



MEMORANDUM

TO: City

FROM: City of Olympia Communication Services

DATE: February 22, 2019

SUBJECT: **City Of Olympia Managing Public Spaces and Unsanctioned Camping After the Ninth Circuit Court Ruling in *Martin v. City of Boise***

- In early September, the City of Olympia temporarily paused its efforts to remove unsanctioned camps and take other enforcement steps to fully review the Ninth Circuit Court of Appeals decision in ***Martin v. City of Boise***, which addressed the rights of the homeless.
- The Ninth Circuit held that the enforcement of Boise’s anti-camping or disorderly conduct ordinances violated the Eighth Amendment’s prohibition against cruel and unusual punishment when the homeless have no alternative shelter available to them.
- New federal court rulings have further interpreted the ***Boise*** ruling and what it means for cities balancing the rights of the unsheltered with the responsibility to manage public spaces for the use of all citizens.
- On November 28, 2018, a federal court rejected a request to stop removal of an unauthorized homeless encampment on city property in ***Miralle v. City of Oakland***. The federal court rejected an Eighth Amendment argument based on the ***Boise*** ruling because Oakland made efforts to offer shelter beds and resources to homeless individuals before and during the closure, as well as offering assistance with moving personal belongings.
- The City of Olympia has moved rapidly to provide alternative areas for shelter and lawful camping on public property through creation of a Mitigation Site in Downtown Olympia and the Plum Street Tiny House Village. The City has also supported several established homeless night shelters to move to 24-hour operations.
- The facts in the ***Boise*** case are different from Olympia and the ruling in ***Boise*** is relatively narrow. In addition, conditions in Olympia have changed since the September 2018 ruling in ***Boise***, and Olympia is again moving forward with the lawful removal of unsanctioned encampments using the best practices available.
- Olympia also complies with other federal court rulings that permit municipalities to clean-up or remove homeless camps on public property upon providing reasonable notice, while preserving and handling abandoned personal property in a way that permits the owner an opportunity to reclaim it under state law.

Click or tap here to enter text.

Click or tap to enter a date.

Page 2

- This was the procedure used by the City recently to remove the encampments on B Avenue in downtown Olympia.
- The City is committed to treating unsheltered people with respect, dignity and compassion and to striving to minimize harm and trauma as we assist them. The City will work to provide unsheltered people with a safe and legal shelter option, while we manage city property for its intended use and balance the needs of the unsheltered with the impacts on the community.

###