

# STAFF REPORT TO COUNCIL

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**DATE:** July 6, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Walter Babicz, City Manager, and Adam Davey, Director of Public Safety

**SUBJECT:** Approach to Encampment Management and Associated Issues

**ATTACHMENTS:**

1. Map 1: Lower Patricia Boulevard Location Area
2. Map 2: Connaught Hill Location Area
3. Map 3: Millennium Park Location Area
4. Map 4: Carrie Jane Gray Park 1 Location Area
5. Map 5: Carrie Jane Gray Park 2 Location Area

## RECOMMENDATIONS:

THAT Council:

1. ENDORSES the proposed centralized encampment management approach as outlined in the report dated July 6, 2022 from the City Manager and the Director of Public Safety titled "Approach to Encampment Management and Associated Issues";
2. SELECTS and APPROVES one or more of the overnight sheltering location(s) shown on the attached Maps to be authorized for overnight sheltering as per the prescribed restrictions contained within Schedule A of the proposed "City of Prince George Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9311, 2022";
3. GIVES FIRST READING to "City of Prince George Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9311, 2022";
4. AMENDS City of Prince George Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9311, 2022, by inserting in Schedule "A" the overnight sheltering location(s) and corresponding map(s) approved in recommendation 2, and GIVES SECOND AND THIRD READINGS to City of Prince George Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9311, 2022, AS AMENDED;
5. GIVES FIRST THREE READINGS to "City of Prince George Safe Streets Bylaw No. 9209, 2021, Amendment Bylaw No. 9310, 2022".

## PURPOSE:

For Council consideration and direction on the proposed centralized encampment management approach.

A key component of the City's approach to addressing complex social issues, such as encampments, is to advocate for sufficient and suitable housing and to, in turn, support the Province and BC Housing in their provision of housing, health, and social services. By supporting the Province in fulfilling its responsibilities, the City helps to ensure no person finds it necessary to shelter in a park or public space.

While working in collaboration with the Province, the City must also address the health and safety concerns of residential property owners and local businesses that are impacted by the presence of the unsheltered homeless population seeking temporary shelter or services.

As such, this report contains three components (described below):

1. Council consideration of the proposed centralized encampment management approach;
2. Proposed Amendments to the Parks & Open Space Bylaw that provides one or more location(s) where overnight sheltering is permitted under prescribed conditions; and
3. Proposed Amendments to the Safe Streets Bylaw that enables City staff to remove discarded refuse and storage of personal belongings on City-owned sidewalks, streets and boulevards.

#### DISCUSSION:

The centralized encampment management approach that Administration is developing focuses on three interrelated components:

- Access to Suitable Housing;
- Regulation of Parks and Public Spaces and;
- Supporting Housing and Maintaining Order.

Access to suitable housing focuses on establishing and maintaining the partnerships necessary to ensure unsheltered homeless individuals (including those with complex needs) can access and sustain housing.

Housing, mental health, addictions, and the *Criminal Code* are respective Provincial and Federal jurisdictional matters. The City's intent is to continue to support the Province in their responsibility to provide complex housing and other social supports.

In addition the City has, as much as possible within the local government authority, implemented service enhancements to support a balanced approach to addressing the needs and impacts of the unsheltered homeless, local businesses and residential property owners. Those enhancements include:

- The establishment and facilitation of a Community Safety Hub to align and coordinate agency efforts to ensure safety, cleanliness, and social support
- Four additional bylaw officers, extended hours of service and regular foot patrols
- Two outreach workers to assist vulnerable citizens in accessing needed services
- Enhanced RCMP foot patrols
- Daily bio-hazard removal on downtown public and private properties
- Alley and laneway cleanup from April to July
- Seasonal graffiti removal on private property downtown
- Daily litter patrol
- Garbage bins emptied daily
- Funding for the provision of storage, laundry and washroom facilities

The City's jurisdiction does allow for the regulation of land use and the utilization of Bylaws to mitigate nuisance and problematic behaviors. The Centralized Encampment Management Approach outlined below, is one approach the City may choose to pursue, given its regulatory powers in relation to land use

## CENTRALIZED ENCAMPMENT MANAGEMENT APPROACH:

This report proposes a centralized encampment management approach. Up to five (5) locations are proposed for consideration of centralized encampment sites and are based upon where unsheltered and disaffiliated<sup>1</sup> persons currently congregate and camp. The five sites identified for consideration are shown on the maps attached to this report. The surrounding land uses for each site are also summarized in the tables below.

Administration is seeking Council direction on selecting one or more of these locations – or other locations not listed – on where temporary overnight sheltering would be permitted.

### Map 1: Lower Patricia Boulevard

	Surrounding Land Use
North	M1: Light Industrial
East	Lower Patricia Blvd, P1: Parks and Recreation
South	Significant slope, Patricia Blvd, Residential (Millar Addition community)
West	5 <sup>th</sup> Avenue, P1: Parks and Recreation

### Map 2: Connaught Hill

	Surrounding Land Use
North	Patricia Blvd, C1: Downtown, P3: Major Institutional, Z20: Patricia Residential
East	Queensway, P1: Parks and Recreation, Residential
South	P1: Parks and Recreation (Connaught Hill), Connaught Dr., Residential (Millar Addition community)
West	C5: Visitor Commercial

### Map 3: Millennium Park

	Surrounding Land Use
North	Hwy 97, M2: General Industrial (CNR Industrial lands)
East	George Street, C1: Downtown
South	C1: Downtown
West	C1: Downtown

### Map 4: Carrie Jane Gray 1

	Surrounding Land Use
North	P1: Carrie Jane Gray Park
East	Hwy 16, AG: Greenbelt
South	Hwy 97, C2c: Regional Commercial (Pine Centre Mall), P3: Major Institutional, Residential
West	Massey Drive, P2: Minor Institutional (Prince George Secondary School)

### Map 5: Carrie Jane Gray 2

	Surrounding Land Use
North	P1: Parks and Recreation, 20 <sup>th</sup> Avenue, P2: Minor Institutional
East	U1: Minor Utilities, C6: Highway Commercial, Hwy 16,
South	Hwy 16, P1: Parks and Recreation, residential
West	Heritage multi-use trail, Del Laverdure Way, P1: Parks and Recreation (Carrie Jane Gray Park), P3: Major Institutional (PG Fire Hall #1)

<sup>1</sup> Information collected by the RCMP, Bylaw Services and BC Housing suggest some overnight sheltering and daytime congregation occurs from individuals who are housed. There is insufficient data to determine exact numbers.

The proposed amendments to the Parks and Open Space Bylaw include provisions allowing homeless persons to set up temporary overnight shelters from 7:00 p.m. to 9:00 a.m. in certain identified parks and open space areas (i.e. the locations identified in Maps 1-5 noted above). The City does not have the legal authority to ban overnight camping throughout the city until suitable housing for every inhabitant is provided. Achieving this is probably not feasible in the foreseeable future.

Selecting and regulating specified locations is consistent with our peer municipalities throughout the province. Some have opted for a centralized approach and others for a decentralized approach. There are tradeoffs to both approaches, and it is largely a policy preference for which approach is undertaken.

#### ***How this approach may be administered:***

If Council approves this centralized approach and selects one or more overnight sheltering areas, this is what *may* occur at the “ground level:”

1. Sheltering in unauthorized locations shall not be permitted. The Parks & Open Space Bylaw provides the lawful authority to manage unauthorized overnight sheltering.
2. Unsheltered persons camping in permitted locations will be required to take down their tents on a daily basis. City social outreach workers and Bylaw staff will continue to closely work with BC Housing and other agencies on finding suitable housing and supports for unhoused persons;

*(a) For clarification purposes, this does not apply to the Lower Patricia Boulevard Location Area, as per the attached boundaries defined in the map. The Supreme Court of BC has declared that absent other suitable housing and daytime facilities, the occupants of this encampment must be permitted to stay.*

#### **PROPOSED AMENDMENTS – PARKS & OPEN SPACE BYLAW NO. 7370, 2002- LAND-USE:**

The BC courts recognize that municipalities have the authority to regulate their parks and public spaces for the benefit of the community as a whole. However, the courts also recognize that under the *Canadian Charter of Rights and Freedoms*, the protected right to “life, liberty and security of the person” does not allow municipalities to prohibit temporary overnight sheltering in its parks and public spaces where there is insufficient housing or accessible shelter space for those in need. The courts have also identified that “daytime sheltering” is not a protected right, and that there is no right to occupy a municipal park as an “encampment”. This means municipalities can determine where temporary overnight sheltering may and may not occur, the permitted hours of temporary sheltering and related regulations.

As described above, Administration has provided up to five (5) locations for Council to authorize overnight sheltering under the prescribed conditions of the proposed amendments. These locations are based solely on observed occupation of unhoused and disaffiliated persons. In simple language, these 5 locations are where evidence (i.e. structures, debris, and people) of overnight sheltering-are most commonly found.

#### **PROPOSED AMENDMENTS – SAFE STREETS BYLAW NO. 9209, 2021**

The proposed Amendments to the Safe Streets Bylaw enables the City and the RCMP to remove, seize or impound chattels or other personal property that appears to have been discarded or abandoned. These items are to be collected and stored for a period of 30 days following the removal. These amendments allow the City to cleanup discarded items commonly disposed of on the sidewalks and elsewhere. These amendments provide a clear process for all parties to be aware of. Details are set out in the proposed amendments to the Safe Streets Bylaw.

### ***Education to Enforcement - An example of progressive escalation:***

The Safe Streets Bylaw seeks to abate five nuisance and problematic behavior categories. These behaviors tend to fall below the threshold of criminal charges. The five areas are: obstruction of passageways (sidewalks, trails, etc.), solicitation around business enterprises, open drug use, open air burning, and graffiti. The intent of the bylaw is to manage the conflict of use of space issues that resulted in thousands of calls for service (CFS) over the previous few years. A CFS chart is provided for context and background. This is Bylaw Services only, and does not include the thousands of CFS to the RCMP, PG Fire/Rescue or Parks & Solid Waste Services.

Year	CFS - Needles	CFS – Other: ‘obstruction/open drug-use/human waste/solicitation, etc.’
2017	6	149
2018	158	911
2019	294	802
2020	497	1796
2021	396	470 (downtown) 1373 (all over PG, including downtown) = 1843 total
As of April 2022*	62*	363* (downtown) 24 (outside of DTPG) = 387 total

#### ***Example:***

*Compliance is always sought at the lowest level through an educational approach that seeks to connect persons with services and supports.*

- 1. Bylaws follow a complaint-driven process, with calls for service (CFS) entered into a queue and responded to normally within a 24-48 hour period (many instances sooner);*
- 2. Bylaws responds to CFS, and opens a file and attends the scene;*
- 3. Depending on the nature of the call, Bylaws may ask for Parks & Solid Waste Services, Social Outreach, RCMP or other agencies assistance;*
  - a. Staff will seek the lowest level of compliance possible – beginning with conversational education, and potentially connecting the individual with social agencies and/or services;*
- 4. If compliance is not achieved and the behavior persists over five (5) further CFS, Bylaw Services or the RCMP may issue a warning or ticket;*
- 5. If compliance is still not achieved after issuing five (5) tickets (based upon additional CFS), the City may consider additional options.*

*It is important to note this is not a concrete procedure but rather a guideline. Situational circumstances will apply and the City’s professional staff will use best judgement on a case-by-case basis to determine if means other than punitive measures can be explored to ensure a safe, clean and inclusive community for everyone.*

*After several months of observations and learnings from the Safe Streets Bylaw introduction in the fall of 2021, it appears education and supports are not always sufficient to manage problematic behaviors. The next phase of this Bylaw will see data collection, analysis and greater inter-agency information sharing and proactive response.*

*Enforcement and regulation will not “solve” the social issues facing our community. The City does not have the resources, expertise or jurisdictional authority to “solve” the complex and interrelated social challenges of the drug epidemic, mental health, homelessness and prolific criminality.*

## **ALTERNATIVES:**

### **1. DECENTRALIZED ENCAMPMENT MANAGEMENT APPROACH**

The alternative to a centralized approach (i.e. specific locations) is a decentralized approach, with several locations.<sup>2</sup> Should Council opt for further details on this, Administration can bring back an alternative option for consideration. It is not evident which approach is “better.” Both approaches have tradeoffs, costs and benefits, depending on one’s vantage point.

The attached maps and centralized approach reflects the current landscape in Prince George. Lower Patricia during the summer of 2021 and again in the summer of 2022 exemplifies an unregulated centralized approach. Before 2020, for many years an ad hoc/unregulated decentralized approach was practiced, where dozens of small encampments were noted throughout the city (for example, in 2019, the City removed almost 90 significant encampments widely spread throughout the city).

Regardless of which option is taken, the Lower Patricia encampment<sup>3</sup> shall likely remain until the Court deems it appropriate to remove.

### **2. ASSESSMENT OF CURRENT INITIATIVES AND CONTINUED PARTNERSHIP DEVELOPMENT**

In January of 2022, with funding from the Strengthening Communities’ Services Program administered by UBCM, the City contracted an external consultant to work with community leaders across sectors to co-design an evaluation framework that can be utilized to measure the outcome and impact of the City’s efforts to enhance safety, cleanliness, and social inclusion. The facilitated process has focused on achieving multi-interest alignment in relation to key issues, required changes, and the path forward. This alignment has informed development of an evaluation framework that will be tested during the months of September – October, using selected City “interventions”. The testing, termed “evaluation sprints”, will help us determine the degree to which the City’s efforts contribute to the agreed to set of desired outcomes established over the past five months. The results will also help us identify learnings that will inform service adaptation, and the extent to which these interventions are changing the responding systems and processes. Evaluation in complex environments where progress is not linear, predictable, or controllable is challenging. However, it is critical because it contributes to informed decision-making and resource allocation.

The collaborative approach utilized to develop the evaluation framework has also strengthened existing partnerships with agencies like BC Housing, Northern Health, the Ministry of Social Development and Poverty Reduction, and a number of non-profit agencies including Downtown Prince George. Participants developed a deeper understanding of the issues, learned more about what is being done, and perhaps most importantly, found a way to align diverse viewpoints into a shared vision.

This approach builds on five months of cross-sector work that has helped establish and strengthen the relationships that will be necessary to monitor and collaboratively respond to the largely unpredictable behaviours of those sheltering outdoors this summer. In addition, there is readiness in the community to continue working together to develop the solutions necessary to address complex issues. This alternative recognizes that readiness, and positions the City as an organization that understands meaningful collaboration is required to make progress on issues that transcend jurisdictions and organizations.

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<sup>2</sup> For example, the District of Saanich uses a decentralized approach, with some 75 permitted locations. Whereas the Cities of Kelowna and Kamloops use a centralized approach with a very limited number of locations.

<sup>3</sup> Since BC Housing voluntarily re-housed nearly 50 residents of Lower Patricia at the Knights Inn early last winter, only 2-3 occupants were noted throughout the winter and spring months. This number has increased to between 50-70 occupants, coinciding with warmer weather.



#### STRATEGIC PRIORITIES:

The 2022-2024 Strategic Plan identifies the following goal applicable to the issues contained in this report:

#### Social Health and Well-Being Goals

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##### 2. Provide a Community Where People Feel Safe and Included

- Work with stakeholders to continue the implementation and promotion of initiatives that enhance community safety and perception of community safety
- Advocate for housing and health services to serve the diversity of need amongst residents

#### SUMMARY AND CONCLUSION:

This report describes a centralized encampment management approach under the conditions of “what is,” not as “what ought to be or what we wish it so.” An approach that seeks to abate nuisance and problematic behaviors and the regulation of overnight sheltering is presented for Council’s consideration.

The proposed amendments to the Parks and Open Space Bylaw and Safe Streets Bylaw are to:

- Identify locations in City parks and public spaces where temporary overnight sheltering is permitted and is prohibited. Temporary sheltering will principally be prohibited where the primary purpose or function of the park or public space is incompatible with a temporary sheltering use;
- Create permitted hours of temporary sheltering – limited to 7:00 p.m. until 9:00 a.m. the following morning; and
- Confirm prohibitions against the use of parks and public spaces (including parks, other City-owned properties, streets, sidewalks and boulevards) for daytime sheltering or storage of personal belongings.

The City continues to address increasingly complex social issues involving housing, the opioid crisis, mental health, poverty and the related need for supportive housing and shelter space. In response, the City is collaborating with BC Housing, Northern Health, and the RCMP to ensure that sufficient housing and accessible shelter space exists to address the needs in the City and an approach to manage outdoor sheltering. The City’s approach involves, firstly, supporting BC Housing and other partners in creating sufficient housing and accessible shelter space and, secondly, in recognizing areas in the City where limited temporary overnight sheltering is permitted and establishing other bylaw tools for use in regulating parks and public spaces. The City recognizes that this plan is limited to the housing and outdoor sheltering issues and the City will continue to support the Province, Northern Health and BC Housing in their provision of health and support services.

Administration has also presented two alternative options for Council’s consideration, should Council choose not to endorse the proposed centralized encampment management approach.

#### RESPECTFULLY SUBMITTED:

Walter Babicz, City Manager, and  
Adam Davey, Director of Public Safety

#### WITH SUBMISSIONS FROM:

Deanna Wasnik, Director of Planning & Development;  
Chris Bone, Senior Manager, Strategic Initiatives & Partnerships

Meeting date: July 11, 2022