

POLICY IMPLEMENT

STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

P.I. NUMBER: M-01

Homeless Encampment Removal Policy

References:

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Revised:

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Primary Responsibility:
Director of Maintenance &
Operations

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I. Purpose

This policy outlines the steps to be taken in the event any Delaware Department of Transportation (DelDOT) personnel encounter a homeless encampment and needs it removed in order to perform necessary work on the state's property or right-of-way or due to vandalism or destruction of property.

II. Policy

Prior Notification and Approval

1. If personnel have a situation necessitating removal of a homeless encampment, the Assistant Director will first send an email to the Office of the Secretary describing the location and the reason for the need of removal. Please copy the Deputy Secretary, Director of Community Relations, Assistant Director of Statewide Support Services, and Director of Maintenance & Operations on the email to the Secretary. Do not initiate any

contact with the DelDOT HazMat Manager or any external organizations, including the police, at this time. This instruction recognizes the police may have initially contacted DelDOT on the matter. Do not proceed with any encampment contact or removal at this time

2. The Office of the Secretary will contact the Division of Health and Social Services (DHSS) to give them an opportunity to intervene and possibly have the homeless voluntarily remove their encampment from the right-of-way or state property.
3. The Office of the Secretary will advise when DHSS has either remedied the situation or exhausted their opportunity to remedy the situation. This opportunity should be a 1 – 2 week period. After this period, an email will be sent from the Office of the Secretary advising that the situation has been remedied or that personnel may go ahead and proceed with the process for the removal of the encampment. If DHSS advises they have remedied the situation Maintenance & Operations (M&O) will monitor the area and advise if the encampment returns. If the encampment remains or returns despite DHSS intervention, the M&O District will re-notify the Secretary by email and copy the Deputy Secretary, Director of Community Relations, Assistant Director of Statewide Support Services, and Director of Maintenance & Operations that an encampment removal process is necessary.
4. Upon receiving acknowledgement and approval from the Secretary, the District will proceed with coordinating a date and time for the encampment removal. The District will contact DHSS, the appropriate police force and the DelDOT HazMat Manager. The DelDOT HazMat Manager will contact the DNREC Emergency Response Team (ERT) about a date/time they would be available for a sweep. The DNREC ERT sweeps the encampment for removal of hazardous materials. The District will have staff and/or inmates available for the actual clean up after the sweep.
5. Once a date and time has been established the District needs to again advise the Office of the Secretary, Deputy Secretary, Director of Community Relations, Assistant Director of Statewide Support Services, and Director M&O of the scheduled sweep. This notice needs to be provided as soon as the date/time has been established. The District needs to contact the Transportation Management Center (TMC) just prior to the sweep.
6. DHSS contracted PATH provider will post signage at the encampment site giving notice of its removal and list a phone number for more information or assistance. Reasonable efforts should be made to ensure that the signage cannot be easily removed or damaged by weather and is prominently displayed in multiple locations around the site.
7. DelDOT Community Relations will work with DHSS contracted PATH provider to ensure that notice of the sweep is communicated to various homeless providers – i.e. shelters and churches.

Day of the Sweep – Documentation of any Personal Belongings

1. On the day of the sweep, District staff will work with the DHSS contracted PATH provider to make sure that if there is any personal property left behind that it is documented, collected, and stored.
 - a. First document the encampment with photos. Delineate each shelter or tent location on grid paper showing the various locations in the encampment. The first location would be A1, the next A2, etc. Second row would be B1, B2, etc.

- b. District staff will obtain Storage Totes (e.g. 27 Gal.) and mark them per delineations (A1, A2, etc.).
 - c. Remove all trash and hazardous material from the encampment.
 - d. Collect and place the personal property in the appropriately delineated tote.
 - e. If an item doesn't fit in a tote, place a sticker on it with the appropriate delineation.
 - f. Any object that is reasonably ambiguous as to whether it is trash should be treated as personal property, and reasonable efforts should be made to document the items disposed of as trash—e.g., by taking photos of the trash.
2. Any personal items collected will be taken by the DHSS contracted PATH provider to allow retrieval of personal items by the homeless.
 - a. DelDOT will provide the storage totes.
 - b. District staff will assist with transporting the items.
 - c. Personal items will be stored for 30 days.
 - d. Upon inquiry a homeless person would describe and identify their encampment area and retrieve their items from the appropriate tote(s).
 3. If at any time during the sweep it appears that children may be residing at the site, due to finding children books, toys, clothes, etc., the DHSS contracted PATH provider shall contact the Delaware Department of Education.

Post Sweep Communication

1. Once the sweep is completed the District needs to again advise the Office of the Secretary, Deputy Secretary, Director of Community Relations, Assistant Director of Statewide Support Services, and Director M&O as to how the sweep went and confirm the sweep is completed in case the Department gets any inquiries.

Emergency Procedures

1. In the event of an emergency situation in which the personal safety of the public is threatened and the Department needs immediate access to an area in which there is a homeless encampment, upon approval of the Office of the Secretary, notwithstanding this policy, the Department may move to repair the issue causing the public safety hazard immediately. In emergency situations, the Department will make every effort to comply with this policy, including providing notice to DHSS and providing as much notice to the residents of the encampment as reasonably practicable before any removal occurs.

III. Justification

This policy is necessary to ensure the state is able to safely and sensitively access its right-of-way for maintenance and other purposes when homeless persons have occupied a prospective work area. The policy ensures homeless persons are accorded reasonable protection to retain their personal property, including being given adequate time to relocate personal property to a new location. The policy allows homeless persons to reclaim personal property that must be moved by the state out of the right-of-way. This policy recognizes and respects the

possibility that homeless persons may need medical assistance or other forms of crisis intervention before, during or after the removal process and makes appropriate expertise available as needed.

IV. Effective Date

This policy shall become effective 1 day(s) after signature by the Secretary, or, if applicable, upon compliance with the regulatory process required by the Administrative Procedures Act (29 Del.C. Ch. 101).