

STAFF REPORT TO COUNCIL

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DATE: March 1, 2023

TO: MAYOR AND COUNCIL

NAME AND TITLE: Adam Davey, Director of Public Safety

SUBJECT: Centralized Encampment Management

ATTACHMENTS: Proposed Bylaw No. 9389 – Schedule A - Map 1: Lower Patricia Boulevard Location Area

RECOMMENDATIONS:

THAT Council:

1. ENDORSES the proposed centralized encampment management approach as outlined in the report dated March 1, 2023 from the Director of Public Safety titled “Centralized Encampment Management”;
2. APPROVES the Lower Patricia site on the attached map to be authorized for temporary overnight sheltering as per the prescribed restrictions contained within the proposed “Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9389, 2023”; and
3. GIVES FIRST THREE READINGS to “Parks and Open Space Bylaw No. 7370, 2002, Amendment Bylaw No. 9389, 2023.”

PURPOSE:

This report is based upon the July 11, 2022 Report of similar topic, that went before the previous Council for consideration. As part of Council’s 2023-2026 strategic plan, Council has directed Administration to provide centralized encampment management options for consideration. This report forms part of a larger ongoing strategy that shall be presented in the coming months.

For Council consideration and direction on the proposed centralized encampment management approach. This approach allows for the eventual cleanup and remediation of Millennium Park to return it to its original purpose in addition to restricting overnight sheltering throughout the City’s other parks by authorizing one central site, at Lower Patricia (which is protected by Court-Order until which time suitable housing is available for everyone). Lower Patricia is centrally located near multiple social services providers. Amending the Parks & Open Spaces Bylaw to bring it into Constitutional compliance forms the first phase of a broader strategy currently being drafted to attempt to reduce homelessness and provide a safer community. This strategy will be presented at a future regular council meeting.

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 two components (described below):

1. Council consideration of the proposed centralized encampment management approach; and
2. Proposed Amendments to the Parks & Open Space Bylaw that provides one centralized location where overnight sheltering is permitted under prescribed conditions.

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 a Community Safety Hub that serves as a coordination site for Bylaw, Outreach, and allied services
- Four additional bylaw officers, extended hours of service and regular foot patrols
- Two outreach workers to assist vulnerable citizens to access needed services and supports
- Enhanced RCMP foot patrols and four new RCMP officers recently approved in budget 2023
- Service Agreement with Downtown Prince George (DPG) to facilitate proactive and responsive bio-hazard cleaning services
- Daily litter patrol
- Garbage bins emptied daily
- Funding to support storage services in the Prince George Native Friendship Centre's House of Friendship, which offers a full complement of washroom, shower, laundry, drop-in, and support services for the homeless

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. It is important to note that this approach forms a portion of a broader strategy to be presented at a future meeting.

CENTRALIZED ENCAMPMENT MANAGEMENT APPROACH:

This report proposes a centralized encampment management approach with one existing, court-designated encampment site: Lower Patricia. This site identified for consideration is shown on the map attached to this report. The surrounding land uses for the site are also summarized in the table below.

Map: 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 th Avenue, P1: Parks and Recreation

The proposed amendments to the Parks and Open Space Bylaw include provisions allowing homeless persons to set up temporary shelters in Lower Patricia. The City does not have the legal authority to ban overnight sheltering 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 location(s) 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 authorizes Lower Patricia as the city’s sole encampment site, 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. People occupying other locations will need to move into shelter spaces or relocate to Lower Patricia.

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”. In other words, people can remain and relocate to Lower Patricia but nowhere else, should Council approve the proposed Amendments to the Parks & Open Spaces 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	1843
2022	338	1110

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 Coordinators,¹ 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 three (3) further CFS and Warnings, Bylaw Services or the RCMP may issue a ticket;*
5. *If compliance is still not achieved after issuing three (3) tickets (based upon additional CFS), the City may consider alternative 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 more than a year 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. Data collection, analysis and greater inter-agency information sharing and proactive response are now being practiced by Bylaw Services and the RCMP.

The proposed Amendments to the Parks & Open Spaces Bylaw, when combined with the education and enforcement of the Safe Streets Bylaw, provides the City the lawful authority to centralize encampments and many associated harmful behaviors into one site that is near the social services’ locations. 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. The centralized approach produces numerous problems, by focusing it in one geographic area as opposed to spreading discord over a larger area (the wider downtown). This decision is one of tradeoff costs. The current decision – the status quo – supports dispersion.

¹The City’s Outreach Coordinators connect individuals with services and supports. They are a critical resource for Bylaw Enforcement Officers and form part of the City’s comprehensive response continuum.

ALTERNATIVES:

1. DECENTRALIZED ENCAMPMENT MANAGEMENT APPROACH

The alternative to a centralized approach (i.e., specific locations) is a decentralized approach, with several locations.² 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 map and centralized approach reflect the current legal reality 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 encampment³ shall likely remain until the Court deems it appropriate to remove.

2. STATUS QUO

By not approving the recommendations contained in this report, the status quo shall remain. This is potentially the least-worst and lowest-cost option when considering the current political environment.

STRATEGIC PRIORITIES:

This report supports the third sustainability pillar, Social Health & Well-Being:

- Create a vibrant civic precinct;
- Document, communicate, and implement the City’s homelessness and public safety strategies to support advocacy efforts and enhance service delivery to ensure a safe, healthy, and clean community for all.

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 centralization of temporary sheltering is presented for Council’s consideration.

The proposed amendments to the Parks and Open Space Bylaw are to identify one central location, Lower Patricia, as the only site within the City of Prince George that temporary sheltering is not prohibited. As this is court-ordered, the City does not have the ability to prohibit use at this site. No other location shall be authorized for overnight sheltering.

The city continues to face 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 the Province, 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/Province and other partners in creating sufficient housing and accessible shelter space and, secondly, in recognizing a centralized area in the City where limited temporary 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

² 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.

³ Since BC Housing voluntarily re-housed nearly 50 residents of Lower Patricia at the Knights Inn in late 2021, only 2-3 occupants were noted throughout the winter and spring months of 2022. This number increased to between 50-70 occupants, coinciding with warmer weather in the summer of 2022. Numbers have varied widely between the two major encampments, Lower Patricia, and Millennium Park since then.

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.

This report forms the first step in a broader, long-term strategy to reduce homelessness and provide greater safety in the downtown (and community). A formalized strategy shall be presented at a future Regular Meeting for Council's consideration.

RESPECTFULLY SUBMITTED:

Adam Davey, Director of Public Safety

APPROVED:

Walter Babicz, City Manager

Meeting date: March 13, 2023