

Resolution Number _____

A RESOLUTION ADDRESSING THE CITY’S APPROACH TO URBAN CAMPING AND TO ADOPT RECOMMENDATIONS FROM THE URBAN CAMPING WORK GROUP.

WHEREAS, the City Council of Missoula finds that every person in Missoula is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused.

WHEREAS, the City is the steward of streets and various pieces of real property owned by the City and the City recognizes that people sheltering on City streets and City property are often not doing so by free choice, but as a last resort, and that an enforcement-only approach will not assist people find stability and exit houselessness to more secure housing.

WHEREAS, the City generally does not receive significant or ongoing funding from the state or federal government to provide housing, mental health, physical health, or other wraparound services to persons experiencing houselessness, nonetheless over the last several years, the City has used its limited funds to create new or bolster existing programs to support unhoused individuals in the community, including:

- Funding operations and facility improvements at the Johnson Street Temporary Emergency Shelter, previously the Emergency Winter Shelter, providing an additional 165 beds to ensure adequate shelter bed availability in Missoula to keep neighbors safe and out of the elements, especially during inclement weather events (extreme cold and heat, snow storms, wind storms, wildfire smoke, and general continued exposure). The Johnson Street Temporary Emergency Shelter is operated by The Poverello Center.
- Funding operations, site relocation, and facility improvements at the Temporary Safe Outdoor Space, providing 30 Pallet shelters for up to 40 residents with direct connection to staff support on-site and resource connections to take steps forward toward housing. The Temporary Safe Outdoor Space is operated by Hope Rescue Mission.
- Creating and funding staff and operations for the Community Care Team, a new team originally comprised of a Registered Nurse, Tenancy Support Specialists, and a Peer Support Specialist to meet people living outdoors where they are and provide basic medical care, resource connections, and housing navigation. The Community Care Team is operated by Partnership Health Center.
- Creating, building, operating and funding the Authorized Camping Site, opened in January 2022 and closed due to insufficient funds and staff capacity in November 2022; an outdoor low-barrier camping area where neighbors living outdoors could secure a camping site at a location equipped with bathrooms, trash, water, and security services, and regular visits from service providers from across Missoula to make resource

connections. The Authorized Camping Site was jointly operated by the City of Missoula and Missoula County.

WHEREAS, due to the widespread nature and the limited local funds available, the City believes that a region-wide approach is the starting point to responding to the houselessness crisis and that all regional stakeholders—city, county and federal governments, nonprofit service providers, volunteers, community members and for-profit sectors—must be involved in the formation of a regional response. The City has played a central role in supporting the development of such a regional response.

WHEREAS, upon the seasonal closing of the Emergency Winter Shelter in 2023, the City of Missoula, in partnership with Missoula County, committed another round of funding for \$1,704,345 to re-open the Johnson Street Temporary Emergency Shelter. One year of operations was funded, recognizing the dire need for additional shelter bed space year-round and the imperative to keep neighbors without houses safe during inclement weather, which occurs across every season in Montana. The City, through the Missoula Redevelopment Agency, contributed another \$466,625 to fund construction of shelter improvements and bathroom modules to improve the quality of life of shelter residents (along with \$234,059 in private donations). Additionally, recognizing the unsuitability of this location for a permanent shelter, the City committed to ceasing the shelter operation here within three years.

WHEREAS, the City of Missoula recognizes the invaluable role of Coordinated Entry Systems as a national best practice and the primary tool to facilitate collaboration and shared values in addressing houselessness as a community, and as such, continues to provide system leadership as the Lead Agency administering and steering the Missoula Coordinated Entry System and its over 40 access points and partnering agencies.

WHEREAS, upon the ending of Reaching Home: Missoula's 10-Year Plan to End Homelessness in 2022, the City of Missoula evaluated all work completed under the Plan and assessed success, gaps and emergent challenges, and then translated those findings into a project to create a new community-driven strategy to address houselessness, funded by City of Missoula in the FY24 budget cycle at a cost of \$70,000 and underway today. The project to create a new community strategy launched in January 2024 and will continue throughout the course of 2024, led by Homebase and including various components including a leadership group to steer strategy development, interviews, focus groups, town halls, and best practice recommendations from other communities across the country.

WHEREAS, the City of Missoula staff led a collective of community partners across Missoula in joining Built for Zero in 2022, a national program partnering with communities to functionally end houselessness through achieving functional zero, with City of Missoula leading as the backbone agency and securing additional funding for project management. In 2023, the Built for Zero Coalition declared the community aim of achieving functional zero houselessness for Veterans by November 11, 2026, and shortly after, the City of Missoula secured an additional

Capacity Building Grant for \$190,075, making it possible to sustain Built for Zero efforts in Missoula into the future.

WHEREAS, the City of Missoula recognizes the critical role of the Poverello Center as Missoula's primary Emergency Shelter operator for single adults and, as such, in FY22 began dedicating annual Community Benefit Organization funding in the amount of \$211,476 to The Poverello Center to support general operations and continuation of the Homeless Outreach Team.

WHEREAS, the City of Missoula also recognizes the critical role of the YWCA Missoula in providing emergency family housing for up to 31 families with children while they seek permanent housing. The City, through the Missoula Redevelopment Agency, provided \$142,404 to help fund the construction of the YWCA's Missoula Family Housing Center, jointly run with MIC's Family Promise.

WHEREAS, the City of Missoula Houseless Programs works closely with cities and partners across Montana, including the Montana Continuum of Care Coalition and Montana Coalition to Solve Homelessness, to ensure strong statewide collaboration and communication and participate in information-sharing with partner localities to the benefit of Montanans across the state.

WHEREAS, the City of Missoula staff are engaged in developments and advocacy on legislative programs including the Behavioral Health System for Future Generations which emerged from the passing of HB872 signed in May 2023, and the Healing and Ending Addiction through Recovery and Treatment program and associated Medicaid waiver.

WHEREAS, the City of Missoula, in partnership with United Way of Missoula County, in 2020 designed the Centralized Housing Solutions Fund, now known as the Housing Solutions Fund, Missoula's first and only centralized flexible financial assistance fund to support neighbors at-risk of or currently experiencing houselessness with direct cash assistance to prevent, divert, or rapidly exit the system of houseless services. The program evolved into a partnership between United Way of Missoula County, Human Resource Council, and the City of Missoula and is sustained primarily through grants from Otto Bremer Trust, Wells Fargo, City of Missoula, and Missoula County.

WHEREAS, the City does not directly operate shelter or supportive services, but the City does provide financial support and robust partnership for nonprofit organizations offering those services and seeks out technical assistance and coaching to support staff at those service agencies. The City also utilizes available funding mechanisms including an Affordable Housing Trust Fund, Community Development Block Grant (CDBG) program, and HOME Investment Partnership Program, and partners with community agencies on grant applications and grant acquisition.

WHEREAS, the City of Missoula recognizes that the solution to houselessness is housing and is simultaneously working to increase supply of housing that is affordable as an ongoing tactic to address systems and experiences of houselessness. To that end the City of Missoula has been working to improve housing affordability for many years through the implementation of its 2019 housing strategy, A Place to Call Home, and the City of Missoula has been a funding partner to housing and houseless programs, services, and efforts in the community via its status as an entitlement community through the U.S. Department of Housing & Urban Development's Community Development Block Grant program since 1999 and HOME program since 2003.

WHEREAS, the City of Missoula created its own local Affordable Housing Trust Fund to bolster available federal funds to support housing and community development needs in 2020.

WHEREAS, the City of Missoula has dedicated significant available funds to services for the most vulnerable residents and the creation of homes Missoulians can afford through the above-named programs since 2016, including \$3.9 million in CDBG funds, \$3.7 million in HOME funds, and \$1.8 million in Affordable Housing Trust Funds, and these funding sources have supported thousands of residents through programs and services and supported construction and preservation of 522 homes for Missoulians.

WHEREAS, the City of Missoula dedicated \$1,570,771 in grant funding to Missoula Housing Authority's Villagio project to create 202 new income-restricted rental homes; and dedicated \$1,122,000 in grant funding to Missoula Housing Authority, Homeward, and BlueLine Development's Trinity project to create 172 income-restricted homes across Maple Street Flats and Westside Place and 30 Permanent Supportive Homes at Blue Heron Place, all of which opened in 2023 creating 402 new units of housing that is affordable. The City, through the Missoula Redevelopment Agency, contributed an additional \$1,339,178 to fund construction of the Villagio project, and contributed an additional \$53,256 to fund construction of the Trinity project.

WHEREAS, it is the City's commitment to continue the ongoing efforts to support those experiencing houselessness by continuing to work with community partners to implement and expand a tailored, structured program for people ready to begin processes to transition into housing and strategies for those not ready to transition. To that end the City Council strongly supports the ongoing work to develop the community strategy to address houselessness in the City.

WHEREAS, it is the intent of the City Council to regulate camping in public right-of-way and on City property only in the context of the work that has been done by the City, and will continue to occur at the regional level, and that will occur during the implementation of the community strategy to address houselessness in the City. In developing camping regulations, it is the intent of the City to focus on public health and safety, including for the people who are taking shelter on the City's rights-of-way and City property. The City Council is fully aware that an urban camping code is only one aspect of an overall strategy for addressing the houselessness crisis.

The City Council is further aware that an urban camping code is not intended to resolve houselessness or prevent sleeping or staying warm and dry outdoors on public property when a person has no other option.

WHEREAS, during the development of a code to regulate urban camping, the City Council desires to adopt some interim policies to direct the Mayor to undertake certain activities to support individuals who are unhoused as well as to regulate when and where people may legally camp on City rights-of-way and City property.

NOW THEREFORE BE IT RESOLVED: that the Missoula City Council directs the Mayor to investigate developing a program to support unsheltered individuals who are camping in urban areas. Such a program could include, but is not limited to, the following types of elements: (1) provide lockers/small storage spaces that may be assigned to unsheltered individuals; (2) provide for trash collection services and sharps containers in areas used by unsheltered individuals; (3) provide for permanent or temporary bathrooms for use by unsheltered individuals; and (4) provide other similar services or support to allow clean, safe, and sanitary camping on City property. The Mayor shall have discretion in how the program developed pursuant to this subsection is designed and implemented; however, the Mayor should engage with service providers and nonprofits serving unsheltered individuals, as well as representatives from the unsheltered community, to determine the needs and wants of that community prior to adopting any such program. The Mayor shall provide a report to the City Council concerning this program and engagement with the service providers within six months.

BE IT FURTHER RESOLVED that the Missoula City Council directs the Mayor to develop a program to regulate and permit the use of City streets by unsheltered individuals camping in vehicles. Any such program shall include rules for where, when and how unsheltered individuals may use City streets for camping in a vehicle, as well as how such individuals may obtain a permit.

BE IT FURTHER RESOLVED that the Missoula City Council directs the Mayor to investigate the possibility of designating temporary camping sites and safe parking sites on City property or on private property where the owner of the property is voluntarily willing to allow use of their property under agreed upon terms and conditions enforceable by the City. If the Mayor deems it feasible, practicable, and in the public interest, the Mayor shall bring a proposal to City Council to designate a temporary camping site(s) and/or a safe parking site(s) on City property or on private property where the owner of the property is voluntarily willing to allow use of their property under agreed upon terms and conditions enforceable by the City. Any such proposal shall include the rules and regulations for the occupancy for the site, including for example quiet hours; number and size of camp sites; how personal property should be stored; where cooking is allowed; and whether and how flammable materials should be used and stored.

BE IT FURTHER RESOLVED that the Missoula City Council directs the Mayor to within six months develop a formal management directive to City staff governing enforcement and

abatement actions during periods of extreme heat or cold, snow, rain or other natural events creating health or safety concerns.

BE IT FINALLY RESOLVED that the Missoula City Council directs the Mayor and City staff to enforce the overnight camping prohibition found in Section 12.48.010.B, Missoula Municipal Code (“MMC”), only as laid out in this Resolution. In order to allow there to be places for unsheltered individuals to legally camp on City property, the prohibition on camping on City property shall not apply to and shall not be enforced against an individual without access to shelter who is camping on City property between the hours of 8 p.m. and 8 a.m. so long as they comply with the buffer areas laid out as items 1-9 below. After 8 a.m., an individual without access to shelter must dismantle the camp facility and remove all personal property and camp facilities from the camp site until 8 p.m. The Mayor and City staff may enforce the prohibition on camping on City property from Section 12.48.010.B, MMC, during the period from 8 a.m. to 8p.m. For the purposes of this Resolution, camping means to pitch, erect, create, use or occupy a hard or soft-sided structure intended to provide more than rudimentary protection from the elements (e.g. tents, lean-tos, and similar). City staff may enforce the provisions of 12.48.010.B, MMC, at any time of the day in the following locations irrespective of whether an individual has access to alternative shelter:

1. Within 100 feet (approximately the length of a regulation basketball court) of a structure containing a residential dwelling unit (as defined by the 2021 International Building Code, as amended and adopted by the Montana Department of Labor and Industry).
2. Within 100 feet of a public entrance of any commercial business or non-profit organization.
3. Within 300 feet (approximately the length of a standard City block) of any parcel or lot containing any public or private school, including secondary, elementary, or preschool, or any lot or parcel containing a daycare.
4. Within 1,000 feet (approximately the length of three City blocks) of any shelter facility (e.g. those providing shelter to unhoused populations, victims of domestic violence, transitional housing, etc...)
5. Within 600 feet (approximately the length of two City blocks) of an area designated by the Mayor as safe parking sites or designated temporary camping sites.
6. Within conservation lands regulated by Chapter 12.40.
7. Within McCormick Park, Caras Park, and Westside Park, or within 100 feet of a: playground; splash deck; sport court; athletic fields and diamonds (which include only fields and diamonds that are lined for official games; and is not intended to include open grass areas that may occasionally be used for casual play or practice); fishing or skating ponds; dog park; aquatic facility (including splash decks and buildings/facilities that house pools); bandshell; pavilion or other structure located within a park regulated by Chapter 12.40.

8. On or within 10 feet of a bike lane, public pathway, trail, or trailhead or so as to block free passage on a sidewalk (sidewalks must have six feet of clear, unobstructed space).
9. Within 50 feet of the water's edge for the Clark Fork River, Rattlesnake Creek, or Grant Creek, including any side channels or backwaters thereof, where those waterways are located within City limits.

PASSED AND ADOPTED this ___ day of _____, 20__.

ATTEST:

APPROVED:

Claire Trimble
City Clerk

Andrea Davis
Mayor

(SEAL)