

## **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 for the Disposition of Property Found on Public Space and Outreach to Displaced Persons (“Protocol”) is to establish responsibilities and procedures for the Government of the District of Columbia (“District”) 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 experiencing homelessness. It is also to outline an approach that seeks to assist these individuals to better stabilize their living condition by conducting outreach and offering certain support services including temporary shelter and permanent housing placements when they are available, applicable, and the individual is interested in receiving these services.

The Protocol is intended to provide direction 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 District, 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. Property that is owned by individuals who are experiencing homelessness may be found in public space areas.

As part of the District's ongoing efforts to work with persons who are experiencing chronic homelessness, the District remains committed to providing support to persons affected by the cleanup of these public spaces. Through outreach and the provision of human services, the District seeks to move affected persons to more appropriate and permanent housing solutions when they are available, applicable, and the individuals are interested in receiving these services.

### **III. RELEVANT AGENCIES AND ROLES**

The Department of Human Services (DHS) under the Office of the Deputy Mayor for Health and Human Services (DMHHS) serves as the lead entity responsible for overseeing, tracking, and coordinating the implementation of the Protocol, as well as providing outreach services to individuals who are experiencing homelessness at identified sites. DHS is also responsible for coordinating monthly meetings with primary agencies to discuss locations to be prioritized for implementation of the Protocol.

The primary District agencies responsible for implementing the Protocol include the following:

- Department of Behavioral Health (DBH) - Responsible for providing outreach services to

individuals displaying mental health issues at identified sites, completing surveys of reported locations, and providing information back to DHS.

- 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. Responsible for posting and removing notification signs of a pending disposition and for issuing notices of infraction. Responsible for providing traffic control services as requested during the scheduled time to clear property from the identified site (“cleanup”).
- Department of Public Works (DPW) - Responsible for collecting and disposing of debris when a cleanup is underway.
- Metropolitan Police Department (MPD) – Responsible for providing security when a cleanup is underway.
- DMHHS – Responsible for providing support, when needed, with interagency coordination. Responsible for providing oversight of DHS to monitor adherence to Protocol.

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

- Non-governmental organizations providing homeless outreach services;
- Child and Family Services Agency (CFSA);
- Department of Health (DOH);
- Department of Parks and Recreation (DPR);
- DC Office on Aging (DCOA);
- District of Columbia Water and Sewer Authority (DC Water) (independent);
- Homeland Security and Emergency Management Agency (HSEMA);
- Department of Consumer and Regulatory Affairs (DCRA);
- Department of General Services (DGS); and
- The Mayor’s Office of Community Relations and Services (MOCRS).

#### **IV. RELEVANT AUTHORITY**

District of Columbia statutes and regulations providing authority to clean up and dispose of property that is owned by individuals who are experiencing homelessness and left in the public space:

- The District government may conduct any or all operations involved in collecting and disposing of city refuse (D.C. Official Code § 8-741).
- DPW is delegated authority to collect and dispose of city refuse of every kind (Mayor's Order 2006-145).
- Prohibiting the occupancy of public space without a permit (24 DCMR § 100.1).
- No person or persons shall set up, maintain, or establish any camp or any temporary place of abode in any tent, wagon, van, automobile, truck, or house trailer, of any description, or in any combination, on public or private property, without the consent of the Mayor of the District of Columbia (24 DCMR § 121.1).
- D.C. Official Code § 50-921.19(d):
  - (1) Where a violation of this subchapter or a rule promulgated under the authority of this

subchapter presents an actual or potential hazard to the public, the Director may summarily remove private property unlawfully occupying public space, repair damage to the public space caused by the violation, and take action to protect the public from the effects and potential effects of the violation. If such action is taken by the Director, the Director shall issue a notice of infraction pursuant to the Civil Infractions Act.

- (2) In addition to the information required under § 2-1802.01(b), the notice of infraction shall include the following information: (A) A description of the action taken by the Director; (B) The amount the respondent must pay pursuant to subsection (f) of this section; provided, that the Director may recover the costs and expenses authorized by subsection (f) of this section, or any portion of those costs and expenses, through a separate notice of infraction; (C) A statement that the respondent has a right to request an expedited hearing by making this request in writing within 5 days after service of the notice; (D) The method by which the respondent may recover property removed from the public space, if any; and (E) The deadline by which the respondent must recover the property. (3) If a respondent has requested an expedited hearing, the Office of Administrative Hearings shall conduct the hearing within 72 hours after receipt of the request.

## **V. APPLICATION OF THE PROTOCOL**

The Protocol applies to property that is left in the public space maintained by the Government of the District of Columbia.

The Protocol does not apply to any property that is left in the public space located on federal property, including National Park Service land, WMATA property, or private property. Such cases shall be referred to the National Park Service, other appropriate federal or interstate entity, or property owner. District agency personnel, however, may provide outreach to the individuals experiencing homelessness at the site.

The Protocol applies when the property left in the public space presents a security, health, or safety risk, interferes with community use of public space, or becomes a significant community nuisance. All sites should be reported to DHS. If initial notification is made to another government agency, it shall refer the matter to DHS to initiate the site survey process. Upon notification of a reported site, DHS will conduct or request that DBH conduct a site survey using a survey tool within three business days to determine whether the site satisfies the requirements to apply the Protocol.

As part of the site survey, DHS or DBH will contact District agencies and/or non-governmental entities that may have familiarity with the individuals experiencing homelessness at the site and who may be able to provide additional facts or background on the site in question.

After the site survey, if it is determined that the Protocol applies as defined above, DHS/DBH will determine whether the site requires standard or immediate disposition. DMHHS will maintain a list of all reported sites including the outcome of the site survey, whether standard or immediate disposition is recommended, and the status of the Protocol implementation.

Following the site survey, DHS is responsible for communicating with the referral source the outcome of the site survey and the District's next steps.

Persons reporting sites on Federal property will be informed that the District does not have jurisdiction of the reported location; nonetheless, notification will be provided to Federal partners at the National Park Service and the U.S. Park Police for management. Any reports of sites located on WMATA property or private property, also outside of the District's jurisdiction, will be advised to contact MPD for guidance.

Sites that do not meet the threshold to apply the Protocol will be surveyed on a bi-weekly basis, or as needed, to determine if there are changes in classification; such findings will be provided to the initial referral source, upon request.

## **VI. STANDARD DISPOSITION**

### **A. Notice**

For standard disposition, DHS will contact the primary District agencies and provide those agencies with as much of the following information as possible:

- The name and location of the public space where the individuals and/or property are located;
- The name(s) of and contact information for all government personnel who have inspected the site;
- Any information that is relevant to setting a proposed date for a cleanup;
- The location of any property at the site;
- The types and volume of property at the site;
- The number of adults and children who may be impacted; and
- Identification of social services that may be required including temporary shelter and permanent housing placements when they are available, applicable, and individuals are interested in receiving these services.

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 before taking action that may affect property found at each site.

#### **(1) Initial Notice**

Fourteen (14) days prior to the planned action to conduct a cleanup, DDOT shall post notices/signs conspicuously throughout the immediate vicinity of the public space to be cleaned ("Initial Notice"). The Initial Notice shall 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 ("on or after date");
- A statement that any items not removed by the cleanup deadline are subject to removal and disposal; and
- Contact numbers of support agencies including DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless.

Twenty-eight (28) days after it is posted, the Initial Notice becomes invalid and must be reposted to effectuate another cleanup.

(2) Final Notice

Upon confirming the date and time when property will be cleared and at least forty-eight (48) hours before the confirmed scheduled cleanup, DDOT will update the Initial Notice with the scheduled cleanup date and time. This updated Initial Notice shall constitute the "Final Notice." Should the cleanup date be changed or delayed, beyond the posted time, DDOT will update the Final Notice at least forty-eight (48) hours in advance of the new cleanup date. Additionally, DHS and/or DBH outreach workers will make every effort to share this information verbally with anyone at the site to ensure those who are unable to read or have difficulty comprehending the information are made aware of the impending cleanup action.

No cleanup shall be effectuated absent posting of a Final Notice at least forty-eight (48) hours prior to the cleanup time, provided no emergency exists that would require the immediate removal of property.

(3) Removal of Signs

DDOT shall be responsible for removing any and all notification signs twenty-eight (28) days after installation.

**B. Outreach**

DHS will coordinate outreach efforts at any location to be cleaned. Other agencies (DBH, DOH/APRA, CFSA, and DCOA) will participate in the outreach efforts as necessary and offer relevant services to the individuals experiencing homelessness, including temporary shelter and permanent housing placements when they are available, applicable, and the individual is interested in receiving these services. The purpose of the outreach is to attempt to address the needs of these individuals and to track the impact of cleanup efforts on their well-being.

Upon a decision to conduct a cleanup at a public space site, District agencies will take reasonable steps to allow the affected individuals to voluntarily remove their personal property by allowing at least fourteen (14) days to do so, provided no emergency exists that would require the immediate removal of the property. Outreach teams from DHS and DBH or other community partners, when applicable, will visit the site to engage and support persons experiencing homelessness by offering to connect them with shelter and/or housing options and relevant services. If any persons at the site have not yet had a Service Prioritization Decision Assistance Tool (SPDAT) survey conducted, the outreach teams will offer to complete the survey with that person and explain its significance in securing housing.

If a housing placement has not been secured prior to the scheduled cleanup of the site, efforts will continue to be made to locate safe short-term housing or shelter options prior to any cleanup occurring. Outreach workers will continue to work with affected individuals experiencing homelessness in an effort to secure housing placement to individuals interested in receiving these services.

Concurrently with the posting of any Initial Notice and Final Notice, DHS will, by e-mail, notify the Interagency Council on Homelessness (“ICH”) Outreach Workgroup Chair (or delegate) when a cleanup is scheduled. The Outreach Workgroup Chair (or delegate) will be responsible for sharing the information with the applicable outreach team(s) assigned to the area.

No cleanup shall be effectuated absent notification to the ICH Outreach Workgroup Chair (or delegate) at least forty-eight (48) hours prior to the cleanup time, provided no emergency exists that would require the immediate removal of property.

### **C. Removal of Property**

On the morning of the scheduled cleanup, DHS will provide containers or bags to all individuals experiencing homelessness present for storage of their belongings, including two 40-gallon storage boxes/bins. Requests for containers or bags to be provided prior to the morning of the scheduled cleanup will be addressed on a case by case basis.

During any cleanup, the District shall retain and store all items that are able to be contained within the two 40-gallon storage boxes/bins for sixty (60) days, unless the property in question are:

- Live animals
- Illegal items
- Infested with bugs
- Explosives
- Wet or heavily soiled items
- Foods or liquids

DHS will arrive at the site one hour in advance of the scheduled cleanup to confirm everyone who is interested in packing belongings has the opportunity to do so.

In all cases, DHS shall ensure that these procedures are observed:

- DHS will maintain an inventory of any and all belongings stored.
- DHS shall not discard:
  - Any form of personal identification, including driver's licenses and passports; Social Security cards; photographs; financial, legal, or medical documents; or other documents of importance;
  - Any fully assembled and operational bicycle or non-motorized means of transportation;
  - Any functional tent that requires storage; or
  - Any permissible belongings designated by an individual for storage within the two provided 40-gallon box/bins, whether through placement in the box/bins, in black trash bags, or through other reasonable written or oral means.

### **D. Temporary Holding of Property**

In the event that DHS or an individual designates items for temporary holding, property owners may

retrieve these items within sixty (60) days by contacting DHS at the number posted on the DDOT notice. Property owners must show adequate verification of ownership, including accurately describing the property in question. Upon request, DHS will arrange for items stored after a cleanup to be made available for pickup by the individual experiencing homelessness during normal government business hours, and for individuals that are moving into permanent housing, delivery options will be provided. Upon the expiration of the sixty (60) -day period or as soon as practicable thereafter, DHS may discard the items.

#### **E. Post-Cleanup**

Immediately following the cleanup of public space, DDOT will post a notice specifying that the area has been cleaned by the District and that any property left at the location is subject to removal. DDOT signs posted at the site will indicate where and how temporarily stored items may be retrieved and contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless. DDOT shall be responsible for removing any and all notification signs twenty-eight (28) days after installation.

DHS shall notify all District agencies involved that the cleanup has occurred, so that each District agency may take any appropriate follow-up actions.

Following the cleanup of a site, DHS/DBH will be responsible for continual engagement of any affected individuals to offer District services as long as the individual is willing to accept them. If there are any pending issues that need to be addressed to secure the site, DHS will serve as the lead in coordinating these efforts.

### **VII. IMMEDIATE DISPOSITION**

Assigned representatives from the primary District agencies listed above will be notified for inclusion in a Property Disposition Conference Call before an action is taken that may affect 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 District 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 experiencing homelessness, if applicable, and plan for any post-cleanup tasks.

For situations involving a security risk, DHS, or the agency tasked by DHS, shall contact MPD and MPD 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, DHS shall immediately convene a Property Disposition Conference Call with the appropriate agencies, which may include DBH, DOH, DDOT, DPW and DMHHS, to determine an immediate course of action to address the emergency and reduce any

potential risk to health or safety, and ensure appropriate support services and resources are rapidly deployed to affected individuals.

Immediately following the cleanup of public space, DDOT will post a notice specifying that the area has been cleaned by the District and that any property left at the location was removed. The notice will also indicate where and how temporarily stored items may be retrieved and contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless. DDOT shall be responsible for removing any and all notification signs twenty-eight (28) days after installation. DDOT shall provide any additional notice or notices as may be required by law or regulation.

Pursuant to the authority granted to the City Administrator by Mayor's Order 2015-036, dated January 9, 2015, the officers, employees, departments, and agencies that are identified in this Protocol are directed to perform their roles, functions, and duties in the manner described therein, until such time as this Protocol is amended or revoked.

  
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Rashad M. Young, City Administrator

11/21/2016  
Date