

DISTRICT OF COLUMBIA
Protocol for the
Disposition of Property Found on Public Space and
Outreach to Displaced Persons

I. PURPOSE

The purpose of this protocol is twofold. First, it is to establish responsibilities and procedures for the Government of the District of Columbia for disposition, and, where appropriate, protection of property, including personal property, discovered during government cleanups and inspections of bridges and tunnels and other public spaces that are known or discovered to be frequented by individuals who are homeless. Secondly, it is to outline an approach that seeks to assist displaced persons to better stabilize their living condition by conducting outreach and offering certain support services.

This protocol is intended to provide guidance to the agencies involved in inspecting and cleaning those areas of public space frequented by homeless individuals. This protocol does not create any enforceable third party rights on behalf of any member of the public or any individual whose property may be the subject of this protocol.

II. BACKGROUND

The Government of the District of Columbia, in an effort to maintain and improve the quality of life of its communities, performs certain functions such as inspecting bridges and tunnels and cleaning public space areas to maintain the District as a clean and safe place. This can result in the displacement of property that is owned by individuals who are homeless and left in what have become commonly known as “homeless encampments” and other public areas within the District of Columbia.

As part of the District’s ongoing efforts to work with persons who are chronically homeless, the District remains committed to providing support to the persons affected by the cleanup of these public spaces. Through outreach and provision of human services, the District seeks to move persons who formally lived in the affected public areas to more appropriate and permanent housing solutions.

III. RELEVANT AGENCIES AND ROLES

The primary District of Columbia agencies responsible for implementing the protocol include the following:

- Office of Neighborhood Engagement (ONE) in the Executive Office of the Mayor (EOM) – upon notification of an encampment, notifies the primary agencies and arranges for an assessment of the site in order to determine whether the encampment meets the threshold to trigger the protocol; responsible for communication with constituents regarding encampments and cleanups undertaken pursuant to this Protocol.

- Department of Human Services (DHS) – serves as the lead in coordinating the implementation of the protocol and outreach to displaced persons.
- Department of Mental Health (DMH) – responsible for providing outreach services to individuals residing in an encampment.
- Department of Transportation (DDOT) – responsible for maintaining public space in general and for inspecting District owned bridges and tunnels at least every two (2) years. Provides traffic control services when encampment clean-up is underway.
- Department of Public Works (DPW) – responsible for collecting and disposing of debris.
- Metropolitan Police Department (MPD) – provides security during active clean-ups.

In addition to those listed above, the following agencies may also be contacted to participate in the Property Disposition Conference Call and provide supportive services when appropriate:

- Child and Family Services Agency (CFSA);
- Department of Health (DOH);
- Department of Parks and Recreation (DPR);
- Office on Aging (DCOA);
- Water and Sewer Authority (DC Water);
- Homeland Security and Emergency Management Agency (HSEMA);
- Office of the Attorney General (OAG);
- Office of the Deputy Mayor for Health and Human Services (DMHHS); and
- Department of General Services (DGS).

IV. RELEVANT AUTHORITY

District of Columbia statutes and regulations providing authority to clean up encampment sites and dispose of property:

- The District government may conduct any or all operations involved in collecting and disposing of city refuse (D.C. Official Code § 8-704).
- DPW is delegated authority to collect and dispose of city refuse of every kind (Mayor's Order 2006-145).
- Individuals are not allowed to set up or maintain temporary abodes on public or private property without the consent of the Mayor (24 DCMR § 121.1).

V. ENACTMENT OF THE PROTOCOL

For purposes of this protocol, an encampment is defined as an individual or a group of homeless persons residing out of doors on public property and leaving personal belongings on the property on an ongoing basis.

The goals of the conference call are to inform all appropriate agencies of the details of the situation, agree which support agencies should be involved, determine the date by which signs will be posted regarding notification of a scheduled cleanup, and request appropriate support for individuals at the site who are homeless.

Fourteen (14) days prior to the planned action, DDOT shall post a notice conspicuously in the immediate vicinity of the public space to be cleaned. The notice should contain the following information:

- The designated area to be cleaned;
- The specific date and time by which persons must remove their property from the site before cleanup begins;
- A statement that any items not removed by the cleanup deadline are subject to immediate removal;
- Contact numbers of support agencies including DHS, DMH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless.

Immediately following the cleanup of property, DDOT may post a notice specifying that this property has been cleaned by the District government and that any property left at the location is subject to removal.

A. Outreach

DHS will coordinate outreach efforts at any location designated to be cleaned where there is an encampment or evidence of homeless individuals. Other agencies (DMH, DOH/APRA, CFSA, and DCOA) will participate in the outreach efforts as necessary and offer relevant services to the homeless individuals. The purpose of the outreach is to attempt to address the needs of the individuals occupying the identified encampment site and to track the impact of cleanup efforts on their well-being.

B. Abatement

District Government agencies will take reasonable steps to allow the affected individuals to voluntarily remove their personal property by allowing at least 14 days to do so, provided no emergency exists that would require the immediate removal of the property. Signs shall be posted by DDOT notifying the public of the 14-day notice, and during the 14 days prior to cleanup, DHS and DMH will try to prepare homeless individuals for the cleanup deadline.

C. Removal of Property

Given the potential health risks and the significant public resources required to sort, inventory, and catalogue all personal property remaining on the public space subject to a cleanup under this Protocol, any items not specified below that remain after the 14-day deadline are subject to immediate removal and disposal. Items deemed to be of obvious value shall be temporarily held by DHS for a minimum of 30 days. Such items of value include all significant personal

Please note that this protocol does not apply to any encampment located on National Park Service land or other federal property, as the District of Columbia Government has no jurisdiction to remove an encampment from such property. Such cases shall be referred to the National Park Service or other appropriate federal entity for clean-up. District agency personnel, however, may provide outreach to the homeless individuals at the site.

The protocol for the disposition of property on public space is triggered when an encampment presents a security, health, or safety risk or becomes a significant community nuisance. The Executive Office of the Mayor, Office of Neighborhood Engagement (ONE), upon notification of an encampment, will conduct or request an assessment and determine whether the encampment meets the threshold of a security, health, or safety risk or a significant community nuisance in order to trigger the protocol. If initial notification is made through or by another government agency, it shall refer the matter to ONE to initiate the assessment process.

As part of the assessment, ONE will contact District agencies or non-governmental entities that may have familiarity with the homeless individuals and can provide additional facts or background on the encampment site in question.

Upon assessment, DHS will determine whether the site requires immediate disposition (see Section VI), standard disposition, or no disposition of the protocol. Both ONE and DHS will maintain a list of such sites including the outcome of the assessment, whether standard or immediate disposition is recommended, and the status of the protocol implementation. In the case of an otherwise standard disposition, DHS reserves the right to suspend implementation of the protocol during hypothermia season (November 1 – March 31) or at the discretion of the Mayor.

VI. STANDARD DISPOSITION

For standard disposition, ONE will contact the primary agencies (DHS, DMH, DPW, DDOT, and MPD), and provide those agencies with as much of the following information as possible:

- The name and location of the public space to be cleaned;
- The name(s) and number(s) of all Inspector(s) who have inspected the site;
- Any information that is relevant to setting a proposed cleaning date;
- The location of the personal property;
- The types and volume of personal property found in public space;
- The number of adults and children who may be impacted;
- Identification of social services that may be required.

In each instance, DHS will convene and facilitate a Property Disposition Conference Call. DHS will mobilize the appropriate resources necessary to address the circumstances presented by each site. When practicable, assigned representatives from the relevant support agencies listed in Section III will be notified for inclusion in the conference call before taking action that may affect personal property.

documents, such as IDs, driver's licenses, passports, photographs, financial records, and other similar documents, which shall be retained and stored by DHS for at least 30 days.

D. Temporary Holding of Property

In the event that DHS designates items for temporary holding, property owners may retrieve these items by contacting DHS at the number posted on the notice. Property owners must show adequate verification of ownership, including accurately describing the property in question. Upon the expiration of the 30-day period, or as soon as practicable thereafter, DHS may discard the items.

E. Post-cleanup

Once the space has been cleaned, DDOT may post a notice stating that this property has been cleaned by the District government and any property left at this location is subject to removal.

DHS shall notify all agencies involved in the initial Property Disposition Conference Call that the removal has occurred, so that each agency may take any appropriate follow up actions (i.e., monitor the site to survey and offer services to individuals who are homeless, secure the site from future encampments, etc.).

VII. IMMEDIATE DISPOSITION

As a general rule, assigned representatives from the primary agencies listed above will be notified for inclusion in a Property Disposition Conference Call before an action is taken that may affect personal property on public space. However, if property alongside a bridge, tunnel or other public space must be disposed of immediately due to an emergency, health risk, or safety risk, the conference call will take place as soon as practicable before or after the cleanup.

The goals of the conference call are to inform all appropriate agencies of the details of the situation, provide the rationale for the immediate versus standard disposition of the protocol, agree which support agencies should be involved, request appropriate support for individuals at the site who are homeless, if applicable, and plan for any post-cleanup tasks.

For situations involving a security risk, ONE, or the agency tasked by ONE, shall contact the Homeland Security and Emergency Management Agency (HSEMA) and HSEMA will take whatever action is necessary to immediately reduce a potential security threat or threat to public safety.

For situations involving a health or safety risk, ONE shall immediately convene a Property Disposition Conference Call with the appropriate agencies, which may include DHS, DOH, DDOT and DPW, to determine an immediate course of action to address the emergency and reduce any potential risk to health or safety.

Immediately following the cleanup of property, DDOT may post a notice specifying that this property has been cleaned by the District government and any property left at this location is subject to removal.

SIGNATURE PAGE

Each agency official acknowledges that he or she has read this Protocol for the Disposition of Property Found on Public Space, understands it, and agrees to the terms therein.

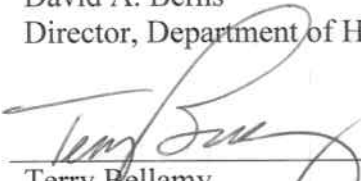
IN WITNESS WHEREOF, the parties have caused this protocol to be executed by their duly authorized representatives.

Accepted and agreed by:



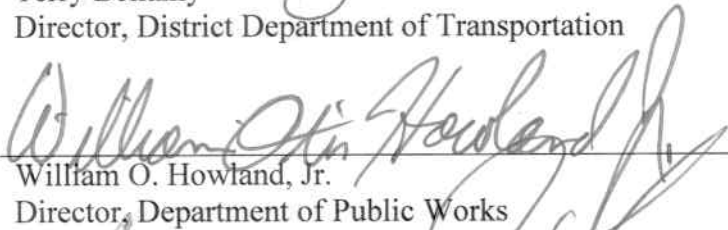
David A. Berns
Director, Department of Human Services

6/12/12
Date



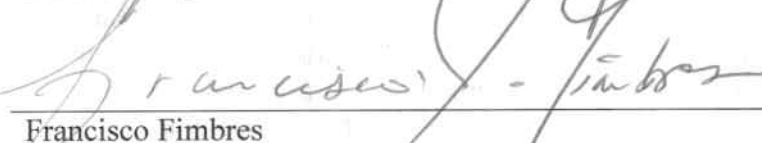
Terry Bellamy
Director, District Department of Transportation

7/12/12
Date



William O. Howland, Jr.
Director, Department of Public Works

7-11-2012
Date



Francisco Fimbres
Director, Office of Neighborhood Engagement

6/14/2012
Date



Brenda Donald
Director, Child & Family Services Agency

5-29-12
Date



Dr. Mohammed Akhter
Director, Department of Health

MAY 22, 2012
Date



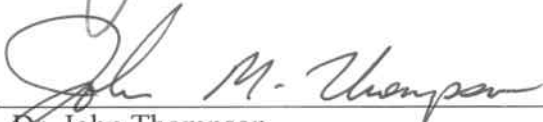
Stephen T. Baron
Director, Department of Mental Health

5-21-12
Date




Jesus Aguirre
Director, Department of Parks & Recreation

5/31/12
Date




Dr. John Thompson
Director, DC Office on Aging

5-22-2012
Date



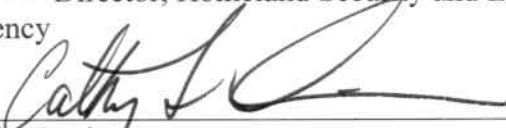
George S. Hawkins
General Manager, Water & Sewer Authority

6-12-12
Date




Christopher Geldart
Director, Homeland Security and Emergency Management
Agency

7/9/12
Date




Cathy Lanier
Chief of Police, Metropolitan Police Department

7-13-12
Date



Beatriz "BB" Otero
Deputy Mayor for Health and Human Services

6-12-12
Date



Brian Hanlon
Interim Director, Department of General Services

6.11.12
Date