

# Committee of the Whole Report

## For the Meeting of September 3, 2020

## **EXECUTIVE SUMMARY**

Homelessness is one of the most pressing urban issues and its impacts in Victoria continue to affect citizens across the community. This situation is further complicated by the devastating effects of the growing opioid crisis and the COVID-19 pandemic.

Responding to the needs of individuals experiencing homelessness requires the contributions of several stakeholders. While the ultimate responsibility for supportive housing lies with other levels of government, the City is an active player in the local response, working collaboratively with representatives of the B.C. government, regional health authority and many community service agencies.

The City has witnessed a marked increase in the volume of outdoor sheltering activity in public space over the past year. At present there are an estimated 275 people living outside. As the level of street homelessness has grown, concerns relating to safety in parks have also increased. There has been a high frequency of incidents over the past several months, including conflicts between individuals sheltering and other citizens as well as additional hazards for City staff. To-date the City has taken several actions to increase health and safety, such as updating signage in parks, expanding access to basic services (i.e. washrooms, water fountains, waste removal), sharing information about community services with individuals sheltering, conducting risk assessments and updating safe work procedures for staff, and enhancing security.

As outlined in this report, staff have noted a suite of potential amendments to the Parks Regulation Bylaw, which would add clarity and help to reduce risks of personal injury and property damage. In addition, staff are proposing to increase the resourcing for Bylaw Services to assist with managing the significantly higher demand for support.

## **PURPOSE**

The purpose of this report is to provide Council with advice regarding the City response to impacts associated with sheltering in public parks during the current pandemic and seek approval for additional funding for Bylaw Services resources. A long-term plan for addressing these issues will be developed and reported on separately.

## **BACKGROUND**

Greater Victoria has been undergoing a homelessness crisis for many years. The number of people experiencing homelessness has consistently exceeded the number of supported and affordable housing and shelters available for them. As a result, individuals have been forced to shelter in municipal parks which has caused local governments to deal with issues that are beyond their ability to resolve. The negative impacts of a growing number of people experiencing homelessness include issues such as, property damage in parks, conflicts between housed and unhoused residents, perceived or actual increases in crime, increased debris, and hazards in public spaces. In the context of a pandemic, the potential for virus transmission is a serious additional risk.

Since the beginning of the pandemic emergency the City has worked collaboratively with a wide range of stakeholders on appropriate assistance for vulnerable members of the community, especially those who are unhoused and, therefore, not able to shelter at home as directed by public

health authorities. Members of the City leadership team have joined representatives of BC Housing and various Provincial ministries, Island Health, the Coalition to End Homelessness, Aboriginal Coalition to End Homelessness, Dandelion Society, Pacifica Housing, Salvation Army, Our Place, Cool-Aid Society, Portland Hotel Society, Mustard Seed, AVI, SOLID, PEERS, Poverty Kills, and University of Victoria to share information and support efforts to address issues relating to street homelessness, on a weekly basis. This investment of time on both short and long-term solutions is valuable and will continue for the foreseeable future.

The provincial government, through BC Housing, has secured temporary housing for most occupants of the previous encampments at Topaz Park and Pandora Green. Unfortunately, the number of people sheltering in parks and other public spaces has continued to increase over the summer.

Earlier this year, based on advice from the public health authorities, the City suspended enforcement of the prohibition on daytime sheltering in the parks. This has allowed for persons experiencing homelessness to shelter in place, assisting them in maintaining physical distancing as recommended by public health authorities. However, it has also contributed to a certain entrenchment of shelters, increased accumulation of possessions, and increased damage to public parks.

## **ISSUES & ANALYSIS**

It is important to note that municipal parks are not designed nor managed with the intention of being used for sheltering. Although sheltering has occurred in limited numbers for years, the volume has grown substantially in recent months. The number of temporary shelters in City parks and other public spaces has more than doubled between June and August and currently totals approximately 275.

The significant increase in sheltering activity during the pandemic has led to various impacts, including,

- Debris and hazardous material such as hypodermic needles, broken glass, and biological hazards
- Conflicts between various other user groups and persons sheltering
- Damage to property
- Incidents of violence and harassment towards City staff
- Criminal activity
- Risk of fire due to open burning for heat, cooking, drug manufacturing and consumption and presence of combustibles, such as gas cans, propane tanks, acetylene torches, and gas-powered equipment
- Damage to natural assets, such as trees, vegetation, garden beds, through cutting, digging, burning, and staking

City staff, primarily Bylaw Officers, have been attempting to deal with the most problematic behaviours, with limited success. The inability of Bylaw Officers to achieve voluntary compliance with rules such as those relating to the protection of environmentally sensitive areas, illustrates the challenge of managing sheltering activities in public parks.

As part of an enhanced response, two immediate term actions are presented below, to assist with mitigating some of the main risks and impacts of this crisis. In addition, staff acknowledge that the City also requires a longer-term strategy which will provide clarity of direction and dedicated resources to more efficiently manage this highly complex issue, in collaboration with the various

partners and those experiencing homelessness.

### *Bylaw Amendments*

The Parks Regulation Bylaw provides an exemption for homeless persons from the general prohibition on erecting shelters in public parks. That exemption is limited to overnight shelters only and includes other limitations as to locations where sheltering is absolutely prohibited. For convenience, a copy of section 16A of the bylaw is attached as Appendix A.

On May 21, 2020, Council directed staff not to enforce the prohibition on homeless persons erecting or maintaining shelters in the parks during daytime to facilitate homeless persons sheltering in place. This direction was consistent with the advice received from public health authorities and subsequent circular to local governments from BC Public Health Officer, Dr. Bonnie Henry, which specifically advised that:

Local governments can help support people experiencing homelessness to reduce health risks and to improve access to essential services, supplies and supports. This may include looking at any bylaws that require people experiencing homelessness to move or leave safe shelter, be that a park or vehicle. Clearing or moving encampments without providing shelter or housing immediately can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread and may lead to isolation, which also poses health and safety risks to vulnerable people.

Unfortunately, suspending enforcement of prohibition on daytime sheltering has resulted in a number of adverse effects, such as enlargement and entrenchment of encampments, which increases the risks of fire and other health impacts to occupants. In addition, large and congested sheltering sites are causing damage to landscaping, fences, trees and other property.

The Parks Regulation Bylaw does not contain any specific rules regarding shelters erected by persons experiencing homelessness beyond the time and location restrictions. As a consequence, the City does not have effective means of managing shelters to mitigate the negative impacts that can be associated with uncontrolled growth of such shelters while the daytime sheltering prohibition is not being enforced. Therefore, it is recommended that the Parks Regulation Bylaw be amended to include the following temporary provisions:

1. No prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
2. Limitation on maximum size of a shelter (limit footprint of sheltering site);
3. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
4. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools;
5. Restrictions on possession of open flame appliances and combustibles; and
6. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency.

Based on the experiences with the organized sheltering site at Topaz Park, operated through BC Housing in the spring, staff have developed recommendations for the physical spacing and size of shelters. Applying a shelter space of up to 3m by 3m (10' by 10') will reduce the impacts on park property and allow for a typical tent footprint. The application of a spacing requirement of 4m between shelters in Topaz Park helped to ensure access for emergency services and reduce the risk of fire spread and virus transmission. Staff have explored both a 2m and 4m spacing between

Attachment B provides an illustration of the difference between these two options for Central Park. Staff recommend applying a minimum buffer of 4m.

In recent weeks, concerns have been raised in the community about the impacts of sheltering on local school operations. At South Park School, issues relating to property damage, human waste and hazardous debris that would pose risks to students, faculty and volunteers have been the focus of staff from both the School District and City. To mitigate against these types of issues, staff recommend applying a prohibition on temporary sheltering in parks within 50m of a school. In the example of South Park School, this limitation would result in a “shelter-free” zone across Douglas Street in Beacon Hill Park (miqan).

Staff are also recommending a restriction on the possession of open-flame appliances and combustibles as a means to reduce the risk of fire and personal injury in parks. Over the past several weeks the Fire department has reinforced the need to address this issue, particularly critical as the density of sheltering activity has increased in certain locations.

Additionally, staff recommend other permanent amendments to the Parks Regulation Bylaw for consideration, including:

1. Adding *community gardens* and *horticultural areas* to the list of areas where sheltering is not permitted; and
2. Adding specific parks to the list of locations where sheltering is prohibited.

The following parks are specifically recommended to be immediately added to the list in Section 16A.2.b,

- Summit Park (Hillside-Quadra)
- Moss Rocks Park (Fairfield)
- MacDonald Park (James Bay)
- South Park (James Bay)
- Robert Porter Park (Fairfield)
- David Spencer Park (Oaklands)
- Centennial Square (Downtown)

Summit Park and Moss Rocks Park are each comprised almost entirely of environmentally sensitive areas. The areas currently available for sheltering are limited, however staff note the potential damage to rare and endangered ecosystems due to sheltering activity, as a high priority consideration for this change.

There are four City parks which also serve as the primary play spaces for local schools, namely MacDonald Park, South Park, Robert Porter Park, and David Spencer Park. These parks contain a variety of play features, sport courts, and open green spaces that students use daily pursuant to a long standing licence agreement between the City and School District 61. The potential impacts of sheltering in this space include debris or hazards where children are playing, and therefore staff recommend permanently prohibiting sheltering in these parks.

Finally, staff recommend that Centennial Square be added to the list of prohibited sites. This prominent urban plaza is primarily comprised of pathways and infrastructure to support public events. The small green spaces available have frequently become congested and heavily damaged by sheltering activity, and conflicts between individuals sheltering have led to serious incidents.

The proposed amendments are anticipated to result in positive outcomes such as, increased clarity for individuals sheltering and overall safer conditions, by aligning the bylaw with guidance from public health authorities during the pandemic, as well as addressing risk of personal injury or property damage posed by fire hazards. The specific bylaw amendments will be developed based on Council directions and submitted for Council's consideration in the near future.

### *Additional Bylaw Resources*

The demand for Bylaw Services over the past year has increased substantially. There has been an increase of more than 50%, in calls-for-service between 2019 and 2020. Further, the average number of cases per officer has increased by 80%. The combined increase for both reactive and planned work is far exceeding the capacity of the existing team.

Since the pandemic began the primary focus for Bylaw Services has been focused on issues associated with homelessness. The result is that many other regulatory bylaws are not being investigated and complaints are going unanswered.

Between May 9 and August 3, the City received some additional temporary support to address some of the increased demand for services funded through EMBC. This provided valuable additional capacity for the City to address the increase in sheltering activity directly related to COVID-19. These resources made it possible to conduct enforcement activity at every sheltering area daily and conduct some level of enforcement. Without those additional three CRD officers on each shift, that same level of service would not have been possible. To regain this lost capacity, staff are seeking approval for the equivalent of five permanent (full-time-equivalent) Bylaw Officers who would replace the shifts that were being provided by the CRD officers.

Finally, it is important to note that these resources will enable Bylaw Services to maintain the current level of service as it directly relates to issues of disorder and concerns associated with public sheltering sites, but will not likely address the backlog in other service demands. The demand for Bylaw Services support is likely to remain high for the foreseeable future.

## **OPTIONS & IMPACTS**

The proposed response to sheltering in the parks recognizes the reality that persons experiencing homelessness need to shelter in the parks and that, during the pandemic, sheltering in place is necessary. However, to better mitigate the problems associated with sheltering in parks, new rules would be introduced to properly govern the sheltering activity and address the most significant side-effects of sheltering. Specifically, the proposed bylaw amendments would include limits on the size of the shelters, mandate minimum distances between shelters, establish buffer zones, and prohibit fire hazards such as open flame appliances and propane tanks. These amendments would be temporary, and the bylaw would include an automatic repeal clause which would come into effect 30 days after the last extension of the Provincial state of emergency that was initially declared on March 18, 2020.

Creation of clear rules for sheltering in the parks alone is not sufficient. Adequate resources, in the form of additional Bylaw Officers, to enforce these rules are also necessary. It is important to note here that "enforcement" in the context of municipal bylaws involves a graduated approach, starting with education and warnings, intended to achieve voluntary compliance, and progresses to more coercive enforcement, such as tickets, etc., only if voluntary compliance cannot be achieved.

### *Financial Impacts*

The financial impact of the proposed new resources for Bylaw Services is \$491,000 annually. This funding is inclusive of five full-time equivalent positions, as well as other required operational expenses. Should Council authorize additional resources, the funding need for 2020 is approximately \$165,000 and could be funded by the remaining 2020 contingency budget. The recommended ongoing funding source starting in 2021 is new property tax revenue from new development. The amount of new property tax revenue from new development in 2021 is still unknown, but it is anticipated that it will be sufficient to fund these additional resources.

This comprehensive and integrated approach is considered the most likely to achieve positive results and is recommended. If Council is not supportive of the recommended approach, direction on an alternative approach is required.

### **CONCLUSIONS**

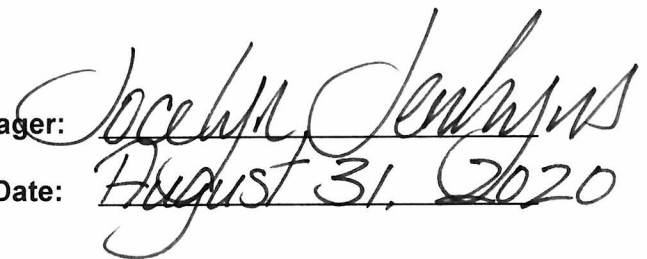
There is no simple solution for addressing the complex issue of homelessness in the city. The current pandemic and growing opioid crisis have exacerbated pre-existing circumstances relating to homelessness, and the impacts are being felt in nearly every corner of the community. Staff recommend that Council support the immediate response to some of the key pressures, as described in this report.

Respectfully submitted,

Jocelyn Jenkyns  
City Manager

Report accepted and recommended by the City Manager:

Date:

  
August 31, 2020

### **List of Attachments**

Attachment A – Section 16A of the Parks Regulation Bylaw  
Attachment B – Buffer Zone Illustration