

**DECLARATION OF CIVIL EMERGENCY
IN AND FOR THE CITY OF VANCOUVER, WASHINGTON**

2023-01

– Homelessness –

WHEREAS, Vancouver Municipal Code, Section 2.12.030 provides that whenever a civil emergency, or the imminent threat thereof, occurs in the City and results in, or threatens to result in, the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the City Manager or designate, extraordinary and immediate measures, an emergency may be declared to protect the public peace, safety, and welfare; and

WHEREAS, homelessness is a humanitarian crisis with many causes and those living on the street or in vehicles face tremendous challenges – from the loss of a job or home, to mental health conditions, addiction, physical violence or even death; and

WHEREAS, over the past ten years, the City of Vancouver has worked as a partner alongside Clark County, local service providers, neighborhoods, and community leaders, in order to increase the available supply of affordable housing, reduce incidents of homelessness, and mitigate the adverse impacts of homelessness; and the City of Vancouver’s proactive efforts address homelessness over the past decade have included:

- Enacting amendments to Title 8.22, Vancouver Municipal Code to allow for nighttime camping consistent with the Eighth Amendment to the United States Constitution and the Statement of Interest filed by the U.S. Department of Justice on August 6, 2015 in the case Janet Bell v. City of Boise, U.S. District Court of Idaho No. 09-cv-540-REB, Doc. 276. Vancouver City Ordinance (“Ord.”) M-4133 (2015);
- Empaneling and soliciting strategic guidance from an Affordable Housing Task Force comprised of elected officials, private sector partners, non-profit service leaders, and local volunteers;
- Proposing to eligible voters of the City of Vancouver a ballot proposition (Proposition 1) to increase the supply of affordable housing through establishment and funding of an Affordable Housing Fund and administering local funds pursuant to the same;

- Enacting amendments to Title 8.22, Vancouver Municipal Code to establish a legal framework for the creation of Safe Stay Communities, while designating other areas – including those near critical water resources – as ‘impact areas’ in which camping and outdoor habitation is prohibited. Ord. M-4348 (2021);
- Establishing Safe Stay Communities that utilize modular pallet shelters, instead of tents, to offer residents experiencing unsheltered homelessness a warm, dry, and secure place to stay where they have access to high-quality, compassionate, life-saving and social services while they work to transition out of homelessness;
- Enacting amendments to Title 8.22, Vancouver Municipal Code to designate specified areas along the Burnt Bridge Creek Trail posing unreasonable wildfire risks of as “Fire Impact Areas” in which camping and outdoor habitation is prohibited. Ord. M-4379 (2022);
- Proposing to eligible voters of the City of Vancouver a ballot proposition (Proposition 3) to extend the duration of, and increase the funding available through, the City’s Affordable Housing Fund; and the City has, and continues to, increase the supply of affordable housing pursuant to the same; and

WHEREAS, notwithstanding the efforts described above, from 2013 to 2023, the number of individuals experiencing unsheltered homelessness in the City of Vancouver has risen two-hundred and fifty-three percent (253%) as reflected by the annual point-in-time count (PIT Count) conducted in collaboration with the United States Department of Housing and Urban Development (HUD); and

WHEREAS, over the past year, the prevalence of homelessness within the City of Vancouver has continued to materially increase as evidenced by the 2023 PIT Count which found 1300 total individuals experiencing homelessness in Clark County. Of that number, 672 individuals were unsheltered. This figure constitutes a 54% increase in chronic homelessness and a 74% increase in chronic unsheltered homelessness; and

WHEREAS, 78% of the county’s homeless population is currently residing within the Vancouver City limits and changes in the the population experiencing unsheltered homelessness within the City of Vancouver were further illuminated by the findings of a 10-week study conducted by the City’s Homeless Assistance and Resources Team (HART) during the summer of 2023, and follow-up contact completed after the summer 2023 study, which has found the following:

- 451 individuals experiencing unsheltered homelessness were counted by HART. (This number did not include individuals residing in the City’s “Safe Park” area, though those

individuals are included in the number of individuals experiencing “unsheltered” homelessness for purposes of the annual HUD PIT count.) Of those 451 individuals, many are new to Vancouver and, therefore, less familiar with the City’s resources, opportunities, laws and regulations.

- The overall behavior exhibited by individuals residing in larger encampments has materially changed over recent months. Social isolation from the COVID-19 pandemic, the deregulation of controlled substances following issuance of the State v. Blake¹ decision, and a widespread increase in the use of Fentanyl by individuals experiencing unsheltered homelessness, have contributed to a decline in the productivity of relationships between individuals experiencing unsheltered homelessness and outreach workers and other service providers. Generally, outreach workers report that many individuals experiencing unsheltered homelessness in Vancouver have reduced interest in voluntarily engaging in community services such as behavioral health treatment and housing placement services.
- Over recent months, members of the City’s HART team have observed an increase in the prevalence of the following within and around homeless encampments in the City of Vancouver: untreated mental and behavioral health issues; weapons, firearms and violence; improperly discarded solid waste and biohazards; careless storage of drugs (e.g., Fentanyl pills on the ground); overdoses; substance abuse related deaths; and threats and attempts to intimidate outreach workers.

In addition to the behaviors directly attributed to individuals experiencing unsheltered homelessness, the HART members have also observed that homeless encampments have begun serving as a cover for criminal activity, to include drug dealing, by individuals who are not experiencing homelessness; and

WHEREAS, in 2022, twenty-three (23) residents of the City of Vancouver died while experiencing homelessness, with eighteen (18) of those deaths occurring while residents were living unsheltered from causes including medical ailments, suicide, overdose, violence or natural causes; and

WHEREAS, as of today’s date, during the 2023 calendar year-to-date, 23 residents² of the City of Vancouver are known to have died while experiencing homelessness, with 20

¹ State v. Blake, 197 Wn.2d 170 (2021), invalidated Washington State’s possession of controlled substances law on constitutional grounds, effectively removing criminal penalties for possession of controlled substances. The Washington Legislature only recently enacted a ‘Blake Fix.’ SB 5536. The ‘Blake fix’ was enacted during a special 1-day legislative session in 2023 and, as of the date of this order, the City is not yet seeing widespread compliance with its requirements, as most provisions of the ‘Blake fix’ only became effective August 15, 2023.

² Approximately 6.5% of the population of people experiencing unsheltered homelessness in Vancouver.

of those deaths occurring while residents were living unsheltered from causes that include overdose or substance abuse, cancer, natural causes, suicide or violence; and

WHEREAS, individuals experiencing unsheltered homelessness utilize essential fire, police, and emergency medical services in significantly greater frequency than other residents of the City of Vancouver creating corresponding system demands and impacts (e.g. response time delays) felt by the surrounding community-at-large; and

WHEREAS, consultation with the City of Vancouver Homeless Response Manager and the Clark County Department of Public Health has confirmed that homelessness has threatened, and continues to threaten the lives of residents of the City of Vancouver, and the real property occupied by those experiencing unsheltered homelessness, and these consultations support a finding that extraordinary and immediate measures are 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;

NOW, THEREFORE, the City of Vancouver, Washington hereby Declares and Orders as follows:

Section 1. Declaration of Civil Emergency. The foregoing recitals are hereby incorporated by this reference. As a result of the foregoing, a civil emergency is hereby declared to exist within the City of Vancouver requiring the exercise of emergency powers set forth by the Washington State Constitution Article VI, Section 11, Revised Code of Washington Chapter 38.52, and Vancouver Municipal Code Chapter 2.12 as described in this declaration of civil emergency. The response to this emergency may reasonably require the use of all City resources and the need to access state and federal resources and financial mechanisms.

Section 2. Emergency Orders Authorized. Effective upon execution of this declaration of civil emergency, the Vancouver City Manager shall exercise authority through issuance of Executive Orders and through use and direction of City personnel, public funds, services and equipment, and such additional acts and resources necessary to the management of this emergency.

Section 3. Violation of Emergency Orders Prohibited. Pursuant to Vancouver Municipal Code Section 2.12.100, it is unlawful for anyone to violate a declaration of civil emergency, or any Emergency Order issued thereunder by the Vancouver City Manager, or any law enforcement officer or designated emergency service personnel acting pursuant to authority of such declaration or emergency order.

Section 4. Circulation. A copy of this declaration of civil emergency, and all emergency orders issued hereunder, shall be given as soon as practicable by such means are practicable to news media within the general area of the city, the public, the governor, the state


military department, and the Clark County department of emergency management or successor agency.

Section 5. Presentation, Ratification, Termination. This declaration, and all emergency orders issued hereunder, shall be filed with the City Clerk and presented as soon as practicable to the City Council for ratification and confirmation, modification or rejection. Orders which are rejected shall, after vote, be void. Emergency orders shall be considered in full force and in effect until the council shall act.

Section 6. Duration. Unless earlier modified or terminated pursuant to Section 5, this declaration of civil emergency shall be terminated upon issuance of another declaration when order has been restored in the affected areas of City of Vancouver. The decision to terminate the City's declared state of emergency shall be informed by relevant data including, without limitation, the availability of adequate shelter to those experiencing unsheltered homelessness (e.g., unoccupied bed space), the prevalence of unsheltered homelessness within City limits (e.g., PIT count and similar studies), the number of deaths suffered by those experiencing unsheltered homelessness, and the system demands on the City's emergency response systems attributed to homeless response efforts.

DECLARED IN THE ABSENCE OF CITY COUNCIL, subject to City Council ratification, confirmation, modification or rejection as soon as practicable, this 3rd day of November, 2023, at 9:05 hours.

ATTEST:

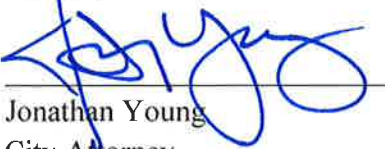


Natasha Ramras
City Clerk

CITY OF VANCOUVER


Eric Holmes
City Manager

APPROVED AS TO FORM



Jonathan Young
City Attorney