

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Department of Transportation Establishment Act of 2002 to pause the prohibition on the establishment and removal of encampments and the removal of private property belonging to residents of encampments; to amend the Homeless Services Reform Act of 2005 to establish public health and safety and public space requirements for the sites identified in the Deputy Mayor for Health and Human Services' Coordinated Assistance and Resources for Encampments Pilot Program; and to make conforming changes to the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Encampments Protection and Public Health and Safety Emergency Amendment Act of 2021".

Sec. 2. Section 9k of the Department of Transportation Establishment Act of 2002, effective March 11, 2015 (D.C. Law 20-207; D.C. Official Code § 50-921.19), is amended by adding a new subsection (h) to read as follows:

“(h)(1) Notwithstanding this section or any other law, the District shall not:

“(A) Prohibit the establishment of an encampment on a public space,

“(B) Remove an encampment established on a public space; or

“(C) Remove private property belonging to a resident of an encampment established on a public space, unless such property has been abandoned.

“(2) Paragraph (1) shall not apply where an encampment:

35 “(A) Encroaches upon sidewalks and other public rights of way so as to
36 leave less than 6 feet of passage space for pedestrians, bicyclists, and other reasonable forms of
37 transportation; or

38 “(B) Blocks access to enter or exit buildings, alleys, parks, bicycle trails,
39 parking lots, or transit stations.

40 “(3) Nothing in this subsection shall be construed to prohibit the District from
41 engaging with residents of encampments to provide access to housing and services, or restore or
42 maintain encampment hygiene, sanitations, and fire safety.

43 “(4) For the purpose of this subsection, an “encampment” means a set-up of an
44 abode or place of residence of one or more persons on public property or an accumulation of
45 personal belongings that is present even when the person may not be.

46 “(5) Residents impacted by District action and violation subject to this subsection
47 may pursue an administrative appeal pursuant to section 26 of the Homeless Services Reform
48 Act of 2005.”.

49 Sec. 3. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C.
50 Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

51 (a) By adding a new section 31c to read as follows:

52 “Sec. 31c. Public health and safety and public space requirements for Coordinated
53 Assistance and Resources for Encampments Pilot Program sites.

54 “(a) At encampment sites identified by the Office of the Deputy Mayor for Health and
55 Human Services’ Coordinated Assistance and Resources for Encampments Pilot Program (“Pilot
56 Program”), and other similar programs with a different name, the District shall:

57 “(1) Make a lavatory and handwashing station available for every 10 people living
58 at the site, which must be cleaned 5 days a week. The number of people living at the site shall be
59 determined on a monthly basis and the number of lavatories and handwashing stations adjusted
60 accordingly;

61 “(2) Provide trash disposal services at least 5 days a week;

62 “(3) Provide fire safety trainings for residents of identified encampments sites on
63 a quarterly basis;

64 “(4) Provide a fire extinguisher for each encampment site within 30 days of the
65 effective date of the Encampments Protection and Public Health and Safety Emergency
66 Amendment Act of 2021; and

67 “(5) Assess the need for sharps disposal containers, and make such containers
68 available for the disposal of needles and other sharps as necessary.

69 “(b) The District shall remove concrete blocks, Jersey barriers, fences, or anything else
70 blocking access to public space that were previously erected during or immediately after the
71 clearing of an encampment identified in the Pilot Program within 30 days of the effective date of
72 the Encampments Protection and Public Health and Safety Emergency Amendment Act of 2021.

73 “(c) The District shall remove signs prohibiting the placement of belongings on public
74 space at an encampment identified in the Pilot Program within 15 days of the effective date of
75 the Encampments Protection and Public Health and Safety Emergency Amendment Act of 2021.

76 “(d) For the purpose of this subsection, an “encampment” means a set-up of an abode or
77 place of residence of one or more persons on public property or an accumulation of personal
78 belongings that is present even when the person may not be.

79

80 “(e) Residents impacted by District action and violation subject to this subsection may
81 pursue an administrative appeal pursuant to section 26 of the Homeless Services Reform Act of
82 2005.”

83 (b) Section 26 (D.C. Official Code § 4-754.41) is amended by adding a new paragraph
84 (b)(4) to read as follows:

85 “(4) Review any decision by the District that violates section 31c of this act and section
86 9k of the Department of Transportation Establishment Act of 2002.”.

87 Sec. 4. Section 121 of Title 24 of the District of Columbia Municipal Regulations (24
88 DCMR § 121), is amended as follows:

89 (a) Subsection 121.1 is amended by striking the phrase “any camp or any temporary place
90 of abode in any tent, wagon” and inserting the phrase “any temporary place of abode in a wagon”
91 in its place.

92 (b) Subsection 121.4 is amended by striking the phrase “Each tent, wagon, van” and
93 inserting the phrase “Each wagon, van” in its place.

94 (c) A new subsection 121.5 is added to read as follows:

95 “121.5. An encampment, as defined in section 9k(h)(3) of the Department of
96 Transportation Establishment Act of 2002, effective March 11, 2015 (D.C. Law 20-207; D.C.
97 Official Code § 50-921.19(h)(3)), shall be exempt from the requirements of this section.”.

98 Sec. 5. Fiscal impact statement.

99 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
100 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
101 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

102 Sec. 6. Effective date.

103 This act shall take effect following approval by the Mayor (or in the event of veto by the
104 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
105 90 days, as provided for emergency acts of the Council of the District of Columbia in section
106 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
107 D.C. Official Code § 1-204.12(a)).

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