also included concerns and mistrust in regards to the relocation that took place at Belle Park last year.

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- Concern about when the protocol would be re-evaluated.
 - Staff are recommending that the protocol be re-evaluated after one (1) year of implementation. It is important to gather information and data prior to determining what changes may be required.
- Concern that the proposed protocol is not as proactive as other municipalities', including the Brantford encampment network.
 - City staff have reviewed four (4) municipal protocols, including Brantford's protocol, that had been formalized by the municipality. These protocols were all taken into consideration when developing the City of Kingston's Encampment Protocol.

Proposed City of Kingston Encampment Protocol

City staff have reviewed information on The UN Protocol and other Ontario municipal best practices. Based on this information, staff have drafted an encampment protocol and procedures that is attached as Exhibit A to this report. The draft protocol maintains all of the existing practices that are outlined in the body of this report. Multiple departments, services and partners were involved in the development of the draft protocol.

Overall, the proposed City of Kingston protocol and procedures meet the intent of The UN Protocol and aligns with other municipal best practices. Although the City's proposed encampment protocol and procedures maintain prohibition of camping in public spaces, it continues to meet The UN Protocol Principles by offering reasonably acceptable alternatives within the homeless support system.

The intent of the local protocol is for the City and its partners to assist people camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The protocol also provides a balance between the provision of supports to vulnerable populations camping in public spaces with the City's desire to maintain intended access and use of public spaces. Staff understand that homeless individuals cannot be forced to accept services. The refusal by an individual to accept services and supports is not a sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

The proposed protocol also includes procedures that outlines first points of contact for encampments on public and private properties, support services offered, outreach to other partners, trespass notice timeframe and property clean up activities.

Partner Services Supporting Vulnerable Individuals

The City of Kingston provides funding to support individuals living rough through Street Outreach services provided through Home Base Housing. Street Outreach is a mobile support unit within the community with a focus on individuals in the community that are unsheltered. Street Outreach helps to ensure that individuals in need are aware of the services and supports available within the community that provide housing, meal programming, clothing and other basic necessities. Street Outreach continues to engage

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with individuals who choose to sleep rough to establish trusting relationships. During each interaction with individuals, Street Outreach will offer reminders of supports and services available, such as offers of shelter, food, referrals to health supports, addictions and mental health supports.

The City recognizes the need for and impact that Street Outreach services and supports have in assisting individuals sleeping outdoors and in tents.

The current service agreement with Home Base Housing for the delivery of Street Outreach services expires September 31, 2021. City staff are recommending that the agreement be extended until the end of 2022 and amended to improve on the existing services so that they become an integral part of both preventing and abating encampment activities by offering the right services and supports to individuals in a timely, empathetic, client centred manner. Some key improvements will include a 7 days/week service with enhanced hours and more collaboration between agencies. The Street Outreach Program model focuses on individuals in the community that are unhoused and particularly those who are sleeping rough. The program will be trauma and harm reduction informed and will incorporate the encampment protocols established by the City this year. Through this enhanced service, Street Outreach will take the lead on the encampment protocol process once an individual sleeping rough has been identified. This lead position will include reporting requirements and providing regular updates to the City. City staff are recommending additional funding of \$77,500 to increase the level of service to 7 days per week for the remainder of 2021 and 2022.

In addition to Street Outreach, agencies such as HARS, AMHS and KCHC – Street Health, Kingston Street Mission and many community volunteer groups provide complimentary services and supports to individuals in need. These services/supports range from harm reduction and medical support to food and other basic needs.

Existing Policy/By-Law:

By-Law number 2009-76; 2020-50

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

In March 2021, the City of Kingston was informed that it had been granted an additional \$2,317,543 through the Social Services Relief Fund (SSRF) Phase 3. As per [Report Number 21-084](#), City Council has committed up to \$1.1M from the SSRF Phase 3 to support the

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operations of the Integrated Care Hub until December 31, 2021. The SSRF will be utilized as a first source of funding to support the operations of the Integrated Care Hub (ICH) until December 31, 2021. It is anticipated that there will be \$1,763,661 remaining in the SSRF Phase 3 once the ICH expenditures are covered until December 31st.

Staff are therefore recommending that \$77,500 to enhance Street Outreach be funded from the SSRF Phase 3 which would leave a balance of \$1,686,161.

Contacts:

Lanie Hurdle, Chief Administrative Officer, 613-546-4291 extension 1231

Ruth Noordegraaf, Director, Housing & Social Services, 613-546-2695 extension 4916

Joanne Borris, Acting Manager, Housing & Homelessness, 613-546-2695 extension 4880

Other City of Kingston Staff Consulted:

Kate Lillicrap, Project Manager, Office of the CAO

Lisa Capener-Hunt, Director, Building & Enforcement

Alan McLeod, Acting Director, Legal Services & City Solicitor

Antje McNeely, Chief of Police, Kingston Police

Exhibits Attached:

Exhibit A – City of Kingston Encampment Protocol and Procedures

Exhibit B – Ontario Municipal Best Practices for Encampments in Public Spaces

City of Kingston Encampment Protocol and Procedures

Overview and Objective

This protocol is intended to guide staff and partners in providing outreach services to homeless individuals camping outside in public spaces by providing individuals with access to alternative solutions prior to the enforcement of City by-laws, which may lead to the displacement of individuals and the removal of their belongings.

The intent is for the City and its partners to assist people camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The protocol also provides a balance between the provision of supports to vulnerable populations camping in public spaces with the City's desire to maintain intended access and use of public spaces.

The objective of this protocol is to establish a clear process for City departments and partners that focuses on a proactive and supportive approach to help vulnerable individuals camping in public spaces relocate to alternative service options prior to any enforcement activities related to public spaces (e.g., such as the removal of unauthorized structures, personal goods and debris). It is always the objective of City staff and its' partners' to assist individuals in voluntarily vacating public spaces and securing improved alternatives to sleeping outside, making enforcement unnecessary. In order to be successful and truly support individuals in need, assessments must be performed on a case-by-case basis, as the needs of individuals camping in public spaces will vary greatly.

The City and its partners are committed to:

- Working in a coordinated approach with homeless individuals living outside to assist them in accessing services and supports that best meet their needs.
- Engaging in proactive communication with all key stakeholders to assist in the implementation of the protocol.
- Prioritizing access to safer and healthier alternatives than living outside, prior to enforcement. Enforcement will occur after support efforts have been attempted without success, provided that the individual has been notified that they are required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.
- Recognizing that homeless individuals cannot be forced to accept services. The refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Encampment Protocol Procedures

These procedures will be executed when dealing with one or a few tents/structures that have appeared in public spaces and on private properties.

Municipal Land

1. Initial identification and communication will occur with Street Outreach in collaboration with City By-Law. Street Outreach and By-Law staff:
 - visit the site,
 - determine the situation,
 - complete a high-level assessment of health and safety on site,
 - complete a high-level assessment of needs and provide information on services available,
 - Inform Housing & Social Services Department of the situation and individuals' needs assessment.
2. By-Law staff will issue a 48-hour notice of trespass. Serious health, safety, or criminal activity circumstances may warrant lesser time or immediate removal. This 48-hour timeframe could also change based on the capacity and availability of other services. During that period of time, Street Outreach and Housing & Social Services staff continue to provide ongoing supports and work with individuals to provide alternative service options, including but not limited to: shelter, Integrated Care Hub, motel/hotel, apartment, medical services, storage and transportation. All interactions and assessments are documented.
3. By-Law follows up at site to enforce order of trespass once alternative service options have been provided to individuals. Street Outreach staff will be supporting and available to assist individuals with alternatives to camping where relocation is necessary through enforcement. Additional enforcement, such as police services, may be required depending on the situation.
4. By-Law will provide a 2-hour notice to individuals returning to that public property within 24 hour following a relocation which would have been based on an initial 48 hour notice.
5. Once public spaces have been vacated, By-Law and Public Works will determine the clean-up requirements in order to ensure that the space can be safely accessed and utilized by the public.
6. When Kingston Police receive an encampment complaint when By-Law officers are not available to respond, Kingston Police will contact Street Outreach and prioritize the encampment complaint, dispatch officers (Mobile Crisis Rapid Response Team where possible) to investigate, submit appropriate duty reports and share the information with City By-Law.

Private Land

1. Private landowners will contact Kingston Police who will assess the situation and offer the support of Street Outreach to approach individuals that are camping on private properties. This would allow Street Outreach to make the initial communication as well as offer alternative services and supports. Street Outreach would inform Housing & Social Services staff of situation. Street Outreach can only access a private property upon the landowner's

consent. If the owner refuses to provide Street Outreach with initial access, Kingston Police would then be required to attend to the property as a first point of contact to manage the relocation from the private property. Where possible, Kingston Police will dispatch the Mobile Crisis Rapid Response Team and invite Street Outreach to be present for support.

2. Should the efforts of Street Outreach and Housing & Social Services staff not be successful to have individuals relocate to alternative services, the landowner will be advised that Kingston Police will respond to address the issue of trespass on a private property.
3. Property clean-up will be the responsibility of the private landowner. The City may provide support to not-for-profit property owners.

Ontario Municipal Best Practices for Encampments in Public Spaces

1. City of Toronto

The City of Toronto Interdepartmental Service Protocol For Homeless People Camping In Public Spaces:

This document sets out the interdepartmental protocol intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings.

Overview and Goals:

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use.

The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and coordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the coordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

The following five principles guide the initiative:

(1) The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.

(2) The City will use a coordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be

coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

(3) The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.

(4) The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.

(5) The City acknowledges that homeless individuals cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities.

City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public (SHS) will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services.

City departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

Focused Outreach:

(1) The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works and Emergency Services, Parks and Recreation and other City departments and agencies.

2. City of Hamilton

The City's Encampment Response Team works with encampment residents to help them transition to safer, more humane, and legal accommodations, support the move with their belongings, and then ensures abandoned belongings are cleared and the site is cleaned.

Exhibit B to Report Number 21-118

The Encampment Response Team includes representatives from the City of Hamilton Housing Services Division and Street Outreach Team, Municipal Law Enforcement, Public Works and Hamilton Police Services Social Navigator Program.

Encampment Response Team reviews location and determines if the site is Prohibited or Greenspace. If the site is Prohibited:

- Municipal Law Enforcement (MLE) along with Social Navigator Programs staff (SNP) notify individuals at encampment that the area is a Prohibited site, and that they will have to leave the area;
- Response team subsequently engages with individuals to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- Deadline day for removal of encampment is determined.
- At deadline day, MLE (with SNP/Hamilton Police Services (HPS) support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site.

If site is determined to be Greenspace or not Prohibited:

- MLE with SNP support notifies individuals at encampment that they may only remain in that location for maximum 14 days. Notice of the deadline to vacate the area is provided for the end of that period
- Response Team subsequently engages with individuals daily to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- At deadline day, MLE (with SNP/HPS support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site

3. Region of Peel

An assessment of the individual health and social needs of those living in an encampment, and the specific location of the encampment informs the individual

response. The outreach that occurs during a 14 day period will provide supports including but not limited to the following:

- Engagement that treats every individual from a rights-based approach, ensuring dignity and confidentiality is maintained;
- An assessment of health and social needs of individual with consent;
- Immediate work on a personalized housing plan with consent;
- Determine previous (if any) barriers affecting access into the system and attempt to resolve them;
- Informing individuals of the timeline for encampment removal taking into consideration location and individual health and social circumstances;
- Assist with the movement to shelter/housing including but not limited to transportation, financial assistance, and storage of possessions.
- Ensures abandoned belongings and litter are cleared and the site is cleaned.
- While outreach staff work to engage encampment residents and secure alternative shelter and housing options and community supports, Municipal Law Enforcement, and Parks staff will continue to monitor these locations and address safety concerns and increase litter clean up during this period until the encampment is cleared.

4. City of Brantford

Staff from several City departments including Health and Human Services, Parks, Operations, Housing, Property Standards, along with representatives of the Brantford Police Service created an encampment response protocol. The primary objectives of the encampment response protocol are to provide humane and compassionate care for individuals living unsheltered, while:

- Preventing the development of established and entrenched encampment site(s);
- Preserving public spaces for their intended uses;
- Protecting the health and safety of individuals living unsheltered, City and partner agency staff, and the general public.

In general there are three phases to the response. Responsibility for activities in each phase may vary depending on whether the encampment is on public land, park land or private land.

A) Outreach/Notice: On-site outreach efforts are made by City homelessness staff, sometimes accompanied by community agencies or by-law enforcement staff. Outreach

Exhibit B to Report Number 21-118

occurs within 48 hours of the initial report. For safety, staff travel in pairs. The outreach effort seeks to connect individuals to the resources they need before commencing any cleanup activities. Individuals are told by outreach staff that cleanup is imminent and a plan is needed for alternative shelter. Wherever possible, individuals at the sites are given advance notice for scheduled cleanup efforts unless the presence of the encampment creates an immediate health and safety risk or impedes access to a public area. Parks staff post copies of the current park by-law in a visible location to make individuals aware that overnight camping is prohibited. There are plans to install permanent signage eventually in every City park. Outreach efforts focus on encouraging individuals to leave the site voluntarily with their belongings. There is no fixed time frame for the outreach/notice period. Situation assessments by the Encampment Network are made on a near-daily basis. In general, the response will move from outreach to removal within one week, although it is often sooner for repeat encampments (approximately 48-72 hours).

B) Removal

Public Property: If the occupants do not leave the site voluntarily following the completion of outreach efforts, the dismantling of the site can commence by City staff or contractor. This stage may be supported by police presence if the Encampment Network has assessed that there is the potential that occupants may resist the removal of belongings or if safety of staff has the potential to be compromised.

Private Property: For encampments on private property, the property owner is responsible for notifying unwanted individuals that their presence is not permitted. Police can assist if the individuals refuse to vacate the property. Outreach staff do not visit encampment sites on private property unless permission has been given by the property owner.

C) Site Cleanup: In the cleanup stage, any debris remaining after occupants have vacated will be cleaned up by City staff or contractors. For encampments on private property, cleanup is the responsibility of the property owner. The Encampment Network continues to communicate and meet regularly to discuss sites of ongoing concern and to evaluate the effectiveness of the existing strategy and process for improvements.