

EMERGENCY ORDER
IN AND FOR THE CITY OF VANCOUVER, WASHINGTON
AMENDING 2023-03, et. seq.

No. 2023-03.01
– Homelessness –

**PROVIDING UPDATED WRITTEN CAMPING AND
OUTSIDE HABITATION EXPECTATIONS FOR TENT
ENCAMPMENTS, VEHICLES, RVs, AND TRAILERS**

WHEREAS, at 09:05 hours on November 3, 2023, the City of Vancouver declared a civil emergency pursuant to Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Vancouver Municipal Code Chapter 2.12 *et. seq.*, due to the humanitarian crisis and public health emergency posed by homelessness. (Declaration of Civil Emergency No. 2023-01); and

WHEREAS, the Ninth Circuit Court of Appeals has held that cities may not criminalize people for sleeping outdoors on public property, in all places, at all times, if such individuals lack the financial means to pay for shelter and there is no realistic option for them to sleep indoors for free;¹ and

WHEREAS, on November 2, 2023, the City of Vancouver issued Emergency Order 2023-03 found [here](#), which (1) established definitions; (2) provided certain time, place, and manner restrictions on camping and outdoor habitation; (3) established a framework under which the City may designate public property and rights-of-way as closed to camping and outdoor habitation; (4) provided for severability; and (5) set an effective duration; and

WHEREAS, on November 15, 2023, the State of Washington issued [Executive Order 23-02](#) declaring that plain language writing and design ensures information is easy to translate, supports accessibility efforts for people who use screen readers, captioning tools, or other accessibility and language access tools, and serves Washington’s commitment to being a pro-equity, anti-racist state dedicated to ensuring equitable access to information and fostering systems of inclusion and belonging; and

¹ Martin v. City of Boise, 902 F.3d 1031, 1048 (9th Cir., 2018); City of Boise v. Martin, 140 S. Ct. 674, 205 L.Ed.2d 438 (2019); *Cert. Denied* City of Boise v. Martin, 140 S. Ct. 674, 205 L. Ed. 2d 438 (2019).

WHEREAS, the written “Outside Habitation Expectations” that accompanied Emergency Order 2023-03 as attachments “Emergency Order 2023-03-I” and Emergency Order 2023-03-II” can be modified for increased clarity and thereby, further the goals of Washington State Executive Order 23-02; and

WHEREAS, Emergency Order 2023-03 provides that it may be modified, extended or terminated by further written order; and

WHEREAS, in consultation with the City of Vancouver Homeless Response Manager, the City Manager has determined that homelessness continues to threaten the lives of residents of the City of Vancouver, and the real property occupied by those experiencing unsheltered homelessness, and that extraordinary and immediate measures continue to be necessary to direct roles and responsibilities in coordinating emergency activities citywide and take other steps as allowed by law to protect the public peace, safety and welfare of residents of the City of Vancouver; and

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

As a result of the above-referenced situation, pursuant to Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Vancouver Municipal Code Chapter 2.12, I hereby Order that a state of emergency continues to exist in the City of Vancouver and that Emergency Order No. 2023-01 and 2023-02 remain in effect, and that, to advance the City of Vancouver’s commitment to inclusion and accessibility, Section 2.C and Attachments 2023-03-I and 2023-03-II are amended as described herein until this order is amended or rescinded. Except as otherwise provided in this order, all other provisions of Emergency Order 2023-03 issued on November 3, 2023, found [here](#), shall remain in full force and effect.

Section 1. Modifications to Emergency Order 2023-03, Section 2.C:

Emergency Order No. 2023-03, Section 2.C and the attachments referenced therein are hereby replaced with the following:

- C. Manner: Camping and outdoor habitation shall be subject to the follow manner restrictions:
 - I. Camping and Outdoor Habitation in Tents. Camping and outdoor habitation in tents shall be conducted in a manner consistent with the City’s first amended “Outside Habitation Expectations for Tent Encampments,” a copy of which is appended as Attachment “**Emergency Order 2023-03.01-I**” and incorporated by this reference as if set forth fully herein.

- II. Camping and Outdoor Habitation in Vehicles. Camping and outdoor habitation in vehicles shall be conducted in a manner consistent with the City’s first amended “Outside Habitation Expectations for Vehicles, RVs, Trailers,” a copy of which is appended as Attachment “**Emergency Order 2023-03.01-II**” and incorporated by this reference as if set forth fully herein.

Section 2. Severability. If any section or provision of this emergency order should be declared invalid by a court of competent jurisdiction, the remaining provisions of this Emergency Order shall remain in full force and effect for the duration specified herein.

Section 3. Duration. Unless modified, extended or terminated by the Vancouver City Council or Vancouver City Manager, this Emergency Order is hereby effective immediately and shall remain in effect until the state of emergency is declared terminated as per VMC 2.12.030.

SIGNED in Vancouver, Washington, this 8th, day of March, 2024, at 11:15 hours in the absence of the Vancouver City Council, subject to City Council ratification, confirmation, modification or rejection as soon as practicable.

ATTEST:

DocuSigned by:

Natasha Ramras

BCF0734E40E94AE...

Natasha Ramras
City Clerk

CITY OF VANCOUVER

DocuSigned by:

Eric Holmes

75A9183485CA467

Eric Holmes
City Manager

APPROVED AS TO FORM

DocuSigned by:

Jonathan Young

9A7DC2E31F694A2...

Jonathan Young
City Attorney



City of Vancouver
Police Department



Outside Habitation Expectations for Tent Encampments

Individuals who camp or inhabit outdoor areas on public property are expected to adhere to the following regulations. Failure to comply may result in camps being posted for removal, and enforcement actions such as citation or arrest may be taken [VMC 8.22.020].

❖ **Be working towards shelter, housing, and employment.**

All individuals camping outdoors are expected to participate in meaningful engagement towards obtaining shelter, housing, or employment (*See reverse for more info.*)

- No blocking sidewalks or obstructing any portion of any street, bike lane or path intended for travel [VMC 7.04.020; VMC 8.22; ADA]
- No storing personal property in public spaces or extra storage tents [VMC 8.22.050]
- No building of structures or hardening of sites [VMC 8.22.050; VMC 17.32] or attaching to or obstructing public infrastructure (bridges, utility poles, fences, trees, etc.) or private property [VMC 12.080(B)(5); RCW 70.54.090]
- No direct damage to the environment by harming trees, digging/trenching, cutting vegetation, or disturbing wildlife [VMC 15.04.040; VMC 20.770; RCW 77.15.130]
- No burn barrels or burning of garbage; camp stoves are only allowed with specified safety measures [VMC 6.12.120; VMC 15.04.110; RCW 9A.48]
- Unauthorized connection to public utilities is prohibited [RCW 9A.56; VMC 17]
- No camping on private land owned by others [VMC 8.22; RCW 46.61.570]
- Maintain cleanliness of camping space; gray and black water dumping prohibited; no public urination or defecation; trash, bodily fluids, and any hazardous materials should be disposed of properly [VMC 7.10.020; VMC 6.12; VMC 14.26.117; VMC 14.10.050]

Areas where camping and outside habitation are prohibited at all times:

- Parks, schools, libraries, water facilities, street/parking lot surfaces, on or within 15 feet of paved or improved trail surfaces
- Within 1000 feet of Safe Stay Communities
- Within 200 feet of waterways
- Fire impact areas: under BPA high voltage lines, southern slope of Burnt Bridge Creek, Ellen Davis Trail, Discovery Trail/Arnold Park



“Meaningful engagement” with service providers to overcome barriers to shelter/housing will be different for each individual, but may be satisfied by demonstrating completion of one or more of the following within the past seven (7) days:

- Completion of a current housing assessment
- Receipt of treatment or services to assist with Detox
- Receipt of substance use treatment
- Completion of a disability assistance application
- Receipt of mental health treatment
- Application to, or participation in, a Safe Stay or Safe Park Community
- Application to recovery housing / clean & sober housing
- Accepting shelter offered
- Accepting housing offered
- Completion of steps to address legal issues (e.g., quash outstanding arrest warrants) or reporting to Court for one or more scheduled appearance(s)
- Application for a government identification card or driver license
- Application for a vehicle title, license, or registration
- Receipt of medical care
- Application for employment

For shelter/housing assistance and outreach contact:

- **Council for the Homeless Housing Hotline (360) 695-9677**
- **For Street Outreach assistance contact (206) 472-8172**
- **Recovery Navigators (360) 583-3301**

For questions about this notice contact the HART team at (360) 487-8626



City of Vancouver
Police Department



Outside Habitation Expectations for Vehicles, RVs, Trailers

Individuals who camp in or inhabit vehicles on public property are expected to adhere to the following regulations. Failure to comply may result in vehicles/camps being posted for removal, and enforcement actions such as citation or arrest may be taken [VMC 8.22.020].

❖ **Be working towards shelter, housing, and employment.**

All individuals camping outdoors or in vehicles are expected to participate in meaningful engagement towards obtaining shelter, housing, or employment (See reverse for more info.)

- No vehicles used for camping or habitation may be parked on or within a planter strip or other areas of the right-of-way not intended or permitted to be used for parking. [VMC 19, RCW 46.61.570(1)(a)(ii)]
- Vehicles must be operable, properly licensed, and in legal running condition
- No vehicles or camping materials may block sidewalks or obstruct any portion of any street, bike lane or path intended for travel [VMC 7.04.020; VMC 8.22; VMC 19.12.090 ADA]
- No storing personal property in public spaces or extra storage tents/vehicles [VMC 8.22.050]
- No building of structures or hardening of sites [VMC 8.22.050; VMC 17.32] or attaching to or obstructing public infrastructure (bridges, utility poles, fences, trees, etc.) or private property [VMC 12.080(B)(5); RCW 70.54.090]
- Unauthorized connection to public utilities is prohibited [RCW 9A.56; VMC 17]
- Maintain cleanliness of camping space; gray and black water dumping prohibited; no public urination or defecation; trash, bodily fluids, and any hazardous materials should be disposed of properly [VMC 7.10.020; VMC 6.12; VMC 14.26.117; VMC 14.10.050]
- No camping on private land owned by others [VMC 8.22; RCW 46.61.570]

Areas where camping and outside habitation are prohibited at all times by law:

- Designated parks
- Schools and libraries
- Within 200 feet of water ways and water facilities (bioswales, wastewater, towers)
- Within 1000 feet of Safe Stay Communities (The Outpost, Hope Village, etc)
- Under BPA high voltage power lines



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Police Department



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- Completion of a current housing assessment
- Receipt of treatment or services to assist with Detox
- Receipt of substance use treatment
- Completion of a disability assistance application
- Receipt of mental health treatment
- Application to, or participation in, a Safe Stay or Safe Park Community
- Application to recovery housing / clean & sober housing
- Accepting shelter offered
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- Completion of steps to address legal issues (e.g., quash outstanding arrest warrants) or reporting to Court for one or more scheduled appearance(s)
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