



Council Member Motion
For the Committee of the Whole Meeting of June 3, 2021

To: Committee of the Whole **Date:** May 23 2021
From: Mayor Helps, Councillor Alto and Councillor Thornton-Joe
Subject: End to Sheltering in Beacon Hill Park/Meegan¹ to Allow for Remediation and Recovery

PURPOSE

The purpose of this report is to comprehensively outline for Council, staff and the public the recent history with respect to sheltering in parks, take stock of the current moment, and begin to lay the ground work for the future in the immediate and medium term. While the primary recommendations in this report are with respect to Beacon Hill Park, we are at an important moment in the City's history with respect to the City's work with the Province to help get everyone currently living outside on a pathway to permanent housing with the care and support they need to succeed.

Therefore, this report also begins to imagine a city without homelessness and to rethink the relationship between homelessness and sheltering in parks. Parks have been the go-to sheltering place for people who become homeless, yet that is not their intended purpose. City parks are important public green spaces that are critical to the health and well-being of the urban community. They need to be stewarded for the use of all and for the long term.

This report:

1. Recaps Council's rationale for 24/7 outdoor sheltering during the pandemic and the steps the City took with the Province to meet the provincial public health guidance.
2. Takes stock of the current moment with respect to people living outside, defines "functional zero" and outlines the need for complex care housing.
3. Addresses the current situation in Beacon Hill Park and the need for the park to recover and be remediated.
4. Touches on the current legal matters before the court with respect to Beacon Hill Park as well as the potential need to seek an injunction against those still sheltering in parks 24/7, as these two matters relate to the recommendations in this report.
5. Makes recommendations for Council's consideration that have been shared in advance with the Director of Parks, Recreation and Facilities, the City Manager, and the City Solicitor for their input.

¹ Beacon Hill Park is sometimes referred to as Meegan, which is the phonetic spelling of the Lekwungen name for the area. In this report we will refer to the park as Beacon Hill Park as this is how it is currently known in the Parks Regulation Bylaw, which is the subject of this report.

Outdoor Sheltering During the Pandemic

When the global health pandemic hit in March 2020 and physical distancing measures were put in place in shelters where people without homes were living (or staying overnight), the number of people allowed to stay in these places was cut drastically and some people were sent outside. As the Provincial Health Officer advised us to get into “bubbles” and have contact only with immediate family members, some people living precariously with friends or extended family also had to leave their temporary accommodation. Additionally, some people lost their jobs and found themselves newly homeless.

Since the provincial public health advice was to “shelter in place”, the City made the decision to allow people who were living without homes to do the same by temporarily suspending enforcement of prohibition on daytime sheltering in City parks. A concentration of tents sprung up on Pandora Avenue, as this was close to existing services. In addition, the City – working with BC Housing and service providers and on the advice of Island Health Medical Health Officer Dr. Stanwick – set up a temporary outdoor sheltering area at Topaz Park.

In April and May 2020, the City and the Province worked together with service providers and with the people sheltering outdoors to secure indoor sheltering spaces for approximately 400 people, primarily those living on Pandora and at Topaz Park. Eighty-five to 90 per cent of those people are still housed.

Over the summer of 2020, the pandemic continued and so too did people falling through the gaps in the existing housing and health ecosystem; additional people ended up living outside. In early June 2020, Provincial Health Officer Dr. Henry wrote to Mayors, Regional District Chairs and CAOs with Guidelines and Best Practices for Response to Homeless Encampment Health Issues in the Context of COVID-19. She said, “These guidelines also consider how local governments can help support and reduce health and safety risks for vulnerable groups through discretion in bylaw enforcement, provision of outreach and supports and by partnering to provide harm reduction, mental health and addictions services.”

The guidelines clearly stated 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.”

Based on this advice, the City temporarily amended the Parks Regulation Bylaw and allowed people to continue to shelter in place in City parks and to encourage smaller encampments spread throughout the City rather than one large encampment in any one park. With funding through the federal government’s Reaching Home Program, service providers and frontline workers worked hard to provide services, health care, meals and other essential services to people living outside.

By the fall, it had become clear that further direction and action was required from Council to address the needs of those still living outside and to follow the public health advice about not displacing encampments until people were offered an indoor alternative. In November, Council adopted a motion that: “That the City of Victoria works with the Province and other partners to offer housing or indoor shelter with a path to permanent housing for everyone currently sheltering in City parks by March 31st 2021 and directs staff to bring forward amendments to the Parks

Regulation Bylaw so that the temporary measures including 24/7 camping expire on March 31st 2021.”

Work began in earnest in early 2021, and by the end of April 2021, over 200 people who were living outside had been offered 24/7 indoor sheltering placements as a pathway to permanent housing. Between April 1st and May 15 2021, 226 people moved inside from parks.

“By-Name List”, “Functional Zero” and the end of Chronic Homelessness in Victoria

At the writing of this report, there are between 8 – 12 structures remaining in City Parks 24/7, including approximately 8 in Beacon Hill Park. While this doesn’t account for everyone living outside, it’s the lowest number of people living in City Parks that we’ve seen in many years. There is still more work to do to achieve “functional zero” including the development of a “By-Name List” (BNL) to ensure that no one is left outside. But we’re closer than we ever have been before.

The Canadian Alliance to End Homelessness defines a BNL as “a real-time, person-specific list of all people known to be experiencing homelessness in your community. It includes a robust set of data points that support Coordinated Access and prioritization at a household level and an understanding of homelessness inflow and outflow at a systems level.”² That work is underway - the development of a BNL for our region is a Greater Victoria Coalition to End Homelessness 2021-2022 Community Plan action item.

According to a working paper produced by the Homeless Hub, “Functional Zero is achieved when there are enough services, housing and shelter beds for everyone who needs it. In this approach, emergency shelters are meant to be temporary and the goal is permanent housing. While the focus on supports is to prevent homelessness to begin with, this may not always be possible and in such cases, a system that is responsive and acts quickly is essential. A key aim of homeless-serving systems is to provide immediate access to shelter and crisis services, without barriers to entry, while permanent stable housing and appropriate supports are being secured.”³ When we achieve functional zero, when people become homeless they will have immediate access to emergency shelters or transitional housing rather than ending up in city parks or downtown doorways.

We have been operating for many years – and in particular during the pandemic – within a reality where homelessness in Victoria has become normalized. In recognition of this reality, we have accepted the need for people to shelter in City parks even as we worked toward permanent solutions to homelessness. Now we’re moving on to achieving a functional zero plan so that people can go somewhere safe indoors when they lose their housing. We haven’t been able to quickly “end homelessness”. And we haven’t been able to collectively envision a city without homelessness. But between the efforts of the Province, the City, service providers, housing providers, private citizens, and people with lived experience of homelessness, close to 600 people have moved inside over this past year.

We need to keep going. We need to continue to build a robust shelter and housing ecosystem. We need to continue to work with the Province on complex care housing – for the people who currently don’t fit into any of the existing housing options because of their complex needs. We need to ensure that those currently left behind get the kinds of supports and care they need in order to be successful in housing, and to not be evicted back to the streets and parks. The BC Urban Mayors’ Caucus, which Mayor Helps Co-chairs, is taking an active role with the Ministry of

² <https://bfzcanada.ca/wp-content/uploads/10-Steps-to-Create-and-Use-a-By-Name-List.pdf>

³ https://homelesshub.ca/sites/default/files/Functional_Zero.pdf

Mental Health and Addictions to develop a framework for complex care housing and options for investment in complex care housing services or sites in the near term. And we need to continue to support initiatives like the Regional Rent Bank and the Community Centre Housing Outreach Coordinator program, to prevent people from falling into homelessness.

In the meantime, the City also needs to steward and protect the City's parks and green spaces for the long term and for the use of all residents. Recommendation #2 directs staff to report back on Beacon Hill Park but also to offer advice on how to best manage the residual overnight sheltering until we get to "functional zero" as a city.

Beacon Hill Park Recovery and Remediation

Beacon Hill Park is home to culturally and environmentally sensitive areas which the City has an obligation to protect. During the pandemic, Beacon Hill Park has been used by persons experiencing homelessness for outdoor sheltering. However, Beacon Hill Park was not designed or intended for sheltering or prolonged occupation. Unlike provincial campgrounds, it lacks hardscape and adequate infrastructure required for such intensive use. Tents and shelters remaining in place for a long-time inevitably cause damage to lawns and other vegetation. Continuous human presence in fixed locations also interferes with numerous bird and animal species that normally live in the park and can erode the limited biodiversity in an urban setting.

The level of impact to certain areas of Beacon Hill Park from intensive sheltering activities is substantial and the recovery and remediation work will take some time. Although the extent of the impact is not yet fully known, as staff have yet to undertake a comprehensive assessment, the preliminary estimate is that it will take at least two years to restore and remediate the park. Some of this work will be done by City staff. Some will happen through natural processes, with areas needing recovery time while unused for sheltering activities, even on an overnight basis.

Beacon Hill Park is not a campground. Long before the pandemic, there were misleading posts in Trip Advisor and other places, advertising Beacon Hill Park as a good place for travellers to camp. In addition to the necessary remediation work that needs to happen, closing Beacon Hill Park to all sheltering for a period of two years is an opportunity to clearly reset this perception among travellers and tourists.

Legal Proceedings and Potential Injunction to enforce end of 24/7 Sheltering

There are a number of legal proceedings currently active that relate to Beacon Hill Park, including:

1. In July 2020, the City commenced legal proceedings to enforce the provisions of the Parks Regulation Bylaw prohibiting sheltering in environmentally and culturally sensitive areas and other locations in Beacon Hill Park not suitable for sheltering. An interim injunction was issued in 2020 and the City's enforcement efforts have been successful in moving sheltering activities to less vulnerable parts of Beacon Hill Park; and
2. In early March, the City initiated proceedings under section 86 of the *Trustee Act* to seek the court's opinion, advice, or directions on the question related to the management or administration of Beacon Hill Park trust. Specifically, the City posed the following question to the court: "Can the land known as Beacon Hill Park, held in trust by the City of Victoria, be used by persons experiencing homelessness for temporary sheltering?"

In April 2021, the City released a report outlining its approach to enforcing the end of 24/7 sheltering as of May 1st, once everyone sheltering in parks had been offered an indoor space as a pathway to permanent housing. The relevant excerpt is as follows:

Sheltering in parks is a humanitarian crisis. Although the immediate scale of it relates to the pandemic, its causes are much more complex. Critically, individual circumstances are unique to each person. Therefore, a methodical and individualized response is required.

The enforcement process developed by the City, with its two phases, allows for the necessary individual approach while also providing the needed structure and methodology that offers the greatest likelihood of ultimate success. Identification of each person and their unique needs and circumstances (phase 1) will enable the City, working collaboratively with BC Housing and others, to assist in the transition of each person to indoor shelters (phase 2).

While every effort will be made to achieve voluntary compliance, success will depend on the City enforcing and being seen as, able to enforce its bylaws. Therefore, it is recommended that Council authorize the City Manager to instruct the City Solicitor to initiate legal proceedings to enforce the *Parks Regulation Bylaw* if necessary.

The recommendation we are making in this report to add Beacon Hill Park to the list of parks where outdoor sheltering is prohibited does not have an impact on the matters outlined above. The primary rationale for adding Beacon Hill Park to the list of parks prohibited for sheltering is to give parks staff and Mother Nature the time and space needed to repair and recover from the impacts of sheltering. And, with respect to the potential to seek an injunction for those who won't comply with the Parks Regulation Bylaw, this direction has already been given by Council to the City Manager to use at her discretion.

Conclusion

COVID-19 revealed the chasms in the health and housing ecosystem in the province, leaving those already vulnerable even more so when the pandemic hit. At the same time, it's been an unprecedented period of investment in housing and health supports. It has also been a time of lasting relationship building and deep collaboration among the City, BC Housing, Island Health, the Greater Victoria Coalition to End Homelessness, the Aboriginal Coalition to End Homelessness, the CRD, housing and social service providers, peers and people with lived experience of homelessness, and many others.

While the pandemic has disproportionately hit those most vulnerable, it's also had a negative impact on everyone in our community and in particular those who have felt cut off from being able to use the City's parks because so many people were sheltering in them.

Nearing the end of the pandemic, and with the hard work of everyone involved, we are closer to ending chronic homelessness in Victoria than we've ever been before. We have fewer people living outside than we've seen in years. This is a moment to keep focused on the end goal of achieving "functional zero", which means that when people become homeless, there is a robust social system in place to catch them. This is also an opportunity to rethink how to use and steward parks and green spaces, with so few people currently needing to shelter outdoors overnight.

RECOMMENDATIONS

That Council direct staff to:

1. Bring forward amendments to the Parks Regulation Bylaw to add Beacon Hill Park to the list of parks prohibited for overnight sheltering for a two year period from the date of bylaw adoption.
2. Report back to Council with any additional considerations to those outlined in this report with respect to the condition of Beacon Hill Park and plans for remediation, and with any additional advice or recommendations staff have with respect to overnight sheltering in City parks.
3. Report back to Council in May 2023 with an update on the progress of park remediation so that Council can determine whether to extend the prohibition on sheltering in Beacon Hill Park beyond the initial two-year period.

Respectfully submitted,

Mayor Helps

Councillor Alto

Councillor Thornton-Joe