

TEMPORARY SHELTERING AND EMERGENCY SHELTER CODE AND POLICY UPDATES

CITY COUNCIL WORK SESSION

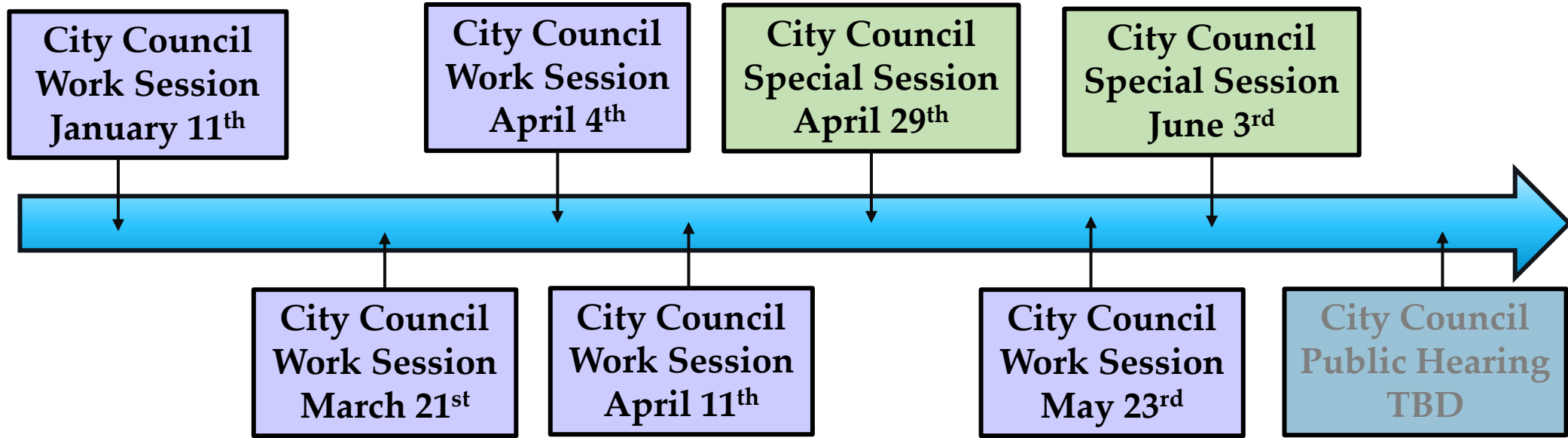
THURSDAY, MAY 23, 2024



AGENDA

1. TIMELINE RECAP AND MEETING OBJECTIVES
2. PACKET OVERVIEW
3. TESTIMONY SUMMARY
4. BUFFER AND EXCLUSION MAP
5. FCC 1-9 CODE PROPOSAL
6. JUNE 3RD SPECIAL SESSION MEETING PROCEDURES
7. PUBLIC COMMUNICATION AND INFORMATION
8. NEXT STEPS

TIMELINE RECAP AND MEETING OBJECTIVES



- Questions and Discussion on Exclusion and Buffer Map and proposed FCC Title 1 Chapter 9
- Review Summary of Testimony Received to Date
- Discussion and Decision on how to accept verbal testimony at June 3rd Special Meeting
- Share Public Communication and Information

Packet Overview

Memo, dated May 23, 2024

- A. Proposed Code Title 1 Chapter 9, version April 29, 2024
- B. City of Florence Buffer and Exclusion Map
- C. 1-9 Written Comments received after April 29th Special Session

Testimony Summary

21 Written responses received

- General topics & comments
 - **Trash, sanitation, etc** — provide trash receptacles, toilets and sanitation areas, lockers for gear
 - **Costs and funding** — to clean up sheltering sites
 - **Regulations** — enforceable, not overly restrictive, use of “paraphernalia”
 - **Timelines** — code expiration, start time earlier than 8pm to accommodate children, time to vacate (4 hrs.) too short, sheltering times for night workers

Testimony Summary

- **Locations** — provide where one can shelter, support for exclusion areas, ungated private streets, increase in sheltering just outside the city limits, no emergency or temporary sheltering in tourism areas, public locations with plumbing are excluded.
- **Dignity & Humanity** — derivation of equal protection from the law and due process, increase public education on circumstances around homelessness, provide opportunity for professionally led shelter sites, keep D&H in mind, wet bedding
- **Crime & safety** — exploitation of people who are homeless
- **Public input opportunities** — Provide opportunity for questions from the floor

Florence City Code Proposals

City Property Exclusion Areas

- Most Parks
- Significant Riparian or Wetland Areas
- Visual line of sight from a public trail
- City-owned facilities open to the public
- Certain Public Rights of Way (ROW)
- ROW within a Residential District

City Property Buffers—300 ft.

- Church or religious institution
- Elementary and secondary education school
- Day care and child care facilities
- Facility providing services to a homeless persons

MAP SEGMENTS



Driftwood Shores

Heceta Beach Road

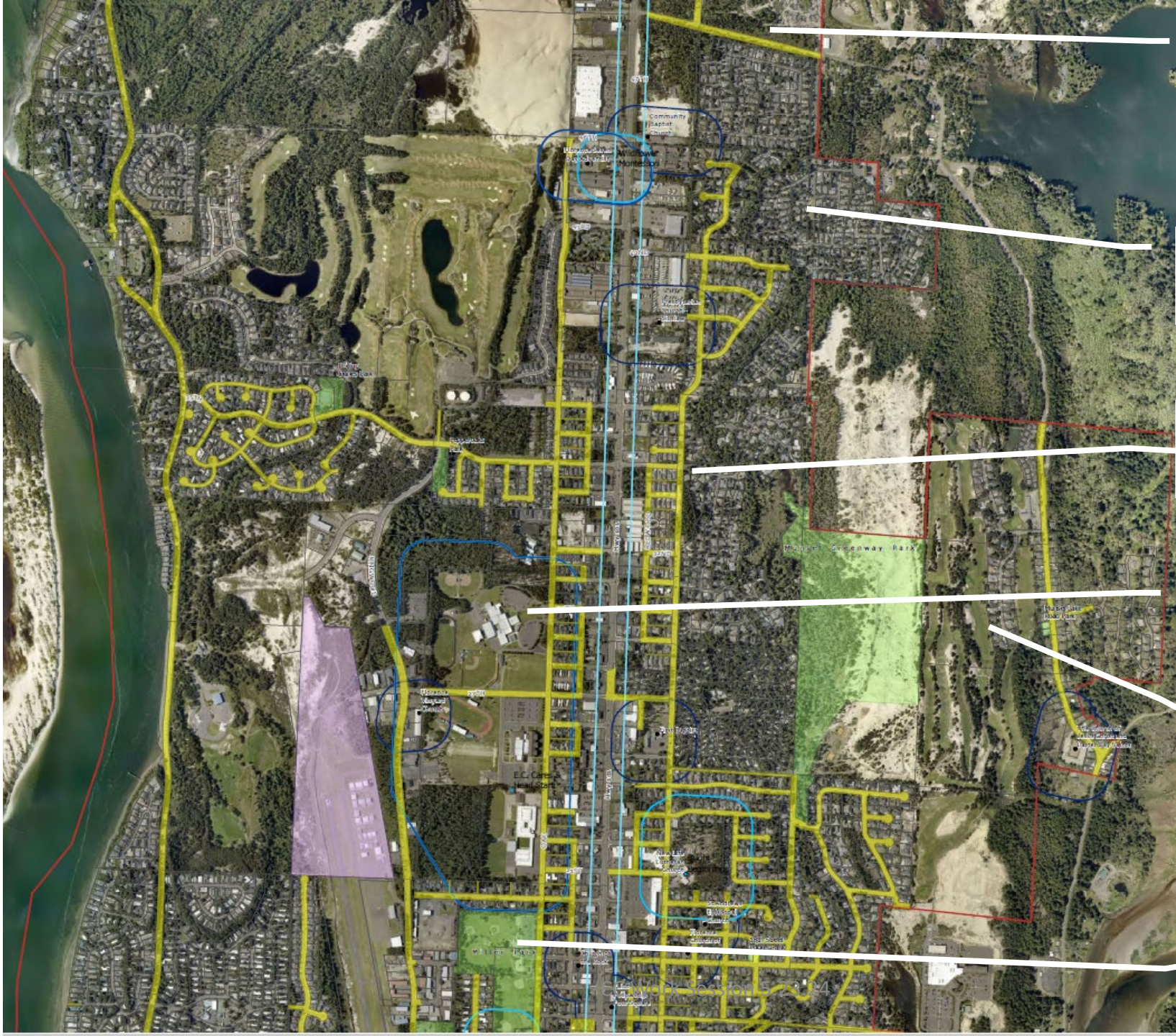
Fawn Ridge Estates

Heceta Beach Road

Three Mile Prairie

Spruce Village

MAP SEGMENTS



Munsel Lake Road

Florentine Estates

35th Street

Siuslaw Highschool

Ocean Dunes

Miller Park

MAP SEGMENTS



15th St./Airport Rd.

Greentrees Village

Spruce St.

Highway 126

Highway 101

Discussion Points

- Buffers to change or eliminate from the list?
- Exclusion areas to change or eliminate from the list?

Florence City Code Proposal

Emergency Shelter – Event Based City Manager Designated

- Purpose: disaster victims and response and relief workers
- Application: Anyone
- Type of Shelter: tents, temporary shelters, self-contained mobile structures
- Establishment Standards: Same as temporary sheltering

Emergency Shelter – Event Based City Council Designated

- Purpose: warming & adverse weather
- Application: non-profit or religious institution
- Type of Shelter: unspecified
- Establishment Standards: unspecified

Discussion Points

- Any additions or changes to siting criteria?
- Any additions or changes to qualifying criteria?

Florence City Code Proposal

Temporary Sheltering Real Property – Non-Residential

- Applicant: Property Owner
- No compensation | Revocable
- Type of Shelter:
 - 3 vehicles OR tents in any combination
- Storage: no visible personal items
- Buffer: 5' from property lines
- Sanitation: handwashing, garbage, toilet
 - Not in front yard and 10' from property lines

Temporary Sheltering Real Property - Residences

- Applicant: Property Owner or tenant
- No compensation | Revocable
- Type of Shelter:
 - One vehicle in the driveway OR
 - One tent in the backyard
- Storage: no visible personal items
- Buffer: 5' from property lines
- Sanitation: handwashing, garbage, toilet
 - Not in front yard and 10' from property lines

Discussion Points

- Any additional or changes to siting criteria?
- Any additional or changes to qualifying criteria?

Special Session Meeting Procedures

Accepting Verbal Testimony

- Sign Up Required?
 - 1-hour prior
 - At the door
- No Sign Up Required?—line-up/walk-up to microphone
- Late Arrivals or Late Deciders-When does sign up close?
- Go-Back requests from those who have spoken that evening



Questions or Questions and Answer period?

PUBLIC COMMUNICATION AND INFORMATION

- City of Florence Website – [Temporary Sheltering Website](#)


Temporary Sheltering

In 2018, when the U.S. 9th Circuit Court of Appeals issued its opinion in the case *Martin v. City of Boise*. Martin determined that the Eighth Amendment to the U.S. Constitution "prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter ... because sitting, lying, and sleeping are ... universal and unavoidable consequences of being human." Page 1 of 5 CC Special Session Memo The Court's opinion starts on page 38 at this link: <https://cdn.ca9.uscourts.gov/datastore/opinions/2019/04/01/15-35845.pdf>

In the 2022 case, *Johnson v. City of Grants Pass*, the U.S. 9th Circuit Court of Appeals confirmed its prior decision in *Martin*, expanded the holding to cover the imposition of non-criminal penalties, and confirmed that the Eighth Amendment protections also apply to those sleeping in vehicles parked on public property. The Court's opinion starts on page 19 at this link: <https://cdn.ca9.uscourts.gov/datastore/opinions/2023/07/05/20-35752.pdf>

In addition to the case law, ORS 195.530, adopted in 2021 by the Oregon Legislature, limits the City's actions. Under this law, effective July 1, 2023: "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness." ORS 195.530(2). Keeping warm and dry includes taking protective measures from the weather. The ORS section can be viewed at this link: oregonlegislature.gov/bills_laws/ors/ors195.html

ORS 195.530 limits the City's authority in regulating persons experiencing homelessness sleeping on public property. But the law does not forbid reasonable regulations and does not require the City to make all public property available for sleeping. As a result of ORS 195.530, there should be some City-owned property where a person experiencing homelessness with nowhere else to go



Planning	
	About Our Office
+	Development
+	Plans
+	Code Enforcement
+	Hazard Planning
	Annexation: Frequently Asked Questions
	Marijuana Business Regulations
	Florence Transportation System Plan (TSP) Project Update
+	Solid Waste & Recycling
-	Housing Efforts in the City of Florence
	Residential Code Update
	Emergency Shelter Super Siting
	Temporary Sheltering

Temporary Sheltering Meetings		
December 4, 2023	Florence Events Center	City Council & Planning Commission Joint Work Session
January 11, 2024	City Hall	City Council Work Session
March 21, 2024	City Hall	City Council Work Session
April 4, 2024	City Hall	City Council Work Session
April 11, 2024	City Hall	City Council Work Session
April 29, 2024	Florence Events Center	City Council Special Meeting
May 23, 2024	City Hall	City Council Work Session
June 3, 2024	Florence Events Center	City Council Special Meeting

Supporting Documents

Buffer & Exclusion Map Draft (9 MB)

- Press Release – Friday May 24th

NEXT STEPS

CLOSING COMMENTS

