

**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 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, in partnership with other agencies and community partners, outreach services to individuals who are experiencing homelessness at identified sites. DMHHS 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 Human Services (DHS) – Responsible for providing outreach to individuals experiencing homelessness at identified sites, offering individuals storage, coordinating storage of property, and managing storage of property.
- Department of Behavioral Health (DBH) - Responsible for providing outreach services to individuals displaying mental health issues at identified sites, and coordinating with and providing information back to DMHHS and other partners.
- 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. Responsible for providing traffic control services as requested during the scheduled time to clean 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.

In addition to those listed above, the following agencies may also be contacted to participate in the

implementing the Protocol and providing supportive services when appropriate:

- Non-governmental organizations providing homeless outreach services;
- Child and Family Services Agency (CFSA);
- Department of Health (DOH or DC Health);
- Department of Parks and Recreation (DPR);
- Department of Aging and Community Living (DACL);
- 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**

The following is a non-exhaustive list of 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).
- Occupancy of public space without a permit is prohibited (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 DMHHS. If initial notification is made to another government agency, or another agency witnesses an encampment in public space, it shall refer the matter to DMHHS to initiate the site survey process. Upon notification of a reported site, DMHHS will 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, DMHHS 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, DMHHS 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, DMHHS 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 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 a standard disposition, DMHHS will contact the primary District agencies and provide the relevant agencies with as much of the following information as available:

- 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 individuals 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.

DMHHS 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) Notice of Standard Disposition

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 (“Notice”). The 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”);
- Advisement that property left on site during the cleanup time may be immediately destroyed;
- Advisement that free storage of eligible property may be arranged in advance of the cleanup;
- Advisement that some unattended, non-hazardous property may be stored, in the District’s discretion, and information about how to retrieve any property taken to storage after a cleanup;
- Contact numbers of support agencies including DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless.

(2) Rescheduled Cleanup Notice

Should the cleanup date be changed or delayed beyond the posted time and need to be rescheduled, DDOT will update the Notice at least forty-eight (48) hours in advance of the new cleanup date. Additionally, DMHHS and/or DHS or DBH outreach workers will make every effort to share this information verbally with anyone at the site and with community partners to ensure those who are unable to read or have difficulty comprehending the information are made aware of the impending cleanup action.

No cleanup, except an Immediate Disposition discussed in Section VII, shall be effectuated absent posting of an updated Notice at least forty-eight (48) hours prior to any rescheduled

cleanup date.

(3) Removal of Signs

DDOT shall be responsible for removing any and all notification signs.

**B. Outreach**

DMHHS will coordinate outreach efforts at any location to be cleaned. Other agencies (DHS, DBH, DC Health, CFSA, and DACL) 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 through assessment and connection to services and resources.

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 or other circumstance exists that would require the immediate removal of the property. Outreach teams, which include outreach specialists from DMHHS, DHS, DBH, and/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. Outreach workers shall also make clear to individuals experiencing homelessness that the only way to be sure property is not disposed of during a cleanup is to move the property from the cleanup site before the specified cleanup time.

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 shelter and housing placement to individuals interested in receiving these services.

Concurrently with the posting of any Notice, as defined above, 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, except when an immediate disposition is conducted pursuant to Section VII, shall be effectuated absent notification to the ICH Outreach Workgroup Chair (or delegate) at least forty-eight (48) hours prior to the cleanup time.

### **C. Removal and Storage of Property**

All property that property-owners intend to keep should be removed from the cleanup site prior to the posted cleanup time. Any property left on the cleanup site is subject to removal and immediate disposal.

The District makes available free storage of property that is eligible to be stored (“Eligible Property”), defined below, for up to 60 days at a site designated by the District to any individual with property at the cleanup site who lacks permanent shelter. The District also provides free transportation of Eligible Property to the storage site. Storage and transportation to the storage site may be arranged in advance of the posted cleanup time by contacting DHS at the number listed on the Notice, by requesting storage from an outreach person, or by visiting the DHS headquarters at 64 New York Avenue, NE and requesting to speak with an outreach staff from the DHS Family Services Administration. DHS will maintain an inventory of all items stored at the storage site, including the date each item was put into storage and the name and contact information, if available, of the property owner.

Eligible Property must be safe to store and includes the following:

- Property that will fit inside a 40-gallon container;
- A functional, empty, and disassembled tent that fits inside a 40-gallon storage container or is otherwise contained in a bag or neatly tied bundle; and
- A non-commercial, functional bicycle or other form of motorized transit.

On the morning of the scheduled cleanup, DHS will offer containers to all individuals experiencing homelessness present for storage of their belongings, including two 40-gallon storage containers. Requests for containers to be provided prior to the morning of the scheduled cleanup may be made by calling DHS at the number listed on the notice, by requesting storage from an outreach person, or by visiting the DHS headquarters at 64 New York Avenue, NE and requesting to speak with an outreach staff from the DHS Family Services Administration. and 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 containers for sixty (60) days, and requested to be stored by the property’s owner by placement in such containers before the cleanup, unless the property in question is property that is NOT safe to store, which includes:

- Live animals

- Illegal items
- Property infested or potentially infested with bugs
- Explosives
- Wet or soiled items, including wet or soiled bedding, clothing, or tents
- Foods, liquids, or organic materials of any kind, including plant matter
- Weapons
- Other hazardous items that are deemed unsafe to store by District officials, such as, without limitation, locked or sealed containers whose contents cannot be inspected; substances or compounds that cannot be quickly identified by a non-expert; uncapped or exposed medical syringes.

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

During any cleanup, DHS will make reasonable efforts to collect and store the following kinds of Eligible Property when they are in plain sight, even if they are unattended at the time of the cleanup:

- Any form of personal identification, including, without limitation, driver's licenses, passports, and Social Security cards;
- Photographs; financial, legal, or medical documents; other documents of obvious importance;
- Medications or medical or mobility devices;
- Other property that is safe to store and of apparent value.

Due to safety and other concerns, District officials will not sort through piles or collections of belongings, including items inside tents or containers, to identify Eligible Property. Only Eligible Property in plain sight, without manipulation, will be stored. Property-owners leave property on site during a cleanup at their own risk.

#### **D. Temporary Storage of Property**

In the event that DMHHS or an individual designates items for temporary storage, property owners may retrieve these items within sixty (60) days from the date of storage by contacting DHS at the number posted on the Notice, by making a request of an outreach person, or by visiting the DHS headquarters at 64 New York Avenue, NE and requesting to speak with an outreach staff from the DHS Family Services Administration. Free transportation to pick up stored items may also be requested. Property owners must show adequate verification of ownership, including by 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, DHS may discard the items.

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

The Notices posted at the site indicate where and how temporarily stored items may be retrieved and provides contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless, and options to access information about stored items through outreach staff and by visiting DHS' Family Services Administration. DDOT shall be responsible for removing any and all notification signs.

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, DMHHS, DHS, and DBH outreach works will continue to engage and attempt to connect affected individualsto 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, DMHHS will serve as the lead in coordinating these efforts.

#### **F. Weather-Related Suspension**

“Hypothermia alerts” are activated when the National Weather Service (NWS) forecasted temperature, including wind chill, is or will be 32° F or below; or, when the temperature is forecasted to be 40° F or below, and the forecasted chance of precipitation is fifty percent or greater. “Hyperthermia Alerts” (Extreme Heat Warning) are activated when the temperature or heat index reaches 95 degrees.

During Hypothermia alerts or Hyperthermia alerts, all cleanups, except Immediate Dispositions, discussed below, shall be suspended or limited only to the removal of items enumerated in Part VI.C.

### **VII. IMMEDIATE DISPOSITION**

DMHHS will contact the assigned representatives from the primary District agencies listed in Part III 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, security risk, health risk, or safety risk, DMHHS will contact the agencies as soon as practicable before or after the cleanup.

The goals of the DMHHS communication 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.

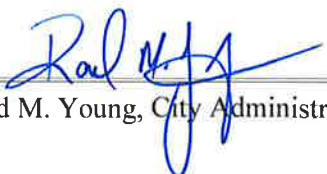
For situations involving a security risk, DMHHS, or the agency tasked by DMHHS, shall contact the Homeland Security and Emergency Management Agency (HSEMA) and HSEMA will take whatever action is necessary to immediately reduce a potential security threat or threat to public safety.

For situations involving a health or safety risk, DMHHS shall immediately contact the appropriate agencies, which may include DBH, DC Health, DHS, DDOT, and DPW, 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. The notice will also indicate where and how temporarily stored items may be retrieved by providing contact numbers for DHS, DBH, the Community Partnership for the Prevention of Homelessness, and the Washington Legal Clinic for the Homeless, and options to access information about stored items through outreach staff and by visiting DHS' Family Services Administration. DDOT shall be responsible for removing any and all notification signs. DDOT shall provide any additional notice or notices as may be required by law or regulation.

#### **AUTHORIZING SIGNATURE**

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.

  
\_\_\_\_\_  
Rashad M. Young, City Administrator

12/13/2019  
\_\_\_\_\_  
Date