

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PUBLIC HEALTH AND SAFETY; DECLARING A STATE OF PUBLIC HEALTH EMERGENCY RELATING TO HUMAN HEALTH AND ENVIRONMENTAL CONDITIONS CAUSED BY INCREASING HOMELESSNESS; AUTHORIZING SUCH ACTIONS AS ARE REASONABLE AND NECESSARY IN LIGHT OF SUCH EMERGENCY TO MITIGATE THE CONDITIONS GIVING RISE TO SUCH PUBLIC HEALTH EMERGENCY; DECLARING AN EMERGENCY SO THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION; AND PROVIDING FOR SUNSET OF THIS ORDINANCE.

WHEREAS, persistent and increasing homelessness is a public health and safety issue that greatly impacts people experiencing homelessness, as well the entire community, all citizens, neighborhoods, and businesses; and

WHEREAS, in Olympia and Thurston County and throughout the nation, large numbers of individuals, families and unaccompanied youth are experiencing homelessness due to such factors as job loss, rising housing costs, stagnant and declining wages, family crisis, domestic violence, trauma, substance abuse, and mental health issues, and discrimination based on race, disability, sexual orientation, gender expression, and transgender status; and

WHEREAS, communities such as Seattle, Washington; Tacoma, Washington; Portland, Oregon; and Los Angeles, California, have declared states of emergency in order to provide expedited emergency services and shelters for unsheltered individuals, families and unaccompanied youth; and

WHEREAS, the 2018 Thurston County Point in Time Census identified 835 homeless persons, including 320 unsheltered individuals, and marking a 56% increase from 2017; and

WHEREAS, the most recent 2016-2017 school year count by the Office of the Superintendent of Public Instruction in Washington found 1,670 homeless students within Thurston County, a 32% increase from 2008 and a 10% increase over last year; and

WHEREAS, the supply of available temporary shelter beds in the county is inadequate to meet demand, as there are only 386 transitional housing and emergency beds (plus 54 hazardous cold weather beds) available on a given night; and

WHEREAS, on any given night in Olympia approximately 130 people can be found sleeping in doorways, and on the street within a 81 block area of downtown; while throughout the remaining Olympia and Thurston County area, hundreds of additional people, including families and unaccompanied youth, can be found sleeping in parks, cars, in wooded areas, under bridges and highway overpasses, and other places not meant for human habitation, which creates an unsafe environment for the community; and

WHEREAS, in 2018 there have been 27 active code enforcement cases related to homeless encampments in the City of Olympia, some of which may be occupied by 100 or more persons; and

WHEREAS, the experience of being unsheltered is traumatic and endangers public health as these conditions expose occupants to harmful weather conditions, communicable diseases such as hepatitis, tuberculosis, respiratory illnesses, malnutrition, and violence; and exacerbate medical conditions such as high blood pressure, diabetes and asthma because there is no safe place to properly store medications or syringes; and

WHEREAS, mental health issues such as depression or schizophrenia often develop or intensify for unsheltered individuals, and those conditions frequently co-occur with a complex mix of severe physical, alcohol and/or substance use, and other social problems; and

WHEREAS, when a patient's health is continually compromised by unstable conditions health care services are rarely effective, and inpatient hospitalization or residential drug treatment and mental health care rarely have lasting impacts when a patient is returned to a homeless environment; and

WHEREAS, conditions in homeless encampments present serious health and sanitation issues which are dangerous to human health, including accumulation of uncontained garbage that becomes a food source for vermin, vectors (organisms that transmit diseases or parasites), and related pathogens; lack of proper food storage and clean dishes that can facilitate the spread of food-borne disease; lack of sanitary facilities to dispose of human and animal fecal waste; improper disposal of discarded medical and sharps waste; accumulation of combustible materials that can ignite; lack of access to handwashing and personal hygiene; lack of clean water; lack of access to healthy food; and the victimization of homeless persons by both sheltered and non-sheltered persons; and

WHEREAS, other environmental degradation can occur, such as damage to critical wetlands and wetland and river buffers when occupied by encampments, or surface water contamination due to runoff from garbage that can find its way into groundwater, rivers, and to other waterbodies causing harm to people, fish and wildlife; and

WHEREAS, the above circumstances present significant public health and safety issues for the entire community and necessitate urgent further actions to mitigate the conditions giving rise to this threat to public health and safety; and

WHEREAS, the City is confronted with exigent financial circumstances related to this public health and safety emergency to protect its citizens and residents, and to protect the community; and

WHEREAS, the above man-made circumstances warrant the exercise of the City's power to declare a public health emergency under authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations, and pursuant to Chapter 2.24 of the Olympia Municipal Code, and pursuant thereto, and the authorization of such extraordinary measures as are reasonable and necessary in light of such of public health emergency to mitigate the conditions giving rise to the public emergency;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The above-stated recitals are adopted as findings of the City Council and are incorporated by this reference as though fully set forth herein.

Section 2. It is hereby declared that a state of emergency exists due to an exigent threat to human health and environmental conditions related to homelessness affecting the City of Olympia. Therefore:

- A.** The City Manager is hereby authorized and empowered to carry out those powers and duties as are reasonable and necessary to mitigate the effects of the emergency.
- B.** All of the personnel, services and facilities of the City of Olympia will be utilized as needed, in response to the emergency needs of the community.
- C.** Those departments, officers, and employees of the City are authorized and empowered, among other things, to do the following:
 - (1) Obligate funds for emergency expenditures as directed by the City Council;

- (2) Enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
 - (3) Provide appropriate emergency shelter to houseless individuals; and
 - (4) Take other actions, as appropriate, in response to such emergency.
- D. Each designated City department is authorized to exercise the powers vested under Section 2 of this ordinance in the light of these exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (with the exception of mandatory constitutional requirements).

Section 3. Sunset Provision. This ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on June 19, 2021. The City Council shall, no later than 36 months after the effective date of this ordinance, review the conditions that have given rise to this public health emergency to determine if such conditions warrant keeping in place the extraordinary measures authorized herein to respond to this public health emergency.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance is for the immediate preservation of public peace, health, safety, and welfare of the public, and shall take effect upon adoption, as provided by law.

MAYOR



ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PASSED: 7/17/2018

APPROVED: 7/17/2018

PUBLISHED: 7/19/2018